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Statement by Mr. James P. Grant
Executive Director of the United Nations Children's Fund (UNICEF)
to the
Third Committee of the 49th General Assembly of the United Nations

New York
11 November 1994

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"Child Rights: A Central Moral Imperative of our Time"

Thank you for giving UNICEF the opportunity to address the Third Committee on a critically-important topic that has come before the General Assembly for the first time. Discussion of this item -- "Promotion and Protection of Children's Rights" -- couldn't be more timely. I believe that its inclusion on the agenda reflects a heightened global awareness of the importance of safeguarding human rights in general, and children's rights in particular. It will take us into an area of human progress where the greatest gains are now being made and, ironically, where the greatest wrongs continue to be perpetrated.

I will outline, first, the major gains being made in this field, and then some of the most egregious wrongs to which I have referred -- along with urgent actions we at UNICEF believe must be taken.

The Convention on the Rights of the Child

The great legal and ethical instrument for promoting and protecting all children's rights, the Convention on the Rights of the Child, was approved by the General Assembly five years ago this month. Since then, 167 countries have ratified the Convention, making it the most widely ratified of all the human rights treaties.

The Convention recognizes every child's right to develop physically, mentally and socially to his or her fullest potential, to express his or her opinions freely, and to participate in decisions affecting his or her future. This new ethic goes for girls as well as boys; it applies to children living in rural and hard-to-reach areas as well as to those living in cities and peri-urban areas; it is as valid for children whose families and communities are poor as for those who are better-off; and it should benefit children with disabilities and those of racial, ethnic, or religious minorities as well as those from the majority or mainstream of a given society.

The Convention is thus a "Bill of Rights" for all children, a code of binding obligations for governments, and a minimum standard of responsible conduct for communities and families with respect to the young.

Let me take this opportunity to reiterate the call of the World Summit for Children and the General Assembly for all countries to ratify the Convention, as well as the appeal issued last year by the World Conference on Human Rights for its universal ratification by the end of 1995. We are coming within reach of this goal as the list of countries that have not yet ratified gets shorter and shorter. Only 23 countries are still on that list, some because of internal emergencies or armed conflicts that have kept them from considering ratification, and others because of the rigours of their domestic legal procedures or political considerations.

We at UNICEF believe, however, that conditions exist in virtually all of these countries for placing the Convention on a fast track toward ratification. We have helped organize numerous regional and national seminars in an effort to clear the way for ratification and we are prepared to provide whatever additional technical assistance may be necessary. It is not too late to achieve the mid-decade goal. I cannot think of any more appropriate way for the world to signal its commitment to human life and social progress in the year of the United Nations' fiftieth anniversary than by making the Convention the first truly universal law of humankind.

Rarely does ratification of an international treaty amount to much more than the stroke of a presidential pen and a formal, bureaucratic legal procedure; but I am happy to report that in country after country, ratification of the Convention on the Rights of the Child has come about as a result of a national process of soul-searching, of legislative and even Constitutional renewal, of frank dialogue between government and civil society, of media scrutiny and the formation of intersectoral commissions to monitor and coordinate actions for children.

The largest unified movement in pursuit of rights that the world has ever seen may be emerging around the Convention on the Rights of the Child.

The World Summit for Children

The same "window of opportunity" that opened as the Cold War was ending to permit the Convention to be embraced on such an unprecedented scale, also permitted the first truly global summit meeting to take place. And it was on the same subject. The 1990 World Summit for Children essentially translated the Convention into a global programme of practical actions to promote and protect the basic rights of all children.

To date, 163 heads of state or government have signed the World Summit for Children Declaration and Plan of Action, committing themselves and their governments to achieving over 20 specific, measurable goals for children by the year 2000. Subsequently, it was agreed that some of these goals should be achieved earlier -- by the end of next year -- to build momentum toward achievement of the more ambitious and complex decade goals. More than 120 countries -- accounting for some 90 per cent of the world's children -- have issued or drafted national programmes of action to reach both sets of goals.

In UNICEF's experience, goals, carefully considered and seriously adopted, constitute the strongest basis for timely social action. By setting measurable, time-bound goals, governments -- at both the national and sub-national levels -- open the way for the focused action, social mobilization and monitoring measures necessary for sustainable progress. The year 2000 and mid-decade goals transform many of the articles of the Convention into specific, tangible claims which have inspired a shared vision of what can and should be provided to children in the last decade of the 20th century.

