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Address by Mr. Marco Vianello-Chiodo
Deputy Executive Director (External Relation)
of the United Nations Children's Fund (UNICEF)
at the
Conference of the International Federation of Women Lawyers

The Bahamas
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It is a great pleasure -- indeed, a privilege -- to be here with you today. It took a woman: Portia -- in Shakespeare's Merchant of Venice -- to use the law for the ends of Justice and humanity rather than to accept its perversion in greed. Unfortunately, she had to disguise herself as a man to get into court as a lawyer. I am grateful that I -- a lawyer by training -- was not required to disguise myself as a woman in order to get to speak to you today. Nowadays, thanks to organizations like yours, you do not need disguises any longer and Justice -- that formidable lady holding the scales -- can be better and more wisely served.

George Bernard Shaw once said that the world is made up of reasonable people and unreasonable people. The reasonable accept the world as it is. The unreasonable want to change it. I would like to assume that I am talking today with unreasonable people -- that you want to change the world as much as we in UNICEF do.

Hans Singer, the development economist, once remarked that for every Einstein born into the world, who gets a chance to develop to her or his full potential, there are four others in the developing world who have the potential, but do not get the chance.

He said that a quarter of a century ago, so we would like to think that the odds have improved somewhat since then. But today, as we meet here, some 35,000 children in the developing world will still die; 35,000 tomorrow; 35,000 every day. That is the equivalent of more than 100 Boeing 747 airplanes filled with children crashing every day -- a Hiroshima-sized disaster every three days -- adding up to about 13 million child deaths each year. Many millions more will be crippled for life or suffer such serious malnutrition, over an extended period, that their lives will always be stunted or limited. And too many still do not get any schooling or drop out after only two or three years. Too many will see their potential thwarted and their choices severely limited simply because they are girls -- girls in a world

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which still practices what we call the apartheid of gender. And, since the human brain is basically complete at the age of five, all that a child has lost by then in intelligence, attention, stimulation, care and love is lost forever. I take this opportunity to speak with women lawyers -- lawyers who are also women, women who are also lawyers -- and reflect together on how we might combine our "unreasonableness" in order to change the tragic state of affairs I have just described.

The good news is that the major threats to human life and health have one crucial characteristic in common: they can be most effectively combatted by changes in human knowledge and behaviour. So much so, that the toll they take could be at least halved by empowering people with what is already known, and by supporting them in using this information, and existing simple and low-cost technology, to take greater responsibility for their own and their family's life.

How is it, you may justifiably ask, that, while things are still so bad, such an unprecedented advance can now be claimed to be within our reach? It has been the synergistic combination of two forces which has made such progress possible: the combination of readily-available low-cost/high-impact health knowledge and technology, with our new capacity to communicate with and organize among the world's people - the women and the poor, much too often people who are both poor and women. UNICEF has called this approach the potential for a Child Survival and Development Revolution -- one which can also serve as a leading edge for advancing primary health care generally around the world. The actual medical techniques are, of course, familiar to you. They include immunization against the six main child-killing diseases; oral rehydration therapy to prevent the often-lethal dehydration from diarrhoea; a return to the practice of breastfeeding; growth monitoring; female literacy; family planning; food supplementation, especially with the three miraculous micronutrients - vitamin A, iron and iodine. We now have the capacity, for the first time in history, to extend the basic benefits of modern science and medicine to all, rather than to the privileged few.

But having the technical capacity is not enough. The will to use it has to be there as well. And this is the second piece of good news I would like to tell you today: we are closer than ever before to harnessing this technical capacity to the forces that can make it move forward - political and popular will. Just over two years ago, the World Summit for Children brought together -- for the first time ever -- the presidents, prime ministers, monarchs and senior ministers of most of the world, with the sole purpose of finding a way out of the obscenity of mass child death, illness and malnutrition, in order to break the cycle of self-perpetuating poverty that casts such a shadow over the future of humankind.

The comprehensive Plan of Action they adopted -- which is now being translated into National Programmes of Action in almost every nation -- is based on the principle of "first call for children". That is, that the lives and normal development of children should have "first call" on every society's concerns and capacities and that children should be able to depend on that commitment both in good times and in bad. You may simplify it even further

and say "Children First". It may sound idealistic, not realistic, but let me give you an example.

A former Planning Minister of Pakistan chose to put priorities right, and decided to postpone by one year building a modern hospital in Islamabad, and to use that money to get the children in the country immunized. That was a practical as well as courageous political decision, one that reflected not only the principle of "first call", but what we like to think of as the new ethos that is emerging in this post-Cold War era -- perhaps still stumbling forward, but steadily making progress.

