CHILDREN'S RIGHTS

CHILD FRIENDLY BOOKLET







SIMPLIFIED VERSION CHILDREN'S RIGHTS BOOKLET

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EXECUTIVE SUMMARY

Habari ya leo! This is a child friendly version of the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on Rights and Welfare of the Child (ACRWC). This booklet has been simplified to help children like you, your parents and teachers to understand your rights as a child.

This booklet has been prepared by Plan International with the financial support of the Government of Norway, through the Norwegian Agency for Development Cooperation (Norad)

You will read about an exciting story on four children who have been learning about their rights in their day to day experiences in school and at home.

There are many rights that you will learn from reading this short story and what children like you have done to make their life better in school and at home.

We will also learn about the people that came up with the children's rights and how you can talk to, or reach to them with any suggestions.

Also, after reading the booklet and feel you need to talk to us about violation of your rights, you can reach us on: +254 20 276 1000

HAPPY READING!

INTRODUCTION AND BACKGROUND

The UNCRC and the ACRWC is a human rights treaty document (a final agreement between countries) that sets out political, civil, economic, cultural, social and health rights of children.

The UN general assembly adopted the convention and ratified it in the year 1990. A total of 196 countries are a party to the agreement.

The countries, including Kenya, that signed this agreement are bound to it by international law. A special UN committee on the rights of the child monitor the countries to ensure that they adhere to the agreement.

In 1990, the Organization of African Union (OAU), now called The African Union (AU), came up with an agreement that defines the rights and welfare of the child.

It takes keen note on African countries and just like the UNCRC, it also has a special committee of experts that ensures countries adhere to the rights and welfare of children all over in Africa

This simplified booklet is to help you understand and know your rights as a child.

GLOSSARY OF TERMS

A Right: A power or liberty to which one is justly entitled, or a thing to which one has a just claim.

Alternative Reports: These are reports produced by NGO's and children's organizations, which are submitted to the Committee alongside the main Government report.

Article: A division in a legal document, or simply, parts.

Committee on the Rights of the Child or the Committee: A group of 18 experts on children's rights nominated by state parties to examine reports on children on behalf of United Nations.

Convention: A legally binding agreement between states.

Declaration: Is not legally binding but it carries moral weight

because it is adopted by the international community.

Government: A body that can make and enforce laws within a country.

Human Rights: Refers to the idea of people having universal rights.

NGO's (Non Governmental Organizations): Organizations that are not part of Government. An example is Plan International.

Principle: A moral rule, e.g. because of my principles towards education, I always come to school on time.

UNCRC: United Nations Convention on the Rights of the Child.

ACRWC: African Charter on Rights and Welfare of the Child.

HOW TO USE THIS BOOKLET

- 1. The following booklet summarizes the African Charter on the Rights and Welfare of the Child (ACRWC) and the United Nations Convention on Children's Rights (UNCRC) in form of a story.
- 2. The articles of both the ACRWC and UNCRC do not appear in a chronological order. The short story uses examples in the life of four school going children to help the reader internalize and understand the applications of the articles using real life examples.
- 3. For reference purposes, both the ACRWC and UNCRC documents appear in the annex pages of the booklet.
- 4. The articles in the UNCRC part 2, i.e. articles 42-54, are captured in summary and are not part of the story but captured in the booklet in form of a narration.
- 5. The articles of ACWRC in chapter 2 and chapter 3 are also not covered in the story but captured in summary in the booklet in form of a narration. The articles of ACWRC 32-48 are included in a special notes section in the booklet in form of a narration.

CHARACTER INTRODUCTION



JABER



HALIMA



PATEL



NARUBU



KAMAU

Good morning class, let us review this lesson on Children's rights. The United Nations Convention on the Rights of the Child (UNCRC) has listed children's rights that have been agreed to by almost every country in the world. These rights are based on four principles, which are:





Right to life, survival and development.



