

DEPUTY PRIME MINISTER'S OFFICE

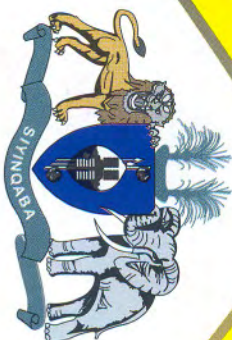
Sivumelwano Sakamhlaba Semalungelo Ebantwana Lesifinyetiwe



NATIONAL CHILDREN'S COORDINATION UNIT

UN Convention on the Rights of the Child (SUMMARY)

DEPUTY PRIME MINISTER'S OFFICE



NATIONAL CHILDREN'S COORDINATION UNIT

Sendvulelo/Singeniso

Lesingeniso semukela ngalokuphelele tisimo letisekelwe tivumelwano takaMhlaba letiphatselene nemalungelo ebantfu. Sigcizelela kutsi ngesizatfu sekutsi bantfwana babantfu labasengakatimeli badzinga kunakekelwa nekuvikelwa lokusezingeni lelisecophelweni noma ezingeni lelisetulu kakhulu futsi lesingeniso sigcizelela endzimeni lokufanele idlalwe yimindeneni ekunakekeleni nasekuvikeleni bantfwana naba sebancane kakhulu.

Lesingeniso siphindze sishicilele sidzingo sekuvikela bantfwana ngekwemtsetfo basesesiswini nasebatelwe, kubaluleka kwemihambo nemasiko endzawo lapho umntfwana awakhona, kanye nekuhlanyela kwemhlaba wonkhe ekuvikeleni emalungelo ebantfwana.

Sigaba 1

Kuchazwa Kwemntfwana

Umntfwana ngumuntfu loneminyaka lelishumi nesiphohlongo nalongaphansi kwesandla semtali, ngaphandle uma ngabe imitsetfo yalelo live ikhomba kutsi usuke asakhulile nase afike eminyakeni lengephansi kwalena lelishumi nesiphohlongo.

Sigaba 2

Kungabandlululwa noma nganguyiphi indlela

Onkhe emalungelo ebantfwana kufanele aniketwe ngaphandle kwekubandlulula noma kukhetsa nomangayiphi indlela lokufaka ekhatsi indzabuko, umbala, bulili, lulwimi, inkholo, buve kanye nekukhubateka.

Sigaba 3

Inhlalakahle yebantfwana

Konkhe lokwentiwako lokucondzene nemntfwana kumele kube ngulokucabangela inhlalakahle yakhe. Bohulumende kumele bamnakekele ngalokhuphelele umntfwana nangabe kutfolakala kutsi batali bakhe noma labo lokufanele bamnakekele sebehulekile.

Sigaba 4

Kusebenta kwalamalungelo

Bohulumende kumele baciniseke kutsi emalungelo ebantfwana langephansi kwalesivumelwano ayagwaliseka.

Sigaba 5

Kukhuliswa kwebantfwana etigabeni letehlukene

Bohulumende kumele bahloniphe emalungelo nekusebenta kwebatali kanye nemindeneni ekucondziseni umntfwana ngendlela lefanele tigaba langena kuto asakhula.

Sigaba 6

Kuphila nekutfufukiswa

Wonkhe umntfwana unelilungelo lekutalwa nekutsi aphile. Ngakoke bohulumende kumele bente siciniseko sekutsi umntfwana uphila kahle nekutsi akhule atfutfuke emphilweni

Sigaba 7

Libito kanye nebuve

Umntfwana unelilungelo lekutsi aniketwe libito nakatalwa aphindze abe nelilungelo lebuve nekutsi abati batali bakhe futsi bamnakekele.

Sigaba 8

Kuvikelwa kwebuve

Bohulumende kumele bavikele futsi babuyisele buve bemntfwana, lokukufaka ekhatsi libito, buve kanye nemndeni.

