Implementation Handbook

for the Convention on the

Rights of the Child

Implementation checklists

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Implementation checklists

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Implementation Checklist

article 1

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 1, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (definition of the child in article 1 is relevant to **all government departments**)
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

  - ☐ which includes where necessary the identification of goals and indicators of progress?
  - ☐ which does not affect any provisions which are more conducive to the rights of the child?
  - ☐ which recognizes other relevant international standards?
  - ☐ which involves where necessary international cooperation?

(Such measures may be a part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 1 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 1 likely to include the **training of all those working with or for children, and education for parenting**)?

Specific issues in implementing article 1

Does the State define childhood for the purposes of the Convention as beginning

  - ☐ at birth?
  - ☐ for some purposes before birth?

- ☐ Does a child acquire all adult rights by his or her 18th birthday or earlier?

Do all children acquire the right to vote and to stand for election

  - ☐ at 18?
  - ☐ before 18?

Are protective minimum ages defined in legislation for the following:

  - ☐ beginning and end of compulsory education?
  - ☐ admission to employment, including
    - ☐ hazardous work?
    - ☐ part-time work?

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- ☐ full-time work?
- ☐ giving a valid consent to sexual activities?
- ☐ marriage?
- ☐ access to certain categories of violent/pornographic media?
- ☐ buying/consuming alcohol or other controlled substances?
- ☐ voluntary enlistment in the armed forces?
- ☐ criminal responsibility?
- ☐ deprivation of liberty in any situation, including in the juvenile justice system; immigration, including asylum-seeking; and in education, welfare and health institutions?

☐ Are capital punishment and life imprisonment prohibited for offences committed below the age of 18?

☐ Is conscription into the armed forces prohibited below the age of 18?

☐ Does the State take all feasible measures to ensure that under 18 year-olds do not take a direct part in hostilities?

☐ Is any general principle established in legislation that once a child has acquired "sufficient understanding", he or she acquires certain rights of decision-making?

☐ Are there mechanisms for assessing the capacity/competence of a child?

☐ Can a child appeal against such assessments?

☐ Are there other ways in which legislation respects the concept of the child's "evolving capacities"?

Do children acquire rights, either at prescribed ages, or in defined circumstances, for

- ☐ having medical treatment or surgery without parental consent?
- giving testimony in court
  - ☐ in civil cases?
  - ☐ in criminal cases?
- ☐ leaving home without parental consent?
- ☐ choosing residence and contact arrangements when parents separate?
- ☐ acquiring a passport?
- ☐ lodging complaints and seeking redress before a court or other relevant authority without parental consent?
- ☐ participating in administrative and judicial proceedings affecting the child?
- ☐ giving consent to change of identity, including
  - ☐ change of name?
  - ☐ nationality?
  - ☐ modification of family relations?
  - ☐ adoption?
  - ☐ guardianship?
- ☐ having access to information concerning his or her biological origins (e.g. in cases of adoption, artificial forms of conception, etc.)?
- ☐ having legal capacity to inherit?

- ☐ conducting property transactions?
- ☐ creating and joining associations?
- ☐ choosing a religion?
- ☐ choosing to attend/not attend religious education in school?
- ☐ joining a religious community?

☐ Where such minimum ages are defined in legislation, have they been reviewed in the light of the Convention's basic principles, in particular of non-discrimination, best interests of the child and right to maximum survival and development (articles 2, 3, and 6)?

☐ Do the legal provisions relating to the attainment of majority, acquisition of specific rights at a particular age or set minimum ages, as mentioned above, apply to all children without discrimination on any ground?

Reminder: **The Convention is indivisible and its articles are interdependent. The definition of the child in article 1 is relevant to the implementation of each article of the Convention.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in the jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is particularly related to that of article 1 include:

Article 5: respect for the child's "evolving capacities" (also article 14(2))
Article 24: access to medical advice and counselling; consent to treatment
Article 28: ages for compulsory education
Article 32: setting of ages for admission to employment
Article 34: age of sexual consent
Article 37: no capital punishment or life imprisonment for offences committed below the age of 18
Article 38: minimum age for recruitment into armed forces and participation in hostilities
Article 40: age of criminal responsibility
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

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Implementation Checklist

article 2

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 2, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (the principle of non-discrimination in article 2 is relevant to **all government departments**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 2 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising?

Specific issues in implementing article 2

- ☐ Is the Convention's principle of non-discrimination with special reference to children included in the constitution, if any, and in legislation?

Are rights recognized for all children in the jurisdiction, without discrimination, including

- ☐ non-nationals?
- ☐ refugees?
- ☐ illegal immigrants?

- ☐ Has the State identified particularly disadvantaged and vulnerable groups of children?
- ☐ Has the State developed appropriate priorities, targets and programmes of affirmative action to reduce discrimination against disadvantaged and vulnerable groups?

Does legislation, policy and practice in the State ensure that there is no discrimination against children on the grounds of the child's or his/her parent's/guardian's

- ☐ race?
- ☐ colour?

- ☐ gender?
- ☐ language?
- ☐ religion?
- ☐ political or other opinion?
- ☐ national origin?
- ☐ social origin?
- ☐ ethnic origin?
- ☐ property?
- ☐ disability?
- ☐ birth?
- ☐ other status?

(for a full list of grounds of discrimination identified by the Committee on the Rights of the Child, see box, page 28)

☐ Is disaggregated data collected to enable effective monitoring of potential discrimination on all of these grounds in the enjoyment of rights, and discrimination between children in different regions, and rural and urban areas?

☐ Has the State developed in relation to girls an implementation strategy for the Platform for Action adopted at the Fourth World Conference on Women, taking into account the recommendations of the 2000 Review?

☐ Does monitoring of the realization of each right guaranteed in the Convention include consideration of the principle of non-discrimination?

Does legislation, policy and practice in the State ensure that the child is protected against all forms of discrimination or punishment on the basis of the child's parent's, legal guardian's or family members'

- ☐ status, including marital status?
- ☐ activities?
- ☐ expressed opinions?
- ☐ beliefs?

Reminder: **The Convention is indivisible and its articles interdependent. Article 2, the non-discrimination principle, has been identified as a general principle by the Committee on the Rights of the Child, and needs to be applied to all other articles.**

Particular regard should be paid to: The other general principles

Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children

Article 6: right to life and maximum possible survival and development

Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child.

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Implementation Checklist

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 3, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (implementation of article 3 is relevant to a**ll departments of government**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 3 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising **for all those working with or for children**?

Specific issues in implementing article 3

Article 3(1)

Is the principle that the best interests of the child shall be a primary consideration in all actions concerning children reflected in

- ☐ the Constitution (if any)?

relevant legislation applying to

- ☐ public social welfare institutions?
- ☐ private social welfare institutions?
- ☐ courts of law?
- ☐ administrative authorities?
- ☐ legislative bodies?

How to use the checklists

article 3

Is consideration of the best interests of affected children – child impact assessment – required in legislation, administrative decision-making, and policy and practice at all levels of government concerning

- ☐ budget allocations to the social sector and to children, and between and within departments of government?
- ☐ social security?
- ☐ planning and development?
- ☐ the environment?
- ☐ housing?
- ☐ transport?
- ☐ health?
- ☐ education?
- ☐ employment?
- ☐ administration of juvenile justice?
- ☐ the criminal law (e.g. the effects of the sentencing of parents on children, etc.)?
- ☐ nationality and immigration, including asylum-seeking?
- ☐ any rules governing alternative care, including institutions for children?

☐ Are there legislative provisions relating to children in which the best interests of the child are to be the "paramount" rather than primary consideration?

☐ Where legislation requires determination of the best interests of a child in particular circumstances, have criteria been adopted for the purpose which are compatible with the principles of the Convention?

Article 3(2)

☐ Does legislation require the State to provide such care and protection as is necessary for the well-being of any child in cases where it is not otherwise being provided?

☐ Does legislation provide for such care and protection at times of national disaster?

☐ Is there adequate monitoring to determine whether this provision is fully implemented for all children?

Article 3(3)

Has the State reviewed all institutions, services and facilities, both public and private, responsible for the care or protection of children to ensure that formal standards are established covering

- ☐ safety?
- ☐ health?
- ☐ protection of children from all forms of violence and abuse?

- ☐ the number and suitability of staff?
- ☐ conformity with all provisions of the Convention?
- ☐ independent inspection and supervision?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 3(1) has been identified by the Committee on the Rights of the Child as a general principle of relevance to implementation of the whole Convention. Article 3(2) provides States with a general obligation to ensure necessary protection and care for the child's well-being.**

Particular regard should be paid to: Other general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Other articles requiring specific consideration of the child's best interests

Article 9: separation from parents
Article 18: parental responsibilities for their children
Article 20: deprivation of family environment
Article 21: adoption
Article 37(c): separation from adults in detention
Article 40(2)(b)(iii): presence of parents at court hearings of penal matters involving a juvenile

Article 3(3)
Article 3(3) is relevant to the provision of all institutions, services and facilities for children, for example all forms of alternative care (articles 18, 20, 21, 22, 23 and 39), health care (article 24), education (article 28), and juvenile justice (articles 37 and 40)

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Implementation Checklist

article 4

General measures of implementation

Article 4 sets out States Parties' overall obligations to implement all the rights in the Convention.

- ☐ Has there been a comprehensive review to consider what measures are appropriate for implementation of the Convention?
- ☐ Has there been a comprehensive review of all legislation, including any customary, regional or local law in the State, to ensure compatibility with the Convention?

Are the general principles identified by the Committee reflected in legislation:

- ☐ Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground?
- ☐ Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children?
- ☐ Article 6: right to life and maximum possible survival and development?
- ☐ Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child?
- ☐ Is it possible to invoke these principles before the courts?
- ☐ Is the Convention incorporated or self-executing in national law?
- ☐ Does the Convention take precedence over domestic law when there is a conflict?
- ☐ Does the Constitution reflect the principles of the Convention, with particular reference to children?
- ☐ Has a consolidated law on the rights of the child been developed?
- ☐ Is there a comprehensive national strategy for implementation of the Convention?
- ☐ Where there is a National Plan or Programme of Action for children, has implementation of all aspects of the Convention been integrated into it?

Has one (or more) permanent mechanism(s) of government been established

- ☐ to ensure appropriate coordination of policy?
  - ☐ between provinces/regions, etc.?
  - ☐ between central government departments?
  - ☐ between central and local government?
  - ☐ between economic and social policies?
- ☐ to ensure effective evaluation of policy relating to children?
- ☐ to ensure effective monitoring of implementation?

- ☐ Are such mechanisms directly linked to the institutions of government that determine overall policy and budgets in the State?
- ☐ Is the principle that the best interests of the child should be a primary consideration formally adopted at all levels of policy-making and budgeting?

Is the proportion of the overall budget devoted to social expenditure adequate

- ☐ nationally?
- ☐ regionally/at provincial level?
- ☐ locally?

article 4

How to use the checklists

Is the proportion of social expenditure devoted to children adequate

- ☐ nationally?
- ☐ regionally/at provincial level?
- ☐ locally?

Are permanent arrangements established for budgetary analysis at national and other levels of government to ascertain

- ☐ the proportion of overall budgets devoted to children?
- ☐ any disparities between regions, rural/urban, particular groups of children?
- the effects of structural readjustment, economic reforms and changes on
  - ☐ all children?
  - ☐ the most disadvantaged groups of children?
- ☐ the proportion and amount received/given in relation to international cooperation to promote the rights of the child, and allocated to different sectors?

☐ Do the arrangements for monitoring ensure a comprehensive, multidisciplinary assessment of the situation of all children in relation to implementation of the Convention?

☐ Is sufficient disaggregated data collected to enable evaluation of the implementation of the non-discrimination principle?

☐ Are there arrangements to ensure a child impact analysis during policy formulation and decision-making at all levels of government?

☐ Is there a regular report to Parliament on implementation of the Convention?

☐ Are parliamentary mechanisms established to ensure appropriate scrutiny and debate of matters relating to implementation?

☐ Is civil society involved in the process of implementation at all levels, including in particular

- ☐ appropriate non-governmental organizations (NGOs)?
- ☐ children themselves?

☐ Is there a permanent mechanism for consulting on matters relating to implementation with appropriate NGOs and with children themselves?

☐ Has an independent human rights institution been established to promote the rights of children – a children's ombudsman, commissioner or focal point within a human rights commission?

- ☐ Is its independence from government assured?
- ☐ Does it have appropriate legislative powers, e.g. of investigation?
- ☐ Does it comply with the Paris Principles on the status of national human rights institutions?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 4 requires States Parties to take all appropriate legislative, administrative and other measures to implement the rights in the Convention. Thus it relates to all other articles.**

Implementation Checklist

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 5, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 5 will be particularly relevant to **departments concerned with family law and family support**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 5 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 5, likely to include **training of all those working with and for families, and education for parenting**)?

Specific issues in implementing article 5

- ☐ Does the definition of "family" for the purposes of the realization of the rights of the child correspond with the flexible definition of the Convention?
- ☐ Is there a detailed legal definition of parental responsibilities, duties and rights?
- ☐ Has such a definition been reviewed to ensure compatibility with the principles and provisions of the Convention?
- ☐ Does legislation ensure that direction and guidance provided by parents to their children is in conformity with the principles and provisions of the Convention?

How to use the checklists

- ☐ Are the evolving capacities of the child appropriately respected in the Constitution and in legislation?
- ☐ Is there a general principle that once a child has acquired "sufficient understanding" in relation to a particular decision on an important matter, he or she is entitled to make the decision for him/herself?
- ☐ Are information campaigns/education programmes on child development, the evolving capacities of children, etc. available to parents, other caregivers and children, and to those who support them?
- ☐ Have these campaigns/programmes been evaluated?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 5 should not be considered in isolation. Its flexible definition of the family is relevant to interpretation of other articles. The article asserts the child as an active subject of rights with evolving capacities, relevant to implementation of all other rights, including in particular the child's civil and political rights.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 5 include:

Article 1: definition of the child in legislation and practice must take account of the child's "evolving capacities"
Article 18: parental responsibilities and State support for parenting

Implementation Checklist

article 6

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 6, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 6 is relevant to **all departments affecting children directly or indirectly**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

  - ☐ which includes where necessary the identification of goals and indicators of progress?
  - ☐ which does not affect any provisions which are more conducive to the rights of the child?
  - ☐ which recognizes other relevant international standards?
  - ☐ which involves where necessary international cooperation?

  (Such measures may be part of an overall governmental strategy for implementing the Convention as a whole).

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 6 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 6 likely to include **all those working with or for children and their families, and education for parenting**)?

Specific issues in implementing article 6

- ☐ Is the general principle reflected in article 6 included in the State's legislation?
- ☐ Have appropriate measures been introduced to reduce rates of infant and child mortality for all sectors of the population?
- ☐ Have the rates of infant and child mortality consistently decreased over recent years, including disaggregated rates?
- ☐ Is the rate of abortion recorded and reported, including by age?
- ☐ Where abortion is permitted, is its use appropriately regulated?
- ☐ Where abortion is permitted, has the State ensured there is no discriminatory variation in the term at which it is permitted, (e.g., dependent on identification of disability)?

article 6

How to use the checklists

Is the State satisfied that there is no infanticide, in particular of
- ☐ girls?
- ☐ disabled children?

