

Article 2 of the United Nations Convention on the Rights of the Child: Non-Discrimination and Children's Rights

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Abstract

Non-discrimination is a fundamental principle of human rights law and is embraced in Article 2 of the United Nations Convention on the Rights of the Child. This chapter focusses on two key issues: the grounds of discrimination applicable to children and young people under Article 2 and the nature of the obligation placed on States Parties. It begins by exploring the grounds identified by the drafters and those that generated most debate in the course of their deliberations. Using textual analysis and the work of the United Nations Committee on the Rights of the Child and other bodies, it then probes the content of the obligations on States Parties and the extent to which their responsibility for ensuring non-discrimination has evolved into a positive obligation to promote equality. It concludes by identifying the prevalence and manifestations of discrimination perpetrated against children and young people around the world today.

Keywords: United Nations Convention on the Rights of the Child; discrimination; Article 2; child; parent; guardian; equality; CRC; UNCRC



Introduction

The long-standing principle of non-discrimination is enshrined in the UN Charter, where one of the purposes of the organisation is stated as “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”.¹ That ethos is reflected in the International Bill of Human Rights where the fundamental principle of non-discrimination is repeated and the grounds of prohibited discrimination are expanded to include “political or other opinion, national or social origin, property, birth or other status.”² Regional human rights instruments take a similar approach.³

The landmark United Nations Convention on the Rights of the Child (CRC) continues that tradition, embracing non-discrimination in Article 2. Along with the three other general principles of the CRC,⁴ Article 2 underpins the Convention as a whole, applying to all the sectoral rights it guarantees to children and young people.

This chapter sets the scene for those that follow and focusses on two key issues: the grounds of discrimination applicable to children and young people under Article 2 and the nature of the obligation placed on States Parties. The chapter begins by examining the grounds that the drafters of the Convention identified as relevant and, in particular, those that generated most debate in the course of their deliberations. Textual analysis is then employed in probing the duties incumbent on states under the provision. The work of the United Nations Committee on the Rights of the Child (UNCRC) and other bodies, amplifying these obligations, will be

used to drill down further, exploring the extent to which the responsibility for ensuring non-discrimination has evolved into an obligation to promote equality, either equality of opportunity or equality of outcomes. Finally, the nature and manifestations of discrimination perpetrated against children and young people around the world today will be surveyed.

Drafting: which children may need protection?

When the drafters of the CRC turned their attentions to the issue of discrimination, they did not come cold to their task since their deliberations took place in the context of the non-discrimination ethos of the United Nations and a developing corpus of human rights jurisprudence.⁵ In addition, they had the first Polish draft, modelled on the Declaration of the Rights of the Child of 1959,⁶ with which to work. It contained the following two provisions:

Article I

Every child, without any exception whatsoever, shall be entitled to the rights set forth in this Convention, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.⁷

Article X

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

There is a certain irony in the fact that provisions aimed at preventing discrimination should be couched in the masculine, embodying a gender bias that was widespread in international and domestic legal instruments at the time. That shortcoming ran throughout the first Polish draft and, while the issue was raised by New Zealand early in discussions,⁸ the text was only rendered gender-neutral rather late in the day, in 1988, at the urging of UNICEF.⁹

What, then, generated debate during the drafting process? As we have seen, prohibiting discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status was already part of an established pattern in human rights instruments by the time the drafters of the CRC set about their task.¹⁰ That normative setting – and their commitment to advancing the rights of children and young people within it – enabled the drafters to accept many of the prohibited grounds without discussion. They were far from passive acceptors of established norms, however, and lively debate surrounded proposals to delete from, and add to, the existing list.

Proposed deletion

The Dominican Republic suggested deleting reference to the child’s “political or other opinion” from the text because of a concern that, while the child’s incapacity was mentioned in the Preamble to the Convention, these words “could be interpreted as meaning that [the child’s] opinions would still have some relevance”.¹¹ To a modern reader, familiar with the importance of respecting the participation rights of children and young people in policy making and the legislative process,¹² as well as the meaningful contribution made by

children and young people to the political process,¹³ this seems baffling. In the event, the proposal for deletion did not attract support.

Proposed additions

In terms of expanding the enumerate grounds in what became Article 2, the drafters focussed on two issues: non-marital children and what might be described as “immigration status”.¹⁴ Commenting on the first Polish draft, the German Democratic Republic called for “an explicit provision ... to preclude discrimination against children of unmarried parents”¹⁵ and a number of other delegations proposed textual amendment designed to have the same effect.¹⁶ These children were already protected by the reference to “birth status”¹⁷ and the support for providing for more explicit protection reflects the widespread discrimination faced by this particular group of children in many countries at the time.

The 1979 revised Polish draft of what was to become Article 2, which adopted the more familiar, bipartite structure, sought to address this issue:

1. The States Parties to the present Convention shall respect and extend all the rights set forth in this Convention to all children in their territories, irrespective of these children’s race, colour, sex, religion, political and other opinion, social origin, property, *birth in lawful wedlock or out of wedlock* or any other distinction whatever.
2. The States Parties to the present Convention shall undertake appropriate measures individually and within the framework of international cooperation, particularly in the areas of economy, health and education for the implementation of the rights recognized in this Convention.”¹⁸

Such was the level of concern, however, that a number of delegations, including those from Austria and China, and the NGO Ad Hoc Group continued to press for a separate article in the Convention guaranteeing to non-marital children the same (or equal) legal rights as those enjoyed by marital children.¹⁹ Opposition came from Australia, Japan, the United Kingdom and the United States on the ground that such a provision would be inconsistent with their domestic laws on succession.²⁰

Disagreement continued throughout the drafting process and, despite efforts by the Federal Republic of Germany to return to the issue,²¹ consensus proved elusive and the protection extended to non-marital children remained confined to the original reference to “birth status”. In many countries, including some of those most strongly opposed to any separate article, there is the perception that equality for non-marital children is a 20th Century problem that has now been resolved.²² The same cannot be said of the other issue that most concerned the drafter: immigration status.

The 1979 revised Polish draft brought another innovation, requiring States Parties to respect and extend Convention rights to “all children in their territories,” along with a new Article 5, requiring States Parties to “recognize the right of alien children staying in their territories to enjoy” these rights.²³ This triggered sharp and protracted division between the drafters with numerous different forms of words being proposed.²⁴ A flavour of the very different views can be gleaned by contrasting the American proposal that a State Party be required to respect and extend Convention rights to “all children lawfully in its territory,”²⁵ with that from Norway that children should enjoy these rights “irrespective of the legality of their parents’ stay”.²⁶ Consensus again proved elusive and something of a compromise was reached when

Article 5 was deleted while the obligation on States Parties to respect and extend Convention rights “to each child within their jurisdiction” remained in the text of Article 2(1).

