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Address by James P. Grant
Executive Director of the United Nations Children's Fund (UNICEF)
at the
Consultation on the Role of the United Nations and NGOs
In the Implementation of the
Convention on the Rights of the Child

"From Madness to Hope:
Seven Challenges for Children's Rights Advocates"

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UNICEF House - 24 March 1993

"From Madness to Hope:
Seven Challenges for Children's Rights Advocates"

There are many good friends and esteemed colleagues here for this important consultation on implementing the Convention on the Rights of the Child -- certainly far too many to name -- but I do want to warmly greet Thomas Hammarberg, our keynote speaker, who is a member of the United Nations Committee on the Rights of the Child; Enyat Housmand, Chief of the Implementation Branch of the UN Centre for Human Rights; Terry Meersman, Vice-President of the NGO Committee for UNICEF, and Carol Smolenski, who co-chairs -- with Thelma Stackhouse -- the Working Group on the Rights of the Child and is our moderator this morning. To you and all the participants in this event: welcome to UNICEF House -- the house of the world's children -- and good luck in your deliberations!

As most of you are acutely aware, child rights advocacy and activism have moved from the sidelines to the mainstream (if not yet centre stage) in the blink of an historical eye. It seems like just yesterday the Convention on the Rights of the Child was a draft and a dream, and the NGOs were pushing the international community -- UNICEF (initially) included, I must admit -- to make its passage a top priority.

Today we not only have the Convention as an instrument of international law, but it has already been ratified by more countries than any other human rights treaty! The speed with which this complex Convention has been embraced -- with its parallel emphasis on social rights as well as on political rights -- tells us that child rights can be, at long last, an idea whose time has come. The fact that the rights of vulnerable groups, including children, will figure prominently on the agenda of the World Conference on Human Rights in June, and that today's consultation has been designated one of the official satellite conferences leading up to the Vienna meeting, highlights both the relevancy of the issue and the responsibility we all have to take full advantage of the historic opportunity that's been given us.

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We also have an increasingly favourable external environment for transforming many of the Convention's aspirations into reality. In the years since 1979, when the Convention was first proposed, the Child Survival and Development Revolution has shown that it is increasingly possible to secure all children's rights to health, nutrition and education. At the same time, the end of the Cold War and the expansion of democracy around the world have made it possible for humankind in its diversity to begin to speak the same language when it comes to children and their basic rights. For many years, international cooperation in this field had been hamstrung by the ideological split between those supporting civil and political rights, on the one hand, and those who pushed economic and social rights, on the other. The great breakthrough of the Convention was to overcome that artificial divide and assert the essential indivisibility of all categories of children's rights.

A little over a week ago, the Commission on the Truth for El Salvador issued an extraordinary report detailing many of the worst human rights violations committed by both sides during that country's 12-year civil war. "From Madness to Hope" -- that's the name of the report -- could help El Salvador end a bitter chapter of its history that claimed 75,000 lives, the overwhelming majority of them civilians, and a high proportion of them children.

We are not here to discuss El Salvador, of course, but I am sharing this with you because, while reading the Truth Commission's report, I couldn't help thinking about another category of gross violation of human rights taking place in the world today, leading to the great majority of the deaths of 35,000 children every day. That's the human loss of 12 years of Salvadoran tragedy compressed into two days -- every two days -- totaling a quarter million children taken from us each week, 13 million every year. The vast majority of these children are cut down -- not by bullets or mortar shells -- but by easily-preventable malnutrition, ignorance and disease associated with gross poverty and underdevelopment. Continuation of this tragedy only perpetuates many other evils, including poverty, political disorder and the population explosion. It is a form of societal madness that allows these circumstances to continue in so many countries and regions.

While reading the Truth Commission's report, it seemed to me that the basic principle behind it -- that people are accountable for their actions -- is finally beginning to be applied in the area of children's essential rights (for which it is now possible to do so much), although painful retrogressions are evident in conflicts around the world. I'd like to suggest that we who are concerned about children should consider ourselves members of a Truth Commission charged with helping adult society face up to its responsibilities toward the young. This story could be titled "From Madness to Hope", too.

As the civil war in El Salvador dragged on throughout the 1980s, the Convention on the Rights of the Child remained in draft form, held hostage to some of the same ideological differences and rivalries that fanned the flames of conflicts from El Salvador to Mozambique, from Afghanistan to Cambodia. And just as the end of the Cold War helped open the way toward a solution to these conflicts, the new global political situation that took shape in 1988 and 1989 finally made it possible for the Convention to be approved by the General Assembly in November 1989. To date, the Convention has been ratified by 132 countries with nearly 90 per cent of the world's population, and even as we speak it looks like it will be formally embraced by a number of other countries, including the United States, sometime soon. Is it too much to hope that, by 1995, all countries will have responded to the call of the World Summit for Children for the earliest possible ratification of the Convention, making it the first universal code of rights in history? 1995 makes an excellent symbolic deadline, for it is the 50th anniversary of the United Nations; the first-ever World Social Summit will be held that year, as well as the mid-term review of progress toward meeting the year 2000 goals of the World Summit for Children. So this is the first challenge I'd like to pose today - - pushing for universal ratification of the Convention by 1995 -- which will mean that the heat will have to be turned up on the handful of foot-draggers.