☐ Is the rate of child pregnancies recorded and reported?
☐ Have appropriate measures been undertaken to reduce the number of child pregnancies?
☐ Has the State ensured there are no circumstances in which the death penalty may be applied to children?
☐ Are there appropriate arrangements to ensure the registration of, investigation of and reporting on the deaths of all children and their causes?
☐ Are homicide rates analyzed by the age of the victim in order to identify the proportion of children of different age groups who are murdered?
☐ If the crime of infanticide exists in the legislation of the State has it been reviewed in the light of the Convention's principles?
☐ Are suicides by children recorded and reported and the rates analyzed by age?
☐ Have appropriate measures been taken to reduce and prevent suicide by children?
☐ Have appropriate measures been taken to reduce and prevent accidents to children, including traffic accidents?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 6 – the child's right to life and to maximum survival and development – has been identified by the Committee as a general principle of relevance to implementation of the whole Convention.**

Particular regard should be paid to: Other general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 6 include:

Article 37(a): prohibition of capital punishment
Articles particularly related to the child's right to maximum development include articles 18, 24, 27, 28, 29 and 31

Implementation Checklist

article 7

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 7, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 7 is relevant to the **departments of justice, home affairs, social welfare and health**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

  - ☐ which includes where necessary the identification of goals and indicators of progress?
  - ☐ which does not affect any provisions which are more conducive to the rights of the child?
  - ☐ which recognizes other relevant international standards?
  - ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 7 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 7 likely to include the **training of birth registration officers, social workers, adoption agency staff and medical personnel**)?

Specific issues in implementing article 7

- ☐ Does domestic law require parents to register children immediately after their birth?
- ☐ Is the duty to register well publicized?
- ☐ Is registration free?
- ☐ Is registration made easy for parents, both in terms of access (for example by providing mobile registration units or using schools) and comprehensibility (for example by use of minority languages or by training registration staff)?
- ☐ Are all children born within the jurisdiction registered, including those born of non-citizens?

article 7

How to use the checklists

- ☐ Where parents fail to register children, is there a duty on the State to secure registration?

Does registration include necessary information for the child to claim his or her rights to:

  - ☐ a name?
  - ☐ a nationality?
  - ☐ knowledge of parentage?

- ☐ Are arrangements in place to secure the confidentiality of any potentially stigmatizing information on the birth register?

- ☐ Does domestic law provide for the naming of all children from birth?
- ☐ Does this law ensure that no children are discriminated against (for example by laws unrelated to the best interests of children, requiring or prohibiting certain forms of naming)?
- ☐ Are children of appropriate maturity able to apply to change their names?
- ☐ Are the courts empowered to veto a name that is against the best interests of the child (for example one which could render the child an object of fear or ridicule)?

- ☐ Does domestic law ensure that all stateless children living within the jurisdiction have a right to acquire the State's nationality?
- ☐ Has the State ratified The Convention on Reduction of Statelessness (1961)?
- ☐ Has the State ensured that there is no discrimination between forms of nationality?
- ☐ Has the State ensured that there is no discrimination in the acquisition of nationality (for example in relation to children born out of wedlock or to rights to acquire the nationality of either parent)?
- ☐ Are children able to apply to change their nationality?

- ☐ Does domestic law and administrative practice ensure that the identities of children's parents (including genetic parents, birth mother and caring parents) are accurately recorded and preserved?
- ☐ Do children have the right to know from the earliest date possible the truth about the particular circumstances of their parenting (for example by adoption or by an artificial form of conception)?
- ☐ Do all children, including adopted children and children conceived by artificial forms of conception, have the right to know, as far as possible, who their genetic parents are?
- ☐ Is refusal of this right limited only to the grounds that refusal of information is necessary to protect the child from a likelihood of harm or is necessary to protect the child's parent from a likelihood of harm?
- ☐ When children are refused the right to know parentage, are they able to reapply at a later date?

How to use the checklists

- ☐ Do domestic laws contain a presumption that children should be cared for by their parents?
  - ☐ Is this law framed as the child's right?
- ☐ Where children do not wish to be cared for by parents, is provision made to investigate the reasons why they do not and to provide alternative measures of care while arrangements for their future are being determined?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 7 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child.

Closely related articles

Articles whose implementation is related to that of article 7 include:

Article 5: parental guidance and child's evolving capacities
Article 8: preservation of child's identity
Article 9: non-separation from parents except when necessary for best interests
Article 10: international family reunification
Article 11: protection from illicit transfer and non-return of children abroad
Article 16: protection from arbitrary interference in privacy, family and home
Article 18: parents having joint responsibility
Article 20: children deprived of their family environment
Article 21: adoption
Article 22: refugee children
Article 30: children of minorities or indigenous peoples
Article 35: prevention of sale, trafficking and abduction

Implementation Checklist

article 8

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 8, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 8 is relevant to **the departments of justice, home affairs, foreign affairs, public communication and the media, social welfare and education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 8 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising?

Specific issues in implementing article 8

- ☐ Are children able to acquire the nationality of both parents?
- ☐ Are children able to acquire the nationality of the State in which they have lived for a significant period?
- ☐ Are they able to live with their parents in their State of nationality?
- ☐ Are questions of nationality and right to family reunification dealt with speedily?
- ☐ Are any changes of children's name overseen by a judicial process which gives paramount consideration to the best interests of the child?
- ☐ Are such changes fully recorded and the records accessible to the child?
- ☐ Are children able to know and associate with members of their family of origin, so far as this is compatible with their best interests?
- ☐ Are accurate records kept about the identity, and any changes to the identity, of all children?
- ☐ Can children apply to have access to these records?
- ☐ Where parentage is in doubt, are children able to have it established by genetic testing (free of charge if necessary)?

How to use the checklists

- ☐ Are other resources provided to trace missing children or missing family members (for example using tracing agencies or the media)?
- ☐ Has the State ratified the Hague Convention on the Civil Aspects of International Child Abduction and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption?
- ☐ Are all cases dealt with expeditiously where illegal actions relating to children's identity and family relations are alleged to have occurred?
- ☐ Is unlawful interference with children's rights to preserve their identity an offence, subject to penalties?
- ☐ Do education, welfare and justice systems allow the child to enjoy his or her culture, religion and language of origin?
- ☐ Where children are in the care of the State, are accurate records kept about their family of origin and early childhood?
- ☐ Do such children have access to these records?
- ☐ Do placements of children by the State endeavour, where compatible with the child's best interests, to give continuity to the child's ethnic, religious, cultural and linguistic background?

Reminder: **The Convention is indivisible and its articles interdependent. Article 8 should not be considered in isolation.**

Particular regard should be paid to: The general principles:

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 8 include:

Article 7: birth registration, right to name and nationality and to know and be cared for by parents
Article 9: non-separation from parents except when necessary in best interests
Article 10: international family reunification
Article 11: protection from illicit transfer and non-return from abroad
Article 16: protection from arbitrary interference in privacy, family and home
Article 18: parents having joint responsibility
Article 20: children deprived of family environment
Article 21: adoption
Article 22: refugee children
Article 30: children of minorities or indigenous peoples
Article 35: prevention of sale, trafficking and abduction of children

Implementation Checklist

article 9

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 9, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 9 is relevant to the **departments of justice (criminal and civil), social welfare, health and education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

  - ☐ which includes where necessary the identification of goals and indicators of progress?
  - ☐ which does not affect any provisions which are more conducive to the rights of the child?
  - ☐ which recognizes other relevant international standards?
  - ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 9 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 9 likely to include the training of the **judiciary, lawyers, social workers, hospital staff and those working in the juvenile justice and immigration systems**)?

Specific issues in implementing article 9

- ☐ Does the State ensure that parents and children are separated against their will by State authorities only when it is necessary to protect the best interests of the child?
- ☐ Does domestic law enable judicial intervention on behalf of the child when there is disagreement between the parents, or between the parents and the child as to the child's place of residence or as to access to the child by a parent?
- ☐ Does the State ensure that contact between parents and children in institutions (such as children's homes or boarding schools) or placements (such as fostercare or respite care for disabled children) is maintained to the maximum extent compatible with the child's best interests?
- ☐ Do programmes for those children living or working on the streets respect the child's right not to be separated from his or her parents unless it is necessary for his or her best interests?

How to use the checklists

article 9

- ☐ Are hospitals required or encouraged to make arrangements for parents to be with their children in hospital whenever practicable?
- ☐ Does the criminal justice system have regard for the need for mothers not to be separated from their babies?
- ☐ Does the criminal justice system have regard for the need for parents not to be separated from their children?
- ☐ Does the criminal justice system ensure that juvenile offenders are not separated from their parents except where competent authorities have determined it is necessary for the best interests of the offender, or as a last resort for the shortest appropriate period?
- ☐ Do laws and procedures governing the deporting of parents under immigration law pay regard to the child's right not to be separated from his or her parents unless necessary for his or her best interests?
- ☐ Do provisions for the family reunification of immigrants and refugees pay regard to the child's rights not to be separated from parents unless necessary for his or her best interests?
- ☐ In times of armed conflict, are forced relocations of civilian populations avoided and all measures adopted for tracing and reuniting children and parents separated by these events?
- ☐ Are measures taken by the State (for example through public education campaigns) to combat traditional customs that separate parents and children unnecessarily?
- ☐ Does the State provide practical or psychological assistance to families in order to prevent unnecessary separation of parents and children?
- ☐ Are all laws specifying the grounds justifying the State in separating children from parents free from discrimination (for example, in relation to families living in poverty or ethnic minority families)?
- ☐ Are all laws specifying the grounds justifying separation from parents free from dogma as to children's best interests (for example, that children are better off with their fathers than their mothers or vice versa)?
- ☐ Are all decisions that hold separation from parents necessary for the child's best interests made by authorities competent to determine what these best interests are?
- ☐ Do these authorities have access to all relevant information in this determination?
- ☐ Are these decisions subject to judicial review?
- ☐ Are these cases dealt with speedily?
- ☐ Are children's rights to privacy safeguarded in such cases?
- ☐ Are all relevant people, including the child, able to participate and be heard by those determining these cases?
- ☐ Are there no age limits on the right of the child to participate or be heard?
- ☐ Are the child's views heard if he or she disagrees with the professionals reporting to the court on his or her best interests?

How to use the checklists

- ☐ Are the proceedings impartial and fair?
- ☐ Does the law enshrine the principle that children should, wherever possible, have regular contact with both their parents?
- ☐ Is practical assistance given to ensure contact is maintained in cases where parents are in conflict?
- ☐ Does the State provide practical assistance in discovering the whereabouts of parents and children who, for whatever reason, have become separated?
- ☐ Unless detrimental to children's well-being, are children and parents (and other family members, if appropriate) always informed of the whereabouts of the other in circumstances where they have become separated because of an action of the State (for example, detention, imprisonment, exile or death)?
- ☐ Are those requesting such information protected from adverse consequences?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 9 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 9 include:

Article 7: right to know and be cared for by parents
Article 8: right to preservation of identity, including family relations
Article 10: international family reunification
Article 11: protection from illicit transfer and non-return
Article 16: protection from arbitrary interference in privacy, family and home
Article 18: parents having joint responsibility
Article 20: children deprived of their family environment
Article 21: adoption
Article 22: refugee children
Article 24: health services
Article 25: periodic review of treatment when placed by the State away from families
Article 35: prevention of sale, trafficking and abduction of children
Article 37: deprivation of liberty
Article 40: administration of juvenile justice

Implementation Checklist

article 10

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 10, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 10 is relevant to the **departments of home affairs, foreign affairs, justice and social welfare**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

  - ☐ which includes where necessary the identification of goals and indicators of progress?
  - ☐ which does not affect any provisions which are more conducive to the rights of the child?
  - ☐ which recognizes other relevant international standards?
  - ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 10 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 10 likely to include **the judiciary, immigration officers and social workers**)?

Specific issues in implementing article 10

Are all applications by parents or children for entry to or exit from the country for the purposes of family reunification dealt with in a

  - ☐ positive manner?
  - ☐ humane manner?

- ☐ Are all such applications dealt with as quickly as possible?
- ☐ Are children and families involved in these applications treated with respect?
- ☐ Are requests by parents or children not to be deported dealt with in a positive and humane manner?
- ☐ Does the State recognize the right to family reunification of children who are resident in the country but do not have nationality status or official leave to remain?

article 10

How to use the checklists

- ☐ Are the views of children taken into account when decisions relating to family reunification are made?
- ☐ Are applicants and their family members protected from any adverse consequences from making a request to enter or leave the country for family reunification purposes?
- ☐ Are children permitted entry to the country and/or permission to leave the country in order to visit a parent?
- ☐ Are parents permitted entry to the country and/or permission to leave the country in order to visit a child?
- ☐ Subject to the limitations listed in article 10(2), are parents and children entitled to leave the country?
- ☐ Are parents and children always entitled to enter their own country?
- ☐ Has the State ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 10 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 10 include:

Article 5: parental duties and rights and the child's evolving capacities
Article 7: right to know and be cared for by parents
Article 8: preservation of identity, including family relations
Article 9: non-separation from parents except when necessary for best interests
Article 11: protection from illicit transfer and non-return from abroad
Article 16: protection from arbitrary interference in privacy, family and home
Article 18: parents having joint responsibility
Article 22: refugee children
Article 35: prevention of sale, trafficking and abduction of children

Implementation Checklist

article 11

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 11, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 11 is relevant to **departments of home affairs, foreign affairs, justice, social welfare and social security**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole).

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 11 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 11 likely to include the **judiciary, social workers, border officials and the police**)?

Specific issues in implementing article 11

- ☐ Has the State ratified the Hague Convention on the Civil Aspects of International Child Abduction?
- ☐ Has the State ratified the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children?
- ☐ Has the State ratified or acceded to any regional or bilateral agreements relating to child abduction?
- ☐ Is the judiciary fully acquainted with the Hague Conventions' provisions?
- ☐ Are effective methods in place to prevent a child from being abducted (e.g., border checks, court orders, confiscation of passports)?

Implementation Checklist

article 11

- ☐ Are parents and children given financial assistance where necessary to exercise their rights under this article and any multilateral agreements?
- ☐ Are State institutions empowered to release information that will help to trace the whereabouts of abducted children?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 11 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 11 include:

Article 7: right to be cared for by parents
Article 8: right to preservation of nationality, including nationality and family relations
Article 9: non-separation from parents except in child's best interests; right to have contact with both parents on a regular basis
Article 10: right to family reunification
Article 16: protection from arbitrary interference in privacy, family and home
Article 18: both parents having joint responsibility
Article 35: prevention of sale, trafficking and abduction of children

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Implementation Checklist

article 12

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 12, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (**all departments affecting children directly or indirectly**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole).

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 12 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 12 should include training for **all those working with or for children, and parenting education**)?

Specific issues in implementing article 12

Is the obligation reflected in article 12(1) respected

- ☐ in arrangements for the overall implementation of the Convention?
- ☐ in arrangements for preparing the State's Initial and Periodic Reports under the Convention?

in arrangements for the development of legislation, policy and practice which may affect children

- ☐ in central government?
- ☐ in regional/provincial government?
- ☐ in local government?

article 12

How to use the checklists

Is an obligation to respect article 12(1) included in legislation applying to

- ☐ the child in the family environment?
- ☐ the process of adoption and adopted children?
- ☐ placement in alternative care and to the child in alternative care, whether provided by the State or by others?
- ☐ all schools and other educational institutions and all educational services affecting children?
- ☐ child protection?
- ☐ health services and institutions?
- ☐ local communities, planning and environmental decision-making affecting children, including in response to the proposals of Agenda 21?
- ☐ child employment and vocational training or guidance?
- ☐ all immigration procedures, including those affecting asylum-seeking children?
- ☐ the child in the juvenile justice system?

☐ Where age limits apply to the laws providing children with an opportunity to express their views and requiring that their views are given due weight, are the limits in accordance with article 12 and other articles ?

☐ Are the rights reflected in article 12 available to all children concerned, including disabled children, without discrimination, where necessary through the provision of interpreters, translations, special materials and technology?

☐ Have special arrangements been developed for child witnesses in both civil and criminal proceedings?

☐ Has there been adaptation to enable children's participation, for example by not using intimidatory and confusing language, and by providing appropriate settings and procedures to enable children to be heard?

