

Research Summary: Arts, Karin. "Twenty-Five Years of the United Nations Convention on the Rights of the Child: Achievements and Challenges." 2014. *Netherlands International Law Review*, 61(3):267-303.

In commemoration of the 25<sup>th</sup> Anniversary of the United Nations Convention on the Rights of the Child (CRC), Karin Arts reviewed the Convention's achievements and challenges over the past twenty-five years. She highlights four primary achievements: it established a standard that is comprehensive in scope and geographical application; it establishes universal but culturally sensitive standards to accommodate diversity; it has stimulated extensive law reform; and finally, it has led to the development of an independent CRC Committee which monitors state compliance by engaging in constructive dialogue.

However, Arts is careful to provide a nuanced view of each achievement. The CRC's lack of references to gender issues, she argues, is a crucial oversight. Although the CRC refers to "sex" as a prohibited ground for discrimination, its failure to address gender dimensions of certain rights violations is a weakness. On the other hand, she notes, when the CRC does reference the gender dimension in sexual exploitation of children, it is not done in a careful enough manner, and risks perpetuating stereotypes and limiting help available to young male victims. Furthermore, although the CRC has near-global ratification, many states have registered reservations, and she explores examples in further detail.

Arts argues that one of the main strengths of the CRC is that its wording allows for cultural diversity in implementation, but also holds certain fundamental rights as universal. Thus, while a state may determine that the legal age of majority is lower than 18, or if its laws around adoption differ as in Islamic states, or that consultation with indigenous communities is necessary to determine best practices, certain fundamental rights like the right to life or to birth registration are absolute. This permits protection of children without necessarily imposing a strictly "western" conception of child rights. Linked to this concept is that the CRC has contributed to expansive law reform as "one of the most tangible achievements," providing the basis for child-specific legislation in many countries that, before ratification, had no accommodations for children at all. Although the passing of legislation has been astonishing, the implementation of this legislation has been less so, and some critics argue that "European-style" laws have been passed that may not best fit the national legal regimes. Still, many states have embedded CRC principles into their constitutions, providing a long-term stickiness of the norms of rights protection.

In conclusion, Arts offers some insight on some of the most pressing shortcomings of the CRC, notably its inability to address child's rights violations in the private sphere. According to UNICEF, about four out of five children aged 2 to 14 are subject to violent discipline in the home. Article 19(1) is ground-breaking in that it obliges the state to interfere in private and family life if a child is subject to violence, abuse, or neglect, but there remains much work to be done to ensure that this protection is exercised. The achievements of the CRC should not be understated: it has created international norms, arguably on the level of customary international law, that have radically changed the discourse on child's rights. To expand its impact, however, policymakers must remain cognizant of the Conventions weaknesses and work to enhance its protections.

*Research summary prepared by Devony Schmidt, Child Protection Hub for South East Europe, 2015.*