

ASSIST –RWANDA

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DECLARATIONS ON CHILD RIGHTS

1. DECLARATIONS ON CHILD RIGHTS

1.1 Definition of a child

A child means every human being below the age of 18 years old as stated by the Declaration of the AFRICAN Twenty-sixth ordinary session of the Assembly of Heads of States and Government of the OAU, Addis Ababa, Ethiopia- July 1990.

There are several rights of children and duties that are contained in the AFRICAN Charter on the rights and welfare of the child that was adopted by the twenty-sixth ordinary session of the Assembly of Heads of States and Government of the OAU, Addis Ababa, Ethiopia- July 1990.

And there are also contained in the 2004-Pere Castor Editions Flammarion called “Les droits des enfant” Unicef.

As stated in this book, children no longer occupy the place they used to occupy in our society.

In the centuries, they were considered as small animals which can be cleaned with out any advice.

In the 16th Century the idea of considering them as vulnerable livings which needed protection but in the 20th century there was development of the notion of the rights of children which was realized in a universal manner.

In 1989, the International Convention relative to child rights; **rights on Health, rights to identity, rights to education**, the totality of the world’s countries ratified the text except the USA and Somalia.

In this presentation, there is a combination of the two editions and all rights are fusioned into ten main child rights.

2. KINDS OF RIGHTS OF CHILDREN

2.1 RIGHTS TO NON-DISCRIMINATION

Every child should be entitled to the enjoyment of the rights and freedoms recognized and guaranteed irrespective of the child’s parents or legal guardian’s race, ethnic group, colors, sex, language, relation, political or other opinion, national and social origin, fortune, birth or other status.

2.2 RIGHTS TO NAME AND NATIONALITY

This means that;

- Every child shall have the right from his/her birth to a name.
- Every child shall be registered immediately after birth.
- Every child has the right to acquire a nationality.

This requires that all states shall undertake to ensure that their constitutional legislations recognizes the principles according to which a child shall acquire the nationality of the state in the territory of which he has been born, if, at the time of the child's birth he/she was not guaranteed nationality by any other state in accordance with its laws.

2.3 RIGHT TO FREEDOM OF EXPRESSION, THOUGHT, CONSCIOUS AND RELIGION.

Every child who is capable of communicating his/her own views, should be assured the rights to express his opinions freely in all matters and to disseminate his opinions subject to such restrictions and he/she should have the right to freedom of thought, conscience and religion.

2.4 RIGHT TO THE FAMILY

The family should be the natural unit and basis of society. He /She enjoy the protection and support of the state for his/her establishment and development.

The following cases affect children;

- Parental authoritative ways of child development
- Separation of parents (divorce).
- Adopted children
- Family, extended family and tribe
- Sexual violence.

2.5 RIGHT TO EDUCATION

Every child should have the right to education. The education of the child shall be directed to;

2.6 The promotion and development of child's personality, talents and mental, physical abilities to their fullest potential.

2.7 The fastening of respect for human rights and fundamental freedoms, with particular reference to those set out in the provisions of various peoples and human rights declarations and conventions.

2.6 RIGHT TO HEALTH AND HEALTH SERVICES.

Every child should have the right to enjoy the best attainable state of physical, mental and spiritual health.

There should be measures;

- To reduce infant and child mortality rate
- To combat disease and malnutrition with in the frame work of primary health care through the application of appropriate technology.

2.7 RIGHT TO PROTECTION AGAINST CHILD ABUSE, TORTURE AND EXPLOITATION

There should be specific legislative, administrative social and educational measures to protect the child from all forms of torture, inhuman or degrading treatments and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.

Several ways of child abuse, torture and exploitations have been seen and some of these cases include;

- Dangerous conditions of work
- Slavery ways of exploitation
- Infantile prostitution
- Victims of war
- Children soldiers.

2.8 ADMINISTRATION OF JUVENILE JUSTICE

Every child accused or found guilty of having infringed penal law should have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child respect for human rights and fundamental freedoms of others.

Some of the cases that are mostly identified in this type of Violation;

- Access to human rights
- Torture
- Adult proximity
- Death penalty
- Provisioned detention
- Access to defense -Futile motifs
 - Poisoned children
 - Detention conditio

2.9 RIGHT TO LEISURE, RECREATION AND CULTURAL ACTIVITIES

They should be respected of their need to participate in leisure and rest to engage in play and recreational activities to the age of the child and to participate freely in cultural life and arts.

There should be respect and promotion of the right of the child to fully participate in cultural and artistic life and should encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.