

CHILD RIGHTS POLICY FORUM OF NEW YORK

**The Campaign for United States Ratification of the Convention on the
Rights of the Child (CRC)
Woody Tanger Auditorium
Brooklyn College Library, New York
(Fri) 16 November 2007**

*The Convention on the Rights of the Child (CRC)
- 18 years on : Global Progress and Challenges Ahead*

Speech by

*Dr. Victor P. Karunan
Chief, Adolescent Development and Participation
Division of Policy and Practice
UNICEF Headquarters
New York*

Ladies and Gentlemen

Four days from now – on 20 November 2007 – the Convention on the Rights of the Child (CRC) will turn 18. A whole generation of children and young people have grown up under the CRC all over the world in all countries that have ratified the CRC – as well as those that have not – the USA and Somalia.

The CRC is both a vision for children in the world as well as a legal framework for State Parties or Governments to respect, promote and protect the rights of all children. As human beings, children have rights – and as rights holders, they can play an active part in the enjoyment of their rights. Every child should be respected. Children should be respected no matter what its abilities, origins or gender. Their views and opinions are important for decision making. They are social actors who make a positive contribution to society. Their development should be nurtured and encouraged through education, health and other services to give them the best possible start to life. They should be allowed to develop in an atmosphere of freedom, dignity and justice. That's the vision of the CRC. It is a vision which sets this universal standard for the realization of children's rights and for the holistic development of children. Many have questioned that this vision or standard is often western, is often based on a conception that is applicable in some societies and not others. There are some very good reasons why certain governments and individuals hold that opinion. Because what was not done in terms of translating this vision into reality so that we can discover how that vision is shared across the world in different cultures in different contexts.

Last year for the first time was held a regional conference in Asia, in Singapore. The first ever Asian Childhood Conference, which brought together scholars from the Asia-Pacific countries to look at childhood, child development and child rights from an Asia-Pacific perspective. For the first time last year again the office of the Organization of Islamic Conference (OIC) with the support of UNICEF organized the first ever conference on children for the Islamic countries. Here too perceptions, analysis provided by scholars, intellectuals and peoples from those countries who have specific context, religious, cultural in which they tried to understand child rights and child development. I think we need to do a lot more in this application of the CRC in Africa, Central and Eastern Europe and Latin America where that process has yet to begin. That will help us then develop really a “universal standard” for the Convention.

What I am going to today is to highlight some of the main progress we've made globally since the CRC was adopted 18 years ago, but focus particularly on the challenges and the way forward. How can the CRC influence countries to address the needs and the rights of children in different areas and I will pick a few examples as I go along. I will focus on about four or five challenges that we face globally which are also relevant here in the United States and for Somalia, countries that have not yet ratified the Convention on the Rights of the Child. There is much “unfinished business” in spite of great progress we have made.

So let's look at the progress first, and I am going to do that in different topical areas where we have experience within UNICEF so that we can speak with evidence and effectively argue the case for why there has been progress in some areas.

The first is the area of child survival. Child mortality has reduced considerably over the last eighteen years, that is clearly significant progress as far as the Convention is concerned. In 1990 there were about 13 million children who died before they were five years of age. This fell to about 9.7 million in about ten years. Some countries have made marked progress and these are not the developed countries, but developing countries like Benin, Ghana, Mali and Senegal. These countries have made progress using high-impact interventions at the local district levels where the sources and services have been put in place by which about three million people have benefited, reducing infant mortality by as much as 20% in these last ten years preventing the deaths of about 5,500 children per year. This is significant progress.

Secondly, in education. A few examples, the number of out of school children of prime school age has decreased in many countries. In Ethiopia, for example UNICEF has supported alternative basic education centers in eleven regions, again a decentralized program, having access to about 1.5 million children. Education programs have also become standard element of emergency relief operations in like Iraq, Afghanistan or the Tsunami affected countries in Asia.

