

5

CHILDREN'S RIGHTS

“The principle of ‘all children, all rights’ is still much too far from being a reality.”

Kofi Annan, in “*The Progress of Nations 2000*”

Vital statistics

- Over half-a-billion children in developing countries are struggling to survive on less than \$1 per day.
- About 2 million children in developing countries die every year from a lack of access to safe drinking water and adequate hygiene and sanitation facilities.
- Over 110 million primary school age children worldwide are not enrolled in school.
- 500,000 children under 15 years of age died from AIDS in 1999, and 3.8 million died since the beginning of the epidemic.
- 11 million children die each year from largely preventable causes.
- More than 33 million children suffer from vitamin A deficiency, placing them at risk of blindness and death from such common diseases as measles and diarrhoea.
- An estimated 250 million children aged 5 to 14 are working around the world.
- Close to 2 million children have been killed in armed conflicts during the past decade.

The story of a street child

My name is Amerigo.. I am 13 years old and I live on the street, alone. My mother, who is separated from my father, does not want me. My father lives far away. I want to go to him but he won't take me either.

The streets are now my home. I used to collect trash and sell it to a vendor. I stopped doing that after I had a serious infection and a doctor told me to stay away from the trash dump. Once I worked for an ice cream shop owner and sold ice cream on the beach. The work was difficult and painful. The ice cream box is quite heavy when it is full. Now I shoe shine. It is very hard work. I am always hungry, and I don't know where I will sleep the next night. I would like to live in my own home and sleep there in peace. The nights are very cold in winter. You can die of cold in the street.¹

An international agreement to protect children's rights

Amerigo is not an isolated case. Hundreds of children all over the world live on streets, work in hazardous places, are abused on a daily basis and often don't have the most fundamental human rights. It was to protect the rights of such children that the United Nations in 1989 adopted a historic agreement: the Convention on the Rights of the Child (CRC).

CRC is an international human rights treaty created with the goal of realising all rights of children everywhere. It has been ratified by virtually the entire community of nations.

Adopted from *Teaching about human rights*, United Nations, 1992

The 191 ratifying States have freely accepted and pledged to transform the provisions of the CRC into reality through administrative, legislative, judicial and other measures.

Who is a child?

The Convention defines a child as a human being up to the age of 18. The idea that children have special needs has now given way to the conviction that children have the same spectrum of rights as adults: civil and political, social, cultural and economic. Under the Convention, children's rights should be implemented without discrimination of any kind, all actions and policies should be guided by the best interests of the child, the participation of children should always be sought and all actions should aim at the promotion of the survival and development of children.

What does ratification mean?

When governments ratify the CRC, which is the act by which they formally and publicly accept to be legally bound by it, they commit themselves to promote, protect and fulfil the rights of children as outlined in the articles of the Convention. The UN Committee on the Rights of the Child, a body of 10 internationally elected independent experts on children's rights, monitors progress towards implementing these rights.

What is the history of children's rights?

- 1924: The League of Nations endorses the first Declaration on the Rights of the Child.
- 1945: The UN Charter urges nations to encourage and promote respect for human rights and fundamental freedoms for all.
- 1948: The Universal Declaration of Human Rights, adopted by the UN General Assembly, recognises children's rights by stating that "all human beings are born free in dignity and rights" and that motherhood and children were entitled to special care and protection.
- 1948: The General Assembly adopts a second Declaration of the Rights of the Child, a brief seven-point statement that built on the 1924 Declaration. It stated that ".... men and women of all nations, recognising that mankind owes to the child the best that it has to give, declare and accept it as their duty to meet this obligation in all respects...."
- 1959: A more detailed third Declaration of the Rights of the Child is adopted by the General Assembly.
- 1961: The international legal framework is strengthened further with the adoption of two International Covenants – on Civil and Political Rights and on Economic, Social and Political Rights. These two covenants entered into force in 1976 and provided a moral as well as legal obligation of states to respect the human rights of each individual.

All these efforts, which led to the adoption of the Convention on the Rights of the Child in 1989 and its entry into force in 1990, were intended to bind people in every country and of every culture and every religion to work to ensure that all the world's children enjoy the rights they deserve - to survival, health and education; to a caring family environment, to

play and culture; to protection from exploitation and abuse of all kinds and to have their voices heard and opinions taken into account on issues affecting their lives.

What is the new vision for children?