These, then, were the groups of children whose protection from discrimination generated most discussion, but what of those who received little or no attention? While the rights of children with disabilities were acknowledged in a separate article of the first Polish draft,²⁷ early versions of what was to become Article 2 contained no reference to the child’s or the parent’s or guardian’s disability. That omission was corrected when reference to disability was added to Article 2, without demur, at behest of UNESCO during the 1988 technical review.²⁸ As the UNCRC pointed out some years later, the CRC was “was the first human rights treaty that contained a specific reference to disability.”²⁹

In an instrument addressing the rights of children, it is curious that there was no discussion of age discrimination itself: that is, discrimination against children and young people solely on the basis of their youth. As we shall see presently, the Human Rights Committee has made clear that, while different treatment may sometimes be justified, blanket discrimination on the basis of age is not.³⁰ To the modern reader, however, the most startling omission from the Convention is express reference to a prohibition on discrimination on the basis of the child’s – or the parent’s or guardian’s – sexual orientation or gender identity. It appears that there was simply no discussion of these grounds, something that is probably no more than a reflection of the temporal context of drafting since these issues had a lower profile in the 1980s than they do today. As the UNCRC has confirmed, discrimination on either ground is covered by “other status”.³¹

The final text

Article 2, as adopted by the General Assembly on 20 November 1989, is as follows:

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

The obligations under Article 2

Just as the drafters of Article 2 were not working in a vacuum, nor is the modern commentator. In the decades since the CRC was adopted, the corpus of human rights law that informed the drafters' deliberations has developed and various UN treaty bodies have provided insights into the obligations embodied in Article 2, with the *General Comments* of the UNCRC being particularly helpful. Strictly speaking, these interpretations are not binding on States Parties, since the CRC, like other human rights treaties, does not give the relevant treaty body express power to adopt binding interpretations of the treaty.³² However, the views expressed in *General Comments* are widely regarded as “non-binding norms that interpret and add detail to the rights and obligations”³³ contained in the treaty or as a distillation of the particular committee's views³⁴ and they of immense assistance to those charged with implementing the obligations.

Discrimination

Any exploration of the content of Article 2 begins, necessarily, with establishing what is meant, in the human rights context, by discrimination. While the concept is an ancient one and discrimination is prohibited in all the main human rights instruments, there was an early reluctance to attempt a definition. That approach changed, in 1965, when the International Convention on the Elimination of All Forms of Racial Discrimination provided a definition of “racial discrimination”,³⁵ and the practice was followed in subsequent sectoral treaties.³⁶ Why this was not done in the CRC is unclear.³⁷ However, drawing on existing definitions and its own work,³⁸ the Human Rights Committee has offered the following definition in the context of the CRC: “non-discrimination means that no child should be injured, privileged, punished or deprived of any right” on the basis of any of the ground enumerated in Article 2(1).³⁹ It will be remembered, of course, that the prohibition on discrimination applies not only to the child’s characteristics, but also to those of the child’s parent or guardian.

This is not the place for an in-depth analysis of the nuances and complexities of discrimination to which whole forests have been sacrificed.⁴⁰ For our present purpose, it will be helpful to bear two questions in mind. Does the obligation to ensure non-discrimination, under Article 2, create an obligation to promote equality? If it does, is the goal equality of opportunity or equality of outcomes?

Is different treatment ever permissible?

It has long been accepted in human rights law that respecting the principle of non-discrimination does not preclude all forms of different treatment. As long ago as 1989, the Human Rights Committee, commenting on the International Covenant on Civil and Political Rights, noted that “the principle of equality sometimes requires States Parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination”.⁴¹ Almost a decade later, that Committee offered the following test in the context of the CRC: “not every differentiation of treatment constitutes a discrimination if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Convention.”⁴²

The UNCRC endorsed that approach, noting, “It should be emphasized that the application of the non-discrimination principle of equal access to rights does not mean identical treatment,”⁴³ and numerous *General Comments* confirm that eliminating discrimination may require targeted and prioritised responses. Thus, for example, when it amplified State Party obligations in respect of the child’s right to the highest attainable standard of health, the UNCRC counselled that “children in disadvantaged situations and under-served areas should be a focus of efforts to fulfil children’s right to health.”⁴⁴ Similarly, in addressing the rights of indigenous children, it noted that “the non-discrimination obligation requires States actively to identify individual children and groups of children the recognition and realization of whose rights may demand special measures.”⁴⁵

The endorsement of different treatment, designed to eliminate discrimination, should not, however, be regarded as signalling approval of generalised age discrimination.⁴⁶ To suggest that youth, in itself, justifies different or lesser treatment risks perpetuating what Pierce and Allen identified, long before the CRC was conceived, as “childism”: that is, “the automatic

presumption of superiority of any adult over any child.”⁴⁷ Similarly, to assume that non-age necessarily implies disability is wholly inconsistent with the concept of the child’s evolving capacity, articulated in Article 5, and the child’s participation rights, guaranteed by Article 12. Rather, any age-based difference of treatment requires justification, applying the Human Rights Committee’s test, that the difference is reasonable, objective and designed to achieve a purpose which is legitimate under the Convention.

The content of the State’s obligation under Article 2

Textual analysis of Article 2 gives an indication of the nature of the obligation it places on States Parties. As we have seen, after considerable debate, the provision applies to “each child within their jurisdiction”: that is, the child’s presence is the controlling factor and how the child came to be there – whether by legal or illegal means – is irrelevant. By requiring that States “shall respect and ensure”⁴⁸ Convention rights to all such children, Article 2(1) creates positive and negative, non-optional duties. The requirement to “respect” creates “an affirmative and immediate obligations to take all necessary measures to enjoy and exercise the relevant rights,” while the obligation to “ensure” requires the State “to abstain from adopting measures that may preclude the exercise of such rights or may violate them.”⁴⁹ Similarly, an element of proactivity is reflected Article 2(2), by the requirement that States “take appropriate measures to ensure that the child is protected” from the various kinds of discrimination enumerated there. Finally, it is worth noting that these prohibited grounds of discrimination, which apply not only to the child, but also to the child’s parent or legal guardian, are not an exhaustive list, something indicated by the use of the words “of any kind” and “or other status”.⁵⁰

So much for the text, but what does Article 2 actually require of states? Again, the UNCRC has elaborated in respect of sectoral rights in numerous *General Comments*. In terms of implementation, more broadly, *General Comment 5* and its younger sibling, *General Comment 19*, are particularly helpful.⁵¹ *General Comment 5* sets out, in unambiguous terms, the two-step process required of a State Party. First, it must “identify individual children and groups of children the recognition and realization of whose rights may demand special measures.”⁵² To this end, the UNCRC has stressed the need to collect disaggregated data in order that discrimination or potential discrimination can be identified. Thereafter, the State should address the discrimination, using mechanisms including “legislation, administration and resource allocation, as well as educational measures to change attitudes.”⁵³ In all of this, it will be remembered that targeted responses, prioritising the needs of particular children or groups of children, are unobjectionable provided that they are founded on reasonable and objective criteria and designed to achieve one of the Convention’s purposes.