Are there no situations in which a child is compelled to

- ☐ express views?
- ☐ give evidence in court or other proceedings?

☐ Does the child in each case have access to adequate information to enable him or her to express informed views and/or to play an informed role in decision-making?

Has the State ensured that there are no matters affecting the child on which the child is, through legislation or otherwise, excluded from

- ☐ expressing views?
- ☐ having those views given due weight?

How to use the checklists

article 12

In relation to paragraph 2 of article 12, are children provided with a right to be heard in all judicial or administrative proceedings affecting them, such as

- ☐ criminal proceedings?
- ☐ civil proceedings?
- ☐ education?
- ☐ health?
- ☐ child protection?
- ☐ placement in alternative care?
- ☐ adoption proceedings?
- ☐ reviews under article 25?
- ☐ immigration and asylum-seeking?
- ☐ planning, housing and environment?
- ☐ social security?
- ☐ employment?
- ☐ any other?

☐ Has the implementation and use of legislative provisions relating to children's participation been monitored?

☐ Do children have appropriate remedies for breaches of their rights guaranteed by article 12?

Do children have appropriate access to effective complaints procedures in relation to

- ☐ family life, including ill-treatment?
- ☐ alternative care of all kinds?
- ☐ schools and education services?
- ☐ health services and institutions?
- ☐ employment?
- ☐ all forms of detention?
- ☐ all aspects of the juvenile justice system?
- ☐ environmental, planning, housing and transport issues?
- ☐ other services affecting children?

☐ In each case, do children have access to appropriate advice and advocacy?

Do children have appropriate access to the media and opportunities to participate in the media, particularly

- ☐ radio?
- ☐ print media?
- ☐ television?

How to use the checklists

- ☐ Do children have opportunities for training in media skills enabling them to relate to and use the media in a participatory manner?
- ☐ Are the participatory rights of children within the family promoted through parenting education and preparation for parenthood?

Is training to promote the participatory rights of children provided for

- ☐ judges, including family court and juvenile court judges?
- ☐ probation officers?
- ☐ police officers?
- ☐ prison officers?
- ☐ immigration officers?
- ☐ teachers?
- ☐ health workers?
- ☐ social workers?
- ☐ other professionals?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 12 has been identified by the Committee on the Rights of the Child as a general principle of relevance to implementation of the whole Convention.**

Particular regard should be paid to: Other general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development

All other articles require consideration of the child's right to be heard, and to have his or her views taken seriously. Specifically, the child has a right to be heard in relation to any judicial or administrative proceedings affecting the child, relevant to, for example, articles 9, 10, 21, 25, 37, 40. Also linked to the child's participation rights are articles 13 (freedom of expression), article 14 (freedom of thought, conscience and religion) and article 15 (freedom of association).

Implementation Checklist

article 13

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 13, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 13 is relevant to **departments of family affairs, welfare, education, media and communication**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 13 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 13 likely to include the training of **all those working with or for children and their families, and parenting education**)?

Specific issues in implementing article 13

- ☐ Is the child's right to freedom of expression as guaranteed in article 13 explicitly recognized in legislation?
- ☐ Does policy and practice actively encourage the child's freedom of expression?

Does law, policy and practice support the child's right to freedom of expression, as set out in article 13, in relation to

- ☐ the family?
- ☐ alternative care?
- ☐ schools?

- ☐ juvenile justice institutions?
- ☐ the community?
- ☐ the media?

☐ Are the only permitted restrictions on the right to freedom of expression consistent with those set out in paragraph 2 of article 13 and are they defined in legislation?

☐ In particular, are any restrictions on the child's right to contribute to and to publish school and other publications consistent with those set out in paragraph 2?

☐ Are special measures taken to ensure the freedom of expression of disabled children?

☐ Has the State taken any specific measures to encourage and facilitate children's access to the media?

☐ Is there any provision for consideration and resolution of complaints from children regarding breaches of their right to freedom of expression?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 13 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 13 include:

Article 5: parental responsibilities and child's evolving capacities
Article 15: freedom of association
Article 17: access to appropriate information; role of the mass media
Article 29: aims of education
Article 30: cultural, religious and language rights of children of minorities and indigenous communities
Article 31: child's rights to play, to recreation and to participation in cultural life and the arts

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Implementation Checklist

article 14

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 14, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 14 is particularly relevant to **departments of social welfare and education and to agencies responsible for the State's relations with recognized religions**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 14 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 14 likely to include the training of **religious groups and all those working with or for children and their families, and parenting education**)?

Specific issues in implementing article 14

- ☐ Is the child's right to freedom of thought, conscience and religion, as guaranteed in article 14, explicitly recognized in legislation?
- ☐ Are there legislative and other arrangements to respect the child's conscientious objection to military service?
- ☐ Are the only restrictions on the child's right to manifest religion or beliefs consistent with those set out in paragraph 3 of article 14, and are they defined in legislation?

Does law, policy and practice promote the child's right to freedom of thought, conscience and religion, as set out in article 14, in relation to

- ☐ the child/parent relationship?
- ☐ all forms of alternative care?
- ☐ school?

Implementation Checklist

article 14

- ☐ Does law, policy and practice respect the rights and duties of parents to provide appropriate direction in the exercise by the child of his right as set out in article 14?
- ☐ If the State has one or more religions recognized in law, does legislation respect the right of the child to have and/or practice another religion or no religion?
- ☐ Do any restrictions on the right of the child to enter or leave religious communities respect the child's evolving capacities?

Does legislation permit withdrawal from religious education and/or worship in schools at the request of

- ☐ the child?
- ☐ the child's parents?

- ☐ In such cases, is education and/or arrangements for worship in the religion of the child made available?
- ☐ Where the State supports the provision of education in different religions, is this done without discrimination?
- ☐ Is there provision for the consideration and resolution of complaints from children regarding breaches of their rights under article 14?
- ☐ Have special measures been adopted to ensure the freedom of religion of disabled children?
- ☐ In relation to children whose liberty is restricted, is rule 48 of the United Nations Rules for the Protection of Children Deprived of their Liberty fulfilled?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 14 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 14 include:

Article 5: parental responsibilities and child's evolving capacities
Article 8: preservation of identity
Articles 13 and 15: freedom of expression and freedom of association
Article 17: access to appropriate information
Article 20: alternative care – continuity of religion and culture
Articles 28 and 29: right to education and aims of education
Article 30: rights of children of minorities and indigenous communities
Article 37: restriction of liberty and religious freedom
Article 38: armed conflict and conscientious objection

Implementation Checklist

article 15

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 15, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 15 is relevant to **departments of justice, social welfare, education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 15 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 15 likely to include the training of **all those working with or for children and their families, and parenting education**)?

Specific issues in implementing article 15

- ☐ Are the rights of the child to freedom of association and peaceful assembly, as guaranteed in article 15, explicitly recognized in legislation?
- ☐ Have measures been taken to promote opportunities for children to exercise their rights to freedom of association and peaceful assembly?
- ☐ Are the only permitted restrictions on these rights consistent with those set out in paragraph 2 of article 15?
- ☐ Are the only permitted restrictions on these rights defined in legislation?

How to use the checklists

- ☐ In relation to children in employment, does the State ensure there are no limits on the right of children to form and to join and to leave trades unions?
- ☐ Have special measures been taken to promote the freedom of association and peaceful assembly of disabled children?
- ☐ In relation to children whose liberty is restricted, are rules 13 and 59 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty fulfilled?
- ☐ Is there provision for the consideration and resolution of complaints from children regarding breaches of their rights under article 15?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 15 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 15 include:

Article 13: freedom of expression
Article 14: freedom of thought, conscience and religion
Article 29: aims of education
Article 31: child's rights to play, recreation and to participation in cultural life and the arts
Article 32: right of child to join a trade union
Article 37: restriction of liberty and freedom of association

Implementation Checklist

article 16

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 16, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 16 is relevant to **departments of social welfare, justice, education, media and communications**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 16 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 16 likely to include the training of **all those working with or for children and their families, and parenting education**)?

Specific issues in implementing article 16

Does legislation specifically recognize the right of the child to protection from arbitrary or unlawful interference with his or her

- ☐ privacy?
- ☐ family?
- ☐ home?
- ☐ correspondence?

How to use the checklists

article 16

- ☐ Does the legislation conform to all the other principles and provisions of the Convention?

Does legislation prevent such interference

  - ☐ by State agencies?
  - ☐ by others, including private bodies?

- ☐ Is the only permitted interference with the child's privacy, family, home and correspondence set out in legislation?

Does the legislation in each case ensure that such interference

  - ☐ is not arbitrary?
  - ☐ conforms with all other principles and provisions of the Convention?
  - ☐ is reasonable in the particular circumstances?

- ☐ Are these legislative protections available to all children without discrimination?

Does the right to protection from arbitrary or unlawful interference with privacy apply to the child

  - ☐ in the home?
  - ☐ in all forms of alternative care?
  - ☐ in schools?
  - ☐ in other institutions of all kinds, both state-run and other?

In relation to the child in a residential and/or custodial institution, are there special safeguards of the child's right to privacy in relation to

  - ☐ physical environment and design?
  - ☐ visits and communication?
  - ☐ personal effects?
  - ☐ conduct and training of staff?

Does the child have a right to receive confidential counselling without the consent of his/her parents

  on legal matters

    - ☐ at any age?
    - ☐ from a specific age?
    - ☐ under criteria related to the child's maturity and capacities?

on medical matters

- ☐ at any age?
- ☐ from a specific age?
- ☐ under criteria related to the child's maturity and capacities?

☐ Does legislation protect children from arbitrary and unlawful interference with their family, including members of their extended family?

☐ Does legislation protect children from arbitrary and unlawful interference with their home, including placements in alternative care outside the family home?

Do any limits on the right to protection from arbitrary or unlawful interference with the child's correspondence, including by mail, telephone and all other means, conform with the Convention's principles

- ☐ in the child's home?
- ☐ in alternative care?
- ☐ in institutional care?
- ☐ in places of detention?

Does the child have the following rights in relation to any information kept about him or her in files or records stored either manually or through electronic means:

- ☐ to know of the existence of the information?
- ☐ to know of the purpose of collecting and storing it, and who controls it?
- ☐ to have access to it?
- ☐ to be able to challenge and, if necessary, correct anything contained in it?
- ☐ to know in each case who controls access to the information?
- ☐ to know who else has access to the information and for what purpose(s)?
- ☐ to be able to control who else has access to the information?
- ☐ in the event of any dispute over realization of this right, to appeal to an independent body?

☐ In the event of possible violation of any of these rights, does the child have access to an appropriate complaints procedure?

☐ In cases of violation, does the child have appropriate remedies, including compensation?

☐ Are any limitations on any of these rights of the child based only on age and/or lack of maturity and understanding?

How to use the checklists

article 16

Does legislation guarantee the child's right to privacy, in particular to ensure that nothing which may lead to the child's identification is published in any way, in the case of

- ☐ children alleged as, accused of, or recognized as having infringed the penal law?
- ☐ children involved in child protection investigations and proceedings?
- ☐ children involved in family proceedings?

☐ Is there provision for the consideration and resolution of complaints from children regarding breaches of their rights under article 16?

☐ Does legislation protect the child from unlawful attacks on his or her honour and reputation?

☐ Have appropriate measures been taken to encourage the media to respect children's rights under this article?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 16 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 16 include:

Article 8: preservation of identity
Article 9: privacy in family proceedings
Article 17: role of the media
Article 19: privacy for victims of violence
Article 20: privacy in alternative care
Article 40: not identifying children involved in juvenile justice system

Implementation Checklist

article 17

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 17, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 17 is relevant to **departments of media and communications, social welfare and education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 17 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 17 likely to include the training of **journalists and all those involved in the mass media, and media education,** and developing appropriate **parenting education**)?

Specific issues in implementing article 17

- ☐ Has the State taken measures to ensure that all children in the jurisdiction have access to information and material from a diversity of national and international sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health?

Is such access assured to all children without discrimination, in particular

- ☐ children of minorities and children who are indigenous?
- ☐ disabled children?

- ☐ children in all categories of institutions, including custodial institutions?

Has the State encouraged the mass media to disseminate information and material of social and cultural benefit to the child, and to promote aims set out in article 29 including:

- ☐ development of the child's full potential?
- ☐ development of respect for human rights and fundamental freedoms?
- development of respect for
  - ☐ the child's parents?
  - ☐ the child's cultural identity, language and values?
  - the national values of
    - ☐ the country in which the child is living?
    - ☐ the country from which he or she may originate?
  - ☐ civilizations different from his or her own?
- ☐ preparation of the child for responsible life in a free society?
- ☐ development of respect for the natural environment?

In particular, has the mass media been encouraged to promote

- ☐ understanding and friendship among all peoples, including minorities and indigenous people?
- ☐ equality between the sexes, in line with the proposals of the Platform for Action of the Fourth World Conference on Women?
- ☐ positive portrayal of people with disabilities, in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities?
- ☐ positive socialization of children, in accordance with the provisions of the UN Guidelines on the Prevention of Juvenile Delinquency?

☐ Does the State encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources?

☐ Has the State taken measures to encourage the production and dissemination of children's books?

☐ Has the mass media been encouraged to have particular regard for the linguistic needs of children who belong to minorities or are indigenous?

☐ Has the mass media been encouraged to help with health promotion and education?

☐ Has the mass media been encouraged to help disseminate information on the Convention to adults and children?

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How to use the checklists

article 17

Reminder: **The Convention is indivisible and its articles are interdependent. Article 17 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 17 include:

Article 5: parental responsibilities and child's evolving capacities
Article 9: reporting on family proceedings – the child's privacy
Article 13: right to freedom of expression
Article 16: the child's right to privacy
Article 18: primary responsibility of parents
Article 19: reporting on violence and abuse – privacy for child victims
Article 24: health education and promotion
Article 29: aims of education
Article 30: rights of children of minorities and of indigenous communities to enjoy their own culture, religion and language
Article 31: promoting child's right to play, recreation and participation in culture and the arts
Article 34: role of the media in challenging sexual exploitation, including child pornography
Article 36: other forms of exploitation by the media
Article 40: reporting on juvenile justice – privacy for child
Article 42: making the Convention widely known to children and adults

☐ Has the State encouraged the development of guidelines and training programmes to promote the participation of children in relation to radio, print media, film and video, the Internet, and other media?

Has the State encouraged the development of guidelines and monitoring procedures for the protection of the child from information and material injurious to his or her well-being in relation to

- ☐ television?
- ☐ radio?
- ☐ film and video?

- ☐ the Internet?
- ☐ other media?

If so, are such guidelines consistent with

- ☐ the child's right to freedom of expression under article 13 and the restrictions allowed on that right set out in paragraph 2?
- ☐ the responsibilities of parents and others and of the State set out in article 18?

☐ Has the State ensured that parents and other carers are provided with sufficient information on the content of media programmes, videos, computer games and so on to enable them to fulfil their responsibilities for the welfare of the child?

☐ Has the State promoted the development of appropriate media education for children?

☐ Has the State encouraged the development of parenting education relating to protection of the child from injurious information and material?

☐ Are there guidelines and other safeguards, including training, to promote respect by the media for the child's right to privacy, and for responsible reporting of abuse, family problems and juvenile justice?

Implementation Checklist

article 18

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 18, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 18 is relevant to the **departments of tax and finance, social security, social welfare, employment and education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 18 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 18 likely to include the training of **social workers, child guidance staff, community workers, social security officers and those engaged in parent education**)?