The Convention clearly states that all children have rights that are inherent human rights, and that these should not be perceived as optional, as a question of favor or kindness to children, or as an expression of charity. These rights generate obligations and responsibilities. More than acknowledging the vulnerable nature of the child and the social responsibility to provide special assistance and protection, the Convention promotes the value of the child as a citizen, a partner in decision-making and in the broader process of social change. The CRC thus envisions the ‘whole child’ as a full, valuable, participating member of society.

What makes the CRC unique?

- It is comprehensive, the only convention to ensure in a single document the whole spectrum of children’s human rights—their civil, political, economic, social and cultural rights.
- It is universal, applying to all children in all situations in virtually the entire community of nations.
- It is unconditional, calling on all governments to take action to protect the rights of all children.
- It is holistic, asserting that all rights are essential, indivisible, interdependent and equal.

What are the four general principles of the CRC?

1. Children must not suffer discrimination “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.” (Article 2)
2. Children have a right to survival and development in all aspects of their lives, including the physical, emotional, psychosocial, cognitive, social and cultural. (Article 6 and 27)
3. The best interests of the child must be a primary consideration in all decisions or actions that affect the child or children as a group. This holds true whether decisions are made by governmental, administrative or judicial authorities, or by families themselves. (Article 3)
4. Children have the right to peaceful assembly, to be active participants in all matters affecting their lives, to express their opinions freely and to have their views heard and taken seriously. (Article 15)

Making progress

In the 10 years since the ratification of the Convention, there has been remarkable progress. Virtually all governments that have ratified the CRC have passed local legislation – where this did not exist previously – which stresses the rights of children and provides a legal basis to realise those rights. A number of countries have also modified their constitutions to incorporate the principles of the CRC into every aspect of national law.

- Some countries have introduced institutions such as children’s ombudspersons (officials appointed to investigate individual complaints against public authorities),

while others have set up committees to monitor progress towards realisation of children's rights. Norway was the first country to appoint an ombudsperson for children in 1981.

- Nearly every government in the world now has a Ministry, Commission or Council responsible for children to monitor progress in children's lives and to advance children's rights in policy making. Today 20 countries have established, or are in the process of establishing, independent human rights bodies for children.
- In Malaysia, an intersectoral group of non-governmental organisations and government agencies has been established to monitor its compliance to the CRC.
-
- In Mongolia, child participation and protection indicators are being developed.
-
- In Costa Rica, a social rights 'audit' is conducted involving children and the community to monitor and assess how the country is or is not meeting the Convention's mandate.
-
- In South Africa, the government has set about reforming its juvenile justice system. Efforts are focused on moving children out of the criminal justice system and into other forms of legal mediation, popularly known as "children's courts."
-
- Several Latin American and African governments experiencing armed conflict have officially demobilized their child soldiers.
-
- Children's rights are also being protected through successful international partnerships to improve the health and survival of millions of children. Through immunization, for instance, the lives of three million children are saved each year; and through efforts to eliminate iodine deficiency 12 million children are being spared mental disability annually. Polio is on the brink of eradication. Millions more children are enrolled in schools now than at any time in history, and significant gains have been made in improving access to sanitation and safe water.

Box

A Children's parliament

Promoting the Convention on the Rights of the Child is also about children participating in decisions affecting their lives. In Lebanon, the "Children's Parliament" demonstrates how children, when given the opportunity and an informed choice, can make a valuable contribution. In 1996, 128 children between the ages of 8 and 16 took the seats of regular parliamentarians during one session of the nation's parliament where they discussed their rights and environment.

Since the advent of Children's Parliament, positive changes for children have occurred. Such issues as health insurance for all children, the rights of disabled children, and government spending on children are now at the forefront of Lebanese politics.

Signs of progress

There are many successful programmes that governments and communities have created with UNICEF support to help realise children's rights:

- In a number of Philippine villages, a holistic approach to early childhood care and development combines health, nutrition, psychosocial care and early education services for young children. The child-care centre provides children the time to play and books and other materials to explore. Health and nutrition workers teach parents how to better care for their children, administer routine immunisations and maintain a map of all the houses in the village, which documents each child's growth rate, access to iodised salt and other micronutrients, and to clean water and sanitation facilities.
- In Bangladesh, a memorandum of understanding was signed in 1995 by the ILO, UNICEF and the Bangladesh Garment Manufacturers and Exporters Association, resulted in the placement of child workers in school programmes and significantly reduced child labour in the garment industry. The children's jobs were offered to qualified adult family members.
- In Bolivia, UNICEF has supported the introduction of a National Insurance Programme for Maternity and Childhood to remove financial barriers to health services. This has increased the numbers of women and children under five receiving health care. In the span of two years, the number of prenatal visits increased by 63 per cent, deliveries in health facilities were up by a third, and the number of children treated for pneumonia increased by 40 per cent.
- In the West Lombok district of Indonesia, the local government requires that new buildings include latrines. Between 1994 and 1998, UNICEF supported the construction of 25,000 new latrines per year in the district, compared to 1,500 before the programme began.
- In Niger, UNICEF provided better agricultural tools and supplies to women who often work 14 hours or more a day to gather and prepare food for their families, resulting in increased output of cereals and the establishment of a co-operative cereal bank. This cereal bank, in turn, sold the grain to poor families at reasonable prices during the pre-harvest season. As a result, children's malnutrition levels fell dramatically.
- In Yemen, UNICEF is helping bridge the gender gap in schools by assisting in training female teachers, supporting the construction of schools, strengthening the relationship between schools and community, and engaging media, religious and civic leaders to raise awareness of a girl's right to education.

Other international organizations also have programmes to protect children from violence and armed conflict.

- A programme entitled Child Connect utilizes the latest telecommunications technology to reunite lost children caught in conflict or natural disaster situations with their parents. The project initiated by the International Rescue Committee uses a shared database available to all agencies in the field who can post data and

photographs pertaining to lost children as well as search requests from parents. Searches that once took months can now be completed in hours.

- A new disaster response programme, which will provide and maintain mobile and satellite telephone service as well as microwave links for humanitarian relief workers. This will greatly improve and quicken humanitarian responses to the many unpredictable disasters we face today.

What areas need improvement?

Despite the many impressive achievements recorded over the past 10 years, there are still far too many children being denied their rights to survival, good health, education and development. And a significant number of countries are still failing to meet many obligations under the CRC. Gender, ethnic and linguistic discrimination continue to stunt children's potential in countries around the world. Armed conflicts continue to deny children their rights and millions of children are being displaced and forced into refugee situations.

Poverty, characterised by poor sanitation, malnutrition, unsafe drinking water and inadequate health care, all of which clearly hamper the enjoyment of human rights by both children and adults.

The HIV/AIDS scourge has emerged as the biggest threat to societies' realisation of their children's rights. It is killing parents and turning millions of children into orphans – so far there are 13.2 million – who drop out of school and who are forced into extremely hazardous labour in factories or brothels to earn money. Already meagre resources of many governments are being used to fight the disease, denying other vital sectors of the economies important revenues.

Taken together, these issues represent some of the enormous challenges that the international community has to overcome in its efforts to ensure children their full rights.

Where do we go from here?

To help protect children's rights the Secretary General has proposed the following goals in his Millennium Report:

- **Poverty:** Governments adopt a target of half the proportion of people living in extreme poverty by 2015, and, in so doing, lifting more than 1 billion out of it.
- **Education:** By 2005, demonstrably narrowing the gender gap in primary and secondary education. By 2015, all children complete a full course of primary education.
- **Employment:** With the heads of the World Bank and the International Labour Organisation, a high-level policy network will be convened on youth and employment to create effective approaches to youth unemployment.

- **HIV/AIDS:** The reduction of HIV infection rates in persons 15 to 24 years of age by 25 per cent within the most affected countries by 2005 and by 25 per cent globally before 2010.
- Governments establish prevention targets of at least 90 per cent by 2005 and at least 95 per cent by 2010 of young men and women must have access to the information, education, and services they need to protect themselves from infection.
- Developing countries work with their pharmaceutical companies and other partners to develop an affordable, effective vaccine against HIV.

- **Safe water:** To reduce by half between now and 2015 the proportion of people who lack sustainable access to adequate sources of affordable and safe water.

How can rich countries help achieve these goals?

