

THEMATIC CLUSTERS OF RIGHTS - CRC

1. The treaty-specific report should contain information according to the “clusters” of rights established by the Committee (see below). The State party should indicate progress made and challenges encountered in achieving full respect for the provisions of the Convention and the Optional Protocols, if applicable. In particular, the State party should provide specific information on actions taken to implement the recommendations in the Committee’s previous concluding observations as they relate to each cluster of rights. Information required in relation to the implementation of the provisions of the Optional Protocols are specifically indicated.¹

1. **General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

2. Information relating to specific reservations and declarations relating to the Convention and the Optional Protocols, and efforts to limit or withdraw them, should be included in this section of the treaty-specific report. The reasons for any reservation or declaration relating to any article of the Convention or the Optional Protocols, if applicable, should be explained and its continued maintenance clarified. States parties to the Optional Protocol on the involvement of children in armed conflict (OPAC) that have indicated an age below 18 years in their binding declaration (art. 3) regarding the minimum age for voluntary enlistment into the national forces should indicate whether the minimum age has been raised.

3. In this section, the State party should provide relevant and up-to-date information in relation to the Convention and the Optional Protocols, if applicable, on the following:

(a) Measures taken to review and bring domestic legislation and practice into full conformity with the Convention and the Optional Protocols. States parties to OPAC and OPSC should provide details of relevant penal and other applicable legal provisions for each Optional Protocol;

(b) Whether a comprehensive national strategy for children and a corresponding plan or plans of action have been adopted and to what extent they have been implemented and evaluated; whether and how they form part of the overall development strategy and public policies; and whether and how they relate to specific sectoral strategies and plans. In the case of federal governments, whether plans for children extend beyond the federal or central level and to what extent;

(c) Which government authority has overall responsibility for coordinating the implementation of the Convention and the Optional Protocols, and with what level of authority;

(d) Whether the budget allocated for the implementation of the Convention and the Optional Protocols is clearly identified and can be monitored as it relates to the comprehensive national strategy for children and corresponding plan(s);

(e) Whether international assistance and development aid are provided specifically for the implementation of the Convention, the Optional Protocols and related national strategies and plans;

(f) Whether an independent national human rights institution for monitoring the implementation of the Convention and the Optional Protocols has

¹ States parties providing information on the Optional Protocols in the treaty-specific report may also refer to the reporting guidelines for the Optional Protocols for guidance on what to include.

been established and if it receives individual complaints from children or their representatives. States parties to OPAC should indicate whether the institution is mandated to monitor military schools and the military, and if voluntary enlistment in the armed forces is permitted below the age of 18 years;

(g) Measures taken to make the principles and provisions of the Convention and its Optional Protocols widely known to adults and children through dissemination, training and integration into school curricula;

(h) Efforts undertaken or foreseen to make reports and concluding observations widely available to the public at large, civil society, business organizations, labour unions, religious organizations, the media and others, as appropriate;

(i) Cooperation with civil society organizations, including non-governmental organizations and children's and youth groups, and the extent to which they are involved in the planning and monitoring of the implementation of the Convention and the Optional Protocols.

4. Under this cluster, States parties should provide information on whether the activities of business corporations (extractive, pharmaceutical, agro-industry, among others) that are likely to affect the enjoyment by children of their rights are evaluated, and whether measures are taken to investigate, adjudicate, repair and regulate the impacts.

5. Under this cluster, States parties should also take into account the Committee's general comments No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child; No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child; and No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.

2. Definition of the child (art. 1)

6. In this section, the State party should provide relevant and up-to-date information with respect to article 1 of the Convention concerning the definition of the child in its domestic laws and regulations. If the age of majority is below the age of 18 years, the State party should indicate how all children benefit from protection and enjoy their rights under the Convention up to the age of 18 years. The State party should indicate the minimum age for marriage for girls and boys in its legislation.

3. General principles (arts. 2, 3, 6 and 12)

7. Under this cluster, States parties should provide relevant information on:

- (a) Non-discrimination (art. 2);
- (b) Best interests of the child (art. 3);
- (c) The right to life, survival and development (art. 6);
- (d) Respect for the views of the child (art. 12).

8. Information complementing that contained in the common core document should be provided on special measures taken to prevent discrimination (art. 2) and to ensure that children in disadvantaged situations are able to enjoy and exercise their rights. Information should be provided, when appropriate, on measures to combat gender-based discrimination and to ensure the full enjoyment of their rights by children with disabilities, children belonging to minorities and indigenous children.

9. States parties should provide up-to-date information on legislative, judicial, administrative or other measures in force, particularly on how the principles of the best interests of the child (art. 3) and respect for the views of the child (art. 12) are addressed and implemented in legislative, administrative and judicial decisions.