Specific issues in implementing article 18

- ☐ Does legislation support parents' primacy of responsibility for children's upbringing and development?
- ☐ Is parental responsibility defined in legislation?
- ☐ Does legislation make clear that the exercise of parental responsibility has the best interests of the child as its basic concern?
- ☐ Are parents provided with education programmes on the exercise of their responsibilities?
- ☐ Are laws, administrative systems, tax and welfare measures and public education aimed at supporting both parents' common responsibilities for, and active participation in, their child's upbringing?
- ☐ Does the law enable fathers of children born outside marriage to assume parental rights and responsibilities (compatible with the child's best interests)?
- ☐ Is there a presumption in law that children's best interests, unless proved to the contrary, are in maintaining contact with both parents?
- ☐ When parents separate, does legislation ensure that the grounds for allocating parental responsibility are based on the individual child's best interests?

article 18

How to use the checklists

Are all parents provided with the following assistance where necessary:
- ☐ financial support?
- ☐ housing?
- ☐ appropriate child-care equipment?
- ☐ day care and respite care?
- ☐ advice and counselling?

- ☐ Is good quality day care available for all working parents?
- ☐ Are parents of disabled children provided with appropriate additional forms of assistance?
- ☐ Are disabled parents provided with appropriate additional forms of assistance?
- ☐ Are mothers entitled to maternity leave?
- ☐ Are fathers entitled to paternity leave?
- ☐ Are fathers entitled to leave if the mother is sick or dies before the expiration of her maternity leave?
- ☐ Are adoptive parents entitled to parental leave at the outset of the adoption?
- ☐ Are parents entitled to take leave if their child is sick?
- ☐ Does the State pay for parental leave where necessary?
- ☐ Does the State encourage employment conditions which assist working parents in the exercise of their parental responsibilities?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 18 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 18 include:

Article 3(2): State support for children
Article 5: parental responsibilities and child's evolving capacities
Article 7: child's right to know and be cared for by parents
Article 9: non-separation from parents except in child's best interests
Article 10: family reunification
Article 16: protection from arbitrary interference with privacy, family and home
Article 27: duty of parents and State to secure an adequate standard of living for the child

Implementation Checklist

article 19

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 19, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 19 is relevant to **departments of social welfare, justice, health, education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 19 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 19 likely to include the training of **all those working in child protection or with or for children and their families, and in parenting education**)?

Specific issues in implementing article 19

- ☐ Does legislation in the State protect children from all forms of physical or mental violence?
- ☐ Has the State ensured there are no exceptions or defences available to parents or others in relation to assaults on children?

Does legislation protect all children from any form of corporal punishment:

- ☐ in the home?

in schools

- ☐ state run?
- ☐ private?

in child-care institutions
- ☐ state run?
- ☐ private?

☐ in foster care?
☐ in other forms of alternative care?

in day care institutions
- ☐ state run?
- ☐ private?
- ☐ other arrangements (e.g. childminding etc.)?

in the penal system
- ☐ as a sentence of the courts?
- ☐ as a punishment in penal institutions?

Does legislation, policy and practice protect all children from
- ☐ ill-treatment and violence, including violence by other children, in schools and all other institutions?
- ☐ traditional practices involving physical or mental violence, or prejudicial to health?

☐ Has the State taken appropriate measures to prevent all forms of violence to children?

Has the State taken appropriate educational and other measures to promote positive, non-violent forms of discipline and treatment
- ☐ in the family?
- ☐ in alternative care?
- ☐ in all institutions which include children?

Do all children in the State have access to effective complaints procedures in relation to ill-treatment
- ☐ while in the care of parents or others legally responsible for them?
- ☐ in all forms of alternative care?
- ☐ in all institutions including schools and custodial institutions?

☐ In cases of ill-treatment, do children have a right to appropriate remedies, including, for example, compensation?

Does legislation in the State require the reporting of all forms of violence and abuse of children to appropriate bodies:
- ☐ by certain professional groups?
- ☐ by all citizens?

☐ Have any reporting arrangements/requirements been reviewed in the light of the Convention's principles, including article 12 (respect for the views of the child) and article 16 (the child's right to privacy)?

How to use the checklists

article 19

Has the State established effective systems for
- ☐ identification of violence, abuse, etc.?
- ☐ reporting?
- ☐ referral?
- ☐ investigation?
- ☐ treatment and follow-up?
- ☐ appropriate judicial involvement?

☐ Has the State taken particular measures to identify and respond to sexual abuse within the family and in institutions?

☐ Has the State ensured that the principle of respect for the views of the child is observed in child protection procedures and practice?

☐ Has the State taken special measures to encourage responsible reporting of child abuse by the mass media?

☐ Has the State established or supported confidential helplines, advice or counselling for child victims of violence, abuse or neglect?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 19 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 19 include:

Article 5: parental responsibilities and child's evolving capacities
Article 9: separation from parents following abuse or neglect
Article 18: parental responsibilities
Article 20: alternative care
Article 24(3): protection of children from traditional practices
Article 25: periodic review of placement or treatment
Article 28(2): school discipline without violence
Article 34: protection from sexual exploitation
Article 37: protection from torture and inhuman or degrading treatment or punishment
Article 38: armed conflict
Article 39: rehabilitative care for victims of violence
Optional Protocols to the Convention on the Rights of the Child

Implementation Checklist

article 20

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 20, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 20 is relevant to the **departments of social welfare, education and health**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 20 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 20 likely to include the training of **social workers, adoption agency staff, staff of institutions, foster parents, teachers and medical personnel**)?

Specific issues in implementing article 20

- ☐ Are parents provided with appropriate support to avoid the need to seek alternative care for the child?
- ☐ When children cannot be cared for by parents, are systematic efforts made to seek a placement with members of their wider family, with appropriate support where necessary?
- ☐ Where child-headed families occur, does the State provide the family with appropriate measures of support?
- ☐ Is there a legal obligation on the State to provide appropriate care for children deprived of their family environment?

article 20

How to use the checklists

- ☐ Are social services able to require assistance from health, education and other professionals in meeting the needs of children without families?
- ☐ Are those responsible for the placement of children without families appropriately trained?

Are the views of children obtained when

  - ☐ alternative placements are being considered for them?
  - ☐ alternative placements are chosen?
  - ☐ alternative placements are being monitored?

- ☐ Are independent , child-friendly complaints systems available to protect children placed away from their family environment?
- ☐ Are foster parents fully investigated and authorized as appropriate before placement?
- ☐ Are foster parents recruited and encouraged to care for disabled children?
- ☐ Are foster parents trained to care for disabled children?
- ☐ Are foster placements regularly monitored?
- ☐ Are foster caregivers required to ascertain the views of the child in all matters affecting him or her and to give these views due weight?
- ☐ Does the State monitor the welfare of children fostered privately by parents?
- ☐ Are children placed in institutions only when necessary?
- ☐ Are institutional placements regularly monitored?
- ☐ Do all institutions caring for children have sufficient numbers of, and suitably qualified, staff?
- ☐ Are staff trained to secure children's rights under the Convention?
- ☐ Do such institutions respect children's human dignity, provide children with as normal a life as possible and take all measures to secure their integration in society?

For example, do such institutes prohibit

  - ☐ the use of compulsory uniforms?
  - ☐ child labour (which goes beyond normal domestic chores)?
  - ☐ corporal punishment?
  - ☐ restriction of liberty?
  - ☐ the use of drugs for control purposes?
  - ☐ deprivation of food?
  - ☐ deprivation of sleep?
  - ☐ deprivation of contact with families for control purposes?

- ☐ Are such institutions required to ascertain the views of the child in all matters affecting him or her and give these views due weight?

How to use the checklists

article 20

- ☐ Do all institutions, where possible, accommodate disabled children together with children without disabilities?
- ☐ Are changes in placements of children avoided if possible?
- ☐ Do projects for children living and/or working on the streets ensure that the children, where possible, maintain contact with their families and communities?

When choosing or supporting a placement, do the social-work authorities pay due regard to the desirability of continuity in the child's upbringing in relation to

- ☐ the child's ethnic background?
- ☐ the child's religious background?
- ☐ the child's cultural background?
- ☐ the child's linguistic background?

(for example, by maintaining contact with the child's family, friends and community or, where this is not possible, by making special arrangements.)

Reminder: **The Convention is indivisible and its articles are interdependent. Article 20 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 20 include:

Article 3(2) and (3): State obligations to provide protection and care and to ensure consistent standards in all placements and services for children
Article 7: right to know and be cared for by parents
Article 8: preservation of child's identity
Article 9: non-separation from parents except when necessary in best interests
Article 16: protection from arbitrary interference with privacy, family and home
Article 18: parents having primary and joint responsibility with appropriate state support
Article 21: adoption
Article 22: refugee children
Article 25: periodic review of placement
Article 30: children of minorities or indigenous peoples

Implementation Checklist

article 21

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 21, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 21 is relevant to the **departments of justice, social welfare and foreign affairs**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

  - ☐ which includes where necessary the identification of goals and indicators of progress?
  - ☐ which does not affect any provisions which are more conducive to the rights of the child?
  - ☐ which recognizes other relevant international standards?
  - ☐ which involves where necessary international cooperation?

  (Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 21 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 21 likely to include the training of **social workers, judiciary, port and border control authorities, adoption agency staff and development of education for adoptive parents**)?

Specific issues in implementing article 21

- ☐ Does the State recognize and/or permit a system of adoption of children?

  If yes:

  Does legislation and administration ensure that in all adoption proceedings (domestic, "customary" and intercountry)

  - ☐ the best interests of the child are the paramount consideration?
  - ☐ adoptions are authorized only by competent authorities?

- ☐ these authorities make their decisions on the basis of all pertinent and reliable information?
- ☐ Does this information include the ascertainable views of the child?
- ☐ Are the views of the child given due weight, having regard to age and maturity?
- ☐ Are the views and best interests of other children affected by a proposed adoption (such as the children of the prospective adopters) considered by the competent authorities?
- ☐ In this process is due regard paid to the child's right to know and be cared for by his or her parents?
- ☐ In this process is due regard paid to preservation of the child's identity and the desirability of continuity in the child's background and to the child's ethnic, religious, cultural and linguistic background?

Before agreeing to an adoption, must the authorities be satisfied that

- ☐ the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians?
- ☐ all consents required by law have been given by the persons concerned?

- ☐ Where consents are required by law, are the persons concerned provided with counselling?

Do children have a right to consent to an adoption

- ☐ at any age?
- ☐ at a particular age?
- ☐ according to age and maturity?

- ☐ Do all children have a right to veto their adoption?
- ☐ Are all adoption placements centrally monitored and periodically reviewed by the authorities?
- ☐ Are intercountry adoptions only permitted if the child cannot be placed in a foster or an adoptive family or cannot be cared for in any other suitable manner within the jurisdiction?
- ☐ Do all children involved in intercountry adoptions (whether leaving or entering the State) enjoy safeguards and standards equivalent to those regulating domestic adoptions?
- ☐ Do border controls monitor the entry and exit of babies and children travelling with adults who are not their parents?
- ☐ Is improper financial gain from intercountry adoption prohibited by law?
- ☐ Has the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption been ratified or acceded to?

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- ☐ If yes, have all its provisions relating to law or administrative procedures been implemented?
- ☐ Has the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography been ratified?
  - ☐ If yes, have all its provisions been implemented?
- ☐ Have any other bilateral or multilateral treaties relating to adoption been concluded?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 21 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 21 include:

Article 5: parental guidance and child's evolving capacities
Article 7: child's right to know and be cared for by parents
Article 8: preservation of child's identity
Article 9: non-separation from parents except when necessary in best interests
Article 10: family reunification
Article 11: protection from illicit transfer and non-return
Article 16: protection from arbitrary interference with privacy, family and home
Article 18: parents having joint responsibility
Article 20: children deprived of their family environment
Article 25: periodic review of placement
Article 35: prevention of sale, trafficking and abduction
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

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Implementation Checklist

article 22

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 22, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 22 is relevant to the **departments of justice, foreign affairs, home affairs, social welfare, health, social security and education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 22 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 22 likely to include the training of **social workers, teachers, port and border control officers, lawyers, interpreters, child development experts, mental health personnel and child advocates**)?

Specific issues in implementing article 22

- ☐ Has the State ratified the Convention relating to the Status of Refugees (1951) as amended by the Protocol relating to the Status of Refugees (1967)?
- ☐ Has the State ratified the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961)?
- ☐ Are procedures in place to determine the refugee status of children?

How to use the checklists

article 22

- ☐ Do the procedures for determining refugee status take into account the special needs and rights of children, particularly when the child is unaccompanied or separated from his or her previous legal or customary primary caregiver?
- ☐ Are the interviews and hearings conducted in a child-friendly environment?
- ☐ Are the child's views heard or represented in these proceedings?

Are unaccompanied or separated children seeking asylum

  - ☐ provided with legal representation?
  - ☐ provided with professional interpreters?
  - ☐ provided with decision makers experienced in child development?
  - ☐ given the benefit of the doubt in relation to their claim for refugee status?

- ☐ Are applications by child refugees and/or their parents for the purpose of family reunion treated in a positive, humane and expeditious manner?
- ☐ Are unaccompanied or separated children who are refused refugee status allowed to remain in the receiving country when to do so would be in their best interests?
- ☐ Are child refugees or children seeking refugee status given special assistance and protection appropriate to all their needs and in accordance with their rights under the Convention?
- ☐ Are children who have been refused refugee status but are nonetheless permitted to stay in the country entitled to the same assistance and facilities on the same basis as children with accredited status?
- ☐ Are such children informed of these rights in their own language?
- ☐ Are such children only deprived of their liberty as a measure of last resort and for the shortest appropriate period of time?
- ☐ Are they able to challenge such deprivation of liberty in a fair hearing?
- ☐ Are the conditions of detention humane and conducive to the health, self-respect, dignity and social integration of the child?

Are refugee and asylum seeking children

  - ☐ accommodated in safe and habitable environments, wherever possible with their family?
  - ☐ in receipt of education which recognizes their culture, language and need for social integration?
  - ☐ provided with appropriate support and rehabilitative care for any traumas they may have suffered?
  - ☐ in receipt of all necessary health care?

- ☐ Are the particular needs of adolescent refugees recognized (for example to develop skills which will allow them to become self-sufficient)?

How to use the checklists

- ☐ Does the State cooperate with non-governmental organizations or intergovernmental organizations acting in association with the United Nations in respect of refugee and asylum-seeking children and in particular with the United Nations High Commissioner for Refugees and the International Committee of the Red Cross?
- ☐ Are all efforts made to trace family members of such children?
- ☐ Do such efforts ensure that the child and the child's family members are not endangered?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 22 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 22 include:

Article 7: child's right to nationality and to know and be cared for by parents
Article 8: preservation of child's identity
Article 9: non-separation from parents except when necessary in best interests
Article 10: international family reunification
Article 16: protection from arbitrary interference with privacy, family and home
Article 20: children deprived of their family environment
Article 21: adoption
Article 30: children of minorities or indigenous peoples
Article 37: deprivation of liberty as a last resort
Article 38: children affected by armed conflict
Article 39: rehabilitative care for child victims
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

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Implementation Checklist

article 23

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 23, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 23 is relevant to **all government departments, and any coordinating agency set up to consider disability issues**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 23 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 23 likely to include the training of **all those working with or for disabled children and their families, and parenting education**)?

Specific issues in implementing article 23

- ☐ Does the State have a national coordinating committee or similar body to serve as a focal point for disability matters?
- ☐ Has the State reviewed legislation, policy and practice in the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities?
- ☐ Is there anti-discrimination legislation covering discrimination against disabled children?

How to use the checklists

article 23

- ☐ Does legislation in the State guarantee the disabled child enjoyment of all the rights in the Convention without discrimination?
- ☐ Do all disabled children have access to an independent mechanism for considering complaints relating to discrimination on the grounds of disability?
- ☐ Is special care and assistance available on application for all disabled children and for those caring for him/her in the State?

Is such special care and assistance provided

  - ☐ free of charge in all cases?
  - ☐ on a means-tested basis?

