## A description...A description...

## Summary of the conference

## on children’s rights

## November 30th 2009

# Implementing children’s rights

# – the best way to fight poverty!

 **Photo: Hans Månsson**

**Background**

The *United Nations Convention on the Rights of the Child (CRC)* was adopted by a unanimous General Assembly on the 20th of November 1989. Consequently 2009 is the 20th Anniversary of the Convention on the Rights of the Child. The CRC is the basis for Swedish action in different policy areas – including international development cooperation – when efforts are made in order to improve the situation for children.

Sida has internal guidelines: *The Rights of the Child in Swedish Development Cooperation,* indicating how Sida in a concrete way can take into consideration and implement the ideas of the CRC in Swedish development actions. Children’s rights constitute one issue among others that should be mainstreamed in Sida’s work. The Government communication on *The Rights of the Child as a Perspective in Development Cooperation,* 2001/02:186, is still appropriate as a basis when making priorities. With reference to the 20th anniversary of the CRC, Sida decided to organize a conference: *Implementing children’s’ rights – the best way to fight poverty!* on November the 30th 2009. The objective was to highlight the importance of continued actions concerning the implementation of the CRC and the use of the child rights perspective in international development cooperation.

The conference day was open to representatives from Swedish NGOs, International NGOs, universities, relevant state ministries and Sida staff.

**PROGRAMME**

**Morning session:**

 **Welcome and introduction**

 *Anders Nordström*

**Why do we need the CRC?** - Lessons learned and challenges

*Nevena Vuckovic-Sahovic*

 **The right to protection** – UNICEF’s renewed focus on child protection

*Susan Bissell*

**Ask us and trust us** – about the participation of children

*Sofia Zackrisson*

 **Panel discussion:**

*Hans Ridemark*

 *Fredrik Malmberg*

 *Susan Bissell*

 *Anders Nordström*

*Nevena Vuckovic-Sahovic*

 *Sofia Zackrisson*

**Afternoon session:**

**Seminar:** **Child poverty and political economy**

*Leila Pakkala*

*Jason Hart*

**Seminar:** **Transitional justice and combating impunity for crime against children**

*Tonderai Chikuhwa*

*Saudamini Siegrist*

 **Closing remarks**

*Anders Pedersen*

*Speakers:*

**Nevena Vuckovic-Sahovic** Professor, Law Faculty, University UNION Belgrade

**Susan Bissell** Chief, Child Protection Section, UNICEF

**Sofia Zackrisson** President, Save the Children Sweden’s Youth Association

**Hans Ridemark** Programme Director, Plan Sweden

**Fredrik Malmberg** Children’s Ombudsman Sweden

**Leila Pakkala** UNICEF representative in Mozambique

**Jason Hart** PhD Department of Social and Policy Sciences University of Bath and University of Oxford

**Tonderai Chikuhwa** United Nations Office for Children and Armed Conflict

**Suadamini Siegrist** UNICEF Innocenti Research Centre

**Anders Nordström** Director General, Sida

**Anders Pedersen** Director, Department for Empowerment, Sida

**MORNING SESSION**

*“We are not the future. We are NOW!”*

Sofia Zackrisson

The conference started with an opening remark by the director general of Sida, **Anders Nordström**. He emphasized that the most vulnerable – the children – are the ones who are most affected by global crises, such as the economic crisis. He accentuated the importance of [Article 4 of the CRC](http://www2.ohchr.org/english/law/crc.htm) concerning the implementation of the CRC and argued that civil society is a vital and important partner when working with children’s issues and the implementation of the CRC.

Children’s rights specialist **Birgitta Jansson** wished everyone welcome to the conference and introduced the next speaker, **Nevena Vuckovic-Sahovic**.

Nevena Vuckovic started by looking back upon both the achievements and the challenges of the 20 years with the CRC; did the CRC really change the lives of children? Her answer was that the Convention has implied a contribution to the international human rights laws, has meant a step forward in setting a children’s rights standard and constitutes a non-exhaustive catalogue of rights. Major improvements include [the optional protocol to the CRC on the involvement of children in armed conflicts](http://www.unicef.org/crc/index_30203.html) and the [optional protocol to the CRC on the sale of the child, child prostitution and child pornography](http://www.unicef.org/crc/index_30204.html). Ms Vuckovic argued that improvements in children’s rights are measurable at national level and that accomplishments include change of legislation, national plans of action, national human rights institutions, and data and statistics collection.

She emphasized that the incorporation of the CRC in national legislation is good, but not enough. Often it does not even make a difference, she argued. A huge issue is the fact that many children in poor countries are not registered at birth, which leaves them without legal protection.