Sigaba 9

Kungahlukaniswa nebatali

Umntfwana unelilungelo lekuhlala nebatali bakhe ngaphandle uma kunesizatfu lesicinile sekutsi angete ahlala nabo. Umntfwana futsi unelilungelo lekubonana noma kuchumana nebatali bakhe nangabe angahlali nabo.

Sigaba 10

Kuhlanganiswa kwemindeni

Bantfwana nebatali kanye nemndeni yabo banelilungelo lekusuka eveni lelingesilo labo babuyele eveni lakubo, kuze kutsi bahlanganiswe futsi baphile njengemndeni.

Sigaba 11

Kutfunjwa nekugodlwa kwebantfwana ngalokungekho emtsetfweni

Bohulumende kumele bavikele baphindze balwe nekutfunjwa nekugodlwabatalibabo noma ngulabanye bantfu nje labahlala kulamanye emave.

Sigaba 12

Umbono/umuvo wemntfwana

Umntfwana unelilungelo lekuvakalisa umbono wakhe ngekukhululela nekutsi emukeleke etindzabeni letiphatselene naye.

Sigaba 13

Inkhululeko yekutikhulumela

Umntfwana unelilungelo lekuvakalisa imivo yakhe kanye nekutfoa lwati ngekukhululeka.

Sigaba 14

Inkhululeko yekuticabangela, kukhululeka ngengcondvo kanye nekwenkholo

Bohulumende kumele bahloniphe emalungelo ebantfwana ekukhululeka ngengcondvo, nakutenkholo ngekucondziswa batali babo ngendlela lefanele.

Sigaba 15

Inkhululeko yekuhlanganyela kanye nekutimbandzakanya nalabanye

Bantfwana banelilungelo lekuhlanganyela nalabanye kanye nekwakha nekungenela tinhlango letitsite.

Sigaba 16

Kuvikelwa ekungcunulweni

Bantfwana banelilungelo lekuvikeleka ekungcunulweni nasekwenekelweni live nasekuhlanjalatweni.

Sigaba 17

Kufinyelela elwatini loludzingekako

Bohulumende kumele bente siciniseko kutsi bantfwana bayafinyelela lapho kutfolakala khona lwati, bakhutsate betindzaba kutsi banikete lwati lolufanele nalolutawusita bantfwana. Bohulumende futsi banensayeya yekuvikela bantfwana elwatini lolungaba yingoti kubo.

Sigaba 18

Insayeya yebatali

Bobabili batali banensayeya yekukhulisa bantfwana babo ngekusitwa noma kusekelwa bohulumende basabakhulisa.

Sigaba 19

Kuvikeleka ekukhukubetweni nekunganakwa

Hulumende kumele avikele Bantfwana kutotonkhe tinhlobo tekukhukubetwa nekunganakekelwa batali nome labo labahlala nabo. Hulumende futsi kumele asungule tinhlelo tekuvikela bantfwana ekukhukubetweni nekunakekela noma kusita labo labahlukumetekile.

Sigaba 20

Kuvikeleka kwebantfwana labate batali noma umndeni

Hulumende kumele avikele bantfwana labangenamakhaya aphindze ente siciniseko kutsi ubaniketa indzawo lelungele kuhlala bantfwana.

Sigaba 21

Kufakwa esiswini

Hulumende lonemtsetfo lovuma kufakwa kwebantfwana esiswini kumele ente siciniseko kutsi loku kwentiwa ngalokusemtsefweni nangekubukela inhlalakahle yalowomntfwana.

Sigaba 22

Bantfwana lababakhoseli

Bantfwana lababakhoseli nalabo labasafuna indzawo yekukhosela kumele baniketwe kuvikeleka lokuncono. Kungumsebenzi waHulumende kutsi asebenzisane netinhlango letiniketa lusito loludzingwa bantfwana labakulesimo.