The African Charter on Rights and Welfare of the African Child (ACRWC) ratified the children's rights in African Union in 1990. This charter adapted the rights to be more applicable to the African child. The Kenyan government in accordance with Article 1 of the ACRWC recognized these rights and domesticated them by including it in its constitution in chapter 141 which is the children's act of 2001. Kenyan government has made great effort to protect your rights. If you read and find some articles of UNCRC and ACRWC are not covered in the children's act, the law of Kenya should be followed concerning your rights as stated in Article fourty one (41) of the UNCRC. As per Article four (4) of the UNCRC, the government has a responsibility to make sure your rights are protected. They must create an environment where you can grow and reach your potential. It is your right to know this according to Article seventeen (17) of the UNCRC that states that every child had the right to information that is important for your wellbeing from books, computers and other sources.

Yes. Article fourty two
(42) of the UNCRC says we
have the right to know our
rights and adults should
help us learn them. Thank
you teacher for helping us
to learn our rights.



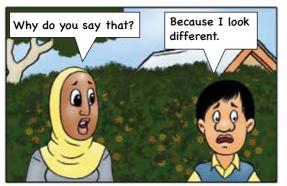
You are welcome. Remember, continue coming to school. You have a right to good quality education as written in Article twenty eight (28) of the UNCRC. Thank your parents for encouraging you to come to school.



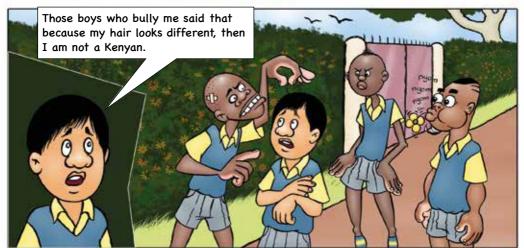
I really liked today's lesson about children's rights. Now I know that Article two (2) of the ACRWC says any person under the age of 18 years is a child.

True. Article one (1) of the UNCRC says that these rights are for every child who is under 18. But I don't think these rights are for me.









That is not true. Article eight (8) of the UNCRC says, you have the right to an identity and no one can take this away from you. You are a Kenyan by birth because your parents are Kenyan citizens. How you look does not matter at all.

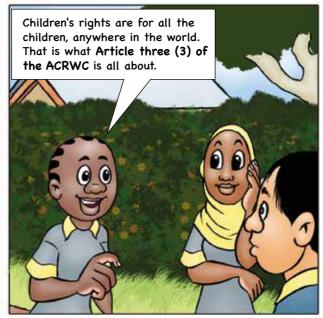


Me too. Even though my parents were refugees, I was born in Kenya. Since I am not living in a refugee camp, I was granted safety and I am a citizen of Kenya and I am entitled to a birth certificate. I have a birth certificate that shows all my three names. Remember, teacher told us about Article six (6) of the UNCRC which says that it is the right of every child to be given a name and to be registered at birth.

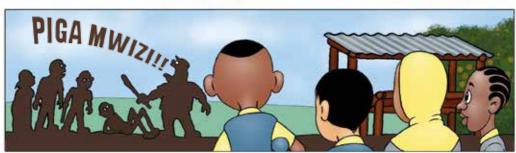


Yes, the government of Kenya has been protecting families and children seeking refugee status according to international laws. These are found in Article 23 of the ACRWC.

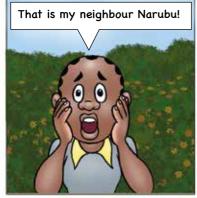






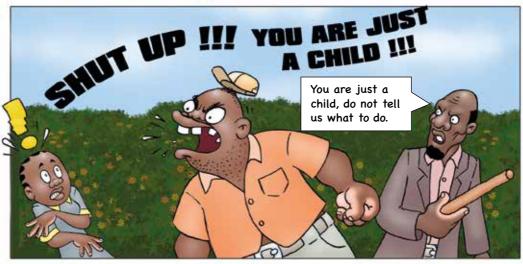


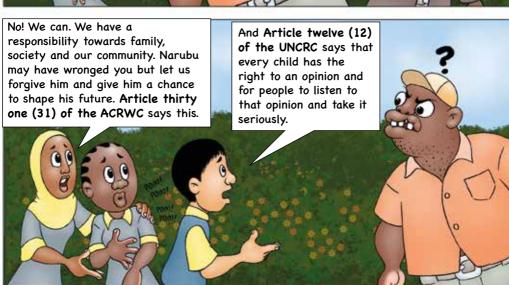




Stop! Do not harm Narubu. Every child has a right to life according to Article five (5) of the ACRWC. Also, do not punish or harm a child in a harmful way according to Article thirty seven (37) of the UNCRC.