- ☐ Are there national and local arrangements to ensure that parents are given advice, financial assistance and practical help in bringing up a disabled child?

Do all disabled children have effective access to, and receive without discrimination in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

  - ☐ preschool care and education?
  - ☐ education?
  - ☐ training?
  - ☐ health care services?
  - ☐ rehabilitation services?
  - ☐ recreation and play opportunities?
  - ☐ cultural and artistic opportunities?
  - ☐ preparation for employment?
  - ☐ employment?

Are the following services provided for disabled children in an integrated setting with children without disabilities

  - ☐ education ?
  - ☐ training?
  - ☐ alternative care including institutional care?
  - ☐ play and recreation?

- ☐ Are special arrangements made in the State to ensure respect for disabled children's participation rights under articles 12, 13, 14 and 15?
- ☐ Do legislative and other measures ensure the equal right to life and maximum survival and development for the disabled child?

article 23

How to use the checklists

Are special measures taken to safeguard disabled children from all forms of violence and abuse,

- ☐ in the family?
- ☐ in alternative care?
- ☐ in the community?

☐ Has the State promoted the involvement of organizations of disabled children in planning, policy development and evaluation at all levels of government?

☐ Is the State involved in international cooperative exercises to exchange information and improve capacity and skills in relation to provision of services, etc. for disabled children?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 23 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

All articles of the Convention should be considered with a view to equalizing the opportunities of disabled children to exercise their rights.

Implementation Checklist

article 24

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 24, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 24 is particularly relevant to **departments of health, welfare, education, planning and environment**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 24 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 24 likely to include the training of **health workers, social workers and teachers, and also parenting education and health promotion for children and adolescents)**?

Specific issues in implementing article 24

- ☐ Has the State undertaken measures to implement article 24 to the maximum extent of available resources?

Does legislation in the State provide for the respect for article 12 (1) and (2) (the views of the child) in relation to

- ☐ the planning and development of all health care services?
- ☐ decision-making in relation to individual health treatment of the child?

How to use the checklists

Do all children in the jurisdiction

- ☐ have the right to enjoyment of the highest attainable standard of health?
- ☐ have access to facilities for the treatment of illness and the rehabilitation of health?

☐ Do all disabled children have the right to the same level of health care in the same system as other children?

☐ Do girls have equal rights to health care?

Is adequate information collected

to ensure accuracy of

- ☐ infant mortality rates?
- ☐ under-five mortality rates?
- ☐ mortality rates for older children?

☐ to provide disaggregated data in order to consider issues of discrimination?

☐ Is there a consistent and continuing reduction in the infant and child mortality rates in the State?

☐ Has the State developed a definition of necessary medical assistance and health care for the child?

☐ Do all children in the jurisdiction have access to necessary medical assistance and health care?

☐ Do children have access to appropriate confidential health services, including information, counselling and supplies?

☐ Are adolescents directly engaged in the design of health services for their use?

☐ Is the development of primary health care adopted as a priority?

Has the State set appropriate targets for the full attainment of the child's right under article 24 in relation to

- ☐ infant, under-five, under-18 and maternal mortality rates?
- ☐ access by all women to prenatal care, trained attendants during childbirth and referral facilities for high-risk pregnancies and emergencies?
- ☐ access by all couples to information and services to ensure that pregnancies are not too early, too closely spaced, too late or too many?
- ☐ reduction of severe and moderate malnutrition among children?
- ☐ reduction of rate of low birth weight?
- ☐ reduction of iron-deficiency anaemia?
- ☐ elimination of vitamin A deficiency?
- ☐ access to safe drinking water?

How to use the checklists

article 24

Reminder: **The Convention is indivisible and its articles are interdependent. Article 24 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 24 include:

Article 5: parental guidance and the child's evolving capacities
Article 17: access to appropriate information and role of the media
Article 18: parental responsibilities and State assistance
Article 19: protection from all forms of violence
Article 23: rights of disabled children
Article 25: right to periodic review of treatment
Article 27: right to adequate standard of living
Article 28: right to education
Article 29: aims of education
Articles 32-36: protection from various forms of exploitation
Article 39: recovery and reintegration for child victims

- ☐ access to sanitary means of excreta disposal?
- ☐ elimination of guinea worm disease?
- ☐ protection from environmental pollution?
- ☐ eradication of poliomyelitis?
- ☐ elimination of neonatal tetanus?
- ☐ elimination of measles?
- ☐ maintenance of high levels of immunization coverage?
- ☐ reduction in deaths due to diarrhoea and the diarrhoea incidence rate?
- ☐ reduction in deaths due to acute respiratory infections?

(this list is based on World Summit Plan of Action goals)

article 24

How to use the checklists

Has the State ensured adequate access to health education, health promotion and support to the public and in particular to parents and children on

- ☐ child health and nutrition?
- ☐ advantages of breastfeeding?
- ☐ hygiene and environmental sanitation?
- ☐ prevention of accidents?
- ☐ preventive health care?
- ☐ family-planning education and services, including appropriate services for adolescents?
- ☐ HIV/AIDS-related prevention education and information?

☐ Has the State taken appropriate action to ensure implementation of the Inter-Agency Guidelines for Breastfeeding in areas affected by HIV/AIDS?

☐ Has the State taken appropriate action to ensure implementation of the International Code of Marketing of Breastmilk Substitutes?

☐ Has the State reviewed all traditional practices involving children in all sectors of the population to ensure that none is prejudicial to health or incompatible with other articles in the Convention (in particular articles 3, 6, and 19)?

☐ Has the State taken effective and appropriate measures to abolish all traditional practices prejudicial to the health of children or incompatible with other provisions of the Convention?

☐ Is the State involved in international cooperative exercises to exchange information and improve capacity and skills in relation to realizing the health rights of children?

Implementation Checklist

article 25

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 25, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 25 is relevant to the **departments of justice, social welfare, education and health**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 25 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 25 likely to include the training of **social workers, lawyers, judiciary, child advocates, teachers, institutional staff, medical personnel (including mental health)**)

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Specific issues in implementing article 25

Are legal and/or formal administrative measures adopted to ensure the periodic review of each child who has been placed for the purposes of care and protection, including

- ☐ foster care?
- ☐ adoption?
- ☐ child care institutions?
- ☐ boarding schools?
- ☐ prisons and detention centres?

and for the treatment of his or her physical or mental health, including

- ☐ hospitals?
- ☐ health units?
- ☐ psychiatric wards?
- ☐ therapeutic centres?

Are such reviews required to consider

- ☐ the treatment of the child (including all aspects of his or her care)?
- ☐ the placement of the child (including whether its continuation is necessary)?
- ☐ the views of the child (ascertained in private)?

☐ Are such reviews at sufficient intervals to secure the child's protection and welfare?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 25 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 25 include:

Article 20: children deprived of their family environment
Article 21: adoption
Article 22: refugee children
Article 23: disabled children
Article 24: health services
Article 28: education services
Article 37: deprivation of liberty
Article 39: rehabilitative measures
Article 40: juvenile justice systems

Implementation Checklist

article 26

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 26, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 26 is relevant to the **departments of social security, finance, employment, justice, housing and social welfare**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 26 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 26 likely to include the training of **benefits administrators, social workers and the judiciary**)?

Specific issues in implementing article 26

- ☐ Does every child in need have a potential right to benefit from social security (including social insurance)?
- ☐ Are measures taken to ensure that legal entitlements to social security are made known to children and their families?
- ☐ Are measures taken to ensure that take-up of benefits is made as easy as possible (for example by automatic payments, simple application forms, accessible benefit offices and officers)?

How to use the checklists

article 26

- ☐ Are measures taken to ensure that the process of applying for benefits does not discriminate against any children (for example those in remote areas or of illiterate parents)?
- ☐ Do systems for the delivery of social security respect the child's right to privacy?
- ☐ Are children able to make applications for social security in their own right?
- ☐ Are those responsible for children's maintenance able to make applications on their behalf?
- ☐ Are third parties (that is, those not directly responsible for children's maintenance) able to make applications on their behalf?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 26 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 26 include:

Article 3(2): State to ensure child necessary protection and care
Article 18: parents having joint responsibility
Article 23: rights of disabled children
Article 24: right to health care services
Article 27: right to an adequate standard of living and to maintenance from parents and others
Article 28: right to education

Implementation Checklist

article 27

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 27, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 27 is relevant to the **departments of justice, home affairs, housing, social welfare and housing**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 27 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 27 likely to include the training of **community developers, environmental planners, emergency aid personnel, court officers, social workers, health workers and those involved in parent education**)?

Specific issues in implementing article 27

☐ Has the State identified the minimum standard of living necessary to secure the child's development?

Are appropriate measures taken to assist parents and others responsible for the child in securing the conditions of living necessary for the child's

- ☐ physical development?
- ☐ mental development?
- ☐ spiritual development?

- ☐ moral development?
- ☐ social development?

☐ Are measures taken to make parents fully aware of these responsibilities?

☐ Are legal or administrative criteria in place to determine whether parents have the ability and financial capacities to meet their responsibilities?

☐ Are measures and procedures taken in order to identify all children within the State who are in need because their parents are unable to secure adequate standards of living for them?

☐ Are measures adopted to analyze why children's conditions of living are insufficient for their proper development?

☐ Where children are in need, whether with their parents or otherwise, are they provided with necessary material assistance and support programmes to secure their proper development?

☐ Does the State take measures (including budgetary allocations) to ensure that every child is well nourished?

Does the State take measures to ensure that every child is housed in accommodation that is:

- ☐ secure?
- ☐ well-serviced (particularly as regards water, sanitation and fuel)?
- ☐ safe?
- ☐ healthy?
- ☐ appropriately located (particularly as regards hospitals, schools and recreation)?
- ☐ in accordance with measures recommended by Habitat II?

☐ Are the views of children taken into account when shaping the environment in which they live?

☐ Does the State take measures to ensure that every child is adequately clothed?

☐ Where the State has insufficient resources available to secure an adequate standard of living for all children, do its economic plans include securing such standards as an explicit goal?

☐ Are appropriate applications made for international aid and technical assistance where there are insufficient resources to secure children's standard of living?

Maintenance

☐ Is legislation implemented to ensure that children can recover maintenance from both parents and from any others who have responsibility for their conditions of living?

☐ Does such legislation make the child's best interests a primary or paramount consideration?

How to use the checklists

- ☐ Is such legislation simple and cheap for the child or child's caregiver to enforce?
- ☐ Does it include measures to obtain income or assets from those who default on their maintenance responsibilities?
- ☐ Has the State acceded to all appropriate international or bilateral agreements and treaties relating to the recovery of maintenance abroad?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 27 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 27 include:

Article 3(2): State to ensure child necessary protection and care, taking into account parents' rights
Article 5: Parental responsibilities and child's evolving capacities
Article 18: parents having joint responsibility, State support for parents
Article 24: right to health and health services
Article 26: right to social security

Implementation Checklist

article 28

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 28, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 28 is relevant to the **departments of education and labour**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 28 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 28 likely to include the training of **teachers, education administrators and vocational guidance personnel**)?

Specific issues in implementing article 28

- ☐ Do budget allocations aim for a progressive increase in education provision and a progressive development of the quality of education?
- ☐ Does education policy ensure progress towards maximum take-up of educational opportunities by all children (up to the age of 18)?
- ☐ Is there an established time-frame for achieving this policy?
- ☐ Has the State adopted mechanisms to measure the effectiveness of its education provision in terms of take-up and outcomes for all children within the jurisdiction?

How to use the checklists

article 28

Are active measures taken to ensure that all children have equal educational opportunities, including all

- ☐ girls?
- ☐ children from rural areas?
- ☐ children from minority cultures and indigenous groups?
- ☐ disabled children?
- ☐ sick, including hospitalized, children?
- ☐ immigrant and refugee children?
- ☐ children living away from their families?
- ☐ nomadic or gypsy children or children in temporary accommodation?
- ☐ children excluded from school?
- ☐ children in all forms of detention?

☐ Is primary education compulsory?

- ☐ If not, is there a national plan for ensuring that all children receive free and compulsory primary education?

☐ Is primary education free to all children?

☐ Are all aspects of this education free (for example books, equipment or uniform (if any))?

☐ Are different forms of secondary education, including vocational and general education, available to every child?

☐ Are these free?

- ☐ If not, are measures being taken to develop the accessibility of secondary education to every child, for example by offering financial assistance to those in need?

☐ Are the legal ages for completion of compulsory education and admission to employment the same?

☐ Where this age is below 15, are steps being taken to raise this age?

☐ Is higher education accessible to all children on the basis of capacity?

☐ Is educational and vocational information and guidance made available and accessible to all children?

☐ What measures have been adopted to encourage school attendance and prevent school drop-out?

Do these measures take into account

- ☐ the child's home circumstances (such as a need to secure an income, to do domestic chores or to work at harvest time)?

How to use the checklists

article 28

- ☐ the appropriate geographical location of schools and their hours and times of opening?
- ☐ the relevance of the curriculum to the child's life and the provision of vocational education?
- ☐ the appropriateness of the curriculum to the child's intellectual development?
- ☐ the child's first language?
- ☐ any special needs of the child (such as disability, sickness or pregnancy)?
- ☐ respect for cultural or religious traditions and gender difference?
- ☐ respect for the child's views?
- ☐ respect for the child's dignity?
- ☐ identification of learning difficulties and help provided to avoid exam failure or forced repetition of grade years or classes?
- ☐ the need to involve the local community in the delivery of education and the need to involve schools in the life of the community?
- ☐ the effectiveness of teacher recruitment and training in preventing school disaffection?

☐ Have all appropriate measures been taken to ensure that all forms of school discipline are consistent with the child's human dignity?

☐ Is corporal punishment prohibited by law in all schools?

☐ Have all appropriate measures been taken to ensure that corporal punishment is never used?

Do all forms of school discipline conform with the Convention, including the child's right

- ☐ not to be discriminated against?
- ☐ to be treated in a manner consistent with his or her evolving capacities?
- ☐ to maintain direct contact with both parents on a regular basis (save where contrary to best interests)?
- ☐ to freedom of expression, thought, conscience and religion?
- ☐ to freedom of association (save where it is necessary to protect others)?
- ☐ to privacy?
- ☐ to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation?
- ☐ to his or her identity, culture and language?
- ☐ to rest and leisure?

- ☐ to social inclusion and reintegration?

☐ Is an appropriate level of development aid sought for, or directed at, educational programmes?

Do programmes of international technical cooperation include

- ☐ teacher training methods?
- ☐ access to scientific and technical knowledge?
- ☐ the effective delivery of primary and secondary education?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 28 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 28 include:

Article 13: freedom of expression
Article 14: freedom of thought, conscience and religion
Article 15: freedom of association
Article 16: protection of privacy
Article 17: access to information and role of media
Article 19: protection from all forms of violence
Article 23: disabled children
Article 24: health (including health education)
Article 29: aims of education
Article 30: children of minorities or of indigenous peoples
Article 31: rest, leisure, play, recreation and culture
Article 32: child labour

Implementation Checklist

article 29

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 29, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 29 is relevant to the **departments of education, health and the environment**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 29 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 29 likely to include the training of **teachers, education administrators, vocational guidance personnel**)?

Specific issues in implementing article 29

- ☐ Have the aims of education been reviewed in the light of the Committee's General Comment (2001)?

Do all forms of education provided for children within the country aim to

- ☐ develop their personalities to their fullest potential?
- ☐ develop their talents to their fullest potential?
- ☐ develop their mental abilities to their fullest potential?
- ☐ develop their physical abilities to their fullest potential?

- ☐ Is the Convention on the Rights of the Child incorporated in school curricula?

article 29

How to use the checklists

- ☐ Are children taught about other human rights principles?
- ☐ Do administrative systems in schools conform with the principles of the Convention?
- ☐ Do teaching methods conform with the principles of the Convention?

