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## **The common European asylum system and the rights of the child: an exploration of meaning and compliance**

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## Annex

### Typology of rights in the Convention on the Rights of the Child

<i>Rights in the CRC</i>	<i>Civil and Political</i>	<i>Economic, Social and Cultural</i>	<i>Protection</i>	<i>Not a right/ defies tri-partite classification</i>
Art 1 Definition of child				X
Art 2 Right to non-discrimination (a general principle of the Convention)	X	X	X	
Art 3 Best interests of the child (a general principle of the Convention)	X	X	X	
Art 4 Nature of the legal obligation in the CRC				X
Art 5 Rights and responsibilities of parents, family etc.	X (right to family life)		X (responsibilities of parents)	
Art 6 Right to life, survival and development (a general principle of the Convention)	X	X	X	
Art 7 Name, nationality, right to be cared for by parents	X		X	
Art 8 Preservation of identity, nationality, name, family relations	X		X	
Art 9 Right not to be separated from parents against their will	X		X	
Art 10 Family reunification	X		X	

<i>Rights in the CRC</i>	<i>Civil and Political</i>	<i>Economic, Social and Cultural</i>	<i>Protection</i>	<i>Not a right/ defies tri-partite classification</i>
Art 11 Illicit transfer and non-return of children abroad	X		X	
Art 12 Right to be heard (a general principle of the Convention)	X	X	X	
Art 13 Freedom of expression	X			
Art 14 Freedom of thought, conscience and religion	X			
Art 15 Freedom of association and assembly	X			
Art 16 Privacy	X			
Art 17 Mass media	X			
Art 18 Common responsibilities of parents; appropriate assistance to parents		X (appropriate assistance to parents)	X (common responsibilities of parents)	
Art 19 Protection from all types of violence			X	
Art 20 Special protection, assistance and alternative care for children deprived of family environment			X	
Art 21 Adoption			X	
Art 22 Right of asylum seeking/refugee child to appropriate protection and assistance	X	X	X	
Art 23 Rights of the child with disability	X	X	X	
Art 24 Right to health		X		

<i>Rights in the CRC</i>	<i>Civil and Political</i>	<i>Economic, Social and Cultural</i>	<i>Protection</i>	<i>Not a right/ defies tri-partite classification</i>
Art 25 Care placement for physical or mental health		X		
Art 26 Right to social security		X		
Art 27 Right to an adequate standard of living		X		
Arts 28 & 29 Right to education		X		
Art 30 Rights of minority children	X	X		
Art 31 Right to rest, leisure, play, recreational activities		X		
Art 32 Protection from economic exploitation		X	X	
Art 33 Protection from illicit use of narcotic drugs			X	
Art 34 Protection from exploitation and sexual abuse			X	
Art 35 & Optional Protocol – Prevention of abduction, sale, traffic in children			X	
Art 36 Protection from all other forms of exploitation			X	
Art 37 Prohibition of torture etc	X			
Art 37 (cont'd) Right to liberty and conditions of detention	X			
Art 38 & Optional Protocol – Prohibition of underage recruitment and participation in hostilities			X	

<i>Rights in the CRC</i>	<i>Civil and Political</i>	<i>Economic, Social and Cultural</i>	<i>Protection</i>	<i>Not a right/ defies tri-partite classification</i>
Art 39 Right to recovery and reintegration of child victim of various forms of ill-treatment		X (Right to health)	X	
Art 40 Juvenile justice	X			
Art 41 Guarantee clause				X
<i>Total number</i>	21	16	23	3



## Curriculum vitae

Ciara Smyth was born in 1970 in Dublin, Ireland. She received a B.A. in Philosophy and Legal Science in 1993 and an LL.B in 1995 from the National University of Ireland Galway. She was awarded an LL.M in Human Rights and Conflict Resolution (with distinction) from Queen's University Belfast in 1999. From 1996-1998 she worked as a volunteer in Cambodia with the Agency for Personal Service Overseas. From 2000-2001 she worked as legal officer for the Irish Commission for Prisoners Overseas. From 2001-2003 she worked as protection assistant with the United Nations High Commissioner for Refugees representation in Dublin where she was responsible for training and capacity building of staff in the newly-created asylum institutions and also focal point for the Separated Children in Europe Programme. She has worked as lecturer in the School of Law of the National University of Ireland Galway since 2003 where she teaches Public International Law, International Human Rights Law, Refugee Law and Immigration Law. She is a board member of the Irish Refugee Council and a member of its sub-committee on children and young people. She contributes regularly to public discussions and legal journalism in Ireland on refugee and immigration issues.

### Selected publications:

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