This emphasis on identifying the children and young people who experiencing discrimination and taking steps to eliminate it, whether by affirmative action or otherwise, is arguably designed not simply to secure equality of opportunity, but also to achieve equality of outcomes. Further support for that position is found in *General Comment No. 19*, addressing public budgeting – the allocation of resources by the state – in order to realise children’s rights. It will be remembered that Article 4 of the CRC requires States Parties to realise civil and political convention rights immediately and to implement economic, social and cultural rights “to the maximum extent of their available resources”, anticipating that full realisation of the latter group of rights may be a progressive process.

In *General Comment No. 19*, the UNCRC acknowledged that significant progress has been made by States Parties in implementing children's rights through legislation, policies and programmes, but reminded States of its concern that the allocation of insufficient resources would impede their full realisation and advised on how resource allocation could be undertaken most effectively to address that problem.⁵⁴ One facet of that is for States to take proactive measures in allocating and spending sufficient funds, with the UNCRC advising, "in order to achieve substantive equality, States Parties should identify groups of children that qualify for special measures and use public budgets to implement such measures."⁵⁵ Equality of outcomes, it seems, is regarded by the UNCRC as a "given".

That the goal of Article 2 is equality is entirely consistent with the modern human rights climate. The 2030 Agenda for Sustainable Development, which launched the Sustainable Development Goals,⁵⁶ makes express reference to "equality and non-discrimination".⁵⁷ While the 17 Goals span a wide range of concerns, a number focus on equality-related issues, like the elimination of poverty, and specific mention is made of reducing inequalities, generally, and of gender inequality. Both the World Health Organisation⁵⁸ and UNICEF⁵⁹ emphasise equality of outcomes. Many of the publications emanating from the UNICEF Office of Research-Innocenti, which undertakes research on critical issues facing children and young people around the world, focus on equality, sometimes equating it with equity or fairness.⁶⁰

Continuing discrimination: grounds and manifestations

The crucial question, of course, is whether children and young people continue to experience discrimination, on which there is no shortage of information. Again, the *General Comments*

of the UNCRC provide valuable insights, but a particularly rich resource is its *Concluding Observations* on the reports that States Parties are required to submit two years after ratifying the CRC and every five years thereafter.⁶¹ In the paragraphs below, selective examples, taken from 100 recent *Concluding Observations*, are used to give a flavour of how discrimination continues to manifest itself.

While there have been improvements in many countries, *de jure* and *de facto* discrimination continues, with a lack of adequate legislation prohibiting discrimination in some countries,⁶² a dilution of statutory protection in others⁶³ and a lack of awareness or enforcement of existing laws and policies in yet others.⁶⁴

Two observations are worth offering at the outset. First, childhood, itself, may be a source of discrimination, with negative public attitudes towards the young leading to stereotyping, stigmatisation and social exclusion.⁶⁵ Adolescents often fare particularly badly,⁶⁶ facing the paradoxical situation of being viewed as “dangerous or hostile”, on the one hand, and “incompetent and incapable”, on the other.⁶⁷

Secondly, discrimination does not always stem from only one ground and some groups of children face intersectional discrimination: that is, they may be discriminated against on multiple grounds. So, for example, a poor, female child with disabilities from an ethnic minority may experience discrimination deriving from all of her characteristics.⁶⁸ Where discrimination targets teenage, single mothers, it is likely to have an adverse impact on the young women and their children simultaneously.⁶⁹

Race, colour or national, ethnic or social origin

Discrimination on the basis of race, colour or national, ethnic or social origin features frequently in the *Concluding Observations*. Children from racial or ethnic minorities are particularly at risk⁷⁰ and there are local variations: in Costa Rica⁷¹ and Panama,⁷² it is children of African descent; in Kuwait, it is Bidoon children;⁷³ in Turkey, it is Kurdish children;⁷⁴ in Cyprus and Greece, it is Turkish children;⁷⁵ in India, it is children from scheduled castes and scheduled tribes.⁷⁶ Across Europe, Roma children face prejudice.⁷⁷ In countries where immigrants, often from Europe, quickly outnumbered the indigenous population, indigenous children experience discrimination.⁷⁸ A harbinger of the horrors to come is seen in the discrimination against Rohingya children in Myanmar, noted by the UNCRC in 2012.⁷⁹

The drafters of the CRC showed a chilling prescience in their lengthy discussion of immigration status, since unaccompanied minors and migrant, asylum-seeking and refugee children often face discrimination⁸⁰ and the UNCRC has given particular attention to the problem, publishing a *General Comment* of its own, in 2005,⁸¹ and two jointly with the Committee on Migrant Workers more recently.⁸²

How these particular forms of discrimination manifest themselves varies between countries, but examples include specific groups of children being denied access to services like health care,⁸³ social security,⁸⁴ education⁸⁵ and, in at least one case, clean drinking water.⁸⁶ Another manifestation is stigmatisation and marginalisation by other children,⁸⁷ with children in the Russian Federation joining nationalist movements that are involved in hate crimes against minority groups.⁸⁸

Sex

Sex discrimination persists in many parts of the world and is highlighted, depressingly often, in *Concluding Observations*.⁸⁹ In a relatively small number of countries discrimination against girls and young women is expressly embodied in the law on such matters as education,⁹⁰ marriage,⁹¹ inheritance rights,⁹² family name,⁹³ and land ownership rights.⁹⁴ A more pervasive problem, however, stems from social and cultural norms⁹⁵ and persistent patriarchal attitudes,⁹⁶ sometimes advancing a view that females are inferior to males.⁹⁷ This can result in physical and psychological abuse of girls and young women,⁹⁸ including female genital mutilation⁹⁹ and child marriages,¹⁰⁰ in some countries, and in sex-selective abortions, female infanticide and abandonment of girls, in others.¹⁰¹

Gender stereotyping may impact the position of females in a given society, more generally, confining women and girls to certain tasks and roles within society¹⁰² and can have a particularly negative impact on access to services, including health care and education.¹⁰³ Specific examples, highlighted by the UNCRRC, in the context of education, include gender stereotypes in Catholic school textbooks that undermine girls' education and life opportunities¹⁰⁴ and the *Chhap Srey* (code of conduct for women), used in Cambodian schools, which legitimises the perceived inferiority of girls and women in the society.¹⁰⁵

Disability

It will be remembered that the CRC was the first human rights treaty to include disability in the list of the grounds on which discrimination is prohibited. The UNCRRC has published a *General Comment* expanding on States Parties' obligations to children with disabilities,¹⁰⁶

and a more recent *General Comment* on equality and non-discrimination from the Committee on the Rights of Persons with Disabilities includes guidance in respect of children as well as adults.¹⁰⁷