Do education institutions, materials and services and educational curricula develop children's respect for

  - ☐ their parents?
  - ☐ their own cultural or national identity, language and values?
  - ☐ the national values of the ratifying country?
  - ☐ the national values of the country from which they originated?
  - ☐ the national values of other civilizations?

- ☐ Do all forms of education aim to prepare children for responsible life in a free society?
- ☐ Do schools practise democratic procedures?
- ☐ Are children given responsibilities and opportunities to practise choice, decision-making and independence?

Are children educated about

  - ☐ health promotion?
  - ☐ sexuality and reproductive health?
  - ☐ social relationships, including mediation and negotiation skills and non-violent conflict resolution?
  - ☐ money management and budgeting?
  - ☐ the law?
  - ☐ responsibilities of community life and citizenship?

- ☐ Does education encourage understanding, tolerance and friendship among all people?

Are measures taken to combat sex discrimination in

  - ☐ the curriculum?
  - ☐ educational materials?
  - ☐ teaching attitudes?
  - ☐ school ethos?

- ☐ Are the children taught non-violent values in the spirit of peace?
- ☐ Do educational institutions prevent all expressions of violence, whether by pupils or teachers?
- ☐ Are measures adopted to combat bullying?
- ☐ Do all forms of education include strategies to develop children's respect for the natural environment?

article 29

How to use the checklists

- ☐ Are private schools permitted?

Do minimum standards require that private schools

  - ☐ do not discriminate?
  - ☐ develop their pupils' abilities to their fullest potential?
  - ☐ teach and practise the values laid out in article 29(1)?
  - ☐ respect the rights of the child under the Convention?
  - ☐ have sufficient and appropriately skilled staff and comply with health and safety requirements?

- ☐ Are measures, such as inspection and regulation procedures, adopted to ensure that the education in all private schools conforms with these standards?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 29 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 29 include:

Article 13: freedom of expression
Article 14: freedom of thought, conscience and religion
Article 15: freedom of association
Article 16: protection of privacy
Article 17: access to information and role of media
Article 24: health (including health education)
Article 28: right to education
Article 30: children of minorities or of indigenous peoples
Article 31: rest, leisure, play, recreation and culture
Article 33: protection from drug abuse
Article 38: children and armed conflict

Implementation Checklist

article 30

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 30, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 30 is relevant to the **departments of education, home affairs, social welfare, health, media and communications**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 30 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 30 likely to include the training of **teachers, social workers and police**)?

Specific issues in implementing article 30

- ☐ Are measures taken to identify population groups of children belonging to an ethnic, religious or linguistic minority or who are of indigenous origin?
- ☐ Are measures taken to ensure that such children are not denied the right to enjoy their own culture in community with members of their group?
- ☐ Are measures taken to ensure that such children are not denied the right to profess or practise their own religion in community with members of their own group?
- ☐ Are measures taken to ensure that such children are not denied the right to use their own language in community with members of their group?

Do these measures include action taken

- ☐ in school?
- ☐ in the mass media?
- ☐ when children are separated for any reason from their parents, family or community?
- ☐ in legal proceedings?

How to use the checklists

article 30

- ☐ Where such children are taught in their mother tongue, are they also taught the majority language?
- ☐ Where such children are, for whatever reason, not fluent in the language used by their minority group, are measures available for teaching them this language?
- ☐ Are the provisions of the Convention, the Initial and Periodic Reports and all proceedings of and with the Committee on the Rights of the Child translated into all minority languages?
- ☐ Are children's rights against interference in their culture, religion and language under this article protected and enforceable in law?
- ☐ Are Government-sponsored campaigns initiated, where necessary, to combat prejudice against minorities or indigenous groups?
- ☐ Have children from these groups been asked whether the measures taken under this article are appropriate or sufficient?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 30 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 30 include:

Article 5: respect for responsibilities of extended family or community for the child
Article 8: right to preserve identity
Article 16: protection from arbitrary interference in family and home
Article 20: continuity of ethnic, religious, cultural and linguistic background if placed away from family
Article 21: intercountry adoption only to be considered if the child cannot be cared for in his or her own country
Article 22: special protection for refugee children
Article 24: protection from traditional practices prejudicial to health
Article 28: education to be provided on the basis of equal opportunity
Article 29: education to be directed to development of respect for all cultures and friendship between all peoples
Article 40: right to an interpreter in the juvenile justice system

Implementation Checklist

article 31

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 31, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 31 is relevant to the **departments of culture and sport, education, labour, health, welfare and planning**)
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 31 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 31 likely to include the training of **play workers, town and environment planners, employment inspectors, administrators of art and culture, artists, teachers and social workers**)?

Specific issues in implementing article 31

- ☐ Are necessary measures taken to secure the right of the child to rest and leisure?
- ☐ Do such measures include prohibitions on children working at night or working throughout all school holiday periods?
- ☐ Have ILO Conventions Nos. 79 and 90 been ratified?
- ☐ Do compulsory school hours and homework regimes allow for rest and leisure periods?
- ☐ Does environmental planning take into account the play needs of children?
- ☐ Does this planning take account of children's views of what is needed?
- ☐ Are play and recreational opportunities appropriate to all ages of children (including preschoolers and teenagers) available without discrimination?
- ☐ Are resources allocated for sports, culture and the arts divided fairly between adults and children?

How to use the checklists

article 31

- ☐ Do all children have reasonable access to all cultural and artistic events?
- ☐ Are there any limitations on the participation of all children in cultural life and the arts?
- ☐ Are cultural and artistic events organized specially for children?
- ☐ Are children given access to cultural and artistic events through financial concessions or discounts?
- ☐ Do disabled children have access to integrated recreational, cultural and artistic activities?
- ☐ Do children in hospital have opportunities for play and recreational activities?
- ☐ Do children in institutions have opportunities for play, sports and recreational, artistic and cultural activities?
- ☐ Do children whose liberty has been restricted have opportunities for physical exercise, recreation and artistic or cultural activities?
- ☐ Are measures taken to ensure that girls have as equal an opportunity as boys for rest, leisure, play and recreation and to enjoy cultural and artistic activities?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 31 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 31 include:

Article 13: freedom of expression
Article 14: freedom of thought, conscience and religion
Article 15: freedom of association
Article 16: protection of privacy
Article 17: access to information, role of the media
Article 28: aims of education
Article 30: respect for minority or indigenous culture
Article 32: child labour
Article 36: protection from exploitation

Implementation Checklist

article 32

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 32, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 32 is particularly relevant to **departments of employment, industry, agriculture, social welfare, education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 32 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 32 likely to include the training of **all those responsible for inspection and enforcing employment legislation, teachers and social workers, and parenting education**)?

Specific issues in implementing article 32

Has the State launched or promoted information campaigns

- ☐ for children themselves on the measures of protection they can benefit from and the risks involved in situations of economic exploitation?
- ☐ for the public, including training activities for professional groups working with or for children, to help achieve effective protection of children against economic exploitation?
- ☐ for employers and potential employers?

Does legislation, policy and practice in the State protect children from

- ☐ economic exploitation?

performing any work which

- ☐ is hazardous?
- ☐ interferes with the child's education?
- ☐ is harmful to the child's health or physical, mental, spiritual, moral or social development?

- ☐ involves cruel, inhuman or degrading treatment, the sale of children or servitude?
- ☐ involves activities in which the child is used for legally punishable criminal acts, such as trafficking in drugs or prohibited goods?
- ☐ is incompatible with the realization of other rights in the Convention?

Has the State

- ☐ ratified the ILO's Worst Forms of Child Labour Convention, 1999 (No.182)?
- ☐ ratified the ILO's Minimum Age Convention, 1973 (No.138)?
- ☐ ratified the ILO's Forced Labour Convention, 1930 (No.29)?
- ☐ considered the implications for law, policy and practice of ILO's Minimum Age Recommendation (No.146)?

☐ If not, is the State considering these actions?

☐ Has the State defined in legislation a minimum age for employment that is equal to the age of completion of compulsory education and not less than 15?

☐ Has the State considered adjusting the periods of compulsory education with any seasonal patterns of work for families?

☐ Has the State defined in legislation 18 as the minimum age for admission to any type of employment or work that by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons?

☐ Has the State defined in legislation or by the decision of a competent authority the types of employment or work to which this minimum age of 18 applies?

Has the State defined in legislation limited exemptions

- ☐ prescribing the conditions under which children are allowed to do work in schools or other training institutions for general, vocational or technical education?
- ☐ enabling those aged 14 and over to do work as an integral part of a course of education or training (consistent with the conditions set out in article 6 of ILO Convention No.138)?
- ☐ defining any forms of "light work" which 13- to 15-year-olds are permitted to perform, which are not likely to be harmful to health or development or prejudice their education?
- ☐ defining hours and conditions for employment or work, if permitted, for those who are at least 15 but have not completed compulsory schooling?
- ☐ allowing limited employment or work for such purposes as participation in artistic performances, through a system of permits granted in individual cases (as set out in article 8 of ILO Convention No.138)?
- ☐ defining hours and conditions for employment of children in all cases in which employment or work is permitted?

☐ Has the State ensured adequate arrangements for medical examinations in connection with child employment?

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How to use the checklists

article 32

In relation to effective enforcement of its legislation on child labour, has the State ensured through legislation and otherwise

- ☐ adequate inspection of situations of work or employment?
- ☐ that employers are required to have and produce on demand proof of age of all children working for them?
- ☐ adequate access for children to effective complaints procedures?
- ☐ appropriate penalties or other sanctions for non-compliance?
- ☐ adequate record-keeping and reporting in relation to any employment of children?
- ☐ the collection of adequate disaggregated data?
- ☐ that the persons responsible for compliance with provisions concerning child labour are defined?

☐ Are appropriate measures taken to reintegrate and rehabilitate victims of harmful or exploitative child labour?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 32 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 32 include:

Article 15: freedom of association (trade unions)
Article 27: adequate standard of living
Article 28: right to education
Article 31: right to leisure, play and recreation
Article 33: illicit production and trafficking in drugs
Article 34: sexual exploitation
Article 35: sale, trafficking and abduction
Article 36: other forms of harmful exploitation
Article 39: rehabilitative care for child victims
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Implementation Checklist

article 33

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 33, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 33 is relevant to the **departments of justice, home affairs, social welfare, education, health, media and public relations**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 33 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 33 likely to include the training of **community and street workers, youth workers, social workers, teachers, police, judiciary, medical and psychological professionals and parent education**)?

Specific issues in implementing article 33

Has the State ratified:

- ☐ the 1961 Single Convention on Narcotic Drugs with its 1972 amending Protocol?
- ☐ the 1971 Convention on Psychotropic Drugs?

- ☐ Do laws clearly prohibit the use of illicit narcotic drugs and psychotropic substances?
- ☐ Do laws clearly prohibit the production and trafficking of these drugs and substances?

How to use the checklists

- ☐ Does the law attach any additional penalties for drug offences committed by adults where children have been sold or given these drugs and substances or where children have been used for their production or trafficking?
- ☐ Does the law prevent the sale of solvents to children without appropriate authorization from parents or other adults?
- ☐ Does the law set a minimum age for the purchase of alcohol and tobacco?
- ☐ Have any surveys been undertaken to assess the scale of drug misuse among children?

Has research been undertaken in relation to drug abuse and children to

- ☐ identify risk factors?
- ☐ identify preventive strategies?
- ☐ identify rehabilitative strategies?

Is drug education and education about alcohol and tobacco a part of

- ☐ primary education currricula?
- ☐ secondary education curricula?
- ☐ youth and community work?
- ☐ parenting education?

- ☐ Are treatment therapies and rehabilitative services, specifically tailored for children who abuse drugs, available in the health or social welfare sectors?
- ☐ Are rehabilitative interventions, based on the best interests of the children concerned, available to parents and other family members who abuse drugs?
- ☐ Are the views of children taken into account when anti-drug policies and strategies are devised and implemented?
- ☐ Do legal interventions aim at rehabilitating rather than punishing children who become involved in drugs?
- ☐ Do professionals and judiciary in the juvenile justice system coordinate with professionals in the health, education and social work sectors in responding to drug offences by children?
- ☐ Are measures taken to protect young people in closed or locked institutions from exposure to drugs?
- ☐ Are there public campaigns to discourage the use of drugs by the young?
- ☐ Are such campaigns evaluated?
- ☐ Are parents and other adults informed about the early symptoms of drug abuse in children and about sources of help?

How to use the checklists

article 33

Reminder: **The Convention is indivisible and its articles are interdependent. Article 33 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 33 include:

Article 17: mass media, dissemination of information
Article 19: protection from all forms of maltreatment by parents and other carers
Article 24: health and health services
Article 29: education to prepare children for responsible life in a free society
Article 32: protection from hazardous or exploitative work
Article 37: protection for children deprived of liberty
Article 39: rehabilitative care
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Implementation Checklist

article 34

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 34, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 34 is relevant to **departments of justice, law enforcement, health, social welfare, and education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 34 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 34 likely to include the training of **all those working with children and their families, teachers, social and community workers, health workers, police, judges and court officials, and parenting education**)?

Specific issues in implementing article 34

- ☐ Has the State considered the implications for law, policy and practice of the Declaration and Agenda for Action of the 1996 World Congress against Commercial Sexual Exploitation of Children and the 2001 Yokohama Global Commitment and developed a national agenda for action?
- ☐ Has the State carried out and/or promoted education and information strategies against sexual exploitation of children?
- ☐ Has the State ensured the dissemination of appropriate sex education and other information for children?

article 34

How to use the checklists

- ☐ Has the State established an age or ages below which the child is deemed to be unable to consent to sexual activities and ensured there is no discrimination on grounds of sexual orientation?
- ☐ Has the State defined unlawful sexual activity involving children?
- ☐ Has the State introduced appropriate legislative, educational and social measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity?
- ☐ Has the State ensured that the child victim of such coercion, inducement or exploitative use is not criminalized?
- ☐ Has the State reviewed all measures to protect children from sexual exploitation to ensure that measures do not further abuse the child in the process of investigation and intervention?

Has the State introduced appropriate legislation and/or other measures to prevent the exploitative use of children

- ☐ in prostitution or other unlawful sexual practices?
- ☐ in pornographic performances and materials?
- ☐ through access to "sex telephones"?

- ☐ Has the State established appropriate procedures to give children effective access to complaints procedures and to the courts in cases involving sexual abuse and exploitation, including within their family?

Has the State ensured appropriate measures to protect particularly vulnerable groups, including

- ☐ disabled children?
- ☐ domestic servants?
- ☐ children in institutions, including those whose liberty is restricted?

- ☐ Has the State introduced legislative and/or other measures to provide child witnesses in cases involving sexual exploitation with appropriate support and protection?

In relation to child pornography, is it an offence to

- ☐ possess it?
- ☐ produce it?
- ☐ disseminate it?

- ☐ Has the State reviewed law, policy and practice to ensure appropriate control of child pornography produced and/or disseminated through the Internet and other modern technological means?

How to use the checklists

- ☐ Has the State introduced legislation and/or other appropriate measures to ensure that its nationals can be prosecuted for unlawful sexual exploitation of children in other countries?
- ☐ Is there sufficient recording and reporting of disaggregated data, and other information concerning sexual exploitation of children, to provide an accurate situation analysis?
- ☐ Has the State acceded to and promoted bilateral and multilateral measures to protect the child from sexual abuse and sexual exploitation?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 34 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 34 include:

Article 18: parental responsibilities
Article 19: protection from all forms of violence
Article 20: alternative care
Article 22: refugee children
Article 23: disabled children
Article 24: health and health care
Article 27: adequate standard of living
Article 28: right to education
Article 32: child labour
Article 33: drug abuse
Article 35: sale, trafficking and abduction
Article 38: armed conflict
Article 39: rehabilitative care for child victims
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Implementation Checklist

article 35

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 35, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 35 is relevant to **departments of justice, foreign affairs, home affairs, labour, education, social welfare and health**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 35 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 35 likely to include the training of **police, social workers, adoption agencies staff and health personnel**)?