Second, and of course the greater challenge, is to ensure that the spirit of the Convention and its provisions progressively work their way into policy and the legal codes and institutional life of nations, and the everyday culture of individuals, families and communities. When children are no longer subject to extensive violence, abuse and degradation; when their basic health and nutrition are sufficiently guaranteed to enable them to fulfill, through access to learning, their full potential; when girls enjoy equal access to all that modern life has to offer; when families and societies start listening to what children have to say and start treating them with respect -- only then will the promise of the Convention be kept.

As you know, there is no mechanism -- no international human rights police -- to enforce compliance with the Convention (or any other human rights treaty, for that matter). States Parties are required, however, to make periodic progress reports to the Committee on the Rights of the Child, and our third challenge is to encourage submission of serious and detailed reports, with significant input from NGOs. The first reports reviewed by the Committee were from Bolivia, Vietnam, the Russian Federation, Sweden, Egypt and Sudan.

Governments stand only to gain from openness in reporting, since it can bring recognition of the social progress they have made and attract international support for areas in need of improvement. To the extent that governments rely on input from a

variety of sectors, both public and private, the information presented in their reports will be more useful and have greater credibility. While most of the governments that have submitted reports to date have been candid about problems and obstacles they are facing, it is likely to prove important in many cases that the Committee also have access to credible alternative sources of information in order to reach objective conclusions and make pertinent recommendations. The Convention empowers the Committee to draw on documentation and testimony provided by NGOs. We at UNICEF feel strongly that the constructive voices of NGOs -- particularly those which have staunchly defended children's rights and provided leadership for adoption of the Convention over many years -- need to be heard. Governments alone obviously cannot do all that needs to be done for children and common objectives for social progress need to be forged in each society through democratic consensus.

Fourth challenge -- getting the entire UN system on board. UNICEF, understandably, is explicitly mandated to work closely with the Committee, but there are a number of other UN agencies and bodies that could also greatly assist the Committee -- whose budget and staff are quite limited. If, for example, the ILO provided data about child labour and hazardous working conditions... if UNDP reported on the impact on children of development programmes around the world... if WHO's expertise and data were made available... if UNFPA supplied critical data about population trends and family planning in the context of children's well-being... if UNESCO provided data on basic education... if UNEP and the Commission for Sustainable Development helped the Committee explore the linkages between the environmental crisis and children in the development process... if the Department for Disarmament Affairs would show the effects of bloated military budgets on children... if the World Bank and the IMF provided "child impact statements" corresponding to their major loans... if the Department of Humanitarian Affairs and UNHCR reported on children caught up in wars and natural disasters... in short, if a more policy-coherent and operationally-coordinated United Nations system worked more closely with the Committee on the Rights of the Child in order to better support the efforts of governments, there's no doubt that we'd see a real acceleration of progress.

As a legal instrument, the Convention is necessarily general and timeless. But since compliance has to be specific and time-bound, **monitoring and measuring implementation becomes our fifth major challenge.** How do we determine whether or not children are enjoying full access to basic health care in a given country, as required by Article 24 of the Convention? What are the "appropriate measures" States Parties must take to diminish infant mortality and ensure access to education? What standard do we use to determine "the best interests of the child", which Article 3 says must guide all actions concerning children? How do we tell if States Parties are complying with Article 34, which requires "all

appropriate national, bilateral and multilateral measures to prevent" the sexual exploitation and abuse of children?

In most cases, the Convention does not provide complete answers to questions such as these -- nor could it, since conditions and traditions vary considerably from country to country. The Convention suggests some minimum standards -- offers a general ethical and legal framework -- and it is up to each country to "fill in the blanks" by passing legislation and adopting practices that further the rights of children in the evolving context of their societies. The Committee on the Rights of the Child is charged with the responsibility of helping countries provide the most, the best that each society can offer its young.

And we are most fortunate to have, just when we need it, a series of goals for children that can serve as a real-world, time-bound benchmark for monitoring and measuring performance on many of the aspirational social rights of the child: the year 2000 goals and strategies adopted at the World Summit for Children. In the World Summit Plan of Action, in the areas of child health, nutrition and education, in particular, we now have quantifiable targets certified as desirable and doable by experts and agreed upon by the world's political leaders. And by now, most countries have issued or are about to issue National Programmes of Action -- NPAs -- adapting the Summit goals and strategies to their own situation. So when the Committee on the Rights of the Child is examining a particular country's record in ensuring the "right to health", say, it can look at progress being made toward reaching specific goals in immunization coverage and mortality reduction, among other indicators.