10. With regard to the right to life, survival and development (art. 6), information should be provided on measures taken to ensure that children enjoy this right without discrimination. States parties should indicate measures taken:

(a) To guarantee that capital punishment is not imposed for offences committed by persons under 18 years;

(b) To register deaths and extrajudicial killings of children;

(c) To prevent child suicide and eradicate infanticide and measures on other relevant issues affecting the right to life, survival and development of children.

11. Under this cluster, States parties should take into account the Committee's general comments No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration; No. 12 (2009) on the right of the child to be heard; and No. 11 (2009) on indigenous children and their rights under the Convention.

4. Civil rights and freedoms (arts. 7, 8, and 13–17)

12. Under this cluster, States parties should provide relevant and up-to-date information in respect of the following:

(a) Birth registration, name and nationality (art. 7);

(b) Preservation of identity (art. 8);

(c) Freedom of expression and the right to seek, receive and impart information (art. 13);

(d) Freedom of thought, conscience and religion (art. 14);

(e) Freedom of association and of peaceful assembly (art. 15);

(f) Protection of privacy and protection of image (art. 16);

(g) Access to information from a diversity of sources and protection from material harmful to a child's well-being (art. 17).

13. If appropriate, information may also be provided on the particular role of the media with regard to the promotion and protection of child rights.

5. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

14. Under this cluster, States parties should provide relevant and up-to-date information regarding the following:

(a) Abuse and neglect (art. 19);

(b) Measures to prohibit and eliminate all forms of harmful practices, including, but not limited to, female genital mutilation and early and forced marriages (art. 24, para. 3);

(c) Sexual exploitation and sexual abuse (art. 34);

(d) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37 (a) and 28, para. 2);

(e) Measures to promote the physical and psychological recovery and social reintegration of child victims (art. 39);

(f) The availability of helplines for children.

15. Under this cluster, States parties should take into account the Committee's general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment; No. 13 (2011) on the right of the child to freedom from all forms of violence; and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 (2014) of the Committee on the Rights of the Child on harmful practices.

6. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)

16. Under this cluster, States parties should provide relevant and up-to-date information on the principal legislative, judicial, administrative or other measures in force, regarding the following:

(a) Family environment and parental guidance in a manner consistent with the evolving capacities of the child (art. 5);

(b) Parents' common responsibilities, assistance to parents and provision of childcare services (art. 18);

(c) Separation from parents (art. 9);

(d) Family reunification (art. 10);

(e) Recovery of maintenance for the child (art. 27, para. 4);

(f) Children deprived of a family environment (art. 20);

(g) Periodic review of placement (art. 25);

(h) Adoption (national and intercountry) (art. 21);

(i) Illicit transfer and non-return (art. 11);

(j) Measures to ensure the protection of children with incarcerated parents and children living in prison with their mothers.

17. Under this cluster, States parties should take into account the Committee's general comment No. 7 (2005) on implementing child rights in early childhood and consider the Guidelines for the alternative care of children (General Assembly resolution 64/142, annex).

7. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33)

18. Under this cluster, States parties should provide relevant and up-to-date information in respect of children with disabilities and measures taken to ensure their dignity, self-reliance and active participation in the community, through access to all kinds of services, transportation and institutions, and in particular to education and cultural activities (art. 23).

19. Under this cluster, States parties should provide relevant and up-to-date information in respect of:

(a) Survival and development (art. 6, para. 2);

(b) Health and health services, in particular primary health care (art. 24);

(c) Efforts to address the most prevalent health challenges, to promote the physical and mental health and well-being of children and to prevent and deal with communicable and non-communicable diseases;

(d) Reproductive health rights of adolescents and measures to promote a healthy lifestyle;

(e) Measures to protect children from substance abuse (art. 33).

20. Under this cluster, States parties should also provide information on:

(a) Social security and childcare services and facilities (arts. 26 and 18, para. 3);

(b) Standard of living and measures taken, including material assistance and support programmes with regard to nutrition, clothing and housing, to ensure children's physical, mental, spiritual, moral and social development, and to reduce poverty and inequality (art. 27, paras. 1–3).

21. Under this cluster, States parties should take into account the Committee's general comments No. 3 (2003) on HIV/AIDS and the rights of the child; No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child; No. 9 (2006) on the rights of children with disabilities; and No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24).