Specific issues in implementing article 35

- ☐ Have legal and administrative measures been adopted to ensure that children abducted within the jurisdiction are found as speedily as possible and returned?

Has the State ratified or acceded to:

- ☐ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)?
- ☐ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)?

- ☐ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)?
- ☐ ILO Worst Forms of Child Labour Convention (1999)?
- ☐ Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption (1993)?
- ☐ Hague Convention on Civil Aspects of International Child Abduction (1980)?
- ☐ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)?
- ☐ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)?

☐ Are all forms of the sale or trafficking of children illegal, including when perpetrated by parents?

☐ Have legal and administrative measures been adopted to ensure that children cannot be sold into any form of bonded labour?

☐ When bonded labour is being abolished, are measures taken to nullify any debts that have led to children entering such labour?

☐ Is the use of children for the purpose of begging an unlawful activity?

☐ Does the law prohibit any form of improper financial gain from intercountry adoption?

☐ Do all relevant State agencies, in particular the police and welfare services, cooperate internationally in identifying and tracing all forms of cross-border trafficking in children?

☐ Are measures taken to ensure that children who are victims of cross-border trafficking can return safely and lawfully to their country of origin?

☐ Is there a national data base of both missing children and known offenders in child trafficking?

☐ Are measures adopted to assist the prosecution of those engaged in child trafficking outside the jurisdiction?

☐ Does the law prohibit the sale of organs from any living child (save for regenerative tissue)?

☐ Is it unlawful to compulsorily conscript a child (under 18 years of age) into the armed services?

☐ Are child victims of abduction, sale or trafficking treated humanely as victims, not criminals, and provided with all appropriate forms of support and assistance?

☐ Are children's views on the most appropriate measures for preventing their abduction, sale and traffic given due weight?

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How to use the checklists

article 35

Reminder: **The Convention is indivisible and its articles are interdependent. Article 35 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 35 include:

Article 8: preservation of child's identity
Article 11: protection from illicit transfer and non-return
Article 16: protection from arbitrary interference in privacy, family and home
Article 20: children without families
Article 21: adoption
Article 32: child labour
Article 33: drug abuse and trafficking
Article 34: sexual exploitation
Article 36: other forms of exploitation
Article 39: rehabilitative care
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Implementation Checklist

article 36

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 36, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 36 is likely to involve **departments of health, social welfare, labour, media and education**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole).

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 36 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 36 likely to include the training of **media producers, employment officers, social workers, researchers, medical personnel and scientists**)?

Specific issues in implementing article 36

- ☐ Are legal and administrative mechanisms in place to ensure that children are protected from all forms of exploitation?
- ☐ Are welfare agencies empowered to intervene when there is concern that children are undertaking activities, for whatever reason, which impair their overall physical, mental, emotional, spiritual, moral and social development?
- ☐ Do measures prevent the exploitation of children by the media?

How to use the checklists

article 36

- ☐ Do measures prevent the use of children for all forms of research, including medical or scientific experimentation, unless appropriate consents have been obtained from the child and/or child's parents or legal guardians?
- ☐ Is all research and experimentation involving children regulated by a mandatory code of ethical practice?
- ☐ Are measures taken to provide rehabilitative services for children who have suffered from any form of exploitation covered by this article?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 36 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 36 include:

Article 16: protection from arbitrary interference in privacy, family and home
Article 17: responsibilities of the media
Article 32: child labour
Article 34: sexual exploitation of children
Article 35: abduction, sale and trafficking of children
Article 39: rehabilitative care
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Implementation Checklist

article 37

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 37, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 37 is relevant to **departments of justice, home affairs, social welfare, immigration**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 37 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 37 likely to include training for **the judiciary, lawyers, police, all those working in the juvenile justice system and institutional care including detention, and any other forms of restriction of liberty**)?

Specific issues in implementing article 37

- ☐ Is the prohibition of torture and all other cruel, inhuman or degrading treatment or punishment included in legislation specifically applying to all children in the jurisdiction?
- ☐ Is torture defined in this legislation?
- ☐ Are there no exceptions allowed to this legislation under any circumstances?
- ☐ Is capital punishment prohibited in legislation for offences committed by children below the age of 18?

- ☐ Is life imprisonment without the possibility of release not available in any circumstances for under-18-year-olds?
- ☐ Are indefinite or indeterminate sentences not available in any circumstances for under-18-year-olds?

Is any form of corporal punishment prohibited in legislation and not used for under-18-year-olds

- ☐ as a sentence of the courts or a punishment in penal institutions?
- ☐ as a punishment in schools?
- ☐ as a punishment in any other institutions including children?
- ☐ as a punishment in any forms of alternative care?
- ☐ as a punishment within the family?

- ☐ Is solitary confinement of children prohibited under all circumstances?
- ☐ Has the State initiated or promoted awareness-raising and information campaigns to protect children from torture and other cruel, inhuman or degrading treatment?
- ☐ Has the State ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?

Arrest

- ☐ Are all under-18-year-olds treated as children within the justice system?

Does legislation, policy and practice ensure that arrest of children is used

- ☐ only as a measure of last resort?
- ☐ for the shortest appropriate period of time?

Is there a minimum age below which a child

- ☐ cannot be arrested?
- ☐ cannot be detained prior to arrest by police or other authorities?

Do legislation and other measures in the State ensure that any detention of a juvenile prior to arrest is

- ☐ only used as a measure of last resort?
- ☐ for the shortest appropriate period of time?

Deprivation of liberty following arrest

- ☐ Is there a defined maximum period for detention of a child following arrest without a court hearing at which the detention can be challenged?
- ☐ Is there a minimum age below which a child cannot be detained following arrest and prior to a court hearing?

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How to use the checklists

article 37

Does legislation ensure that any detention of a juvenile following arrest is

- ☐ a measure of last resort?
- ☐ for the shortest appropriate time?

Pre-trial deprivation of liberty

Does legislation ensure that any pre-trial detention of a child is

- ☐ a measure of last resort?
- ☐ for the shortest appropriate time?

☐ Is there a minimum age below which a child cannot be detained prior to a trial?

☐ Does legislation ensure that children detained pre-trial are separated from convicted children?

☐ Are alternative measures available to prevent pre-trial detention of children whenever possible?

Deprivation of liberty as a sentence of the courts

☐ Is there a minimum age at which a sentence of imprisonment may be imposed on a child?

☐ Are there no other arrangements that allow for the restriction of liberty of children who are alleged as, accused of or recognized as having committed certain crimes below this minimum age?

Do safeguards exist to ensure that sentences of imprisonment, or sentences that involve the restriction of liberty of a child, are used only

- ☐ as a measure of last resort?
- ☐ for the shortest appropriate time?

Restriction of liberty other than as a sentence of the courts

Is all other legislation permitting the restriction of liberty of under-18-year-olds consistent with article 37 and other articles, wherever such restriction occurs, including

- ☐ in the criminal/juvenile justice system?
- ☐ in the welfare system?
- ☐ in the education system?
- ☐ in the health system including mental health?
- ☐ in relation to asylum-seeking and immigration?
- ☐ in any other circumstances whatsoever, including, for example, for "status" offences?

☐ In each case, does the legislation define a minimum age below which no child (boy/girl) may have his or her liberty restricted?

How to use the checklists

In each case, does the legislation ensure that any detention outside the penal system is

- ☐ a measure of last resort?
- ☐ for the shortest appropriate period of time?
- ☐ not for an indeterminate period?

☐ Is there restriction of liberty of children in circumstances not set out in legislation?

Does legislation exist to prevent arbitrary restriction of liberty of children in

- ☐ State-provided institutions and services?
- ☐ other institutions and services?

☐ Does legislation exist to limit deprivation of liberty of children by parents/guardians/foster parents, and so forth?

Conditions in detention

(See also the detailed standards in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty)

☐ Have the United Nations Rules for the Protection of Juveniles Deprived of their Liberty been incorporated into legislation applying to all situations of deprivation of liberty?

☐ Is there effective inspection and monitoring of all institutions in which children may be deprived of their liberty?

☐ Is the right of the child deprived of liberty to a periodic review of his or her situation and treatment set out in legislation?

☐ Are the details of any restriction of liberty of any child appropriately registered, reported and recorded?

☐ Is disaggregated data available on all children deprived of liberty?

☐ Do all children deprived of liberty have access to effective complaints procedures concerning all aspects of their treatment?

Separation from adults

Are children always separated from adults in detention unless it is considered not to be in the child's best interest

- ☐ prior to arrest?
- ☐ following arrest?
- ☐ prior to trial?
- ☐ following sentence by a court?
- ☐ in the health, including mental health, system?
- ☐ in the welfare system?
- ☐ in relation to asylum-seeking and immigration?
- ☐ in any other situation?

article 37

How to use the checklists

Reminder: **The Convention is indivisible and its articles are interdependent. Article 37 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 37 include:

Article 19: protection from all forms of violence
Article 20: alternative care
Article 22: refugee children
Article 24: restriction of liberty in health service
Article 25: periodic review of placement/treatment
Article 34: protection from sexual exploitation
Article 38: armed conflict
Article 39: rehabilitative care for victims of torture, etc.
Article 40: juvenile justice

Contacts with family while detained

- ☐ Is the right of the child deprived of liberty to maintain contact with his or her family through correspondence and visits set out in legislation?
- ☐ Are any restrictions on this right limited to exceptional circumstances?
- ☐ In case of any restrictions, does the child concerned have a right of appeal to an independent body?

Access to legal and other assistance

Does the child deprived of liberty have the right to prompt legal and other appropriate assistance

- ☐ when detained prior to arrest?
- ☐ on arrest?
- ☐ when detained pre-trial?
- ☐ when detained following a sentence of the courts?
- ☐ when deprived of liberty in any other circumstances?

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Arrangements to challenge restriction of liberty

Does every child deprived of liberty have the right to challenge the deprivation of liberty before a court or some other competent authority

- ☐ when detained before arrest?
- ☐ when detained following arrest?
- ☐ when sentenced to be detained?
- ☐ when their liberty is restricted in other circumstances?

☐ In the case of such challenges of restriction of liberty, does legislation guarantee the child a prompt decision, within a defined period of time?

Implementation Checklist

article 38

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 38, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 38 is relevant to **departments of defence, foreign affairs, home affairs, education, social welfare**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 38 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 38 likely to include training for **all members of armed forces, including peacekeeping forces, social workers, aid workers, psychologists and health workers**)?

Specific issues in implementing article 38

Has the State ratified/acceded to

- ☐ the four Geneva Conventions of 1949?
- ☐ Additional Protocol I?
- ☐ Additional Protocol II?
- ☐ Other international instruments relevant to the protection of children affected by armed conflict?

- ☐ Has the State taken appropriate steps to ensure that children under the age of 15 do not take a direct part in hostilities?
- ☐ Has the State taken appropriate steps to ensure that children under the age of 18 do not take a direct or indirect part in hostilities?
- ☐ Has the State ensured that no child under the age of 18 is conscripted into the armed forces?

Has the State adopted legislation and other appropriate measures

- ☐ to prevent the recruitment of children who have not attained the age of 15 into the armed forces?

- ☐ to give priority to the oldest in recruiting any child under the age of 18?
- ☐ to prevent the recruitment of any child under 18 into the armed forces?

☐ Has the State taken measures to prohibit and prevent the recruitment of any child under the age of 18 by non-government forces?

☐ Has the State ensured that military schools do not recruit students below the age of 18?

☐ Has the State ensured that any military schools which do recruit students below the age of 18 are supervised by the ministry of education rather than of defence?

☐ Has the State ensured that military schools respect the aims for education set out in article 29 of the Convention?

☐ Has the State taken all feasible measures to ensure protection and care of all children affected by armed conflict?

☐ Has the State reviewed and taken appropriate action on the recommendations of the study on the *Impact of Armed Conflict on Children?*

☐ In relation to article 38(4) of the Convention, has the State taken national, bilateral and international action to protect children from anti-personnel mines?

☐ Has the State ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction?

☐ Has the State ratified the Optional Protocol to the Convention on the involvement of children in armed conflict?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 38 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground

Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children

Article 6: right to life and maximum possible survival and development

Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 38 include:

Article 19: protection from all forms of violence

Article 22: refugee children

Article 29: aims of education

Article 34: protection from sexual exploitation

Article 35: abduction and trafficking

Article 37: protection from torture, cruel, inhuman or degrading treatment or punishment

Article 39: rehabilitative care for victims of armed conflict

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

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Implementation Checklist

article 39

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 39, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 39 is relevant to **departments of social welfare, health, employment, justice, defence, foreign affairs**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 39 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 39 likely to include the training of **all those responsible for child protection, teachers, social workers and health workers**)?

Specific issues in implementing article 39

Does the State ensure that appropriate rehabilitative measures, consistent with article 39, are taken to promote physical and psychological recovery and social reintegration of all children within its jurisdiction who are victims of

- ☐ any form of neglect?
- ☐ violence or abuse?
- ☐ sexual abuse?
- ☐ sexual exploitation?
- ☐ drug abuse?
- ☐ economic exploitation?
- ☐ sale or trafficking?
- ☐ torture?
- ☐ any other form of cruel, inhuman or degrading treatment or punishment?
- ☐ armed conflicts?

- ☐ Does the State ensure appropriate recovery and social reintegration for children involved in the juvenile justice system?
- ☐ Has the State taken appropriate measures to ensure that compensation is available for child victims?

- ☐ Has the State reviewed the environment in which such recovery and reintegration takes place in each case to ensure that it fosters the health, self-respect and dignity of the child?
- ☐ Has the State ensured that there is respect for the views of the child victims in planning and implementing programmes for recovery and reintegration, including in individual cases?

Has the State ratified:

- ☐ the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography?
- ☐ the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 39 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 39 include:

Article 19: protection from all forms of violence
Article 22: refugee children
Article 32: child labour
Article 33: drug abuse
Article 34: sexual exploitation
Article 35: sale, trafficking and abduction
Article 36: other forms of exploitation
Article 37: torture or any other cruel, inhuman or degrading treatment or punishment
Article 38: armed conflict
Article 40: juvenile justice
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Implementation Checklist

article 40

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 40, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 40 is relevant to **departments of justice, home affairs, social welfare, education, health**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of article 40 widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to article 40 likely to include the training of the **judiciary, lawyers, police, and all others working in the juvenile justice system, and in support of systems of diversion and prevention**)?

Specific issues in implementing article 40

Does legislation, policy and practice in the State uphold the right of every child in the jurisdiction alleged as, accused of or recognized as having infringed the penal law to be treated in a manner which

- ☐ is consistent with the promotion of the child's sense of dignity and worth?
- ☐ reinforces the child's respect for fundamental human rights and for the fundamental freedoms of others?
- ☐ takes into account the child's age?
- ☐ takes into account the desirability of promoting the child's reintegration?

- ☐ takes into account the desirability of the child assuming a constructive role in society?

☐ In planning its system of juvenile justice, has the State had regard to the relevant United Nations rules and guidelines and to other relevant international instruments?

☐ Does legislation ensure that children cannot come into the criminal justice system because of acts or omissions that were not prohibited by national or international law at the time they were committed?