Sigaba 23

Bantfwana labakhubatekile

Umntfwana lokhubatekile unelilungelo lekunakekelwa, kufundziswa nekuceceshwa ngendlela lefanele kuze asitakale akhone kuphila imphilo lejabulisako naleyenelisako akhone nekutimela atiphilise njengabo bonkhe bantfu.

Sigaba 24

Temphilo kanye nemitfolamphilo

Umntfwana unelilungelo lekutfoa temphilo kanye nekwelashwa lokusezingeni lelisetulu Bohulumende kumele bakuhambise embili kwelashwa nekufundziswa ngetemphilo. Bohulumende kumele bagcugcutele budlelwane emaveni emhlaba ekucinisekeni kutsi kute umntfwana longalutfoli lusito lwetemphilo.

Sigaba 25

Kugcinwa kwebantfwana

Indzawo lapho kugcinwe khona bantfwana ngenhloso yekutsi banakekelwe, bavikeleke noma belashwe kumele ihlolwe nguhulumende njalonzalo.

Sigaba 26**Inhlalakahle yebantfwana**

Umntfwana unelilungelo lekutfola lusito nekusekeleka nekunakekelwa nguhulumende kutenhlalakahle.

Sigaba 27**Lizinga lempilo**

Wonke umntfwana unelilungelo lempilo lesezingeni lelenelisako ngalokufanele kuze kutsi akhule emtimbeni, engcondvweni nase moyeni. Batali banemsebenti wekwenta siciniseko sekutsi umntfwana utfola imphilo lesezingeni lelifanele, lokufaka ekhatsi kumondla, kumembesa, kumelaphisa nekumfundzisa.

Sigaba 28**Imfundvo**

Wonke umntfwana unelilungelo lekutfola imfundvo ngematfuba lalinganako. Hulumende unensayeya yekwenta siciniseko sekutsi imfundvo imahhala etikolweni letiphansi kusukela esigabeni sekucala kuya kusesikhombisa nekukhutsata kutsi bantfwana babe nematfuba ekungena etinhlangotsini tonkhe temfundvo etikolweni letiphakeme.

Sigaba 29**Inhloso yetemfundvo**

Inhloso yekumikisa umntfwana esikolweni kumtutfukisa yena, emakhono akhe, engcondweni nasemtimbeni ngalokuphelele. Imfundvo iyawumlungiselela umntfwana kutsi akhone kuphila imphilo legcwele asamdzala emmangweni. Ngemfundvo bantfwana bayawuhlonipha batali babo, imvelaphi yabo kanye neyalabanye kanye nelulwimi lwabo.

Sigaba 30**Bantfwana betinhlanga letincane netendzabuko**

Bantfwana betinhlanga letincane netendzabuko banelilungelo lekutsi batijabulise ngemasiko nemihambo yabo, nekukhatsa kanye nekulandzela inkholo nelulwimi lwabo.

Sigaba 31

Kutijabulisa, kushukumisa umtimba kanye nemasiko

Umntfwana unelilungelo lekuphumula, lekutijabulisa, kudlala, kushukumisa umtimba nekuchuba emasiko akhe ngekukhululeka.

Sigaba 32**Kucashwa nekusetjentiswa kwebantfwana**

Umntfwana unelilungelo lekuvikelwa ekusetjentisweni umsebenti loyingoti emtimbeni, emphilweni, ekufundzeni noma ekukhuleni nasekutfutukeni kwakhe. Hulumende kumele ashaye imitsetfo levikela bantfwana ekucashweni nasekusetjentisweni ngalokungekho emtsetfweni.

Sigaba 33**Kusetjentiswa kwetidzakwa miva**

Bantfwana banelilungelo lekuvikeleka ekusetjentisweni kwetidzakwamiva nasekutikhiciteni nasekutishushumbiseni.

Sigaba 34**Kuhlukubetwa ngekwasecansini**

Hulumende kumele avikele bantfwana kutsi bangalalwa futsi bangahlukubetwa ngekungeniswa etimakethe talabatsengisa ngemitimba, nekutsi batfwetjulwe titfombe letikhombisa bungcunu babo.