- Grant free access to their markets for goods produced in developing countries and to adopt, as a beginning step, at the Third UN Conference on the Least Developed Countries, a policy of duty-free and quota-free access for essentially all exports from the least developed countries.
- Reduce or, better, cancel the debt of the heavily indebted poor countries who are stuck in the poverty trap and divert much needed funds for health and education programmes to service their debt.
- Be more generous in granting development assistance, particularly to countries who are making great strides in poverty reduction.
- Work with pharmaceutical companies in developing an affordable and effective vaccine against HIV for wide distribution to developing countries.
- Develop strong partnerships with the private sector in combating poverty.
- Make special provisions for the needs of Africa in its struggle to overcome the continent's problems.
- Free our fellow men and women from the scourge of war.
- Free our fellow men and women, and especially our children and grandchildren, from the danger of living on a planet ruined by human activities and whose resources can no longer provide for their needs.

Suggested activities for students:

- Get a copy of the Convention on the Rights of the Child (CRC) and ensure that you and your fellow students are thoroughly familiar with its principles. Make copies and pass them around. The full text of the CRC can be accessed online at www.unicef.org/crc/crc.htm.
- Voices of Youth—an online chat room for youth on children's rights and issues—is a great way to get involved in child rights campaigns around the world. Click on UNICEF's website at www.unicef.org and then on Voices of Youth.
- Get involved in the International Children's Day of Broadcasting (December 10 every year) by finding out whether your local radio broadcasting station is planning any activities to involve children. More than 2,000 broadcasters participate giving children the opportunity to become the hosts, producers and reporters in voicing their opinions and questioning their leaders' performance as it

relates to children. If you would like to participate, please contact the UNICEF Division of Communication (212) 326-7000

- Join your high school's model United Nations club, or if one does not exist, you could start your own. For more information on starting a model UN program, contact your local chapter of the United Nations Association.
- You can ease the burden on children and help ensure their rights are respected by writing letters and emails to your own elected officials, or any other important leaders—local, national or international – drawing attention to troubling situations of children anywhere in the world. If appropriate you might consider some of the recommendations for the more fortunate countries given above.
- Through your school and community, you can help raise funds for children suffering in war or natural disasters (earthquake, floods, and famine) around the world.
- For a list of international leaders who have made significant contributions to the best interests of children, log on to the UNICEF website, then click on The State of the World's Children 2000, followed by the section entitled "Leadership in the best interests of the child." Join these advocates in your country in making the world a better place for children.
- Organise informational meetings and distribute materials within your community about the Convention on the Rights of the Child.
- Urge your local and national lawmakers to provide education and training on child rights for all those working with children – teachers, medical professionals, social workers, members of the police force and other law enforcement professionals.

Selected resources

On the World-wide Web:

- www.unicef.org (United Nations Children's fund)
- www.un.org (United Nations)
- www.savethechildren.org
- www.unhchr.ch (Committee on the Rights of the Child)
- www.ilo.org (International Labour Organisation)
- www.humanrightswatch.org
- www.undp.org (United Nations Development Programme)
- www.unesco.org (United Nations Education, Science and Culture Organisation)
- www.who.org (World Health Organisation)
- www.amnesty.org (Amnesty International)
- www.childrensdefense.org (Children's Defence Fund)
- www.crin.org (Child Rights Information Network)
- www.freethechildren.org (Free the Children)

Publications :

- Children First: The story of UNICEF past and present, by Maggie Black, Oxford University Press, 1996.
- The Best Interests of the Child—Reconciling Culture and Human Rights, by the United Nations Children's Fund, edited by Philip Alston, Oxford University Press, 1994.

- Girls and women: A UNICEF development priority, United Nations Children's Fund, 1993.
- Equality, development and peace—Beijing +5 Women 2000, UNICEF, 2000.
- Poverty Reduction Begins with Children, UNICEF, 2000.
- Human rights for children and women: How UNICEF helps make them a reality, UNICEF, 1999.
- Girls: Challenging the world, United Nations, 1995.
- Education for all—No excuses, UNICEF, 2000.
- Children's Participation: The Theory and Practice of Involving Young Citizens in Community Development and Environmental Care, UNICEF, 1997.
- Making Reality of the Rights of the Child. The UN Convention: What it says and how it can change the status of children worldwide, by Thomas Hammarberg.
- Stand Up for Your Rights: A book about human rights written, illustrated and edited by young people of the world, Peace Child International, 1998.
- Implementation Handbook for the Convention on the Rights of the Child, UNICEF, 1998.
- First Call for Children, Commemorative reprint, UNICEF, 2000.
- The State of the World's Children, UNICEF, 2000.
- The Progress of Nations, UNICEF, 2000.
- Annual Report, UNICEF, 2000.
- Facts and Figures, UNICEF, 2000

(This paper was contributed by UNICEF)