Thirdly, in child protection some major achievements have taken place over the last eighteen years. Three major international conferences have been held during these eighteen years which have brought a significant shift in the thinking of governments about the protection of children, promoting the rights of children and setting an agenda to commit governments based on the CRC. The first was the World Conference Against Commercial Sexual Exploitation in Stockholm which put the commercial sexual exploitation, trafficking, etc... on the agenda. Second was a U.N. study on the impact of armed conflict on children which was done by Graca Machel ten years ago which put the spotlight on child soldiers and children in armed conflict. The third one, and the more recent, the U.N. study on violence against children done by Prof. Pinhero which was just submitted a few months back to the United Nations again putting the spotlight on violence in the schools, in the community and other settings. So these three conferences in a way helped to move the CRC further forward in laying a global agenda and getting governments to commit themselves to clear goals and targets. There has also been significant achievements and progress done in eradicating the world forms of child labor, with an International Child Labor conference held in Oslo during which a global agenda was agreed under the leadership of the ILO for the elimination of the worst forms of child labor. Clearly, a lot more needs to be done but there has been some progress in the elimination of child labor. Significant developments have also been seen in some regions, in particular in Asia which have been cross border agreements between governments to combat trafficking of children and young people. Benin and Nigeria in Africa for example, China and Cambodia in Asia are examples of how governments have come into cross border agreements to combat trafficking.

Lastly in the area of participation major achievements have also been recorded. Article 12 of the CRC has been in some ways the article that has become the most famous, drawing attention of not just governments or child rights organizations but children and young people themselves – including their organizations and networks. Over these last ten to eighteen years we have witnessed that youth organizations, young people advocates, child rights advocates who are below eighteen or youths are taking upon themselves the responsibility to advocate for their own rights. “Participation is not just a gift or privilege bestowed on children by parents – it is an inherent right of every child” – Gerison Lansdown. She also authored a major study for UNICEF on the “Evolving Capacities of the Child” which I recommend as essential reading for all of us. at, which for the first time tries to spell out what that means in the spirit of the CRC. The participation of young people has become widespread in many countries, in schools, in communities, in media and local governments, and has received increased attention. The UN Special Session on Children held in New York in 2002 was an unprecedented event in the UN. For the first time, the halls of the General Assembly of the United Nations was filled with over four hundred children below eighteen years of age. Two of them from Bosnia and Bolivia, two girls, I think they were about fourteen and sixteen years old, for the first time stood on the podium – which is normally used by President, Prime Ministers and Heads of Government and State - and addressed the general assembly. They presented the “We The Children” which was a statement that they adopted at the end of the children’s forum. In one month from now we are convening the five year review of the special session and the World Fit For Children at the United Nations in New York and UNICEF and my unit is taking the lead to organize a children’s forum which is going to bring together about one hundred young people at a gathering here in New York on 9 and 10 December. The children will review what progress has been made by governments in the implementation of the commitments made in the World Fit for Children, and they will present their conclusions and recommendations - both of the opening and the closing session of the general assembly. That’s the extent to which young people’s participation has reached today. Next week in Florence UNICEF is convening a meeting of experts who are providing advice and technical assistance to the Committee on the Rights of the Child for the drafting of the General Comment on Article 12. This is expected to be adopted next year in May by the Committee on the Rights of the Child in Geneva. For the first time governments are going to have a guidance note from the CRC committee on how to implement Article 12 and related articles on child participation in the CRC. This will be a major achievement. This will in the future guide the reporting process of countries when they present their reports to the CRC Committee - so no government can now say that we are not obliged to report on article 12 and child participation. At the same time it provides a strong weapon and tool in the hands of the committee to be able to ask governments what they have done about article 12 in their implementation, so this general comment is going to be one of the landmarks of the work of the Committee and for progress on children’s rights.

Let me move on now to the challenges and I will focus on the four challenges that I mentioned earlier. Let me preface what I am going to present as the four main challenges in promoting the Rights of the Child and the Convention globally by saying that what is going to be critical in the coming years and coming decades is the role of children and

young people themselves in promoting and in using the Convention on the Rights of the Child. I see in the coming decade a shift of responsibility, a shift of ownership in a way, of the Convention from adults to children and that is why child participation and young people as advocates is going to become extremely important. In fact there are many lessons here for this country, the United States, as to how young people in a way are going to shift the agenda of this country in the future and that the onus is very much on young people in this country in terms of the US government ratifying the CRC.

The four challenges are the following :

(1) First is the CRC as an international standard vis-à-vis national laws. There are many examples from the developing world where countries have adopted laws that are compatible with the standards provided for in the CRC. For example, the Children and Adolescents Act in Brazil, the Children's Act in Ghana, Children's Charter in Sri Lanka and the National Strategy on Child Participation in Mongolia. Mongolia - one of the poorest countries in that region of Asia Pacific coming out of Soviet domination, in the last six to seven years has reached a point where - for the first time ever - a national strategy on children's participation is now before parliament for ratification. The importance that Mongolia gives to young people and their participation in decision making has reached that limit in a country like Mongolia, and that is an example for many other countries. The challenge for us is how we can support governments to strengthen the national legal systems and mechanisms for implementation of the CRC. In addition, how to build national and global capacity of governments, of teachers and schools and others working with young people and in that context it is extremely important especially in the developing countries and in diverse cultural and religious context how to build on global knowledge and expertise, and build the capacity of young people to work with children and young people. Another challenge is resources and investment in children. Governments are not adequately resourcing their commitments for children.