Children with disabilities continue to face discrimination around the world.¹⁰⁸ This often takes the form of prejudice, harassment and stigmatisation,¹⁰⁹ leading to the children being marginalised, and numerous *Concluding Observations* make reference to children with disabilities being denied access to services, including health care and education.¹¹⁰

Birth status

The need to protect children born outside of marriage was of particular concern to the drafters of the Convention. While discrimination on the basis of parental marital status has diminished or been eliminated in many countries,¹¹¹ it continues in others.¹¹² The very fact that children may be classified as “illegitimate” opens the door to discrimination¹¹³ and the problem is exacerbated where identity documents disclose that status.¹¹⁴ In addition to societal discrimination, numerous *General Comments* note *de jure* discrimination experienced by these children, particularly in respect of family name and inheritance rights.¹¹⁵

Religion, language and property

Discrimination on the basis of religion was mentioned in only a small number of the *Concluding Observations* reviewed and the target group varies by country: in China, it is Tibetan, Uighur, Falun Gong practitioner children;¹¹⁶ in Greece, it is children belonging to the Muslim community of Thrace;¹¹⁷ and, in Hungary, it is Jewish children.¹¹⁸ Language-

related discrimination was noted only in respect of Turkmenistan, where Kazakh and Uzbek children “have limited access to language classes in their mother tongue”.¹¹⁹

While discrimination on the basis of property was not mentioned explicitly in the *Concluding Observations* reviewed, there are frequent references to the adverse impact on children of living in poverty¹²⁰ and, more obliquely, in “marginalised and disadvantaged” situations.¹²¹ The latter term may refer to children living in geographically remote communities,¹²² but includes those living in rural and urban settings¹²³ and in street situations.¹²⁴ In each case, the lack of property is at the heart of the prejudice and stigmatisation these children experience and their difficulties in gaining access to resources, including health care and education. What is presented here is a vicious circle of children facing discrimination because they are poor and that, in turn, keeping them in poverty.

Other status

By prohibiting discrimination on the basis of “other status”, the CRC seeks to ensure that the treaty is capable of addressing issues, unanticipated at the time of drafting, that come to the fore in the future. One such issue is children living with HIV/AIDS, either because they are infected or they have a parent who is. In *General Comment No. 3*, the UNCRC made clear that “other status” includes the “HIV/AIDS status of the child or his/her parent(s)” and has offered further guidance on States Parties’ obligations to these children.¹²⁵ They experience discrimination in many countries, sometimes impeding their access to medical treatment.¹²⁶

While the drafters of the CRC simply did not discuss discrimination on the basis of sexual orientation or gender identity, the UNCRC made clear, in *General Comment No. 4*,¹²⁷ that

such discrimination comes within the ambit of “other status” and has elaborated on the nature and unacceptability of it more recently in *General Comment No. 20*.¹²⁸

LGBTI+ young people face discrimination in many parts of the world, as do children of same sex parents. In some countries, discrimination is enshrined in the criminal law. For example, in the Russian Federation, “propaganda of unconventional sexual relationships” is a criminal offence¹²⁹ while, in Gambia, anyone convicted of “aggravated homosexuality” is liable to a term of life imprisonment.¹³⁰ In other countries, the problem stems from the absence of law protecting LGBTI+ youth¹³¹ or the failure of the legal system to recognise same sex families.¹³²

Discrimination may take to form of stigmatisation and stereotyping, and the UNCRC has expressed concern about past statements from the Holy See which contributed to both stigmatisation of, and violence directed at, LGBTI+ young people and the children of same sex couples.¹³³ In numerous countries, both groups are subject to hate speech, intimidation and physical violence.¹³⁴ Other consequences include and adverse impact on access to services, including education¹³⁵ and health care,¹³⁶ and the UNCRC has condemned “the imposition of so-called ‘treatments’ to try to change sexual orientation and forced surgeries or treatments on intersex adolescents”.¹³⁷

Conclusions

The drafters of the United Nations Convention on the Rights of the Child took a wise course in using the established grounds of prohibited discrimination found in other instruments as the basis for their work, expanding them to embrace discrimination on the ground of

disability. Their foresight in ensuring that protection from discrimination extends to all children in a State Party's territory, regardless of how they came to be there, has proved to be another prudent measure.

By requiring States Parties to respect and ensure Convention rights to every child “without discrimination of any kind” and including “other status” in the list of grounds on which discrimination is prohibited, the drafters secured the Convention's capacity to accommodate specific concerns, unanticipated at the time of drafting, that came to prominence later. As a result, the United Nations Committee on the Rights of the Child has been able to take a proactive approach in its *General Comments* and *Concluding Observations* in addressing the needs of children living with HIV/AIDS, LGBTI+ youth and the children of same sex parents. Effectively, the Convention was “future-proofed” and will be able to meet new challenges that emerge in the years to come.

Yet there is no denying that many children around the world continue to face discrimination and, often, on the well-established grounds with which we are thoroughly familiar. That is not a failing of Article 2. The Convention provides the tools for addressing discrimination and the Committee on the Rights of the Child has taken the process further, elaborating on the obligations on States Parties, generally, and identifying instances of discrimination in particular countries and how they can be tackled.

The Committee's work and other contributions from the United Nations human rights system make clear that Article 2 is not confined to eliminating discrimination on the enumerated grounds, but extends to the more challenging goal of achieving equality for children. It falls

to governments, non-governmental organisations – and to each of us – to play our part in turning that goal into reality. The children of the world deserve no less.

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¹ Charter of the United Nations 1 U.N.T.S. XVI (1945), Art.1(3).

² Universal Declaration of Human Rights, GA Res. 217 A (III) (1948), Art. 2; International Covenant on Economic, Cultural and Social Rights, 993 U.N.T.S. 3 (1966), Art. 2(2); International Covenant on Civil and Political Rights, 993 U.N.T.S. 17 (1966), Art. 2(1).

³ See, the European Convention on Human Rights, E.T.S. No 5 (1950), Art. 14; the American Convention on Human Rights, 1144 U.N.T.S. 144 (1969), Art. 1(1); the African Charter on Human and Peoples' Rights, OAU Doc CAB/LEG/67/3 rev. 5 (1981), Art. 2; and the Arab Charter on Human Rights (2004), Art. 3.

⁴ The others require States Parties to prioritise the child's best interests and to ensure their care and protection (Art. 3); recognise the child's right to life and ensure the child's survival and development (Art. 6); and assure to the child what have come to be known as participation rights (Art. 12). See, United Nations Committee on the Rights of the Child, *General Comment No 5, General Measures of implementation of the Convention on the Rights of the Child* (2003), CRC/GC/2003/5, para.12, referring to the "general principles".