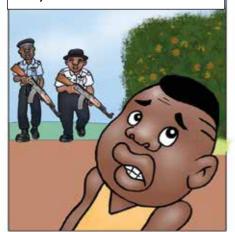






Wait a minute. The children are right. They should be allowed to speak and we should listen to them. I don't want this young boy to be killed even though he stole my fish.

I remember reading Article forty (40) of the UNCRC that says every child has a right to legal help and fair treatment in the justice system. Here comes the policemen. They will deal with the matter.

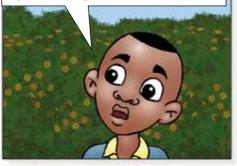




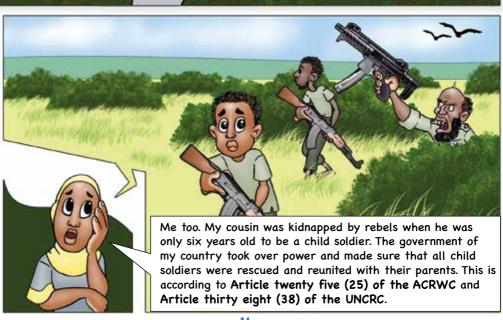
I don't like fighting. It is what made my parents run away from their country.



You are blessed to have your parents living with you. Remember Article ten (10) of the UNCRC says that the government should ensure you have a right to be together with your parents.







Sorry Halima. Article eleven (11) of the UNCRC says that children should not be kidnapped so as Article twenty nine (29) of the ACRWC that prohibits trafficking of children to be used for bad things like fighting in a war.

Also, Article twenty two (22) of the ACRWC says that children should never have to be in the army or fight in a war and Article twenty three (23) of the ACRWC says that governments should protect children who are refugees. I hope one day he will be set free.

That reminds me. I do not think I will be free to come for the dance practice anymore.



My father said that I should spend my time doing house work and studying only. As children, it is our responsibility to help our parents do some housework and balance that with rest. Children have the right to play and rest according to Article 31 of the UNCRC and article 12 of the ACRWC.

Also to take part in cultural activities like the dance.

I do not think he knows that it is my right. According to Article five (5) of the UNCRC, your family has the responsibility to help you exercise your rights and

ensure your rights are protected. I will discuss with him Article three (3) of the UNCRC that says all adults should do what is best for you and think about how their decisions affect children.

Article fifteen (15) of the UNCRC says you have the right to be with your friends and join or create clubs like our dance club.



(9) of the ACRWC and Article fourteen (14) of the UNCRC say that every child has the right to think what they like and be in whatever religion they want to be with his or her parent's quidance. Let's all pray that Halima's father will let her

come for dance

practice.

Article nine



Let me go to the mosque, every child has a right to choose religion and beliefs according to Article fourteen (14) of the UNCRC.

Let me go to the temple.

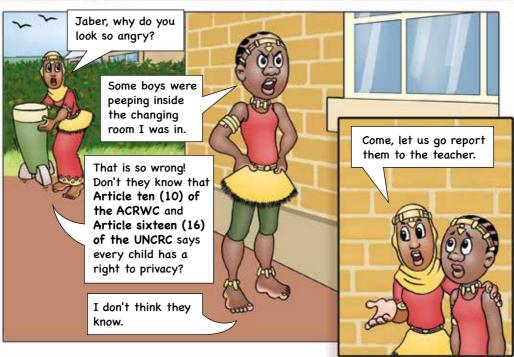


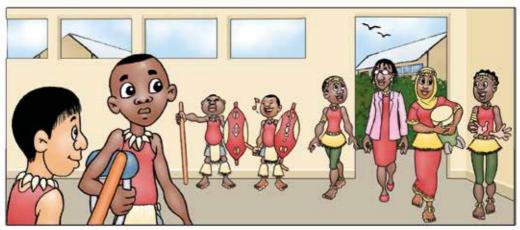
I agree. Let me go to the church.















