

Human Rights Council (10th session)
ANNUAL FULL-DAY MEETING ON THE RIGHTS OF THE CHILD
« 20 Years of the Convention on the Rights of the Child:
Achievements and Challenges for its full Realisation »
11 March 2009, 10:00 – 13:00
Speech by Ms Maud de Boer-Buquicchio
Deputy Secretary General of the Council of Europe (7 minutes)

President, High Commissioner, Excellencies, Ladies and Gentlemen,

20 years ago, the United Nations offered a wonderful gift to children throughout the world: the UN Convention on the Rights of the Child. This gift came with a promise from 193 countries to respect, protect and empower children. Unfortunately, the current state of the world with respect to children shows that we still have many promises which have not been kept.

47 of the signatories of the Convention are the 47 member states of the Council of Europe. We share with the rest of the world a strong commitment to the well-being and the best interests of children and the protection of their fundamental rights. The starting point for our work is in recognising that children are not mini-persons with mini-human rights - in fact they need more protection, not less. Adults want children to grow up and respect the world into which they are born. It is high time that our adult world also developed its respect for children's rights.

The Council of Europe is working to promote children's rights, to protect and empower children and to prevent child rights violations. We do this not just because children are "our future", but because we are clearly responsible for **our present children's and our children's present.**

A human rights violation has a context or a 'past' - the conditions which made it possible -, a 'present' - which includes the child's suffering -, and a 'future' - the child's physical or psychological scars. For the rights of the child to be guaranteed, we have to act now to prevent and to challenge current violations, and to look after those children who have already suffered.

The Council of Europe is a regional organisation, but our messages and tools can be applied worldwide. We combine highly effective tools such as standard-setting, monitoring, policy development, assistance programmes, awareness-raising, training and capacity building. We also mobilise governments, parliaments, local authorities and NGOs to take action.

As many lawyers and policy-makers know, one of the Council of Europe's most important and successful ways of building a human rights culture lies in our capacity to set standards. Council of Europe legal instruments relevant to the rights of children begin, of course, with the European Convention on Human Rights, and include the European Social Charter.

Other more specific legal instruments cover action against trafficking in human beings, cybercrime and sexual exploitation and sexual abuse, but also such important issues as adoption of children.

The links established between the standards developed by the Council of Europe and the United Nations are very fruitful. In some cases, the Council of Europe paves the way for global instruments. In other cases, we take global instruments as a starting point in order to develop more ambitious and far-reaching standards, including monitoring mechanisms across Europe. In all cases, regional and global action both help to advance the human rights cause. This is certainly what is happening with Council of Europe instruments and the United Nations Convention on the Rights of the Child.

Setting standards is one thing. States' compliance with them is of course critical to actually changing the lives of children and adults. Monitoring compliance with human rights standards is of utmost importance. The Council of Europe has several monitoring systems, ranging from parliamentary monitoring and peer reviews to monitoring by independent experts. The Commissioner for Human Rights, also an intrinsic part of the Council of Europe, is a high profile figure who monitors a number of human rights areas, including those meant to protect children. We also have procedures which enable people to complain as individuals or in groups - most famously to the European Court of Human Rights.

Many cases concerning children's rights have been brought before the European Court of Human Rights in Strasbourg. These cases have raised issues such as the prohibition of degrading and humiliating treatment, the right of children to a fair trial and the right to a respect for private and family life.

Cases concerning corporal punishment of children provide us with a good illustration of how the Strasbourg Court increasingly applies the standards of the UN Convention in judgments related to children.

Throughout the years I have spent working at the European Commission for Human Rights and the Court of Human Rights – before taking up my duties as Deputy Secretary General of the Council of Europe - I came across many cases involving children. And what struck me in most of these cases is how adults perceived the concept of rights related to children.

They would systematically speak about the rights of their child, but what they had very often in mind were their rights over the child.

I am not nitpicking on semantics. There is a sea of difference between the two concepts, and it is this distinction which is also at the heart of the furore in some European countries, provoked by the Council of Europe's campaign to abolish corporal punishment of children.

The very idea of European advocacy for a change of national laws regulating the issue of corporal punishment has irritated some people,

including politicians. It even provoked comments about Europe wasting taxpayer's money to meddle in something which is clearly not their business.

I beg to disagree for two reasons.

Corporal punishment sends a message to children that violence is an acceptable means of resolving conflicts between people, and ultimately, even between peoples.

Moreover, any intentional use of force to cause pain, discomfort and humiliation is an attack on physical and psychological integrity. And it is a violation of human rights. If this is true for adults, it is even more true for children. Yes, they are smaller, but their human rights are not!

Ladies and Gentlemen,

Global and regional treaties must remain living instruments which are able to adapt to new challenges. Although these treaties must take into consideration the evolution of society, the real issue remains our joint ability to drive that evolution. This is precisely the objective of the Council of Europe Programme "Building a Europe for and with children": putting our "evolving capacity" to use in the best interests of all children.

The UN Convention has 20 candles on its cake; and we should truly celebrate the 20 years of effort and achievement in protecting and promoting the rights of all our children. The Council of Europe, like the United Nations, strives for a world where children are happy, can develop their full potential and are able and ready to build the world they both need and deserve. **The recent Oscar award movie "Slumdog millionaire" is not just an artistic masterpiece – it is also a chilly reminder of the appalling conditions in which so many – too many! – children live not only in India but around the world. I wish we were able to transform its huge public success into a global movement to change the everyday life of these children – now and for the future.**

Thank you very much for your attention.