⁵ The Convention on the Elimination of all Forms of Discrimination Against Women, 1249 U.N.T.S. 17, had only recently been adopted, on 18 December 1979.

⁶ General Assembly Resolution 1386(XIV) (1959).

⁷ Save the Children Sweden and the Office of the United Nations High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child*, (2007) (hereinafter, “*Legislative History*”): Vol 1, 314. The *Legislative History* was published in two volumes and can be found at:

www.ohchr.org/Documents/Publications/LegislativeHistorycrc1en.pdf and

www.ohchr.org/Documents/Publications/LegislativeHistorycrc2en.pdf For earlier discussions of the *travaux préparatoires* to the Convention, see, Sharon Detrick (ed) with Jaap Doek and Nigel Cantwell, *The United Nations Convention on the Rights of the Child: A Guide to the “Travaux Préparatoires”*.

⁸ E/CN.4/1324/Add.5 (1980); *Legislative History* (n 7): Vol 1, 318.

⁹ *Legislative History* (n 7): Vol 1, 330.

¹⁰ See endnote 2.

¹¹ E/CN.4/1324 (1978); *Legislative History* (n 7): Vol 1, 314.

¹² United Nations Committee on the Rights of the Child, *General Comment No. 12: The Right of the Child to be Heard* (2009), CRC/C/GC/12, paras. 127-129. It must be acknowledged that there are considerable national variations in this respect. See further, Geraldine van Bueren (2011), “Multigenerational Citizenship: The Importance of Recognizing Children as National and International Citizens” and “Children’s voices in public decision-making” in Aisling Parkes (2013), *Children and International Human Rights Law: The Right of the Child to be Heard*.

¹³ Their role in bringing about the end of apartheid in South Africa is a particularly striking example but, around the world, the emergence of Youth Parliaments and the practice of consulting children and young people as part of the political process illustrate their valuable contribution.

¹⁴ The Federal Republic of Germany raised the issue of specific protection for adopted children and foster children. While their status is not mentioned expressly in Article 2, their rights are addressed in Articles 20 and 21.

¹⁵ E/CN.4/1324 (1978); *Legislative History* (n 7): Vol 1, 315, emphasis added.

¹⁶ For example, Spain proposed the insertion of the words “in or out of wedlock” between the word “birth” and the words “other status”: E/CN.4/1324 (1978); *Legislative History* (n 7): Vol 1, 316.

¹⁷ It is arguable that such discrimination was also covered by the “other status” of the child and the parents.

¹⁸ E/CN.4/1324 (1979), reissued for technical reasons; *Legislative History* (n 7): Vol 1, 319.

¹⁹ E/CN.4/1986/39 (1986); *Legislative History* (n 7): Vol 1, 325.

²⁰ E/CN.4/1986/39 (1986); *Legislative History* (n 7): Vol 1, 326.

²¹ E/CN.4/1988/WG.1/WP.3 (1988); *Legislative History* (n 7): Vol 1, 327.

²² That is not to suggest that discrimination based on birth status has been eliminated. See endnotes 111-115 and accompanying text.

²³ E/CN.4/1349; *Legislative History* (n 7): Vol 1, 319.

²⁴ *Legislative History* (n 7): Vol 1, 320-325.

²⁵ HR/(XXXVII)/WG.1/WP.7; *Legislative History* (n 7): Vol 1, 320.

²⁶ HR/(XXXVII)/WG.1/WP.10; *Legislative History* (n 7): Vol 1, 320.

²⁷ E/CN.4/1292; *Legislative History* (n 7): Vol 2, 564. This formed the basis of what became Article 23 of the Convention.

²⁸ E/CN.4/1989/WG.1/CRP.1; *Legislative History* (n 7): Vol 1, 329.

²⁹ United Nations Committee on the Rights of the Child, *General Comment No. 9 (2006): The rights of children with disabilities*, CRC/C/GC/9, para. 2.

³⁰ See endnotes 46-47 and accompanying text.

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- ³¹ See endnotes 127-137 and accompanying text.
- ³² International Law Association: Committee on International Human Rights Law and Practice (2014), *Final Report on the Impact of Finding of the United Nations Human Rights Treaty Bodies*, paras. 16 and 18.
- ³³ Helen Keller and Leena Grover (2012), “General Comments of the Human Rights Committee and their Legitimacy” in Helen Keller, Geir Ulfstein and Leena Grover (eds), *UN Human Rights Treaty Bodies: Law and Legitimacy*, 131.
- ³⁴ Philip Alston (2001), “The historical origins of the concept of ‘General Comments’ in human rights law” in Laurence Boisson de Chazournes & Vera Gowlland-Debbas, *The International Legal System in Quest of Equity and Universality: Liber Amicorum Georges Abi-Saab*, 775.
- ³⁵ 660 U.N.T.S. 195 (1966), Art. 1.
- ³⁶ See, the Convention on the Elimination of All Forms of Discrimination against Women, 1249 U.N.T.S. 13 (1980), Art. 1, defining “discrimination against women”.
- ³⁷ While the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2220 U.N.T.S. 3 (1990), adopted the year after the CRC, does not define discrimination, the Convention on the Rights of Persons with Disabilities 2515 U.N.T.S. 3 (2006), Art. 2, defines “discrimination on the basis of disability”.
- ³⁸ Human Rights Committee, *CCPR General Comment No. 18: Non-discrimination* (1989), HRI/GEN/1/Rev.6, para. 7, defining “discrimination” in the context of the International Covenant on Civil and Political Rights.
- ³⁹ Office of the United Nations High Commissioner for Human Rights, *Manual on Human Rights Reporting Under Six Major International Human Rights Instruments* (1997), HR/PUB/91/1 (Rev.1), 418.
- ⁴⁰ For an accessible overview, see, Daniel Moeckli (2017), “Equality and Non-Discrimination” in Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran, *International Human Rights Law*, ch. 8.
- ⁴¹ *CCPR General Comment No. 18: Non-discrimination* (n 38), para. 10.
- ⁴² *Manual on Human Rights Reporting Under Six Major International Human Rights Instruments* (n 39), 418.
- ⁴³ Committee on the Rights of the Child, *General Comment No. 5 (2003): General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*, CRC/GC/2003/5, para 12.
- ⁴⁴ United Nations Committee on the Rights of the Child, *General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, CRC/C/GC/15, para. 11.
- ⁴⁵ United Nations Committee on the Rights of the Child, *General Comments No. 11 (2009) Indigenous children and their rights under the Convention*, CRC/C/GC/11, para. 24.
- ⁴⁶ See further, Claire Breen (2006), *Age Discrimination and Children's Rights: Ensuring Equality and Acknowledging Difference* and Elspeth Webb (2011), “An Exploration of the Discrimination-Rights Dynamic in Relation to Children” in Antonella Invernizzi and Jane Williams (eds), *The Human Rights of Children*, 290.
- ⁴⁷ Chester M. Pierce and Gail B. Allen (1975), “Childism”, 266. They continued, by noting that this “results in the adult's needs, desires, hopes, and fears taking unquestioned precedence over those of the child” and “goes beyond the biologic necessity that requires adults to sustain the species by means of authoritative, unilateral decisions”: The term returned to prominence with the work of Elisabeth Young-Bruehl. See, Elisabeth Young-Bruehl (2012), *Childism: Confronting Prejudice Against Children*, taking forward her earlier work in Young-Bruehl (2009), “Childism – Prejudice against Children”.

