



UNCRC General Comments

UN Convention on the Rights of the Child

November 2013

Introduction

General Comments to the UN Convention on the Rights of the Child (UNCRC) are directed to the governments of those countries which have ratified the UNCRC). Their purpose is to widen and deepen understanding of a particular aspect of the UNCRC, and to reflect the changing conditions under which children grow up. In 2013 the UN Committee on the Rights of the Child (the UN Committee) published four new General Comments to the UNCRC.

What is a general comment?

UN General Comments are official documents of the United Nations. They are the UN's interpretation of the content of human rights treaties. General Comments vary but typically contain a description of the significance of the article, definitions, legal analysis, links to other international treaties or protocols and guidance on implementation of the UNCRC. Furthermore, the comments can be used by national and local Government to guide implementation, and by non-governmental organisations and individuals to advocate for children's rights.

The General Comments published by the UN Committee in 2013 are:

1. *General comment No. 14: The right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1).*

This explores in depth the right of the child to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions, both in the public and private matters – which is one of the fundamental values of the UNCRC. The UN Committee has identified “best interests” as one of the four general principles of the UNCRC for interpreting and implementing all the rights of the child. The concept of the child's best interests is aimed at ensuring both the full and effective enjoyment of all the rights recognised in the UNCRC and the holistic development of the child. The main objective of this general comment is to strengthen the understanding and application of the right of children to have their best interests assessed and taken as a primary consideration. Its overall objective is to promote a real change in attitudes leading to the full respect of children as rights holders. The general comment includes a in-depth explanation of the meaning and concept of “best interest”; a legal analysis and link to the UNCRC; and a guideline for implementation and assessment.

2. *General comment No. 15: The right of the child to the enjoyment of the highest attainable standard of health (art. 24).*

This general comment is based on the importance of approaching children's health from a child-rights perspective. It was prepared with the aim of providing guidance and support to States parties and other duty bearers to support them in respecting, protecting and fulfilling children's right to the enjoyment of the highest attainable standard of health. States have an obligation to ensure that all duty bearers have sufficient awareness, knowledge and capacity to fulfil their obligations and responsibilities, and that

children's capacity is sufficiently developed to enable them to claim their right to health. The general comment includes principles and premises for realising children's rights; normative content of article 24; obligations and responsibilities by state and non-state actors to respect, protect, and fulfil the right of the child; international cooperation to support developing nations to achieve the rights of the child; and a framework for dissemination and implementation.

3. *General comment No. 16: The impact of the business sector on children's rights.*

The UN Committee recognises that the business sector's impact on children's rights has grown in past decades due to globalisation and market liberalisation which have impacted on human rights. Business plays an essential role in societies and economies to advance the realisation of children's rights through many different ways: for example, technological advances, investment and the Decent Work agenda. However, the realisation of children's rights is not an automatic consequence of economic growth and business enterprises. Therefore, business can also have a negative impact on children's rights. The present general comment draws from the experience of the UN Committee in reviewing State parties reports. It is also informed by regional and international consultations with numerous stakeholders. The general comment includes a consideration for different aspects of private and not for profit businesses and defines a general nature and scope of State obligations with regards to children's rights and the business. In addition, the general comment outlines a framework for implementation and dissemination.

4. *General comment No.17: The right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).*

The UN Committee is concerned by the poor recognition given by States on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art.31). Therefore, this general comment has been developed to address these concerns, raise the profile, awareness and understanding among States of the importance of article 31 in the life and development of every child. Furthermore, the general comment urges States to elaborate measures to ensure implementation. The main objective of this comment is to enhance the understanding of the importance of article 31 for children's well-being and development. The general comment includes the significance of article 31 in children's rights; a legal analysis of article 31; a description of how article 31 links to the rest of the UNCRC and how to create the appropriate context for the realisation of article 31. It highlights the State's responsibility to respect, protect and fulfil children's rights and provides a guideline for dissemination of article 31 at the local and national government level.

About Together

Together (formerly known as the Scottish Alliance for Children's Rights) is an alliance of children's charities that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland. We have over 240 members ranging from large international and national non-governmental organisations (NGOs) through to small volunteer-led playgroups and after school clubs, alongside individuals, academics and professionals with an interest in children's rights.

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