Almost 20 years on from the signing of the United Nations Convention on the Rights of the Child, we are still failing children. Around the world, millions of children continue to suffer widespread and severe violations of their rights. Why? Often, because of the way governments allocate resources and make policy decisions. These governments, as ‘duty-bearers’ responsible for delivering children’s rights, together with donors and civil society, need to do much more to promote and safeguard children’s wellbeing.

What are children’s rights?

Children’s rights are the fundamental freedoms and inherent rights of every child and young person under 18. Children have many of the same rights afforded to adults, as well as some additional rights that reflect their status as children. The United Nations Convention on the Rights of the Child 1989 (UNCRC) incorporates children’s rights into an internationally agreed human rights treaty that contains 54 legal articles.

Every country in the world, except the USA and Somalia, has ratified the Convention. It includes social, cultural and economic rights (eg, to health and education) and civil and political rights (eg, to freedom of thought, conscience and religion). It also includes the right to be heard, the right to be cared for by parents, and the right to protection from all forms of violence and abuse – including recruitment into armed groups, child pornography and child prostitution.

The UNCRC is a challenging document. It does not just state what children’s rights are – it goes much further, obliging all governments that ratify it to take all necessary steps to ensure that children’s rights are realised. Collectively, these obligations form an agenda for action. They require governments to analyse the situation of children in their countries, to identify where and why children’s rights are not being realised, and to ensure that attention and resources are appropriately focused. Furthermore, the Convention places obligations on the international community to help poorer
countries, where resource constraints are a barrier to the realisation of children’s rights.

**What progress has been made in the past 20 years?**

The UNCRC has resulted in a profound shift in the legal treatment of children. At the global level, it has encouraged action by bodies like the UN Security Council, which in 2005 created the Monitoring and Reporting Mechanism (MRM) dealing with six grave violations of children’s rights in situations of conflict, including rape, abduction, killing and maiming. It also led to two important global studies commissioned by the UN General Assembly – one on the impact of armed conflict on children, and one on violence against children.

The Convention has also driven regional initiatives, such as the African Charter on the Rights and Welfare of the Child (1999) – with its mandate to consider individual cases and investigations – and more recently, the European Commission (EC)’s commitment to develop its first children’s rights strategy.

At country and regional levels, the UNCRC has helped to improve the lives of many children. It has encouraged politicians to listen to children’s views, and pushed children’s rights onto the political agenda. There have also been a number of legal cases that have had a real impact on children around the world:

- In 2001, in a case based on a child’s right to food, the Indian Supreme Court directed the government to provide free lunches in all government primary schools. Today, India’s school midday meal programme is one of the largest in the world, benefiting more than 100 million children.

- In South Africa, in 2001, legal action by the Treatment Action Campaign challenged the government’s failure to extend its antiretroviral (ARV) drug treatment to prevent mother-to-child transmission of HIV beyond local pilot sites. It was ruled that this was an unreasonable limit on the constitutional duty to progressively realise the right to health, resulting in the government instructing the Department of Health to extend the treatment nationally.

- In Paraguay, in 2006, a 15-year-old army recruit was shot dead by a non-commissioned officer. The court ordered various reparations, including that the state should modify its domestic legislation regarding the recruitment of minors under the age of 18 to conform with applicable international standards.

- In 2007, the European Court of Human Rights (ECHR) ruled that the Czech Republic had practiced racial discrimination by wrongly channelling Roma children into remedial schools, and awarded damages.

**Have we made children’s rights a reality?**

Despite all these positive developments, there remains a significant gap between legal and political declarations and practice. Every year, 9.2 million children still die before their fifth birthday from preventable diseases, despite children’s right to life being a core entitlement. Around the world, 600 million children live in absolute poverty.
poverty on less than $1 a day, and 77 million primary aged children are still out of school. Many more are exposed to exploitation and violence in the home, school and workplace. For many, if not most of the world’s children, their rights continue to be denied and their life opportunities diminished.