⁴⁸ The second Polish draft used the phrase “shall respect and *extend*” and its amendment resulted from the input of UNICEF during the 1988 Technical Review. UNICEF argued that “extend” was not found in the principal human rights instruments in place at the time, where the word “ensure” was used, denoting a higher level of obligation: *Legislative History* (n 7): Vol 1, 229-330.

⁴⁹ *Manual on Human Rights Reporting Under Six Major International Human Rights Instruments* (n 39), 417.

⁵⁰ *Id.*

⁵¹ United Nations Committee on the Rights of the Child, *General Comment No. 19 (2016) on public budgeting for the realization of children’s rights (art. 4)*, CRC/C/GC/19, which the UNCRC notes, at para. 6, “builds on general comment No. 5”.

⁵² *General Comment No. 5* (n 43), para.12.

⁵³ *Id.*

⁵⁴ *General Comment No. 19* (n 51), para. 11.

⁵⁵ *General Comment No. 19* (n 51), para. 42.

⁵⁶ The Sustainable Development Goals are the successor to the Millennium Development Goals. For a helpful overview, see, Jeffrey D. Sachs (2012), “From Millennium Development Goals to Sustainable Development Goals”.

⁵⁷ Transforming our world: the 2030 Agenda for Sustainable Development, GA A/RES/70/1, adopted 25 September 2015, para 8.

⁵⁸ World Health Organisation (2016), *Growing up unequal: gender and socioeconomic differences in young people’s health and well-being*.

⁵⁹ UNICEF (2015), *For every child, a fair chance: The promise of equity*.

⁶⁰ See, for example, Frances Stewart (2013), *Approaches towards Inequality and Inequity: Concepts, measures and policies; Innocenti Report Card – No 13 (2016) – Fairness for Children: A league table of inequality in child well-being in rich countries*; Emilia Toczydłowska and Zlata Bruckauf (2017), *Growing Inequality and Unequal Opportunities in Rich Countries*.

⁶¹ Article 44. In the future, another valuable resource will be the individual cases under the communications procedure created by the third Optional Protocol to the CRC: Optional Protocol to the Convention on the Rights of the Child on a communications procedure, GA/RES/66/138 (2011).

⁶² See, for example: Congo, CRC/C/COG/CO/2-4, 2014, para. 28; the Russian Federation, CRC/C/RUS/CO/4-5, 2014, para. 22.

⁶³ Sweden, CRC/C/SWE/CO/5, 2015, para. 15(b) (the term “race” has been deleted in the new Anti-Discrimination Act and there is no explicit legal provisions declaring illegal and prohibiting organisations promoting and inciting racial hatred); Italy, CRC/C/ITA/CO/3-4, 2011, para. 24(b) (amendments to the Criminal Code reduced sentences for propaganda advocating racial or ethnic superiority).

⁶⁴ See, for example: Dominican Republic: CRC/C/DOM/CO/3-5, 2015, para. 17(a); Lithuania, CRC/C/LTU/CO/3-4, 2013, para. 16.

⁶⁵ See, for example: Fiji, CRC/C/FJI/CO/2-4, 2014, para. 22; Uruguay, CRC/C/URY/CO/3-5, 2015, para. 23.

⁶⁶ United Kingdom of Great Britain and Northern Ireland: CRC/C/GBR/CO/5, 2016, para. 23.

⁶⁷ United Nations Committee on the Rights of the Child, *General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, CRC/C/GC/20, para. 20.

⁶⁸ Seychelles, CRC/C/SYC/CO/2-4, 2012, para. 34.

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- ⁶⁹ See, for example: Republic of Korea, CRC/C/KOR/CO/3-4, 2012, para. 28; Tanzania, CRC/C/TZA/CO/3-5, 2015, para. 25.
- ⁷⁰ See, for example: Ireland, CRC/C/IRL/CO/2, 2006, para. 20; Netherlands, CRC/C/NLD/CO/3, 2009, para. 26; Viet Nam, CRC/C/VNM/CO/3-4, 2012, para. 29(b).
- ⁷¹ Costa Rica, CRC/C/CRI/CO/4, 2011, para. 29.
- ⁷² Panama: CRC/C/PAN/CO/3-4, 2011, para. 34.
- ⁷³ Kuwait, CRC/C/KWT/CO/2, 2013, para. 27.
- ⁷⁴ Turkey, CRC/C/TUR/CO/2-3, 2012, para. 28
- ⁷⁵ See, for example: Cyprus, CRC/C/CYP/CO/3-4, 2012, para. 21; Greece, CRC/C/GRC/CO/2-3, 2012, para. 26.
- ⁷⁶ India, CRC/C/IND/CO/3-4, 2014, para. 31.
- ⁷⁷ See, for example: Finland: CRC/C/FIN/CO/4, 2011, para. 25; Italy: CRC/C/ITA/CO/3-4, 2011, para. 24; Portugal, CRC/C/PRT/CO/3-4, 2014, para. 25; Bosnia and Herzegovina: CRC/C/BIH/CO/2-4, 2012, para. 29.
- ⁷⁸ See, for example: Australia, CRC/C/AUS/CO/4, 2012, para. 29(a); Canada: CRC/C/CAN/CO/3-4, 2012, para. 32(a); New Zealand, CRC/C/NZL/CO/5, 2016, para. 15.
- ⁷⁹ Myanmar, CRC/C/MMR/CO/3-4, 2012, para. 35.
- ⁸⁰ See, for example: Canada, CRC/C/CAN/CO/3-4, 2012, para. 32(a); Switzerland, CRC/C/CHE/CO/2-4, 2015, para. 24; Namibia, CRC/C/NAM/CO/2-3, 2012, para. 30(a); United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, 2016, para. 21(c); South Africa. CRC/C/ZAF/2, 2016, para 23.
- ⁸¹ Committee on the Rights of the Child, *General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside Their Country of Origin*, CRC/GC/2005/6.
- ⁸² *Joint general comment No. 3 of UNCMW and No. 22 of the UNCRC, On the general principles regarding the human rights of children in the context of international migration*, CMW/C/GC/3-CRC/C/GC/22 (2017) and *Joint General Comment No. 4 of the UNCMW and No. 23 of the UNCRC, In the context of International Migration: States parties' obligations in particular with respect to countries of transit and destination*, CMW/C/GC/4-CRC/C/GC/23 (2017).
- ⁸³ See, for example: China, CRC/C/CHN/CO/3-4, 2013, para. 25; Colombia, CRC/C/COL/CO/4-5, 2015, para. 19; Indonesia, CRC/C/IDN/CO/3-4, 2014, para. 19; Panama, CRC/C/PAN/CO/3-4, 2011, para. 33.
- ⁸⁴ Italy, CRC/C/ITA/CO/3-4, 2011, para. 24.
- ⁸⁵ See, for example: Turkey, CRC/C/TUR/CO/2-3, 2012, para. 28. Portugal, CRC/C/PRT/CO/3-4, 2014, para. 25; Germany, CRC/C/DEU/CO/3-4, 2014, para. 24.
- ⁸⁶ Slovenia, CRC/C/SVN/CO/3-4, 2013, para. 24(b).
- ⁸⁷ Sweden, CRC/C/SWE/CO/5, 2015, para. 15(c).
- ⁸⁸ Russian Federation, CRC/C/RUS/CO/4-5, 2014, para. 22.
- ⁸⁹ See, for example: Albania, CRC/C/ALB/CO/2-4, 2012, para. 27; Bahrain, CRC/C/BHR/CO/2-3, 2011, para. 30; Hungary, CRC/C/HUN/CO/3-5, 2014, para. 19; Madagascar, CRC/C/MDG/CO/3-4, 2012, para. 23; Russian Federation, CRC/C/RUS/CO/4-5, 2014, para. 22; Thailand, CRC/C/THA/CO/3-4, 2012, para. 33; Uruguay, CRC/C/URY/CO/3-5, 2015, para. 23.
- ⁹⁰ Kuwait, CRC/C/KWT/CO/2, 2013, para. 29.
- ⁹¹ Jordan, CRC/C/JOR/CO/4-5, 2014, para. 17.