UNICEF itself has decided that from now on, the Convention on the Rights of the Child will be the framework for our programmes of cooperation in over 130 developing countries, based on an in-depth analysis of the status of children's rights in each country. In turn, the treaty body established by the Convention -- the Committee on the Rights of the Child of the UN Human Rights Commission -- is using the mid-decade and year 2000 goals in health, nutrition, education, water and sanitation as benchmarks against which to measure each country's progress towards implementing the provisions of the Convention dealing with social and economic rights.

A revolution in human capacity and ethics

I present all of this matter-of-factly, as if it were the natural order of things. But a moment's reflection will remind us that it represents a revolution in human thinking and a major step forward for civilization. For almost all of human history, when malnutrition or diarrhoea or pneumonia claimed the life of a child... or when a child lost his or her sight due to lack of vitamin A or polio paralyzed his or her limbs... or when a child had difficulty learning because of some mental impairment, or had to go to work instead of going to school, or when a girl was denied an education simply because she was a girl -- it simply would not have occurred to anyone to say a violation of human rights had taken place. The tragedy or loss would be explained or excused in any of a variety of ways -- from the workings of fate or witchcraft to the inevitability of poverty or impotence in the face of famine or disease -- anything but a violation of human rights.

But over the past century and a half, and especially in the past fifty years, our ever-increasing capacity to prevent the mass deaths of children and meet the basic needs of all has forced our morality -- our sense of what human dignity means at this time in history -- to evolve, albeit unevenly and far from fast enough.

Today, ending the massive violation of children's rights still taking place around the world is one of the central moral imperatives of our time. The world has agreed, first and foremost, that we can and must work together to save, in a matter of years, a majority of the lives of the 35,000 children who still die daily of largely preventable malnutrition and disease -- those who, in the words of the English poet Samuel Taylor Coleridge, "die so slowly that none call it murder".

And as you know, we have begun to make significant progress on the child survival front -- saving some 5 million lives a year through low-cost but high-impact technologies and practices. Reaching the mid-decade goals I mentioned earlier will save an additional 2.5 million young lives every year.

But on the threshold of the 21st century survival is not enough. The Declaration of the World Summit for Children sets forth a far more ambitious and holistic agenda:

"Together, our nations have the means and the knowledge to protect the lives and to diminish enormously the suffering of children, to promote the full development of their human potential and to make them aware of their needs, rights and opportunities. The Convention on the Rights of the Child provides a new opportunity to make respect for children's rights and welfare truly universal."

Children at the centre of development

It is UNICEF's belief that the time has now come to put the needs and the rights of children at the very centre of development strategy. This argument is based neither on institutional vested interest nor on sentimentality about the young; it is based on the fact that childhood is the period when minds and bodies, values and personalities are being formed and during which even temporary deprivation is capable of inflicting lifelong damage and distortion on human development.

It follows that, whether the threat be war and violence or economic marginalization, children should, as far as is humanly possible, be protected from the worst mistakes and malignancies of the adult world.

For this reason, the most constant strand of UNICEF advocacy over the years has been that the vital, vulnerable years of childhood should be given a first call on societies' concerns and capacities, and that this commitment should be maintained in good times and in bad. A child has only one chance to develop, and the protection of that one chance therefore demands the kind of commitment that will not be superseded by other priorities. There will always be something more immediate; there will never be anything more important.

With the World Summit for Social Development fast approaching, the time has now come to see this issue of nurturing and protecting the growing minds and bodies of children not as a matter of peripheral concern, to be dealt with by a little extra sympathy and charity, but as an issue which is integral to almost every other item on the Copenhagen agenda. It is an issue that can be simply stated -- the world will not solve its major problems until it learns to do a better job of protecting and investing in the physical, mental, and emotional development of its children.

Meeting children's basic needs and investing in their healthy development will help accelerate solutions to the main problems that vex and threaten humankind on the threshold of the 21st century -- the problems of poverty, overpopulation, and environmental degradation that feed off of one another in a downward spiral that brings instability and strife in its wake. **Children are an extraordinary lever for progress.** No global social agenda will meet the test of time if it does not recognize this.