It is part of my culture and religion so I have a right to wear it. Article thirty (30) of the UNCRC says that if a child is from a minority group, he or she has the right to enjoy his or her own culture, practice his or her own religion and use his or her own language. And Article eleven (11) of the ACRWC



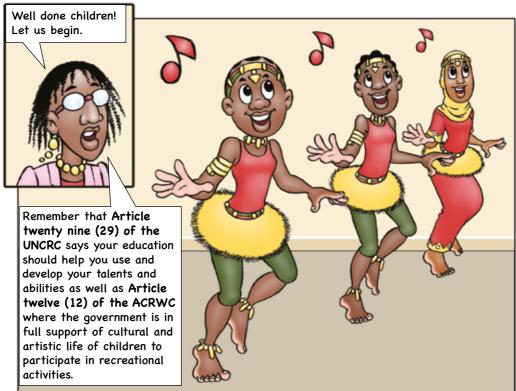
That is right. Do you know what your part in the dance is?

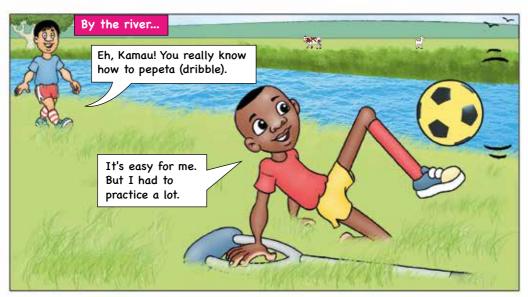


Yes. I will be playing the part of the girl who is found selling fish in the market instead of going to school. Article fifteen (15) of the ACRWC and Article thirty two (32) of the UNCRC say that children should be protected from doing dangerous work or work that will interfere with school time, play time, pray time or family time.

Article twenty one (21) of the ACRWC says that the government should stop bad practices like child marriage. Also, Article twenty seven (27) of the UNCRC and Article thirty four (34) of the ACRWC say that children should be protected from sexual abuse. We should stop bad practices like child marriage and Female Genital Mutilation (FGM). I will play the role of advocating against FGM.

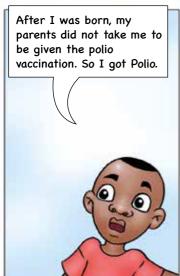


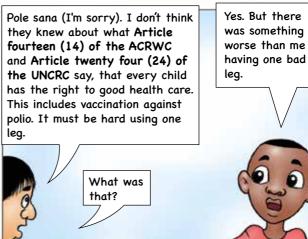














The way my uncle treated me. My parents left me with him when they came here to work. My uncle was so cruel to me. I felt that he didn't follow Article thirty six (36) of the UNCRC and Article fifteen (15) of the ACRWC that children have a right to protection from any exploitation and child labor. Article twenty one (21) of the UNCRC says I have a right to protection if adopted or in foster care. He used to lock me up in a room all day and give me only one meal everyday. He would give me too much work to handle as a child. He didn't know I had the right to food, clothing and a safe place to live and denied me what a normal child should have according to Article twenty seven (27) of the UNCRC.

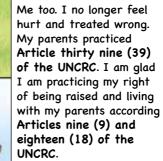
I am sorry to hear that. You can do anything any other child can do! You can even pepeta better than me! Your uncle did not know about Article sixteen (16) of the ACRWC and Article nineteen (19) of the UNCRC that say that children should be protected from all forms of torture or Article twenty (20) of the ACRWC and Article three (3) of the UNCRC, which say that parents or people responsible for children should always do what is best for the child.

I am happy you live with your parents now and you are safe. If they knew better they would have reported to a government officer at the children's department in the county. Article twenty six (26) of the UNCRC says the government should help the poor and those in need and Article twenty five (25) of the UNCRC says that if you live away from home, your basic needs should be met. Finally, the right to education for children with special needs is provided for in Article twenty three (23) of the UNCRC.



My parents on the other hand separated two years ago. A children's advisor told them that their divorce should not affect me in any way so mum and dad still love me and meet me when they can. Article eighteen (18) of the ACRWC talks about this.

