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THE CONVENTION ON THE RIGHTS OF THE CHILD

*Karin Söder**

Selma Lagerlöf, 1909 Nobel Prize in Literature winner, promoted the first campaign arranged by Save the Children Sweden, which was founded in 1919.¹ Earlier that year Save the Children England was established.² The founders in both countries were women, journalists, authors, and others who had realized how terribly the children in Europe had suffered during and after World War I.³ These activist women felt that they had to do their utmost to convince the world that it was time to give all children a safe childhood and protect their human rights as children. They managed to create worldwide momentum, mostly among women. As a result, in 1924 the League of Nations adopted the Geneva Declaration.⁴ It was the first international instrument explicitly acknowledging children's rights.⁵ Many people believed that the international situation for children would improve if and when the ideas of the declaration were realized. World War II once again created a terrible situation and suffering for children in many countries, and the United Nations (U.N.) was established in 1946, one year after the war.⁶ Early on, the U.N. concerned itself with the rights of the child.⁷ It adopted a new declaration in 1959,⁸ and in 1976, pro-

* Swedish Minister for Foreign Affairs 1976–1978, Chairperson of Save the Children Sweden 1983–1995, and President of the Nordic Council 1984–1985 and 1989–1990.

¹ Save the Children Sweden, <http://www.savethechildren.se/About-Us/The-organization/> (last visited Mar. 9, 2010).

² Save the Children U.K., <http://www.savethechildren.org.uk/en/102.htm#BEGINING> (last visited Mar. 9, 2010).

³ *See id.*

⁴ Geneva Declaration of the Rights of the Child, *adopted* Sept. 26, 1924, League of Nations, O.J. Spec. Supp.21 at 43 (1924)

⁵ Adam Lopatka, *An Introduction to the United Nations Convention on Rights of the Child*, 6 *TRANSNAT'L L. & CONTEMP. PROBS.* 251, 257 (1996).

⁶ U.N. Charter, *available at* <http://www.un.org/en/documents/charter/index.shtml>.

⁷ *See generally* U.N. Global Issues, Children, <http://www.un.org/en/globalissues/children/index.shtml> (last visited Mar. 9, 2010).

⁸ Declaration of the Rights of the Child, G.A. Res. 1386 (XIV), U.N. Doc. A/4354 (Nov. 20, 1959), *available at* <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/142/09/IMG/NR014209.pdf?OpenElement> [hereinafter Declaration of the Rights of the Child].

claimed 1979 the “International Year of the Child.”⁹ At that time, I was Secretary of Internal Affairs in Sweden and charged with reporting the result of the 1959 declaration. The reports from many U.N. Member States were discussed, and the need for a binding convention was obvious.¹⁰ The Polish government proposed that the U.N. prepare a convention on the rights of the child in 1978,¹¹ and the U.N. Member State reports were very useful in the drafting process. The Polish proposal indicated, in the words of scholar Sharon Detrick, that “it was time to take further and more consistent steps by adopting a more internationally binding instrument in the form of a convention.”¹²

In the U.N. debate on the proposed convention, our representative said, “The Swedish Government looks favourably at any international efforts aimed to strengthening the rights of the child. Since a convention dealing with this important subject could be a valuable new instrument, the Swedish Government is prepared to participate actively in its drafting.”¹³ Our government continued to participate in the years to come.

Many Swedish non-governmental organizations (NGOs) were also involved in this work, especially Save the Children Sweden. The 90,000 members of the Swedish clubs followed and discussed the drafting process, which was made possible by an active representative in Geneva watching the developments and introducing our ideas and expectations to the drafting committee. On November 20, 1989, the General Assembly of the U.N. adopted the Convention on the Rights of the Child.¹⁴ The U.N. Assembly resolution from that day “[c]alls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expresses the hope that it will come into force at an early

⁹ G.A. Res. 31/169, U.N. Doc. A/RES/31/169 (Dec. 21, 1976), *available at* <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/303/52/IMG/NR030352.pdf?OpenElement>.

¹⁰ *See* SHARON DETRICK, *A COMMENTARY ON THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD* 15 (1999).

¹¹ U.N. Doc. E/CN.4/L.1366 (Feb. 7, 1978); *see also* U.N. Doc. E/CN.4/1292, 122-27 (Mar. 8, 1978), *available at* <http://documents-dds-ny.un.org/doc/UNDOC/GEN/G78/077/09/pdf/G7807709.pdf?OpenElement> (last visited Mar. 10, 2010).

¹² *See* DETRICK, *supra* note 10, at 15.

¹³ Comment of Swedish Representative to the U.N., U.N. Doc. E/CN.4/1324, 16 (Dec. 27, 1978), *available at* <http://documents-dds-ny.un.org/doc/UNDOC/GEN/G79/100/13/pdf/G7910013.pdf?OpenElement>.

¹⁴ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3, *available at* <http://www2.ohchr.org/english/law/pdf/crc.pdf> [hereinafter CRC].

date.”¹⁵ Sweden was one of the first Member States to ratify the Convention.¹⁶ The implementation could begin, and for me, as a member of the Swedish Parliament, it was a happy day.

Save the Children Sweden initiated many activities to educate the population about the Convention, explaining and discussing every Article. Young and old people were involved in this work, and nowadays the Swedish Parliament and media often refer to the Convention on the Rights of the Child in debates concerning children. The Convention has become a living part of the public life and is an instrument to be used for the protection of all children in the world, both collectively and individually. Unfortunately, some states, including the United States, still have not ratified the Convention.¹⁷ It is almost impossible to know why the United States has not also committed to this goal, widely ratified by most of the world’s states.¹⁸ The signatories have demonstrated their respect for the dignity and rights of the child and are prepared to enforce those rights because “mankind owes to the child the best it has to give.”¹⁹

As a member of the Swedish Parliament from 1971–91, as Secretary of State from 1976–78, and as Secretary of Internal Affairs from 1979–82, it has been my privilege to follow and take part in the development of children’s rights, as well as a fascinating journey with many obstacles, but many more steps forward. The implementation of the Convention is a work in progress and requires constant surveillance.

The work that my friend Maria Grahn-Farley presents in this symposium is an important contribution to the debate in the United States about the Convention and bolsters the arguments of Convention supporters. Maria is a very experienced person on this subject. As a young student she was appointed to the Board of Save the Children Sweden while I was serving as Chairperson. Maria took a very active part in the implementation of the Convention, especially among young people and in schools. In her academic career, she has focused her studies and research on children’s

¹⁵ G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (Nov. 20, 1989), *available at* <http://www.un.org/documents/ga/res/44/a44r025.htm>.

¹⁶ The CRC was signed by Sweden on January 26, 1990. It was ratified by Sweden on June 29, 1990. See U.N. Convention on the Rights of the Child, Status Report, <http://treaties.un.org/doc/Publication/MTDS6/Volume%20I/Chapter%20IV/IV-11-en.pdf.11&chapter=4&lang=en> (last visited Mar. 15, 2010).

¹⁷ Somalia and the United States have not ratified the CRC. *Id.*

¹⁸ *Id.*

¹⁹ Declaration of the Rights of the Child, *supra* note 8.

rights, as well as all human rights. She is now recommending ways to overcome United States constitutional obstacles, which have been cited as reasons for not ratifying the Convention. I hope the United States ratifies very soon.