Ms Vuckovic identified some *difficulties in achieving children’s rights*: Poverty, exclusion and marginalization, security issues, natural disasters, social factors and stigmatization, and environmental degradation. The latter can lead to dramatic changes over night and strike hardest on the most marginalized.

Further, she identified some *major challenges*: Good governance, participation, rule of law, responsiveness, transparency, consensus orientation, equity and inclusiveness, effectiveness and efficiency, accountability, and anti-corruption.

In the struggle for children’s rights *the priorities*, according to Mc Vuckovis-Sahovic are: Safety and protection – (especially from armed conflicts, crime, violence and exploitation,) health, human rights education of children, participation and equity and the use of internet and especially blogs.

**Susan Bissell** began with stating that UNICEF has a renewed focus on child protection and that more children now are in need of protection because of the economic crisis, the food crisis and the climate change. These crises sometimes lead to migration, and child migration constitutes a risk for exploitation. The economic crisis has led to an increase in school dropouts, many times due to the fact that children are needed to help support the family. School dropouts are correlated with exploitation and child labor in the informal sector and Ms Bissell therefore stressed the importance to strengthen child protection that can be done through preventive work which has the advantage of being cost effective.

She referred to some progresses, for instance alternative care of children in difficult situations, such as care-giving in milieus in-between institutions and families. Further, she mentioned the UNICEF report card on child protection, [“Progress for children”,](http://www.unicef.org/publications/index_50921.html) which aside from showing many remaining challenges, highlights some progresses and social changes, for instance some decline in child marriage and female genital mutilation has been noted. Another advance is the new definition of child labor which besides from economic definition of ‘work’ includes hazardous unpaid household services.

**Sofia Zackrisson** opened with ascertaining that nowhere in the world are the rights of children completely ensured. Children are not listened to, many times by misguided good intentions. Many adults do not invite children to participate out of concern about putting too much burden on their shoulders. Children’s stories and perceptions of their realities and their lives are not always the same as the adults’. Ms Zackrisson emphasized that we can never be children’s rights advocates if we never listen to the children themselves, and that therefore it is a need to be self critic about how knowledge regarding children’s right is obtained. This does not mean, she stressed, that children should be “small grownups” or that their childhood should be taken away from them.

The biggest challenge to fulfill the CRC is therefore, according to Ms Zackrisson, to examine what kind of view we have on children she stated referring to [Article 12 of the CRC](http://www2.ohchr.org/english/law/crc.htm) about children’s right to express their views.

Ms Zackrisson compared the struggle for children’s rights with the one for women’s rights and the resistance it encountered. She requested a change of power balance to allow children’s rights organizations more influence.

She concluded her speech by modifying the well known saying “The children are our future”: We are not the future. We are now!

**THE PANEL DISCUSSION**

*“When you start listening to the children – then changes start.”*

Hans Ridemark

**Helena Bjuremalm** from Sida’s department for Empowerment, the team for democracy, moderated the panel discussion in which **Anders Nordström**, **Fredrik Malmberg**, **Nevena Vuckovic-Sahovic**, **Susan Bissell**, **Sofia Zackrisson** and **Hans Ridemark** participated.

*Many children in the world are not registered at birth. Why are children’s rights seldom prioritized?*

**Ms Vuckovic-Sahovic** meant that *the discrimination against children as a group* is the main factor. The lack of resources; financial, juridical and the organization of those resources - as well as political commitment are the key issues, she said.

*What are the challenges for children’s rights organizations?*

**Hans Ridemark** thought that the coordination between the organizations has to improve. They should work united with one voice and invest resources in engaging young people – more inclusion of the children is needed. When you start listening to children, then changes start, he stated.

**Fredrik Malmberg** said that we tend to talk about the importance of listening to children instead of really do so. Are we really acting in the best interest of the children? He wondered.

**Sofia Zackrisson** referred to a concert held by the Social Department on the occasion of the 20th anniversary of the CRC, in which speakers talked about the need to listen to children while holding one child in each hand at the time, and after delivering the speech they left the stage together with the children without them having said a word.

**Susan Bissell** meant that the hardest part is to act on Article 12 globally.

**Anders Nordström** said that there needs to be a change in values and norms – at all levels. He related to the endeavor for gender equality and meant that many people do not see the value of inclusion. He also pointed out that some societies are hard to change, especially those affected by violence and conflicts.