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- ⁹² Algeria, CRC/C/DZA/CO/3-4, 2012, para. 29; Kuwait, CRC/C/KWT/CO/2, 2013, para. 29; Syrian Arab Republic, CRC/C/SYR/CO/3-4, 2012, para. 32.
- ⁹³ Morocco, CRC/C/MAR/CO/3-4, 2014, para. 24.
- ⁹⁴ Namibia, CRC/C/NAM/CO/2-3, 2012, para. 31(c).
- ⁹⁵ Guinea, CRC/C/GIN/CO/2, 2013, para. 35; Jordan, CRC/C/JOR/CO/4-5, 2014, para. 17.
- ⁹⁶ Andorra, CRC/C/AND/CO/2, 2012, para. 24; China, CRC/C/CHN/CO/3-4, 2013, para. 27; Cuba, CRC/C/CUB/CO/2, 2011, para. 24; Fiji, CRC/C/FJI/CO/2-4, 2014, para. 22 ; India, CRC/C/IND/CO/3-4, 2014, para. 33; Venezuela, CRC/C/VEN/CO/3-5, 2014, para. 27.
- ⁹⁷ Cambodia, CRC/C/KHM/CO/2-3, 2011, para. 28; Yemen, CRC/C/YEM/CO/4, 2014, para. 29.
- ⁹⁸ Colombia, CRC/C/COL/CO/4-5, 2015, para. 19(b); Iraq, CRC/C/IRQ/CO/2-4, 2015, para. 17; Jordan, CRC/C/JOR/CO/4-5, 2014, para. 17.
- ⁹⁹ Guinea-Bissau, CRC/C/GNB/CO/2-4, 2013, para. 24.
- ¹⁰⁰ Iraq, CRC/C/IRQ/CO/2-4, 2015, para. 17.
- ¹⁰¹ India, CRC/C/IND/CO/3-4, 2014, para. 33; Armenia, CRC/C/ARM/CO/3-4, 2013, para. 18; Viet Nam, CRC/C/VNM/CO/3-4, 2012, para. 29(a).
- ¹⁰² Guinea, CRC/C/GIN/CO/2, 2013, para. 35; Cambodia, CRC/C/KHM/CO/2-3, 2011, para. 28.
- ¹⁰³ Liberia, CRC/C/LBR/CO/2-4, 2012, para. 33; Namibia, CRC/C/NAM/CO/2-3, 2012, para. 31(a); Turkey, CRC/C/TUR/CO/2-3, 2012, para. 28.
- ¹⁰⁴ Holy Sea, CRC/C/VAT/CO/2, 2014, para. 28.
- ¹⁰⁵ Cambodia, CRC/C/KHM/CO/2-3, 2011, para. 28.
- ¹⁰⁶ United Nations Committee on the Rights of the Child, *General Comment No. 9 (2006): The rights of children with disabilities*, CRC/C/GC/9.
- ¹⁰⁷ United Nations Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on equality and non-discrimination*, CRPD/C/GC/6.
- ¹⁰⁸ See, for example: Armenia, CRC/C/ARM/CO/3-4, 2013, para. 18; Azerbaijan, CRC/C/AZE/CO/3-4, 2012, para. 30; Bahrain, CRC/C/BHR/CO/2-3, 2011, para. 30; Canada, CRC/C/CAN/CO/3-4, 2012, para. 32(b); Finland, CRC/C/FIN/CO/4, 2011, para. 25; India, CRC/C/IND/CO/3-4, 2014, para. 31; Lithuania, CRC/C/LTU/CO/3-4, 2013, para. 16; Morocco, CRC/C/MAR/CO/3-4, 2014, para. 24(d); Republic of Korea, CRC/C/KOR/CO/3-4, 2012, para. 28; Switzerland, CRC/C/CHE/CO/2-4, 2015, para. 24; Togo, CRC/C/TGO/CO/3-4, 2012, para. 31; Uruguay, CRC/C/URY/CO/3-5, 2015, para. 23; Yemen: CRC/C/YEM/CO/4, 2014, para. 29;
- ¹⁰⁹ See, for example: Andorra, CRC/C/AND/CO/2, 2012, para. 24; Liberia, CRC/C/LBR/CO/2-4, 2012, para. 33; Togo, CRC/C/TGO/CO/3-4, 2012, para. 32(b); Viet Nam, CRC/C/VNM/CO/3-4, 2012, para. 29(a).
- ¹¹⁰ See, for example: Colombia, CRC/C/COL/CO/4-5, 2015, para. 19; Germany, CRC/C/DEU/CO/3-4, 2014, para. 24; China, CRC/C/CHN/CO/3-4, 2013, para. 25; Indonesia, CRC/C/IDN/CO/3-4, 2014, para. 19(b); Namibia, CRC/C/NAM/CO/2-3, 2012, para. 31(a); Panama, CRC/C/PAN/CO/3-4, 2011, para. 33; Turkey, CRC/C/TUR/CO/2-3, 2012, para. 28; Viet Nam, CRC/C/VNM/CO/3-4, 2012, para. 29(a).
- ¹¹¹ Even where discrimination has been largely eliminated, it may continue in respect of a particular group of children. See, Gillian Black, “Birth and Status: the Ongoing Discrimination against Children in Scots Law based on Parentage” in this volume.
- ¹¹² See, for example: Algeria: CRC/C/DZA/CO/3-4, 2012, para. 29; Gambia: CRC/C/GMB/CO/2-3, 2015, para. 29(b); Guinea: CRC/C/GIN/CO/2, 2013, para. 35; Italy: CRC/C/ITA/CO/3-4, 2011, para. 24; Jordan: CRC/C/JOR/CO/4-5, 2014, para.