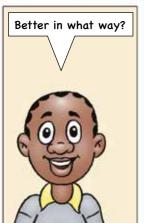
That is true. He also did not know about Article thirteen (13) of the ACRWC and Article twenty three (23) of the UNCRC which protect children with disabilities. I am glad that Article nine (9) of the UNCRC and Article nineteen (19) of the ACRWC say that when it is possible, children have the right to live with their parents and that no child should be separated from his or her parents against his or her will.





The food in this school is much better than the one I was in.





It is always a balanced diet. Proteins, carbohydrates and vitamins.

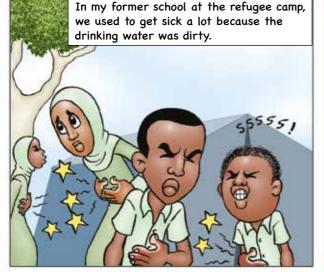


Drinking water should be boiled. I know they boil drinking water here in school and we also boil our drinking water at home. I am happy that our school knows Article fourteen (14) of the ACRWC and Article twenty four (24) of the UNCRC that it is our right to have a nutritious meal and access to clean drinking water.

The water is

and safe for drinking.

also clean





I am also happy that our school knows about Article twelve (12) of the UNCRC. It encourages children to take part in governance and making decisions.





Yes. The school encourages we the pupils to elect our class president/prefect where sharing our thoughts by talking or writing to the school administration helps us practice Article thirteen (13) of the UNCRC.



And when we elected Jaber, the school respected our decision and recognized Jaber's talent and skill of making good decisions about school matters. The school will ensure that all actions and decisions concerning children have the best interest of the child according to Article four 4 of the ACRWC.



Or when Jaber helped the school administration in deciding the cleaning duties children should have. Every child should be responsible for keeping their environment at home and school clean. Like the time Jaber chose a very good location where the school toilet could be built. She also planned a meeting at the school hall to address the misuse of technology like watching pornography over the internet.



Oh I see now! Like when Jaber pushed for a peaceful assembly to discuss security of the school with county and school authorities as stated in Article eight (8) of the ACRWC.





Narubu! You are not in jail?



If a mother is taken to prison, her child needs to be protected and given special care according to Article thirty (30) of the ACRWC.

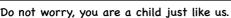
No, because I am only sixteen (16) years old they gave me a lighter punishment. They also took me to the hospital and I was treated for the injuries I got. While I was at the police station, there was a young mother who had been arrested and the government official said that she could not be in prison with her child unless unless the child was provided with special care.

They know about Article seventeen (17) of the ACRWC which says that every child who has broken the law should get special treatment and Article thirty seven (37) of the UNCRC that says that every child has the right not to be punished in a cruel or hurtful way.

(3)

Why did you steal from Mama Mboga? I drank chang'aa and I did not know what I was doing. So don't be like me. Do not drink Chang'aa or smoke bhang.

Even Article twenty eight (28) of the ACRWC and Article thirty three (33) of the UNCRC say that children should be protected from the use of dangerous drugs like bhang and chang'aa. You are all lucky to have good parents. I have lived in the streets all my life. I wish I was adopted as a child. The government ensures that there is a proper system to protect adopted children and to grow and develop like any other child according to Article twenty four (24) of the ACRWC.





Thank you my friends. I'll see you in school next week



Everyone under 18 has these rights.

All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.

All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

The government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential.



Your family has the responsibility to help you learn to exercise your rights, and to ensure that your rights are protected.

You have the right to be alive.

You have the right to a name, and this should be officially recognized by the government. You have the right to a nationality (to belong to a country).

You have the right to an identity – an official record of who you are. No one should take this away from you.

You have the right to live with your parent(s), unless it is bad for you. You have the right to live with a family who cares for you.

If you live in a different country than your parents do, you have the right to be together in the same place.

You have the right to be protected from kidnapping.

You have the right to give your opinion, and for adults to listen to and take it seriously.



You have the right to find out things and share what you think with others, by talking, drawing, and writing or in any other way unless it harms or offends other people.

You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you.

- You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others.
- You have the right to special care and help if you cannot live with your parents.