**Leila Pakkala** asked the panel what they thought about whether or not we were too hasty with the ratification of the CRC and did not recognize the implication of it, and if having been less hasty, perhaps we would have had a better outcome? **Nevena Vuckovic-Sahovic** responded that the provision of the CRC was not so strong and much was left behind regarding sexual exploitation and prostitution. However, human rights laws are about pressuring the states rather than waiting for the states to be ready, she stated. **Susan Bissell** argued that child protection has benefited from the CRC and children’s rights legislation has flourished since the Convention. The implementation can be measured over time, but the Convention is an ongoing process.

**Hans Ridemark** thought much has been done but at the same time the ratification of the CRC is sometimes used by developing countries to attract donors. Therefore, donors must be stronger in dialogue about children’s rights, he stated. However, he added, 20 years is not such a long time and it is an ongoing process. **Sofia Zackrisson** said that the CRC gives children’s rights organization the necessary tools to lean on. **Anders Nordström** stated that the CRC articulates values and puts them on the agenda, but that those values need to be applied as well on high levels as on the ground.

**Jason Hart** commented, from the audience, on the power structure within the children’s rights organizations and requested a paradigm shift within those organizations. **Sofia Zackrisson** agreed and emphasized that it is a big responsibility to live as you learn.

**Fredrik Malmberg** pointed out that it is crucial to bridge the gaps between the elite and the staff, between decision makers and children, in organizations as well as in institutions. **Hans Ridemark** remarked on the importance of supporting children to participate and be listened to, and that one effective way to achieve that is through new technologies.

**Tonderai Chikuhwa** addressed the question of *whether we are creating space and modalities for children’s participation in policy making* or not. **Susan Bissell** answered that there is an increasingly awareness about children’s participation and that there are guidelines, but there is always room for improvement.

Many challenges are contextual, *how are we working with the World Bank, which sometimes is acting contrary to the CRC*, one in the audience wondered. **Susan Bissell** said that human rights education is organic and works in different contexts. She stated that there has been a breakthrough in the issue of child labor and that movement is taking the World Bank along and also that there are efforts made by the World Bank which are considered to be positive steps.

One question addressed the long and difficult process of the resolution on children’s participation and that there *is important work to be done on both national and international level*. **Nevena Vuckovic-Sahovic** expressed that there is a problem of the structure of civil society. In addition, cultural differences can pose a hinder towards children’s participation and it takes time to remove those obstacles.

**Anders Nordström** stressed that many things are important; economic growth, trade and private sector are all different aspects of development and there need to be synergies between those aspects.

**Sofia Zackrisson** emphasized one problem; that certain norms in a society tend to be prioritizes – but whose are the norms and do those norms apply to everyone? She requested special rights for marginalized groups. **Hans Ridemark** stressed the importance of using new technologies to reach out to children for information and support. He concluded that the tools for children’s rights exist – but we need to act on them.

**Fredrik Malmberg** remarked that Sida needs to be more precise about its plans and future actions in relation to the incorporation of a child rights perspective in strategies and subsequent development cooperation programs. The questions about *what to do, how to do it* and *in what ways*, are often missing in the strategies, he argued. **Anders Nordström** agreed to the opinion of Fredrik Malmberg and referred to further discussion between Sida and the Children’s Ombudsman.

**AFTERNOON SESSION**

The two seminars of the afternoon session were moderated by **Eva Johansson** from Sida’s Conflict department, the team for conflict and post-conflict cooperation.

The first seminar on childhood poverty and economic political economy began with a presentation by **Leila Pakkala** on childhood poverty and application of a human rights-based approach:

Mozambique is one of the poorest countries, even though in the recent years, the poverty has somewhat declined. Childhood poverty has decreased in the last years from 59 % (2003) to 48 % (2008). So has the child mortality rate (under five years old), although it continues to be among the highest in the world. The school enrollment has increased, however there are disparities between rural and urban areas and school dropouts are still high, especially among girls. In addition, the economic crisis has stroke hardest on the most marginalized households and groups.

The UNICEF work in Mozambique is focused on government policies, programmes and capacities and aims at protecting and improving budget resources for basic social services. Review, responsive analysis and monitoring of the state budget provide insights on resource allocation, disparities, inequalities and encourage a participatory and a transparent process. UNICEF works with a number of partners for the integration of a child rights perspective and a human rights-based approach in the state budget by providing technical assistance, child rights capacity building programme, budget briefs and carrying out childhood poverty studies. These efforts have resulted in an increased awareness and an active civil society working on child rights and a strong interest in the state budget as a strategic tool.

Why is childhood poverty analysis important? Over half of the population in Mozambique is children. Childhood poverty can lead to severe consequences such as stunned mental and physical development and psychological trauma. Furthermore, poor children run a high risk of growing up as poor adults who in turn have poor children.