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- 15; Yemen: CRC/C/YEM/CO/4, 2014, para. 29; Syrian Arab Republic: CRC/C/SYR/CO/3-4, 2012, para. 33; Tuvalu: CRC/C/TUV/CO/1, 2013, para. 23.
- ¹¹³ Concluding Observations on Holy See, CRC/C/VAT/CO/2, 2014, para. 25
- ¹¹⁴ See, for example: Gambia, CRC/C/GMB/CO/2-3, 2015, para. 29; Hungary, CRC/C/HUN/CO/3-5, 2014, para. 20; Jordan, CRC/C/JOR/CO/4-5, 2014, para. 16 ; Morocco, CRC/C/MAR/CO/3-4, 2014, para. 25.
- ¹¹⁵ See, for example: Morocco, CRC/C/MAR/CO/3-4, 2014, para. 24; Tuvalu, CRC/C/TUV/CO/1, 2013, para. 23; Luxembourg, CRC/C/LUX/CO/3-4, 2013, para. 22; Togo, CRC/C/TGO/CO/3-4, 2012, para. 31.
- ¹¹⁶ China, CRC/C/CHN/CO/3-4, 2013, para. 25.
- ¹¹⁷ Greece, CRC/C/GRC/CO/2-3, 2012, para. 26.
- ¹¹⁸ Hungary, CRC/C/HUN/CO/3-5, 2014, para. 20.
- ¹¹⁹ Turkmenistan, CRC/C/TKM/CO/2-4, 2015, para. 18.
- ¹²⁰ See, for example: Armenia, CRC/C/ARM/CO/3-4, 2013, para. 18; Azerbaijan, CRC/C/AZE/CO/3-4, 2012, para. 30; Jordan, CRC/C/JOR/CO/4-5, 2014, para. 15; Seychelles, CRC/C/SYC/CO/2-4, 2012, para. 34; Myanmar, CRC/C/MMR/CO/3-4, 2012, para. 35.
- ¹²¹ See, for example, the Concluding Observations on: Canada, CRC/C/CAN/CO/3-4, 2012, para. 32(c); Gambia, CRC/C/GMB/CO/2-3, 2015, para. 29(d); Hungary, CRC/C/HUN/CO/3-5, 2014, para. 19; Lithuania, CRC/C/LTU/CO/3-4, 2013, para. 16; Mauritius, CRC/C/MUS/CO/3-5, 2015, para. 27; Sweden, CRC/C/SWE/CO/5, 2015, para. 5(a); Switzerland, CRC/C/CHE/CO/2-4, 2015, para. 24.
- ¹²² See, for example, the Concluding Observations on: Cook Islands, CRC/C/COK/CO/1, 2012, para. 25; Congo, CRC/C/COG/CO/2-4, 2014, para. 28(b); Guinea, CRC/C/GIN/CO/2, 2013, para. 35; Morocco, CRC/C/MAR/CO/3-4, 2014, para. 25(c); Uruguay, CRC/C/URY/CO/3-5, 2015, para. 23.
- ¹²³ See, for example, the Concluding Observations on: Colombia: CRC/C/COL/CO/4-5, 2015, para. 19(a); Dominican Republic: CRC/C/DOM/CO/3-5, 2015, para. 17(d); Panama: CRC/C/PAN/CO/3-4, 2011, para. 33.
- ¹²⁴ See, for example, the Concluding Observations on: Algeria, CRC/C/DZA/CO/3-4, 2012, para. 29; Colombia: CRC/C/COL/CO/4-5, 2015, para. 19(a); Greece: CRC/C/GRC/CO/2-3, 2012, para. 26; Syrian Arab Republic, CRC/C/SYR/CO/3-4, 2012, para. 33; South Africa, CRC/C/ZAF/2, 2016, para. 23; Thailand: CRC/C/THA/CO/3-4, 2012, para. 33. See also, United Nations Committee on the Rights of the Child, *General Comment No. 21 (2017) on children in street situations*, CRC/C/GC/21.
- ¹²⁵ United Nations Committee on the Rights of the Child, *General Comment No 3: HIV/AIDS and the rights of the child* (2003), CRC/GC/2003/3, para 9.
- ¹²⁶ See, for example: Armenia: CRC/C/ARM/CO/3-4, 2013, para. 18; China: CRC/C/CHN/CO/3-4, 2013, para. 25; Fiji, CRC/C/FJI/CO/2-4, 2014, para. 22; India, CRC/C/IND/CO/3-4, 2014, para. 31; Madagascar, CRC/C/MDG/CO/3-4, 2012, para. 23; Venezuela, CRC/C/VEN/CO/3-5, 2014, para. 27.
- ¹²⁷ United Nations Committee on the Rights of the Child, *General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child*, 2003, CRC/C/GC/2003/4, para. 6.
- ¹²⁸ *General Comment No. 20* (n 67), para. 34.
- ¹²⁹ Russian Federation, CRC/C/RUS/CO/4-5, 2014, para. 24.
- ¹³⁰ Gambia, CRC/C/GMB/CO/2-3, 2015, para. 29(e).
- ¹³¹ Australia, CRC/C/AUS/CO/4, 2012, para. 29(e); Switzerland, CRC/C/CHE/CO/2-4, 2015, para. 24.

¹³² Slovenia, CRC/C/SVN/CO/3-4, 2013, para. 26

¹³³ Holy See, CRC/C/VAT/CO/2, 2014, para. 25, also noting, as encouraging, the more progressive statements made by the Pope in 2013.

¹³⁴ See, for example: Dominican Republic, CRC/C/DOM/CO/3-5, 2015, para. 17(d); Sweden, CRC/C/SWE/CO/5, 2015, para. 15(d); Venezuela, CRC/C/VEN/CO/3-5, 2014, para. 27.

¹³⁵ Slovenia, CRC/C/SVN/CO/3-4, 2013, para. 26.

¹³⁶ Colombia, CRC/C/COL/CO/4-5, 2015, para. 19.

¹³⁷ *General Comment No. 20*, (n 67), para. 34.