Not just child survival and development -- protection too

The existence of measurable goals, deadlines and proven strategies in the areas of health, nutrition, education, water and sanitation and family planning paves the way for accelerated action for children. But due to the lack of comparable goals, deadlines and strategies in the areas of child protection and participation, we run the risk that children's rights in these equally vital areas will be neglected or relegated to a lower priority. We must not allow this to happen, especially since the Committee on the Rights of the Child has found serious and widespread problems of child abuse, exploitation and neglect in many of the countries whose reports it has reviewed.

Permit me now to briefly touch on some -- not all -- of the protection issues crying out for greater attention and more creative strategies on the part of governments, NGOs and international agencies, including UNICEF:

- * **First, children in armed conflict** -- As you know, modern wars have taken a terrible toll among children and other

civilians; in recent conflicts, children seem to have increasingly become primary targets, often constituting more than half of all deaths, in violation of the most basic norms of law and human decency. Girls and women are often the preferred targets of violence, with rape as a particularly vicious weapon of war. But of course injury and death are not the only consequences of war; its wider impact includes displacement, destitution, exploitation, psychological trauma, interruption of schooling, etc. When I visited Rwanda a few months ago, nothing moved me more than the plight of the many thousands of unaccompanied children -- orphaned, lost or abandoned -- whose care and reunification with family and community have become a UNICEF priority.

Surely the international community can find ways to provide children and women with greater protection and assistance amidst and following the wars that victimize and traumatize them. That is why UNICEF welcomes the decision by the General Assembly to implement the proposal from the Committee on the Rights of the Child to undertake a comprehensive study of the impact of armed conflict on children. We are working closely with Ms. Graca Machel, the expert chosen to prepare this important study in consultation with the Centre for Human Rights and other relevant organs/agencies of the UN system, who will address the Third Committee this morning. And I would like to call on all governments to provide Ms. Machel with every possible facility in order to carry out her urgent mandate.

Moreover, far greater efforts are needed to put an end to the participation of children in armed conflicts. Children as young as nine or ten are often used as soldiers, equipped with fully-automatic assault weapons. These children are sometimes forcibly recruited, but more often join warring factions for survival. Many have seen their own parents cruelly murdered. Terrible things have been done to these children, and the children themselves have done terrible things, taking part in the atrocities of war. Reintegrating these children into their communities presents immense problems. All of this is why I support the efforts of a number of governments -- and of course a very active coalition of NGOs -- to attach an Optional Protocol to the Convention on the Rights of the Child setting the minimum age for recruitment into armed forces at 18 -- rather than at 15, as stipulated in the Convention today.

* Second, and related to this, is the issue of anti-personnel landmines. We applaud the General Assembly's approval of four resolutions last year explicitly dealing with this important subject, and we were glad to learn that a draft resolution will come before this year's Assembly

that would impose a moratorium on the export of landmines. But given the cruel and inhuman intention of these weapons and their growing cost in human and economic terms -- and the increasing toll they are taking among children, who often constitute more than half of all mine victims -- I would like to add my voice to that of the Secretary-General, the United Nations High Commissioner for Refugees, and the International Committee of the Red Cross and urge the international community to go one critical step further and adopt a total ban on the production, use, stockpiling, as well as the sale and export of anti-personnel landmines. For UNICEF, this cause has a very particular force, inasmuch as the presence of landmines violates the most fundamental rights guaranteed by the Convention on the Rights of the Child. Far greater support needs to be given to mine awareness campaigns, along with deactivation and removal of the million of mines that continue to wage war against civilians long after the fighting has ended.

* Third, **exploitative child labour.** Widespread poverty... lack of access to schooling... education that is not relevant to young people's lives... structural adjustment programmes that slash social services, and a global economy that prizes cheap labour above all else are all forcing children into the work force. The International Labour Organization, which has led in the effort to eradicate child labour for decades, conservatively estimates that between 100 million and 200 million children are engaged in exploitative forms of work. In some countries, the number of working children is increasing.

UNICEF believes that it is imperative to do away with the most hazardous and exploitative forms of child labour, particularly bonded labour, while striving to improve the conditions of working children, including those working in "hidden" occupations such as domestic servants. Although eradication of child labour will obviously not come overnight, we believe that it can and should be phased out progressively. The key elements to a solution to this complex problem can be found in free and compulsory primary schooling for all children; extending access to quality basic education and providing incentives to families to send their children to school; legislative reform and effective enforcement of child labour laws. In order to create an environment in which parents will find it possible to send their children to school, safety nets for families will have to be strengthened and employment opportunities for adults increased.