Does legislation, policy and practice in the State guarantee to any child alleged as or accused of having infringed the penal law the right

- ☐ to be presumed innocent until proved guilty according to the law?

to be informed of the charges against him or her

- ☐ promptly?
- ☐ directly?
- ☐ if appropriate through parents and guardians?

in the preparation and presentation of his defence, to have appropriate

- ☐ legal assistance?
- ☐ other assistance?

to have the matter determined

- ☐ without delay?
- ☐ by a competent and impartial authority or judicial body?
- ☐ in a fair hearing (according to international instruments, including the "Beijing Rules")?
- ☐ in the presence of legal and other appropriate assistance?
- ☐ in the presence – unless judged not to be in the child's best interest, and taking account of the child's age or situation – of parents or legal guardians?
- ☐ in the child's own presence?

not to be compelled

- ☐ to give testimony?
- ☐ to confess guilt?

to be able

- ☐ to examine or have examined adverse witnesses?
- ☐ to obtain the participation and examination of witnesses on his or her behalf under conditions of equality?

if considered to have infringed the criminal law, to have a review by a higher, competent, independent and impartial authority or judicial body according to law,

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- ☐ of the decision?
- ☐ of any measures imposed in consequence thereof?
- ☐ to have the free assistance of an interpreter if the child cannot understand or speak the language used?
- ☐ to have his or her privacy fully respected at all stages of the proceedings?

Are hearings involving children open to

- ☐ the public?
- ☐ representatives of the press?

☐ Are there appropriate limits on press reporting of such hearings and their results?

☐ Does legislation ensure that there are no circumstances in which the identity of a child alleged as, accused of or recognized as having infringed the penal law can be disclosed?

☐ Is there a system of juvenile justice in the State distinctive from that relating to adults?

☐ Are all children up to 18 years of age alleged as, accused of or recognized as having infringed the penal law in the jurisdiction, without exception, dealt with through the system of juvenile justice?

Does the juvenile justice system include, specifically for such children, distinct

- ☐ laws?
- ☐ procedures?
- ☐ authorities?
- ☐ institutions?
- ☐ disposals?

☐ Is a minimum age defined in law below which children are presumed not to have the capacity to infringe the criminal law?

☐ If such an age is defined, are there no circumstances in which a child below that age can be alleged as, accused of or recognized as having infringed the criminal law?

☐ Does legislation, policy and practice provide measures for dealing with children alleged as, accused of or recognized as having infringed the penal law without resorting to judicial proceedings?

- ☐ If so, do safeguards exist for the child who believes him/herself to be innocent?

Are a variety of dispositions available, such as

- ☐ care orders?
- ☐ guidance and supervision orders?
- ☐ diversion to mental health treatment?
- ☐ victim reparation/restitution?
- ☐ counselling?

- ☐ probation?
- ☐ foster care?
- ☐ education?
- ☐ vocational training courses?
- ☐ any other alternatives to institutional care?

Does legislation, policy and practice ensure that children are dealt with in a manner

- ☐ appropriate to their well-being?
- proportionate to
  - ☐ their circumstances?
  - ☐ the offence?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 40 should not be considered in isolation.**

Particular regard should be paid to: The general principles

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles

Articles whose implementation is related to that of article 40 include:

Article 16: right to privacy
Article 19: protection from all forms of violence
Article 20: alternative care
Article 25: periodic review of placement/treatment
Article 37: prohibition of death sentence and life imprisonment; limits on restriction of liberty, etc.
Article 38: armed conflict
Article 39: rehabilitative care for victims

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Implementation Checklist

article 41

- ☐ Has there been a review of national legislation to consider whether it includes or could include provisions more conducive to the rights of the child than those of the Convention?
- ☐ Has there been a review of applicable international law to consider whether it includes provisions more conducive to the rights of the child than those of the Convention?

Implementation Checklist

article 42

General measures of implementation

Have appropriate general measures of implementation been taken in relation to article 42, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (article 42 is relevant in particular to the **departments of education, social welfare, justice – but all departments should be involved**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?

Specific issues in implementing article 42

Has the State taken active steps to make the provisions and principles of the Convention widely known throughout the population

- ☐ to adults?
- ☐ to children?

- ☐ Has the Convention, and information about its implications, been translated into all languages in use throughout the jurisdiction and appropriately disseminated?
- ☐ Has the Convention, and information about its implications, been disseminated in appropriate media for disabled children and adults?

Has the Convention and information about its implications been incorporated into the curriculum of

- ☐ all schools?

How to use the checklists

- ☐ all other educational institutions?

training courses – both initial and in-service – for those working with or for children, including

- ☐ judges?
- ☐ lawyers?
- ☐ law enforcement officials?
- ☐ personnel in detention/correctional facilities?
- ☐ immigration officers?
- ☐ military personnel and United Nations peacekeeping forces?
- ☐ teachers?
- ☐ social workers?
- ☐ those providing psychological support to families and children?
- ☐ those working in institutions for children, including welfare institutions?
- ☐ doctors, health and family planning workers?
- ☐ government officials and decision makers?
- ☐ personnel entrusted with data collection under the Convention?
- ☐ other personnel and professionals working with or for children?

Have programmes for dissemination of the Convention and its principles and provisions involved

- ☐ the mass media?
- ☐ appropriate NGOs and civil society?
- ☐ children's groups?

☐ Have steps been taken to encourage the understanding of the principles and provisions of the Convention by the mass media and by information and publishing agencies?

Has the State undertaken or commissioned research into awareness of the Convention and its principles and provisions among

- ☐ the general public?
- ☐ those working with or for children?
- ☐ children?

Reminder: **The Convention is indivisible and its articles are interdependent. Article 42 should not be considered in isolation. Article 42 requires dissemination of information to adults and children alike about all the principles and provisions of the Convention, in the light of the non-discrimination principle in article 2.**

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Implementation Checklist

article 44

• article 44(6)

Has the State made widely available

- ☐ its Initial Report, and any Periodic Reports?
- ☐ any additional information submitted to the Committee on the Rights of the Child?
- ☐ the summary records of discussions of the Initial and Periodic Reports?
- ☐ the Committee's Concluding Observations on the Initial Report and Periodic Reports?

Have these reports

- ☐ been translated and disseminated in national, local, minority or indigenous languages?
- ☐ been debated in Parliament?
- ☐ been the subject of discussion and debate with appropriate non-governmental organizations?

Implementation Checklist

General measures of implementation

Have appropriate general measures of implementation been taken in relation to the Optional Protocol on the involvement of children in armed conflict, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (the Optional Protocol is relevant to **departments of defence, foreign affairs, home affairs, education, social welfare**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the Optional Protocol, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation in line with article 7 of the Optional Protocol?

(Such measures may be part of an overall governmental strategy for implementing the Convention and the Optional Protocol.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of the Optional Protocol widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to the Optional Protocol likely to include training for **all members of armed forces, including peacekeeping forces, social workers, aid workers, psychologists and health workers**)?

Specific issues in implementing the Optional Protocol

- ☐ Does the State ensure that under-18-year-olds who are members of its armed forces do not take a direct part in hostilities?
- ☐ Does the State ensure that under-18-year-olds are not compulsorily recruited into its armed forces?
- ☐ Has the State raised in years the age for voluntary recruitment into its national armed forces, from that set out in article 38 of the Convention?
- ☐ Has the State deposited a binding declaration setting out the minimum age for voluntary recruitment and describing safeguards adopted to ensure that such recruitment is not forced or coerced?

How to use the checklists

optional protocol

Do these safeguards ensure, as a minimum that

- ☐ recruitment is genuinely voluntary?
- ☐ recruitment is done with the informed consent of the child's parents or legal guardians?
- ☐ those involved are fully informed of the duties involves in such military service?
- ☐ those involved provide reliable proof of age prior to acceptance?

☐ Does the State keep under review the age for voluntary recruitment, with a view to raising it further in years?

☐ Does the State take all feasible measures to prevent recruitment or use in hostilities of under-18-year-olds by other armed groups?

☐ Has the State adopted legal measures to prohibit and criminalize such practices by other armed groups?

☐ Does the State ensure that any children in its jurisdiction recruited or used in hostilities in ways contrary to the Protocol are demobilized or otherwise released from service?

☐ Does the State ensure that such children receive when necessary all appropriate assistance for their physical and psychological recovery and social reintegration?

Reminder: **The Optional Protocol on the involvement of children in armed conflict should not be considered in isolation from the Convention on the Rights of the Child. The Convention is indivisible and its articles are interdependent.**

Particular regard should be paid to: The general principles of the Convention

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles in the Convention

Articles whose implementation is related to that of the Optional Protocol include:

Article 19: protection from all forms of violence
Article 22: refugee children
Article 28: right to education
Article 29: aims of education
Article 34: protection from sexual exploitation
Article 35: abduction and trafficking
Article 37: protection from torture, cruel, inhuman or degrading treatment or punishment
Article 38: armed conflict
Article 39: rehabilitative care for victims of armed conflict

Implementation Checklist

General measures of implementation

Have appropriate general measures of implementation been taken in relation to the Optional Protocol on the sale of children, child prostitution and child pornography, including:

- ☐ identification and coordination of the responsible departments and agencies at all levels of government (the Optional Protocol is relevant to **departments of justice, foreign affairs, home affairs, labour, education, social welfare and health**)?
- ☐ identification of relevant non-governmental organizations/civil society partners?
- ☐ a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?

adoption of a strategy to secure full implementation

- ☐ which includes where necessary the identification of goals and indicators of progress?
- ☐ which does not affect any provisions which are more conducive to the rights of the child?
- ☐ which recognizes other relevant international standards?
- ☐ which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- ☐ budgetary analysis and allocation of necessary resources?
- ☐ development of mechanisms for monitoring and evaluation?
- ☐ making the implications of the Optional Protocol widely known to adults and children?
- ☐ development of appropriate training and awareness-raising (in relation to the Optional Protocol likely to include the training of **police, border staff, court officers, social workers, adoption agencies' staff and health personnel**)?

Specific issues in implementing the Optional Protocol

- ☐ Are all forms of selling children – transactions whereby a child is transferred by any person or group of person to another for remuneration – criminal offences under domestic law?

Is it a criminal offence to offer, deliver or accept a child for the purpose of:

- ☐ sexually exploiting the child?
- ☐ transferring the child's organs for profit?
- ☐ engaging the child in forced labour?

- ☐ Is it a criminal offence to improperly induce consent as an intermediary for the adoption of a child?

How to use the checklists

- ☐ Is it a criminal offence to offer, obtain, procure or provide a child for child prostitution (using the child in sexual activities for any form of gain)?
- ☐ Is it a criminal offence to produce, distribute, disseminate, import, export, offer, sell or possess for any of these purposes, child pornography (any representation of the child engaged in any sexual activity or any representation of the sexual parts of children for a sexual purpose)?
- ☐ Do these criminal offences have appropriate penalties, reflecting their grave nature?
- ☐ Are there provisions for the seizure or confiscation of any goods relating to or proceeds derived from these offences?
- ☐ Are measures available to close premises used to commit these offences?
- ☐ Are all forms of advertising or promoting these offences prohibited?
- ☐ Are legal entities (for example companies) liable for these offences?
- ☐ Does domestic criminal law in relation to these offences apply to all foreign nationals who commit them within the jurisdiction?
- ☐ Are these offences included as extraditable offences in all treaties and agreements between the State and other countries?
- ☐ Does the State provide the greatest measures of assistance to all other countries in the investigation, prosecution or seizure of property relating to the commission of these offences?
- ☐ Are child victims kept fully informed about their rights and about the details of any criminal cases relating to their exploitation?
- ☐ Do all stages of the criminal justice procedures recognize vulnerability of child victims and give primary consideration to their best interests?
- ☐ Is special training, particularly legal and psychological, provided for those who work with child victims?
- ☐ Are criminal justice procedures adapted to accommodate children's special needs as witnesses?
- ☐ Are child victims supported throughout legal processes?
- ☐ Are the views, needs and concerns of child victims ascertained and considered in any proceeding affecting their personal interests?
- ☐ Is the privacy of child victims fully protected within the criminal justice system?
- ☐ Does the law prohibit any form of identification of child victims?
- ☐ Is appropriate provision made available where necessary to protect child victims and their families or witnesses on their behalf from intimidation or retaliation?
- ☐ Are appropriate measures available where necessary to protect the safety and integrity of those who are involved in helping child victims?
- ☐ Is unnecessary delay avoided in all cases involving child victims and in the delivery of compensation?

How to use the checklists

optional protocol

- ☐ Does the State disseminate information to children and the general public, through education, training and publicity, about the harmful effects of sale of children and child sexual exploitation and how to prevent these activities?
- ☐ Are children involved in the preparation of this information?
- ☐ Are adequate measures taken for the full social reintegration and recovery of child victims?
- ☐ Do child victims have access to procedures to seek compensation from those legally responsible?
- ☐ Does the State give full cooperation and support to agencies, both within the jurisdiction and internationally, which aim to prevent, detect and punish those committing these offences?
- ☐ Does the State give full cooperation and support to agencies, within the jurisdiction and internationally, which assist child victims?

Reminder: **The Optional Protocol on the sale of children, child prostitution and child pornography should not be considered in isolation from the Convention on the Rights of the Child. The Convention is indivisible and its articles are interdependent.**

Particular regard should be paid to: The general principles of the Convention

Article 2: all rights to be recognized for each child in jurisdiction without discrimination on any ground
Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children
Article 6: right to life and maximum possible survival and development
Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child

Closely related articles in the Convention

Articles whose implementation is related to that of the Optional Protocol include:

Article 8: preservation of child's identity
Article 11: protection from illicit transfer and non-return
Article 16: protection from arbitrary interference in privacy, family and home
Article 20: children without families
Article 21: adoption
Article 32: child labour
Article 33: drug abuse and trafficking
Article 34: sexual exploitation
Article 35: prevention of abduction, sale and trafficking
Article 36: other forms of exploitation
Article 39: rehabilitative care
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

How to use the "Implementation Checklists"

The Checklists have no official status. Each Checklist has been drafted to help all those involved in implementation – Governments, UNICEF and other United Nations agencies and international bodies, NGOs and others – to investigate the implications of the article for law, policy and practice and to promote and evaluate progress towards implementation.

The Checklists concern implementation, not reporting. They should not be confused with the official *Guidelines* for reporting prepared by the Committee on the Rights of the Child to advise States Parties in the preparation of Initial and Periodic Reports under the Convention (relevant extracts from these Guidelines are included under each article in the *Handbook*).

Each Checklist includes a reminder that no article should be considered in isolation – that the Convention is indivisible and its articles interdependent. The Checklists emphasize that in implementing each article, regard should be paid to the "general principles" highlighted by the Committee on the Rights of the Child and that other articles which are particularly closely related should be identified.

Each Checklist starts with a standard set of questions about general measures of implementation for the article in question: have the responsible government departments and other agencies been identified and appropriately coordinated, has there been a comprehensive review and adoption of an implementation strategy, budgetary analysis and allocation of resources, development of monitoring and evaluation and necessary training and so on. Further questions relate to the detail of implementation.

The questions are drafted so that they can be answered "YES", "NO", "PARTIALLY" or "DON'T KNOW" (insufficient information available to assess implementation). Answering "yes" or "no" to the questions which make up each Checklist does not necessarily indicate compliance or non-compliance with the Convention.

The Checklists can be used as the basis from which to develop more detailed and sensitive checklists for national or local use. Beyond the basic "YES", "NO" or "DON'T KNOW" answers, the questions provide a framework for collecting together the relevant information to build up a full analysis of and commentary on implementation.

So if the answer to a Checklist question is "YES", a summary could follow of the relevant law, policy and practice, and references to more detailed information which confirms the realization of the particular right for all relevant children. If "NO", an outline of the situation, and a summary of action required for compliance could be made. The answer "PARTIALLY" would be accompanied by information on the state of implementation, and on further action required. If the answer is "DON'T KNOW", there could be a summary of available information and an outline of the gaps in information which make it impossible to determine the state of implementation of the particular right.