Sigaba 35**Kutsengiswa, kufumbeketeliswa nekutfunjwa**

Hulumende kumele ente siciniseko sekuvikela kutsengiswa, kufumbeketeliswa nekutfunjwa kwebantfwana.

Sigaba 36

Letinye tinhlobo tekugcilateka Umntfwana unelilungelo lekuvikelwa kuto tonkhe tinhlobo tekugcilateka nasetintfweni letingaba yingoti kuto tonkhe tingoni tenhlalakahle nekutfutuka kwakhe.

Sigaba 37**Kuviswa buhlungu nekwekukwa inkhululeko**

Kute umntfwana loyawuvinjelwa aviswe buhlungu, aphatfwe kabi noma ajeziswe, agwetjwe intsambo, agwetjwe kudzilikelwa lijele, aboshwe ngalokungekho emtsetfweni noma emukwe inkhululeko yakhe. Bohulumende kumele bente siciniseko kutsi bantfwana baphatseka kahle nababoshiwe, nebatali babuye baniketwe litfuba kanye nebameli babo, nalabanye labangaba nelusito.

Sigaba 38**Timphi**

Bohulumende kumele bente siciniseko kutsi bantfwana labangephansi kweminyaka lelishumi nesihlanu abahlanganyeli etiphitsiphitsini noma etimphini. Bonkhe bantfwana labatsikametwa timphi kumele batfole kuvikeleka nekunakekelwa.

Sigaba 39**Kuvuseleleka emphilweni**

Hulumende kumele ente siciniseko kutsi bantfwana laba hlukumetwe timphi, kuviswa buhlungu, kunganakwa, kuphatseka kabi noma kugcilatwa, batfola kwelashwa lokufanele khona batokwati kuhlumelela emphilweni babuye esimeni sekuphilisana nalabanye.

Sigaba 40**Kuphatfwa kwemacala ebantfwana**

Hulumende kumele ahloniphe emalungelo ebantfwana lababoshelwe emacala. Futsi kumele kutsi bantfwana basitakale kuyo yonkhe inchubo yemtsetfo ledzingekile, babuye batfole bameli kanye nalolunye lusito lwekubavikela.

Respect for higher standards

Wherever standards set in applicable national and international laws are higher than those in these Conventions, the higher standards shall always apply.

Dissemination to children

The State shall ensure that the Convention is known to all parents and children

Implementation and 43-45 entry into force and

A Committee on the Rights of the Child composed of 10 experts is established to consider reports which States to the Convention submits every two years after ratification and every five years thereafter.

State Parties are to make their reports widely available to the general public.

The Committee may propose that special studies be undertaken on specific issues relating to the rights of the child, and may make its evaluations known to the each State Party concerned as well as the UN General Assembly.

In order to “foster effective implementation of the Convention and to encourage international cooperation”, the specialized agencies of the UN such as the International Labour Organisation (ILO), World Health Organisation (WHO) and United Nations Educational, Scientific and Cultural Organisation (UNESCO) and UNICEF would be able to attend meeting of the committee.

Together with any other body recognised as "competent", including non-governmental organizations (NGOs) in consultative status with the UN and UN Organs such as the United Nations High Commissioner for Refugees (UNHCR), they can submit pertinent information to the Committee and be asked to advise on the optimal implementation of the Convention.

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Bohulumende kumele kutsi bayivete esiveni imibiko yabo.

Lekomidi ingenta sishukumiso sekutsi kweniwe luwanningo lolumayelana netindzaba leticondzene nebantwana liphindze latise emave noma bohulumende labaphatsekako kulolucwanningo kanye nesibaya lesikhulu sakamhlaba.