Also in 1990 -- on the eve of the World Summit for Children -- the Convention on the Rights of the Child came into force, codifying this new ethos for the first time. Since you are lawyers, and since your organization's statutes call on you to "enhance the welfare of women and children", I'd like to focus on these rights and on what their implications are for "unreasonable" people like us.

Rights, as you know, can be an explosive topic. Often it is rights, and the question of how they are to be acknowledged or parcelled out, that demarcate the dividing line between social philosophies -- between political parties. Wars have been fought over rights; most revolutions have begun with perceived rights abuses as the prime cause.

It is adult rights -- the debate, struggle, and bloodshed associated with adult rights -- that I have just referred to. Defining and securing them has been difficult enough. Most of the time, people forget that rights are inextricably connected with duties. It has taken almost 200 years of blood and strife since the French Revolution to reach the basic unanimity expressed in the Universal Declaration of Human Rights. But when these rights were fully spelled out in 1948, still few if any thought of children as anything but collateral beneficiaries. The children would, it was assumed, be sheltered by the rights of the adults. That should cover them sufficiently. And this, by and large, was the conventional wisdom that prevailed in the world through the early 1980s.

Not so very long ago in the sweep of human history, children had no inherent rights whatsoever. For millennia they were considered as property. You could kill them and not be punished. They belonged to the kitchen -- like their mothers, I would add. Even the affectionate admonition of the English nannies that "children should be seen but not heard" reflects this orientation. The notion that the State has a legal obligation to protect the young and help parents and communities provide for their well-being is a modern innovation. I remember reading that a New York lawyer, shortly after the turn of the century, had to resort to the laws (which existed) against cruelty to animals in seeking protection for a child victim of parental abuse -- because there were no child protection laws on the books!

So there is now something quite radical in the idea of children's rights and the way they are spelled out in the Convention on the Rights of the Child. It is radical because it enfranchises a whole new cohort of population

-- a restless, original cohort seldom expressly sheltered by any important body of rights or law before. It is a cohort which, in its pre-adolescent childhood, is regarded with fond patronization at best by the general public; in its adolescence and teenage ranks, it is regarded with widespread uneasiness and even fear. All those of us who support the Convention on the Rights of the Child and wish to see it implemented must take stock of these public feelings, and realize that we are entering a sociopolitical "radioactive zone" when we discuss the categories of children's rights that go beyond the familiar consensus-supported areas of health, education, and protection from war and violence.

Essentially, the 54 articles of the Convention boil down to what one might call "the three P's" -- protection, provision, and participation. The first two, protection and provision, are comfortable enough. It is the experientially uncharted third P, participation, that causes the yellow caution lights to flash on. What kind of participation? How much? At what age? Won't it derange the social order?

Let me just cite for you some provisions of the Convention that provide a strong legal basis for the child's participation.

Article 12, for example, says that governments "shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight...".

And, it continues: "For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child ...".

Article 13 guarantees the child the right to "freedom of expression". This right includes "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers....".

And Article 14 recognizes the child's right "to freedom of association and to freedom of peaceful assembly."

All these rights are based, of course, on Article 28 which proclaims the right of education, on the basis of equal opportunity, which means paying special attention to the education of women, perhaps the most important prerequisite for the progress of humankind -- including, I would say, for solving the ever-growing problem of increase of the world's population. Bodies of law designed to protect from painful trespass a minimum roster of humankind's basic entitlements have served to provoke introspection, challenge the status quo, and incite action -- but only recently. The Universal Declaration of Human Rights was promulgated in the 1950s, but lay dormant -- the '50s and '60s were not ripe years for rights -- until the mid-1970s. Work on the Convention on the Rights of the Child started only in 1978.

Little by little, the human spirit was, nevertheless, primed for an age of complementary actions that would summon international consensus on a set of

basic freedoms and dignities to which all of humankind is entitled by birth, transcending as they do the purviews of governments or individuals, and -- most critically important and historically remarkable -- design and ratify a process to implement and then guarantee the stewardship of those human rights.

Such a process was firmly set in motion by the adoption in 1989 and entry into force in 1990 of the Convention on the Rights of the Child -- a process that promises steadily increasing social justice for children in the not-distant future.

An important advance made by the Convention on the Rights of the Child is the elevation of the traditional category of children's essential needs to the category of rights, codifying them along with responsibility of society to ensure that they are respected. It stresses "the best interests of children" while rejecting, at the same time, all forms of discrimination based on gender, race, color, language, or religion. It merges, for the first time, civil and political rights on the one hand, and economic, social, and cultural rights on the other, treating this broad range of rights as an indivisible whole.