So why have we not achieved more?
The reasons are many and often complex. In some countries, violent conflicts have had catastrophic effects on the lives of children. Entrenched discrimination means that certain groups of children are exploited and neglected. Economic injustice keeps millions of people in poverty and unable to meet the basic needs of children in their care. Natural disasters bring death, displacement and family separation. Harmful practices against children continue to be justified on cultural grounds, and an ethos of impunity exists in many countries, preventing those who abuse children being brought to justice. Societal attitudes are also an issue, with children often perceived as needy recipients of protection rather than as rights-holders with evolving capacities, capable of making decisions and exercising choice.

All these factors are difficult challenges that require profound social, economic and cultural change. However, Save the Children also believes that many violations of children’s rights are the result of politicians’ decisions about allocation of resources. Through successfully focusing on the key change agents of political will, accountability and adequate resourcing for children’s rights, we are confident that dramatic improvements can be achieved.

As parties to the UNCRC, governments have made a series of promises to children, for which they should be held accountable. Establishing mechanisms and institutions that ensure the accountability of all duty-bearers is a key step to achieve this. Without such accountability, it is unlikely that change will be achieved. Furthermore, in recognition that some countries are dependent upon donors to help them meet their obligations to children, the UNCRC also requires donor states to place children at the centre of their international development cooperation strategies, including their financial commitments. Holding donors to account for these commitments is vital.

It is a stark reality of the world today that many states consistently prioritise other sectors over those that focus principally on children. We realise that the environment for many governments is constrained by conflict, fragility and poverty, but it is still apparent that children often suffer the brunt of resource cuts and re-allocations. In the midst of a global financial crisis, Save the Children is concerned that children will suffer even more. The UNCRC obliges all states to advance implementation of its provisions “to the maximum extent of their available resources”, and to direct these resources where they are most needed. Ensuring that allocation of resources to children is both protected and increased is a pivotal component in strengthening the children’s rights agenda.
What we’re calling for

Save the Children recognises that the obstacles to realising children’s rights are multiple, and the causes often complex. But there are important steps that we can all take to bring us closer to making this a world fit for our children.

We urge all states to:

- establish effective independent human rights institutions for children, to protect and promote the UNCRC at national level
- ensure that all domestic legislation is fully compatible with the UNCRC and that its principles and provisions can be directly applied and appropriately enforced in national courts by trained judiciary
- remove all reservations to the Convention and those states that have not already ratified the UNCRC should take urgent steps to do so
- develop a comprehensive, adequately resourced, national strategy or national action plan for children, to ensure the implementation of the UNCRC, in consultation with children
- support the creation of a complaints procedure that covers all rights in the Convention and optional protocols
- ensure that all sectors of civil society, including children, are aware of children’s rights, and establish partnerships with them for the effective implementation of those rights.

We urge donors to:

- adopt the UNCRC as a framework for all international development assistance related directly or indirectly to children, and to use a rights-based approach in all development and emergency programmes
- ensure that a significant proportion of their international development assistance is earmarked for the implementation of children’s rights.

We urge civil society to:

- form national children’s rights coalitions, and to produce high-quality children’s rights submissions to the UNCRC and Human Rights Council Universal Periodic Review reporting mechanisms
- promote awareness of the UNCRC among children, parents, childcare professionals, community leaders, parliamentarians and others.

References

1 The UNCRC has been supplemented by two Optional Protocols: one on the sale of children, child prostitution and child pornography (A/RES/54/263, adopted 25 May 2000), and the other on the involvement of children in armed conflict (A/RES/54/263, adopted 25 May 2000), as well as other instruments such as the International Labour Organization’s Convention No. 182 on the elimination of the worst forms of child labour.
2 www.savethechildren.org.uk/en/docs/Policy_Brief_UN_MRM_FINAL.pdf
4 The United Nations Secretary-General’s Study on Violence against Children (2006), World Report on Violence against Children, United Nations
5 PUCL (People’s Union for Civil Liberties) vs Union of India and Others, 196/2001
6 Treatment Action Campaign et al vs Minister of Health, 21182/2001
7 Vargas-Areco vs Paraguay (2006)
8 www.crin.org/resources/infoDetail.asp?ID=15433