Deprivation-based measure in childhood poverty analysis offers a holistic approach as opposed to a consumption-based approach which does not cover all aspects of poverty and does not include use of basic public services. In a deprivation-based approach the links between resource allocation, policy action and results in poverty reduction are made visible.

*The Bristol Indicators* consist of seven measures of deprivation: nutrition, safe drinking water, sanitation facilities, health, shelter, education and information. Children living in absolute poverty are according to the Bristol Indicators those suffering from two or more types of deprivation.

In Mozambique childhood poverty reduction shows mainly positive results from 2003 to 2008 with one exception; water access, which has worsened. Severe information and shelter deprivation have not changed significantly.

Interest and debate regarding state budget and resource distribution have grown and focus on key social sectors and expansion of social safety nets has emerged. Childhood poverty analysis provides a comprehensive reference for child rights stakeholders.

A continued engagement in the budget process, dialogue and technical support to ministries and the next PRSP are recommended. The role of bilateral partners should be on the continued prioritization of resource and funding allocation to social sectors, advocacy, capacity building, promotion of a human rights-based approach, and assistance to the most vulnerable to reduce disparity.

**Jason Hart** held the second presentation on childhood poverty and political economy:

His argument was that *the potential of pursuing children’s rights is not being realized* and that *significant political, conceptual and institutional enhancement is needed* - childhood poverty is a political issue and it lacks expertise.

The percentage of undernourished people has increased from mid 90s with a dramatic aggravation during the last year due to the economic crisis, reversing the declining trend from 1969.

High inequality correlates with high under-five child mortality – a high GNP alone does not ensure lower child mortality rates. By demonstrating data from different countries, Mr. Hart showed the relation between a high Gini coefficient and high under-five child mortality.

The predominate poverty discourse has approached poverty as a scientific matter rather than a political problem and has had a faith in growth to alleviate poverty without focusing on distribution. Further, children’s rights have been considered cultural and legal issues instead of a political-economical issue.

Recognizing children’s rights implies seeing children as rights holders. An obstacle to such recognition is principally *adultism*, a question of attitudes. Social scientists have focused on universal vs. local values without taking political and economical factors into account. When ignoring the latter as a hinder for the realization of children’s rights, the responsibility is put on families and communities. As a result, national, international and global actors are thereby able to sidestep their responsibility to take action against deprivation, lack of access to services and lack of economic opportunities.

It is crucial to understand children, and their situation as children, *as well as a class* when looking at redistribution, which can include: national budgets, regulation of transnational corporations (TNCs), international debts, trade policy, support for social reproduction, minimum wages, and taxation, including Tobin Tax.

Further reasons for the lack of success in achieving children’s rights constitute organizations that are pursuing rights in compliance with their own concerns. For example, UN agencies that are working with host states “with the fur” on areas of acceptability, when achieving rights requires an adversarial and challenging approach as well, or INGOs with an obligating posture towards donor states that moves from solidarity and activism to professionalism and managerialism. An additional risk is the centralization trend in decision-making within some INGOs that may lead to depoliticisation.

*What is needed?*

*Knowledge* about the relationship between economic policies and children’s rights and child poverty, how global capitalism affects children and the impact that local, national and global inequality has upon children.

*Institutional development* in terms of a re-affirmation of the goals and values of children’s rights organizations, a critical distance of those organizations from governments, a greater capacity for independent political-economical analysis, a strengthening of alliances with the civil society and an awareness about hierarchies within and between organizations.

*Political measures* are needed – social protection is not enough, Mr. Hart emphasized. An increased global understanding of inequality and its impacts upon poor children is of importance. Equally important is challenging the international financial institutions’ (IFIs’) ambiguous commitment to human- and children’s rights. Further, the failure of the global capitalism implies an opportunity which should be used to promote a political-economical philosophy in alignment with UNCRC.

The second seminar began with a presentation by **Tonderai Chikuhwa** on transitional justice and combating impunity for crime against children:

The adoption of [resolution 1261](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/248/59/PDF/N9924859.pdf?OpenElement) in 1999 was the first one adopted by the Security Council with a human rights theme. Six further resolutions on Children Affected by Armed Conflicts have been developed since then and the engagement on Children Affected by Armed Conflicts has implied a shift in the modus operandi of the Security Council. Over the last decade, the focus for the UN child protection agenda has been to bring into effect the authority of the Security Council in order to ensure that those committing child rights violations are held accountable.