Kutekutsi kuciniswe kusebenta kwale sivumelwano kanye nekuhutsatwa kwekubambisa kwemave onkhe emhlabi, kumele kutsi tonkhe tihlangangotsi takamhlaba kanye naletinye netihlangano letiphatsekako netihlangano letitimedle naletingekho ngephansi kwabo hulumente tefule imibiko nelwati lolubalulekile kuLekomidi tiphinde ticelwe kutsi teluleke ngetindlela letinye letingasetjentiswa ekwenteni kutsi lesi vumelwano sisebente.

Kuhlonishwa kwelizinga lemalungelo ebantwana
Lapho umtsetfo welive ubeke ezingeni lelisetulu emalungelo ebantwana kwendlula lawo akaMhlabuhlangene, kumele lihambise lowomtsetfo embili.

Sigaba 41

Article 25

Periodic review of placement

A child who is placed by the State for reasons of care, protection or treatment is entitled to have that placement evaluated regularly.

Article 26

Social security

The child has the right to benefit from social security include access to facilities and services provided by the State for children of families in need.

Article 27

Standard of living

Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The State's duty is to ensure that this responsibility is fulfilled, and help families to provide this.

Article 28

Education

Every child has the right to education on the basis of equal opportunity and it is the State's duty to ensure that primary education is free and compulsory, to encourage different forms of secondary education accessible to every child and to make higher education available to all on the basis of capacity. School discipline shall be consistent with the child's rights and dignity. The State shall engage in international cooperation to implement this right.

Article 29

Aims of education

Education shall aim at developing the child's personality, talents and mental and physical abilities to the fullest extent. Education shall prepare a child for an active adult life in a free society. Through the education children should respect their parents and their own cultural identity, language and values and the cultural background and values of others.

Article 30

Children of minorities or indigenous populations

Children of minority communities and indigenous populations have the right to enjoy their own culture, to profess and to practise their own religion and language.

Article 31

Leisure, recreation and cultural activities

The child has the right to relax recreational activities, play and participate freely in wide range of activities such as cultural and artistic activities.

Article 32

Child labour

The child has the right to be protected from work that is dangerous, harmful or threatens his or her health, education or development. The State must set minimum ages for employment and regulate working conditions.

Article 33

Drug abuse

Children have the right to protection from the illegal use of narcotic and psychotropic and dangerous drugs and from being involved in their production or distribution.

Article 34

Sexual exploitation

The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

Article 35

Sale, trafficking and abduction

The State should make every effort to prevent the sale, trafficking and abduction of children.

Article 36

Other forms of exploitation

The child has the right to protection from all forms of exploitation and activities that could harm any aspects of the child's welfare and development.

Article 37

Torture and deprivation of liberty

A child who breaks the law shall be subjected to torture, cruel treatment or punishment, unlawful arrest and deprivation of liberty. The child should not be kept in prison with adults unless it is in the child's best interest not to do so. Both capital punishment and life imprisonment without the possibility of release are prohibited for offences committed by persons below 18 years. A child who is detained shall have legal and other assistance and be allowed to keep in contact with the family.

Article 38

Armed conflicts

States shall take all feasible measures to ensure that children below 15 years have no direct part in hostilities. No child below 15 years shall be recruited into the armed forces. States shall ensure the protection and care of children who are affected by armed conflicts in terms of international law rules and standards.

Article 39

Rehabilitative care

The State has an obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate help, treatment for their recovery, restoration of self-respect and social reintegration.

Article 40

Administration of juvenile justice

A child in conflict with the law has the right to treatment which promotes the child's sense of dignity and worth, takes the child's age into account and aims at his or her reintegration into society. The child is entitled to basic guarantees as well as legal and other assistance for his or her defense. Judicial proceedings and institutional placements shall be avoided wherever possible.

Article 8

Preservation of identity

The State has an obligation to protect, and if necessary, re-establish basic aspects of the child's identity. This includes name, nationality and family ties.

Article 9

Separation from parents

The child has a right to live with his or her parents unless this is deemed to be incompatible with the child's best interests. The child also has the rights to maintain contact with both parents if separated from one or both.