8. Education, leisure and cultural activities (arts. 28–31)

22. Under this cluster, States parties should provide relevant and up-to-date information in respect of laws and policies, their implementation, quality standards, financial and human resources and any other measures to ensure the full enjoyment by children of the respective rights, from early childhood to tertiary and vocational education and training, in particular by children in disadvantaged and vulnerable situations with reference to the following:

(a) The right to education, including vocational training and guidance (art. 28);

(b) The aims of education (art. 29) with reference also to the quality of education;

(c) Cultural rights of children belonging to indigenous and minority groups (art. 30);

(d) Education on human rights and civic education;

(e) Rest, play, leisure, recreation and cultural and artistic activities (art. 31).

23. Under this cluster, States parties should take into account the Committee's general comments No. 1 (2001) on the aims of education; No. 7 (2005) on implementing child rights in early childhood; No. 9 (2006) on the rights of children with disabilities; No. 11 (2009) on indigenous children and their rights under the Convention; and No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).

9. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40)

24. Under this cluster, States parties should provide relevant information on measures taken to protect:

(a) Children outside their country of origin seeking refugee protection (art. 22), unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration;

- (b) Children belonging to a minority or an indigenous group (art. 30);
- (c) Children in street situations;
- (d) Children in situations of exploitation, including measures for their physical and psychological recovery and social reintegration:
 - (i) Economic exploitation, including child labour (art. 32), with specific reference to applicable minimum ages;
 - (ii) Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances (art. 33);
 - (iii) Sexual exploitation and sexual abuse (art. 34);
 - (iv) Sale, trafficking and abduction (art. 35);
 - (v) Other forms of exploitation (art. 36);
- (e) Children in conflict with the law, child victims and witnesses of crimes and juvenile justice:
 - (i) The administration of juvenile justice (art. 40), the existence of specialized and separate courts and the applicable minimum age of criminal responsibility;
 - (ii) Children deprived of their liberty and measures to ensure that any arrest, detention or imprisonment of a child shall be used as a measure of last resort and for the shortest amount of time and that legal and other assistance is promptly provided (art. 37 (b)–(d));
 - (iii) The sentencing of children, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a)) and the existence of alternative sanctions based on a restorative approach;
 - (iv) Physical and psychological recovery and social reintegration (art. 39);
 - (v) The training activities developed for all professionals involved with the system of juvenile justice, including judges and magistrates, prosecutors, lawyers, law enforcement officials, immigration officers and social workers, on the provisions of the Convention, the Optional Protocols as applicable, and other relevant international instruments in the field of juvenile justice, including the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex);
- (f) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39).

25. Under this cluster, States parties should take into account the Committee's general comments No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin; No. 10 (2007) on children's rights in juvenile justice; and No. 11 (2009) on indigenous children and their rights under the Convention.

10. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

26. States parties to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography should provide information on:

- (a) Implementation of the recommendations in the Committee's previous concluding observations under the Optional Protocol;

(b) Any major developments concerning legal and policy measures taken towards the implementation of the Optional Protocol, including whether all acts defined under arts. 2 and 3 have been incorporated in the criminal legislation of the State party and whether extraterritorial jurisdiction over such crimes has been exercised;

(c) Measures to establish liability of legal persons for offences under the Optional Protocol;

(d) Prevention measures and promotion of awareness of the harmful effects of the offences under the Optional Protocol;

(e) Measures taken to provide social reintegration and physical and psychological recovery for child victims of offences under the Optional Protocol and to ensure that they have access to procedures to seek compensation;

(f) Measures adopted to protect children who have been victims and/or witnesses of the practices prohibited under the Optional Protocol during all stages of the criminal justice process;

(g) Efforts to promote international cooperation and coordination concerning the prevention, detection, investigation, prosecution and punishment of the offences covered by the Optional Protocol, among national authorities and relevant regional or international organizations, and relevant national and international non-governmental organizations;

(h) Steps taken to support international cooperation to assist the physical and psychological recovery, social reintegration and repatriation of victims of the offences covered by the Optional Protocol, including bilateral aid and technical assistance; and support for the activities of international agencies or organizations;

11. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

27. States parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict should provide information on:

(a) The implementation of the recommendations in the Committee's previous concluding observations under the Optional Protocol;

(b) The minimum age for military conscription;

(c) The minimum age for voluntary enlistment;

(d) Any major developments concerning legal and policy measures taken towards the implementation of the Optional Protocol, and whether jurisdiction over such crimes has been exercised, including extraterritorially;

(e) Whether children have directly taken part in hostilities;

(f) Measures taken to provide for the physical and psychological recovery of children who have been recruited or used in hostilities, through, inter alia, technical cooperation and financial assistance;

(g) Whether child asylum seekers and migrants are screened in order to identify children affected by armed conflict, and whether children so identified are provided with adequate assistance for their physical and psychological recovery;

(h) Whether children have been charged for war crimes committed while they were recruited or used in hostilities.