- You have the right to privacy.
- You have the right to care and protection if you are adopted or in foster care.
- You have the right to get information that is important to your well being, from radio, newspapers, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need.
- You have the right to be raised by your parent(s) if possible.
- You have the right to be protected from being hurt and mistreated, in body or mind.



You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), as well as all the rights in this Convention.

You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life.

You have the right to the best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.

If you live in care or in other situations away from home, you have the right to have these living arrangements looked at regularly to see if they are the most appropriate.



You have the right to help from the government if you are poor or in need.

You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.



You have the right to practice your own culture, language and religion - or any you choose. Minority and indigenous groups need special protection of this right.

You have the right to play and rest.

You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly.

You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

You have the right to protection from harmful drugs and from the drug trade.

Your education should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people.

You have the right to be free from sexual abuse.

No one is allowed to kidnap or sell you.

- You have the right to protection from any kind of exploitation (being taken advantage of).
- If the laws of your country provide better protection of your rights than the articles in this Convention, those laws should apply.
- No one is allowed to punish you in a cruel or harmful way.
- You have the right to know your rights! Adults should know about these rights and help you learn about them, too.
- You have the right to protection and freedom from war. Children under 15 cannot be forced to go into the army or take part in war.
- You have the right to help if you've been hurt, neglected or badly treated.
- You have the right to legal help and fair treatment in the justice system that respects your rights.



Member States of the Organization of African Unity Parties will recognize the rights, freedoms and duties in this Charter and will adopt laws these rights. Any custom, tradition, cultural or religious practice that is inconsistent with these rights are discouraged.

A child means every human being below the age of 18 years.

Every child should be allowed to enjoy the rights and freedoms in this Charter, regardless of his or her race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.

If children can voice their opinions, then those opinions should be heard and taken into consideration during legal and administrative proceedings.



Every child has a right to live.

Every child has the right to be named and registered at birth.

Every child who is capable of communicating his or her own views should be allowed to express his or her opinions freely.

- Every child has the right to free association and freedom of peaceful assembly, in conformity with the law.
- Children have a right to play and to participate fully in cultural and artistic life.

- Every child has the right to freedom of thought, conscience and religion.
- Every child who is mentally or physically disabled has the right to special protection to ensure his or her dignity, promote his self-reliance and active participation in the community.

- Children have a right to privacy.
- Every child has the right to an education, to develop his or her personality, talents and mental and physical abilities to their fullest potential. This education also includes the preservation and strengthening of positive African morals, traditional values and cultures. Governments should also take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.
- Every child shall has the right to enjoy the best attainable state of physical, mental and spiritual health. This includes the provision of nutritious food and safe drinking water, as well as adequate health care.



- Children should be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with their physical, mental, spiritual, moral, or social development.
- Children should, whenever possible, have the right to live with their parents. No child should be separated from his or her parents against his or her will, except when authorities believe is would be in the child's best interest.
- Children should be protected from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse.
- Parents or other persons responsible for the child should always act in the best interest of the child.

- Every child accused or found guilty of having broken the law should receive special treatment, and no child who is imprisoned or should be tortured or otherwise mistreated.
- Families are the natural unit and basis for society, and should enjoy special protection.

- Governments should do what they can to stop harmful social and cultural practices, such as child marriage, that affect the welfare and dignity of children.
- Children should not be recruited as soldiers, nor should they take a direct part in fighting wars.
- Refugee Children should receive appropriate protection and humanitarian assistance.
- Children who are separated from their parents should get special protection and should be provided with alternative family care. States should also take all possible steps to trace and re-unite children with parents.
- States should address the special needs of children living under regimes practicing racial, ethnic, religious or other forms of discrimination.



- Children should be protected from all forms of sexual exploitation and sexual abuse.
- Children should be protected from the use of narcotics and illicit use of psychotropic substances.
- Governments should take appropriate measures to prevent the abduction, the sale of, or traffic of children for any purpose.

States should provide special treatment to expectant mothers and to mothers of infants and young children who have been accused or found guilty of breaking the law.

Children have responsibilities towards their families and societies, to respect their parents, superiors and elders, to preserve and strengthen African cultural values in their relation with other members of their communities.



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