

Child Rights Caucus Update

May 13, 2002

- Finalization of the outcome document
- Final Caucus press release

Finalization of the Outcome Document:

Negotiations finally concluded late afternoon on May 10 on the outcome document for the Special Session, which was adopted later that evening. Both the final outcome, and the process during the final stages of negotiation were very disappointing.

Process: From talking with several government delegates, we understand that a final “package” was negotiated between the US and the EU, which was then submitted by the chair to all the negotiating blocs as a “consensus” text based on “consultations” with all delegations. However, neither the Rio Group nor the Like-Minded Group had seen the text previously. The text was presented as a “take it or leave it” text, which meant that other governments had only three options: 1) accept the text proposed; 2) reject it and take the blame for breaking consensus; 3) reject the proposed paragraphs and allow them to be dropped completely from the outcome document. Other governments felt that they had no choice but to accept the document, but felt very angry at the way the final “negotiations” were conducted.

The key outstanding issues were handled as follows:

Convention on the Rights of the Child: Agreement was reached early in the morning on May 10 on paragraphs 4 and 29, the key paragraphs mentioning the Convention on the Rights of the Child. These paras now state that “the Convention on the Rights of the Child and its optional protocols contain a comprehensive set of international legal standards for the protection and well-being of children.”

Comment: This sentence merely states what the Convention IS, but gives no indication of its significance as the global standard for children or an essential basis for actions to protect and promote the rights of children. At a press conference held by the NGO Steering Committee on Friday afternoon, the Caucus expressed its deep disappointment at this weak wording.

Sexual and Reproductive Health: Para 37 (iii) was adopted as follows: “Address effectively, for all individuals of appropriate age, the promotion of their healthy lives, including their reproductive and sexual health, consistent with the commitments and outcomes of recent UN conferences and summits, including the World Summit for Children, the United Nations Conference on Environment and Development, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, their five year reviews and their reports.”

Comment: Although this text refers to previous conferences where important agreements were reached, it does not spell out the rights of adolescents to sexual and reproductive health education, information and services, avoids any mention of the word “rights,” and by referencing the conferences’ five year reviews and their REPORTS, it also reaffirms reservations that governments have made during those processes.

Death Penalty: Paragraph 44 (viii) was adopted as follows: “Protect children from torture and other cruel, inhuman or degrading treatment or punishment. Call upon the governments of all States, in particular States in which the death penalty has not been abolished, to comply with the obligations they have assumed under relevant international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and Articles 6 and 14 of the International Covenant on Civil and Political Rights.”

Comment: This text has been used in the past in resolutions at the Commission on Human Rights. This wording is convenient for the United States, since the US is not bound by the CRC, and ratified the ICCPR while reserving the right to continue to impose the death penalty, including on under-18’s.

Children and Armed Conflict: Two paragraphs in this section were dropped completely. One was on providing protection and assistance, including reintegration and development assistance, to international displaced children. The second was on ensuring full, safe and unhindered access of humanitarian personnel and timely and adequate delivery of humanitarian assistance to all children affected by armed conflict.

Comment: We understand that the SDC opposed these paragraphs, and once it became clear that the chair was willing to drop paragraphs in order to achieve consensus, they only hardened their position. Other delegates tried hard to keep the paragraphs included, but ultimately failed.

Child Labor: A paragraph that called for states to elaborate and implement strategies to eliminate child labour contrary to accepted international standards, and to promote awareness of children’s rights to protection was dropped. Another paragraph, which originally focused on working children, was revised as follows: “In this context, protect children from all forms of economic exploitation by mobilizing national partnerships and international cooperation, and improve the conditions of children through, inter alia, providing working children with free basic education, and with vocational training and their integration into the education system in every way possible, and encourage support for social and economic policies aimed at poverty eradication and at providing families, particularly women, with employment and income generating opportunities.” (Para 44 xxxvi)

Follow-up: The paragraph describing national plans of action (now para 59) specifies that states should develop these plans “taking into account the best interests of the child, consistent with national laws, religious and ethical values and cultural backgrounds of its people, and in conformity with all human rights and fundamental freedoms.” This

language was also used to introduce the strategies and actions in the Health section. (para 37).

The chair's proposal for this paragraph had also included a reference to "taking into account the best interests of the child and the relevant provisions of the Convention on the Rights of the Child." The reference to the Convention has been dropped.

Comment: This language was proposed by the SDC, and was described by one delegate as "contradictory caveats" that may enable states to justify practices that run contrary to the CRC. The failure to mention the CRC at all in relation to national plans of action will make it more difficult to integrate the plans of action with implementation of the Convention.

Resources: In the Declaration, para 8 had originally included reference to the international target of 0.7 percent GNP for official development assistance. This was dropped. The para is now much more general and simply states "We recognize that the implementation of the present Declaration and Plan of Action requires not only renewed political will, but also the mobilization and allocation of additional resources at both the national and international levels, taking into account the urgency and gravity of the special needs of children." A reference to the 0.7 GNP target remains in the "Mobilizing Resources" section (para 52 (a)).

We have not yet been able to get an electronic version of the final text, but will circulate it among the Caucus as soon as possible. The excerpts above are based on a hard copy that we were able to obtain.