One hundred twenty-three countries have ratified as of today. And built into the treaty they signed is a means of gauging the seriousness with which the governments are taking up their commitment to their nation's children. Governments must report, within two years of ratification, on how they are following up on the Convention. They report to a group of six women and four men, ten eminent persons from ten different countries, experts on rights, child development, and the law. These experts comprise the Committee on the Rights of the Child, elected by States Parties and set up to monitor how effectively countries are implementing the treaty.

To one degree or another, all countries -- industrialized and developing -- have problems fulfilling their responsibilities to children and can benefit from international support in working to correct them. UNICEF is working closely with governments in all parts of the world, at their request, in the Convention follow-up process and, as mandated in the treaty itself, with the Committee on the Rights of the Child.

The Committee has not been content to sit and wait for reports to arrive. They have begun taking the Convention on the Rights of the Child to the people -- to the children themselves.

Recently in Quito, Ecuador, the Committee became the first UN body responsible for human rights to travel as a group into the countryside of a developing country, coming in touch with the conditions whose change they are charged with monitoring, and imparting to the people in the region they visited a sense of the vibrancy and potential of the Convention.

The Convention is becoming an ethical reference point and is being cited by a rising chorus of voices speaking against the victimization of children in such war areas as Somalia, Bosnia-Herzegovina, Sudan, Mozambique, and Afghanistan.

The challenge now is for us to maintain the synergy between the Convention and its implementation through the World Summit for Children Declaration and Plan of Action. The world leaders committed themselves to meeting 27 goals by the year 2000, an agenda in every way compatible with the Convention on the Rights of the Child.

You have been given a yellow booklet titled "First Call for Children", which contains the Plan of Action of the Summit and the full text of the 27 goals. Let me therefore just summarize the main ones, the essential, to be achieved by the year 2000:

- a) reduction of under-5 child mortality rates by one third;
- b) reduction of maternal mortality by half;
- c) reduction of severe and moderate malnutrition of children by half;
- d) universal access to safe drinking water and to sanitary means of excreta disposal;
- e) universal access to basic education;
- f) reduction of adult illiteracy rate by at least half;
- g) protection of children in especially difficult circumstances, particularly in situations of armed conflict.

We will not know if these promises will be kept until we are closer to the year 2000, but there are encouraging signals that they will be.

In mid-1992, the Secretary-General of the United Nations reported to the General Assembly on the status of progress in all countries, and on the drawing up of National Programmes of Action, region by region, toward the Summit goals (and therefore toward many Articles of the Convention.). He called the initial response "substantial and widespread". Following the path of progress, a decision made by UNICEF's Executive Board mandates that all new country programmes be based on and integrated with the Convention.

By end-'92, that path leads us to the reports to the Committee on the Rights of the Child to be made by the first 57 ratifying countries on their implementation of the Convention.

The synergistic interplay between an international treaty -- the Convention -- and specific country programmes -- the National Plans of Action -- gives promise of achieving greater rights for children in realistic ways -- within each nation, during a measured time frame.

But on the streets and in the villages of country after country, the world is once again showing itself to be a dangerous and violent place where conditions increasingly menace children more than any other group in the population. The most lethal of these conditions draw our attention to the rights to protection and provision -- categories of rights still absolutely unavailable to a large fraction of the world's children today.

As I said earlier, nearly thirteen million of these children die every year -- some 35,000 a day. The numbers stun the mind. Malnutrition and

disease have been reinforced, especially over the past two decades, by a powerful multiplier agent: armed conflict.

In World War I, only a tenth of the casualties were civilian; now, 90 percent of those who die due to war are non-combatants, particularly children. In the Sudanese civil war up to mid-1989, it was estimated that 14 children died for every dead government soldier or rebel.

A glance at the world's mortality tables is instructive. The first, second, and third highest child mortality rates in the world are those of countries whose names, tragically, have in recent decades become synonymous with war -- Mozambique, Afghanistan, and Angola. Roughly a third of the young children of these countries do not live to see their fifth birthdays. Close behind them are Ethiopia, Somalia, Liberia, and Cambodia. A measure of the size of child losses in these countries is that they are occurring at a constant rate probably five times greater than Bosnia-Herzegovina's today.