Furthermore, challenges in relation to monitoring and reporting of governments to the CRC Committee. The committee is the only mechanism which as such reports on implementing to the CRC but it has no powers of sanctions or imposing penalties on governments that are non-performing. So the Convention has no formal complaints mechanism unlike the human rights committee, and no effective sanctions like the security council that is enforced on nonperforming State Parties, and that is a significant weakness of this instrument. Despite the great vision that the CRC has, it is extremely weak in terms of monitoring and reporting mechanisms that is binding on State Parties.

(2) The second main challenge is to interpret, understand and communicate child rights. Maybe we need to speak a different language, maybe we need a different way of conveying this message about the rights of children. This is true not just for the United States but it is true for many other countries as well, including countries where UNICEF works around the world. The universality of the content of the CRC is very difficult to translate in many national cultures. Interpretations in local languages, local vocabulary and nuances do not often convey the same message as the rights in the CRC. In some

ways it is also contradictory to the spirit of the Convention on the Rights of the Child. So a lot of work needs to be done on how we can help people in societies in different context understand and interpret this vision and rights. There is also the lack of understanding of the CRC by the law enforcement agencies themselves, who in some ways should be the guardian and the protectors of the rights of children; so also, local government officials, teachers and schools. The CRC is not a mandatory part of the education curriculum in most of the 193 countries that have already ratified the CRC. Where else can you teach children's rights first, but in schools, and certainly at home.

I was in Istanbul a couple of weeks back and we visited a youth organization there. In the office of this youth organization there was this poster with a quote from young people : "you don't have to grow up to gain your rights". So as a child you have rights and you should be able to exercise them. You don't have to necessarily grow up in order to gain these rights. Such an understanding of child rights in the schools, in the family in the settings where children and young people live and grow is very important.

The third challenge is child rights as part of the broader human rights discussion. Child rights and democracy, child rights and local governments will mean a shift towards the rights of children and the ability of children to exercise that right. It will mean a shift in our relations within the family, within the school, within society, and this is perhaps what is most threatening to us – as adults - and in institutions. This is a shift in power relationship where young people start exercising that right to be able to participate and influence decision making. In many countries, this discussion on child rights is also very closely linked to democracy and governance – not just in the families and in the schools but in wider society.

And finally, the fourth challenge that we face in terms the rights of the child and CRC is the political will of governments. In spite of the fact that many governments have ratified the Convention there is still a serious lack of political will to implement and fulfill the rights of the child. Furthermore globalization, the free market economy is eroding the power of governments. Governments are no longer the main player in decision making at the national or the global level. It is the private sector, the multinational corporations and the corporate world which are more powerful, manage far more resources and influence and extend beyond boundaries far better than any of our governments. And therefore many governments, and the United Nations as well, lack the ability and the resources to be able to fully implement all the Treaties and Conventions because they are not in total control. The challenge therefore is to go beyond just the government - to look at broader alliances and social mobilization and how to work in partnership with private sector, with public players who can influence decisions, to work with youth organizations themselves, religious, cultural leaders who inform and influence public opinion, the opinion makers, and those that will and can make a difference. There is need for a truly "Global Movement for Children".

I want to conclude with a few statements here on this adolescent (CRC) which is now 18 years old. The life history of the CRC from birth in 1989 to adolescence in 2007 has been

very much like the birth of a child and it evolving into adolescence. As it grows into adulthood in the coming years it is going to be even more important to move from the small steps taken to giant leaps in advocacy and social mobilization for the realization of children's rights. I believe that legal implementation alone is not going to make the difference. We need to galvanize social organizations and propel a broad social mobilization around the rights of children. Legal implementation and compliance alone is not going to be enough. We need to create a movement for children involving the children and young people themselves as the leaders and key stakeholders in that process.

Finally a vision itself is not enough we need to experience that vision in our daily lives. Young people especially want to experience that today and now – this message comes to us loud and clear. “We no longer need promises - we need action”. We need to make a difference in the lives of those children in the future.

One of my favourite quotes from which I always draw inspiration is this : “I would rather have a mind open by wonder than one closed by belief.” The CRC opens our minds to children – let us not close it because of belief.

Thank You.