This is an area where the introduction of concrete goals and timelines should be feasible, based on innovative partnerships between governments, the private sector and

local communities. The industrial countries should encourage holistic approaches to combatting exploitative child labour and increase or restructure aid packages accordingly. In particular, assistance for universal primary education needs to be increased if there are to be significant gains in the child labour field. It must be understood that the passage from developing to developed society will not be accelerated through more children in the work force but through more children in schools.

* Fourth, the sale of children, child prostitution and child pornography. The four excellent reports on this hair-raising subject submitted since 1990 by Special Rapporteur, Mr. Vitit Muntarbhorn, offer a range of recommendations for dealing with the sale and sexual exploitation of children. Regrettably, they have not received the serious consideration they are due. In his current report, Mr. Muntarbhorn notes that:

"The increasing internationalization of the sale of children, child prostitution and child pornography is most disconcerting. Children are not only sold for these purposes at the national level, but they are also trafficked across frontiers far and wide. The problem transcends national frontiers and local jurisdiction. There is thus an urgent need for international cooperation to counter the illicit trade."

We in UNICEF feel that inaction at the international level, combined with generally half-hearted efforts at the national level, constitute a license to those involved in the highly lucrative business of child exploitation and trafficking to seek ever larger numbers of victims who are ever younger in age, as well as new and more extensive markets, in industrial and developing nations alike. I suggest that it is time for the global village to get tough with perpetrators and that special efforts must be aimed at protecting children, especially young girls, from their depredations.

UNICEF is working closely with international and national NGOs on prevention, protection and rehabilitation of child victims of sexual exploitation. And we are actively supporting preparations for the World Congress on Commercial Sexual Exploitation of Children to be held in Sweden in 1996, hosted by the Swedish government in collaboration with a coalition of non-government organizations including End Child Prostitution in Asian Tourism (ECPAT). Hopefully, it will represent a breakthrough for more energetic global cooperation. To this end, I believe that the mandate of the

Special Rapporteur -- which is a vital complement to the work of the Committee on the Rights of the Child and of UNICEF -- should be strengthened and given greater support.

* **Fifth, juvenile justice.** This complex problem cannot be summarized in a few minutes and I will obviously not try to do so here. Suffice it to say, however, that to one degree or another, problems in the area of juvenile justice can be found in most countries. I am thinking, especially, of the complete lack or grave inadequacy -- in many countries -- of laws, courts, detention and rehabilitation facilities designated specifically for the young. All too often we learn of children and teenagers being tortured or beaten by police, or being detained without fair hearings, or incarcerated in inhumane conditions or adult prisons. Minors are subject to capital punishment in some countries. In recent years, we have seen the emergence of death squads engaged in so-called "social cleansing" aimed at the elimination of street children and other indigents. A culture that exalts violence and romanticizes delinquency is gaining legitimacy among alienated and disenfranchised youth through mass media commercialization.

Using the Convention on the Rights of the Child as our ethical and legal guide, States Parties, international agencies and NGOs must urgently address these problems by promoting comprehensive juvenile justice reform, including training of law enforcement officials, as was done in Brazil in 1990 and is underway now in Viet Nam and South Africa, to cite just a few recent examples.

* **Sixth, economic sanctions.** We continue to be deeply concerned about the situation of children in countries affected by sanctions. We recognize that sanctions are a necessary tool for international action, occupying the middle-ground between rhetorical resolutions and the use of armed force. Sanctions must, however, be applied in a manner in which children of poor families -- the most vulnerable and, I might add, the most innocent in a society -- do not suffer most cruelly. Without renouncing the non-military mechanisms of international pressure wisely provided in the Charter, it should be possible to refine our existing tools -- or to develop others -- so that children are not major and unintended victims of particular sanctions. I continue to believe that **proposals for sanctions -- at the least for comprehensive sanctions -- should include a "child impact assessment", describing their expected impact on children and detailing whatever measures may be needed to cushion their worst effects on children and other vulnerable groups.**

* **Seventh, child abuse.** Contemporary society's threshold of tolerance for the physical and psychological abuse of young children is getting lower, eroding the formerly unlimited right of parents and other adults to punish or treat children as they so pleased. But child abuse, linked closely to domestic violence against women, remains a problem in virtually every society, presenting a terribly thorny problem because it so often takes place behind closed doors and is frequently kept secret even by its intimidated victims.