It will be particularly important, of course, to have disaggregated data revealing disparities, and often indicating overt discrimination, that averages and composites tend to hide. In addition to knowing how children are faring in health and education on a national level, for example, we need to know how girls are faring relative to boys, and how children in the poorer areas of the country are faring compared to those in better-off areas. The common lack of disaggregated data concerning indigenous populations, for example, makes it more difficult to seek improvements at the policy level.

There are other areas of the World Summit Plan of Action and the Convention, particularly those relating to the rights of children to protection and participation, that do not easily lend themselves to quantifiable goals and for which our current data are quite weak. Our sixth challenge, then, is to overcome such constraints in order to give these categories of rights the full attention they deserve. For example, how can the Convention's articles on children's rights to participation and freedom of belief be used to strengthen and enrich democracy, both where it is

new and fragile and where it is venerable and stable? Although children do not have the right to vote, we all know that young people can be powerful agents for social change -- just look at their role in overthrowing authoritarian regimes and in the movement to preserve the environment. Surely their opinions deserve a more central place in modern society. Failure to cede them that place often means surrendering them to disillusionment or apathy, or to extremist movements, to crime and the drug culture, to the lures of selfish consumerism and nihilistic philosophies.

As for protection, how can we better use the several articles of the Convention dealing with children in armed conflicts to combat what one observer recently called the "New Barbarism", which brutally targets the young and the most vulnerable? Earlier this month, UNICEF addressed the Commission on Human Rights to express our concern and indignation over the rapes of women and children in former Yugoslavia, and the violence against the young in other conflicts, and we used the Convention on the Rights of the Child to argue for the need to put a halt to these unspeakable atrocities. Accountability is what our ad-hoc Truth Commission must demand in cases such as these. The scope for high-profile advocacy and public education is clearly limitless here. A key part of the process will be to develop ways to monitor and ensure compliance in the areas of participation and protection.

In this context, we are greatly encouraged by the increased prominence children's rights are receiving at the annual sessions of the Commission on Human Rights. At this year's meeting, six important resolutions were passed on different aspects of children's rights in the area of protection from violence and abuse. We at UNICEF urge their ratification by the General Assembly through ECOSOC, and stepped-up action by governments to ensure their implementation. At the same time, we salute the work carried out by the Special Rapporteur on the sale of children, child prostitution and child pornography, and urge this audience to read and make use of his latest report. Such degradation and exploitation as he describes must not be permitted or condoned on the eve of the 21st century.

The world's attention has been focused, especially during this past year or so, on what we call the "loud emergencies" -- violence and famine in Somalia, ethnic cleansing and rape in former Yugoslavia. And we've seen a major breakthrough -- humanitarian interventions to secure people's right to food, people's right to survival. The world used to stand by, helpless or indifferent, while -- behind the shield of national sovereignty -- millions starved to death or were slaughtered by tyrants. Today there is a growing willingness -- and an evolving capacity -- to intervene on behalf of basic principles of humanity. We obviously have a lot to learn about how to provide humanitarian relief and protection for persecuted populations in these new kinds of internal conflicts, but I am confident that an ethical bridge has been crossed and the

international community will develop the tools we need to rise to the occasion. The Committee on the Rights of the Child is to be commended for choosing the topic "children in armed conflicts" for in-depth discussion during its session last October, highlighting the need for more comprehensive action to assist and protect children in wartime.

As we go around the world seeking to put out fires -- a costly and dangerous undertaking -- we must reflect on the price we pay for not preventing these crises in the first place. We may not be able to prevent earthquakes or volcanic eruptions, but surely we can refine our ability to predict them and better prepare for them. While closely monitoring weather, agricultural and ecological trends, we must carefully track the human indicators that constitute an early warning system of civil violence and famine. And surely we can prevent or limit the scope of many armed conflicts through the kind of early warning systems and the preventive diplomacy the Secretary-General called for in his visionary Agenda for Peace proposal last year, and through a renewed worldwide effort to promote tolerance for diversity and respect for human rights.

But just as the world has crossed an ethical bridge in dealing with "loud emergencies", we must cross the bridge to address the "silent emergencies" associated with poverty and underdevelopment, and which quietly take a far greater toll than the conflicts and famines brought into our homes through satellite links. Of the 35,000 children who die each and every day of the year in the developing countries, up to two to three thousand are victims of the "loud emergencies"; the rest succumb, out of sight of the TV cameras, to largely preventable hunger and illness. No earthquake, no flood, no war has taken the lives of a quarter million children