The Somalias and Bosnia-Herzegovinas of today were prefigured in the past by some wars that fell squarely on civilian populations, but never on the scale that is the norm now, and not with the same frequency. Historically, there was a sense, approaching a taboo, that children were beyond the limits of attack. State-sponsored conflict took place mainly on battlegrounds well away from towns and settlements. And added to this was the aura of near-holy innocence that attached to children up through the start of this century -- a romantic ideal that clashed with the virtual "non-person" status of children in everyday life. In poetry and song, in the religious texts, they were God's image. In earlier eras they were also revered as the seed-corn of the race, insurance against extinction. Population replenishment was crucial. And so, across hundreds of generations, there emerged a social contract that bound combatants to protect and spare children and the defenseless.

That contract began to lose its adhesion -- in this so-called "civilized" era -- with the advent of mechanized war and has pulled apart more and more rapidly since. At this moment, there would appear to be no contract at all on the ground where the fighting rages, no shield worth the name for children and the defenseless, and only, and only rarely, brief ceasefires and safe passages that evaporate at a gunman's whim. This obscenity must end.

With the Convention on the Rights of the Child as our moral compass and National Plans of Action as our guides, we must match with strong new protections the pace and capacity of armed conflicts to kill, stunt, maim and terrorize our children. At the least we must insist that a protective cloth be cut from the pattern of four different cases of humanitarian intervention, carried out between 1985 and 1991 at the initiative and with the support of UNICEF in four different countries -- El Salvador, Lebanon, Sudan, and Iraq -- during four different wars. Warring factions ceased their fire to allow for the enactment of critical, if temporary, humanitarian interventions for the children.

We must insist that this pattern become the blueprint for standard procedure. World adherence to "days of tranquility" for life-saving efforts

like immunization, "corridors of peace" through which food and basic commodities can travel unimpeded, safe havens and shielded respites from gunfire that may restore the bare minimum measure of protection to children in armed conflicts: we must catapult the definition of such interventions from modern-day welcome but isolated phenomena to the level of accepted practice -- and from there to standard operating procedure in times of war.

We expect, we hope, we pray, to see in the war in former Yugoslavia a one-week time of tranquility for children in the first week of November -- a 7-day break in fighting to allow provisions and winter protection to reach families in Bosnia-Herzegovina. Agreement for this was obtained recently with official government and unofficial groups by a team led by Mr. James Grant, UNICEF's Executive Director.

Now, with a Convention in place, and as each day creates new victims in need of its shelter, moral norms and levels of outrage have risen. Forces of sanity and humanity are calling for a strict application of the Convention's armed conflict protection articles: they are demanding adherence to such basic international standards as those spelled out in the Convention's Article 38, which prohibits children under 15 from taking direct part in hostilities, and calls upon States Parties to take all feasible measures to ensure protection and care of children who are affected by an armed conflict; compliance with the provisions guaranteed in Article 22, which calls for the humanitarian assistance and protection of children defined as refugees and those seeking refugee status; and respect of Article 25 of the Summit Plan of Action which stipulates that "resolution of a conflict need not be a prerequisite for measures explicitly to protect children and their families...".

When the U.N. Security Council authorized assistance to the Kurds in northern Iraq in the immediate aftermath of the Gulf war, a major step in the evolution of international law was taken, affirming the right of humanitarian assistance when the integrity and survival of a people is threatened. It is not a matter of disregarding national sovereignty, which must be respected. It is simply a fact that in recent conflicts, the national entity itself is being challenged, central authority breaks down and violence becomes generalized. Under such circumstances, humanitarian intervention to protect the most vulnerable, the innocent, becomes a moral imperative.

Now we must move from the right of humanitarian intervention to the duty of humanitarian intervention. As you know, in many countries a person can be held criminally liable if he or she is able to prevent a grievous crime from taking place and chooses not to do so. Is it unreasonable for humanity to be held to a lesser standard? We have said many times that morality must march with changing capacity. After all, this is a world that, with all its problems, has banned such previously accepted notions as slavery, colonization, and apartheid. We must look forward and go forward.

Rights are upon us; we have harnessed ourselves into a commitment to honor the rights of humans and children, and four-fifths of the world has put the agreement into force.

But had we loitered over these past very decades -- had the Convention on the Rights of the Child and National Plans of Action never existed to form the framework in which we all plan and build -- today's changed conditions and expectations would have forced us to improvise just such a framework.

Perhaps traceable to the first full strides of the communications revolution, the genesis of a demand for children's participation was inevitable. A world that brings adults face-to-face, minute by minute, with children -- a world, in fact, that less and less frequently draws the line between adult and child -- cannot ignore its younger citizens' humanity, and with that their human rights to the expression of opinions, and to the fora that will allow them appropriate levels of influence in decisions made for them or in spite of them. The other characteristic of our modern times that would have propelled the world into improvising protections for its children, with or without a Convention, is the preponderance and the hideous reality of today's wars -- a reality that has moved with horrifying speed from sporadic, to episodic, to the now constant fact of armed conflicts marring ever larger portions of the map, exposing the defenseless -- mainly children -- to unprecedented harm.