In recent decades much experience has been gained in identifying, preventing, treating and punishing violent child abuse, but these experiences need to be more widely shared and applied. I am convinced that improving the treatment of children at home -- showing them love, teaching them tolerance, resolving conflicts peacefully and empowering them with practical knowledge and solid values -- is an essential part of efforts to prevent the more public cycles of violence that tear at the fabric of our societies and undermine world peace. That is why strengthening families is so important. Greater international cooperation is needed to support national and local efforts on this score. UNICEF is increasingly active on this front and is providing support to the International Society for Prevention of Child Abuse and Neglect, and its network of affiliated organizations.

* **Eighth, the Convention on the Rights of the Child prohibits discrimination of any kind, based on 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).** Undeniable advances against some forms of discrimination have been matched or outpaced in recent years by frightening retrogressions in others -- from so-called ethnic cleansing and genocide to systematic gender bias and racism to discrimination against immigrants. Children often suffer the consequences of the prejudices and hatreds of the adult world. Unless they are raised to appreciate diversity and practice inclusion -- and if society does not stand firm against the forces of intolerance -- the 21st century may well replay the worst tragedies of the 20th.

Next year has been designated the International Year of Tolerance and all of us must work closely with UNESCO to build the universal culture of tolerance and peace envisaged by the founders of the United Nations.

* Ninth and finally, something so basic that it may seem unnecessary to say: **every child has the right to a name at birth.** The State has an obligation to protect that right, seeing to it that all children are duly registered. Civil registration is not only important from a statistical point of view -- so all children can be counted -- but also because each and every child *counts* and his or her existence needs to be legally acknowledged.

Millions of children -- for obvious reasons, we lack solid estimates as to their numbers -- are not registered today and are simply "falling between the cracks", never receiving the health care, education and legal protections to which they are entitled. In some marginalized communities where infant mortality is very high, parents often wait a certain period -- sometimes a year -- naming and registering their babies only when they are judged likely to survive. But the death of a nameless, unregistered child is certainly no less a death and a tragedy than that of a child with a name and a birth certificate. Where so-called "son preference" continues to hold sway, infant girls are often denied the basic right to identity and civil registration, going on to live lives of relegation and discrimination. Unregistered children are also prime targets for illegal international adoption, sexual exploitation and even trafficking in their internal organs, and can be made to "disappear" more easily because, officially, they simply do not exist.

States Parties must guarantee this "bottom-line" right to an identity through making registration of each child easy, accessible, free of charge and compulsory.

We are all obligated to do more

In flagging these issues for the General Assembly's attention today, I include UNICEF among those who are obligated to do more to promote and protect children's rights in these sensitive and critical areas. UNICEF has traditionally emphasized child survival and development, but with the impetus provided by the Convention on the Rights of the Child and the World Summit for Children, we have increasingly taken up the banner of child protection worldwide.

Before closing, I want to emphasize the need to provide greater support for the vital work of the Committee on the Rights of the Child and the Centre for Human Rights, which are doing so much for the world's children with such unfairly limited resources and personnel. Governments must see to it that their reports are submitted on time and that they present an objective and comprehensive picture of the state of all their children's rights. UN agencies need to coordinate better at country level

both in support of the preparation of these reports and in the implementation of the Committee's recommendations, as requested by the government concerned. Greater support is also due the many non-governmental human rights and child rights' organizations that have been the moral conscience of the world for so long. Governments should see them as full partners at every stage of the reporting process, as well as in follow-up.

I want to take this opportunity to recognize the important contribution to child rights that has been made over the past few years by a variety of inter-governmental bodies and regional organizations, from the Council of Europe to the Organization of African Unity, the South Asia Association for Regional Cooperation to the Arab League, among others.

Let us join forces -- governments, NGOs, communities, families and international agencies -- to bring to child protection all the energy, commitment, creativity and resources that are already making such a difference for child survival and development. The quality of life in the 21st century, and our self-respect as a species today, depend on it.

I will close by reiterating the proposition I offered to the World Conference on Human Rights in Vienna last year: using children as a cutting edge of human rights generally, and of our many ongoing efforts in diverse fields of development, would contribute more to international peace and security, and more to democracy, development and the environment -- more to preventing crises and conflicts -- in a shorter period of time and at a far lower cost than any other set of doable actions aimed at remedying global problems on the threshold of the 21st century.