Article 10

Family reunification

Children and their parents have the right to leave any country and to enter their own for purposes of reunion or the maintenance of the child-parent relationship.

Article 11

Illicit/illegal transfer and non-Return

The State has an obligation to prevent and remedy the kidnapping or retention of children abroad by a parent or third party.

Article 12

The child's opinion

The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child.

Article 13

Freedom of expression

The child has the right to express his or her views, obtain information make ideas or information known, regardless of frontiers.

Article 14

Freedom of thought, conscience and religion

The State shall respect the child's right to freedom of thought conscience and religion, subject to appropriate parental guidance.

Article 15

Freedom of association

Children have a right to meet with others, and to join or form associations.

Article 16

Protection of privacy

Children have the right to protection from interference with privacy, family, home and correspondence, and from libel or slander.

Article 17

Access to appropriate Information

The State shall ensure the accessibility to children to children of information and material from a diversity of sources, and it shall encourage the mass media to disseminate information which is of social and cultural benefit to the child, and take steps to protect him or her from harmful materials.

Article 18

Parental responsibilities

Parents have joint primary responsibility for raising the child, and the State shall support them in this. The State shall provide appropriate assistance to parents in child-raising.

Article 19

Protection from abuse and neglect

The State shall protect the child from all forms of maltreatment, abuse physically or mentally as well as neglect and negligent treatment by parents or others responsible for the care of the child and establish appropriate social programmes for the prevention of abuse and the treatment of victims.

Article 20

Protection of a child without a family

The State is obliged to provide special protection for a child deprived of the family environment temporarily or permanently and to ensure that appropriate alternative family care or institutional placement is available in such cases. Efforts to meet this obligation shall pay due regard to the child's cultural background.

Article 21

Adoption

In countries where adoption is recognized and/or allowed, it shall only be carried out in the best interests of the child, and then only with authorization of competent authorities, and safeguards for the child.

Article 22

Refugee children

Special protection shall be granted to a refugee child or to a child seeking refugee status. It is the State's obligation to co-operate with competent organizations which provide such protection and assistance.

Article 23

Disabled children

A disabled child has the right to special care, education and training to help him or her enjoy a full and a decent life in dignity and achieve the greatest degree of self-reliance and social integration possible.

Article 24

Health and health services

The child has the right to the highest standard of health and medical care attainable. States shall place special emphasis on the provision of primary and preventative health care, public health education and the reduction of infant mortality. They shall encourage international cooperation in this regard and strive to see that no child is deprived of access to effective health services.

Preamble

The Preamble recalls the basic principles of the United Nations and specific provisions of certain relevant human rights treaties and proclamations. It affirms the fact that children, because of their vulnerability, need special care and protection, and it places special emphasis on the primary caring and protective responsibility of the family. It also reaffirms the need for legal and other protection of the child before and after birth, the importance of respect of cultural values of the child's community, the vital role of international cooperation in securing children's rights.

Article 1

Definition of a Child

A child is a person under 18 years, unless national laws recognise the age of majority earlier.

Article 2

Non-discrimination

The rights of every child are to be ensured without discrimination of any kind, irrespective of the child's or his or her parent's race, color, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or other status. It is the States obligation to protect children from discrimination and to take positive action to promote their rights.

Article 3

Best interests of the child

All actions concerning the child shall take full account of his or her best interests. The State shall provide the child with adequate care when parents, or others charged with that responsibility, fail to do so.

Article 4

Implementation of rights

The State must do all it can to implement the rights contained in the Convention.

Article 5

Parental guidance and the evolving capacities

The State must respect the rights and responsibilities of parents and the extended family to provide guidance for the child which is appropriate to her or his evolving capacities and dreams.

Article 6

Survival and development

Every child has the inherent right to life, and the State has an obligation to ensure the child's survival and development.

Article 7

Name and nationality

The child has the rights to a name at birth. The child also has the rights to acquire a nationality and, as far as possible, to know his or her parents and be cared for by them.