It is self-preservation that impelled us toward an international treaty of protections, provisions, and participation for our children. We humans -- that most vulnerable of species -- must evolve into a breed of forward-thinkers to protect ourselves from our own kind. We must do away with the present situation in which a majority of children in some regions -- especially, but not exclusively, older children -- still are emotionally, socially, and politically atrophied by non-participation, while in other regions, another horribly large percentage lie ripped and bloodied or traumatized and dispersed in the crossfire of adult conflicts.

The Convention on the Rights of the Child offers a vehicle for creating a world conscience that speaks on behalf of children. The global communications revolution furnishes a first-time opportunity for sensitizing people everywhere to the reality of life for too many of the world's children, and to the rights they ought to be entitled to exercise.

The rights of provision will be the least complicated of the elements of the Convention on the Rights of the Child to implement, and the most straightforward to arrange for within a National Plan of Action. We already have the knowledge and the tools -- and the resources to provide each and every child with the basics for a decent life. We must now together, at every level of government and society, choose to provide them. The Heads of State and Government who participated in the 1990 Summit pledged to make available the resources to meet these commitments, and we must hold them to their promise.

The other two sets of rights -- participation and protection -- will demand the very best of us. Only when our most tactful persuasive powers are brought to bear will general public support tip in favor of the radical notion of children as participants. And only when indignation is given a knife-edge of urgency -- to the point we would reach in watching our own children

tortured and killed -- will we shake ourselves free of the disgrace of children in war.

The increasingly accepted notion of the global village means that the luxury of indifference to such suffering is gone forever. Like it or not, we are our brothers' and sisters' keepers -- and guardians of their children.

But advocacy for children's rights -- advocacy for human rights in general -- also means advocating for women's rights, and doing so loudly, consistently, and at every opportunity. The severity and scale of discrimination against women -- and, needless to say, girls from a very tender age -- has not yet been widely accepted, notwithstanding the important gains won in recent decades. This is true in both the industrial and developing worlds. But it is in the latter, where the overwhelming majority of the world's women live, that the weight of discrimination is often heaviest. So much so, it even sways the survival chances of the girl child. In some countries, twice as many boys as girls are brought to health centres for treatment. Many more boys become literate than girls. Employment rights, social security rights, legal rights, property rights, civil and political liberties are all likely to depend upon the one, cruel chromosome.

Although the C in UNICEF covers all children -- boys and girls -- we have come to place special emphasis on the girl child in recognition of the additional barriers facing girls. And there is a silent W in the acronym, too, for children's development programmes are deeply related to the status of women. The linkage can be seen most clearly in areas such as responsible and culturally-appropriate family planning, breastfeeding, and safe motherhood. Higher status for women and better protection of their rights inevitably lead to better raising of their children. There is hardly any child in the world who can escape being physically or psychologically affected if her or his mother is abused by conditions of poverty and discrimination. Also, child health and maternal health go together. They cannot be separated. Educating girls always results in lower child and maternal mortality, as well as reduced fertility rates. The World Bank says educating girls "yields a higher return than any other investment" you could make in developing countries. We, in UNICEF, not only wholeheartedly agree - we are prioritizing that investment in our daily work.

None of this is new to you, of course; in fact, you are at the forefront of the struggle against "gender apartheid". What may be new -- or merely less immediately evident -- is the indivisibility of efforts for gender equity, efforts to improve children's lives, efforts to spur development and combat poverty, overpopulation and environmental degradation. If a new world order is to attempt to overcome the most glaring failings of the old, then we must support one another across the breadth of these issues which condition each and every one of our lives.

Madam Chairman, distinguished participants, I ask you to take up the issues I have outlined here today. I ask you to join the Grand Alliance for Children, an activist movement of the "unreasonables" of the world. You are in a privileged position to influence your governments, to make them keep the

promise of the World Summit for Children. You can plead the Convention in your national courts of justice. You are especially well-placed to help change society's traditional mind-set about children's rights, and to see to it that the Convention on the Rights of the Child works its way into the lives of families and communities and nations -- and especially, of children themselves.

The fact is that children have evolved from being a legal non-entity, then a mere object of charity, to being a subject of a more civilized life of nations, even of politics, since, if they do not (yet) vote, women do. This democratic notion must be reinforced and spread around. I trust this gathering will be yet another opportunity in this direction. Thank you all for giving me -- and UNICEF -- this chance of speaking to you.