The current situation is dichotomous; the international laws and standards for child protection are stronger and more universally accepted than ever, but on the other hand the day-to-day situation for children in areas of conflicts continues to worsen. The work of the Security Council can therefore be seen as a mean to overcome that gap. Measures taking against perpetrators include sanctions or threats about sanctions. The adoption of the resolutions following 1261; [1314](http://www.crin.org/Law/instrument.asp?InstID=1056), [1379](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/651/10/PDF/N0165110.pdf?OpenElement), [1460](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SRES%201460.pdf), [1539](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/318/63/PDF/N0431863.pdf?OpenElement), [1612](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/439/59/PDF/N0543959.pdf?OpenElement) and [1882](http://www.un.org/children/conflict/_documents/SC-RESOLUTION1882-2009.pdf) constitute a statement that children in armed conflicts represent a legitimate threat to international peace and security and should be addressed at the highest table. The commitment of the Security Council has been operationalized through formal monitoring and report mechanisms, and by instituting an infrastructure within the Security Council to canal information from the monitoring.

A result of resolution 1379 is the Secretary-General’s listing, in the annual Children and Armed Conflicts Report, of state and non-state parties and individuals committing grave violations against children. This constitutes an important tool to compel parties into formal dialogue. The adaption of resolution 1882 implies a significant difference as the listing now goes beyond child soldiering and includes killing and maiming of children and rape and sexual violence against children. Further, 1882 has established a link between the working groups on Children and Armed Conflicts and the Security Council sanctions’ infrastructure.

The question is whether or not this means any real differences for the children affected? Some positive and concrete steps have been taking, for instance in Cote d’Ivoire, Uganda, the Central African Republic, Sudan and the Philippines where thousands of children have been released. However, these are isolated proofs of success, the significant ‘value added’ is so far experience on how protection tools can be more effective.

**Suadamini Siegrist** held the second presentation of the seminar:

The Innocenti Research Centre has an evidence-based approach with the CRC as a benchmark for the research centre’s accountability and justice agenda. One programme focus within child protection is combating impunity for war criminals guilty of grave crimes against children. The centre’s approach to children in armed conflicts is that all children in armed conflicts are victims. That includes perpetrators under 18, who cannot be prosecuted for war crimes.

Amnesty laws are not an isolated agenda but at the core of a human rights based approach which requires justice and prosecution of crimes against children. Amnesty laws do often include impunity which must not be accepted.

Violations against children in situation of armed conflict, recognized by international law are: the recruitment and use of child soldiers, killing and maiming, rape and other grave sexual violence, abduction, attacks on schools and hospitals, and the denial of humanitarian access to children by parties to armed conflicts. Monitoring and reporting of war crimes against children are thus of vital importance.

A greater inclusion and integration of children and their issues in transitional justice processes is crucial for justice to succeed. Children and adolescents must be seen as partners in transitional justice procedures and in order to achieve that, child-friendly processes are needed. The whole process must be human rights based and have a child rights perspective from the start; it must be adapted to children and not the other way around.

The two most important reasons for pursuing justice for crimes against children are *accountability* and *protection*. Accountability in post-conflict procedures enhances children’s capacity, which is why it is crucial to ensure that the accountabilitymechanism address crimes against children. Equally important is to develop child-friendly policies and procedures to protect children involved in truth and justice procedures. An example of the importance of the latter is the fact that the first witness in front of the International Crime Court was a boy testifying about war crimes. He had to unprepared meet his perpetrators in the court room and subsequently withdrew his testimony.

The truth and reconciliation processes also play another important role – to *prevent* similar crimes against children to happen. Children’s participation in truth and justice procedures helps building their protection. The major challenges ahead now are to assess impacts of truth, justice and reconciliation and to assess the CRC impact on child participation in transitional justice.

Can transitional justice and reconciliation be implemented through traditional mechanisms? If so, what do international standards mean at the local level? What is consistent with international standards at the local level? Are issues such as gender equality and human rights considered?

Children who become perpetrators in armed conflicts have to be approached with an appropriate amount of accountability, since they primarily should be seen as children who have become victims for the circumstances. In these situations, the boundaries between victims and perpetrators tend to blur.

**Anders Pedersen** rounded up the conference with some concluding remarks. He emphasized the two most important challenges ahead; the implementation of the CRC and to listen to children. He compared the work for children’s rights with the work for gender equality and the difficulties that process implied. He further remarked on society’s fondness for law at the expense of economics and stressed that the law society must challenge itself to promote children’s rights which requires the continuously commitment to the full implementation. He concluded by saying that a lot has been done but there is also a lot left to be done.

**End**