

“The Rights of the Child – present challenges”

**Presentation by Thomas Hammarberg, Commissioner for Human Rights
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“What young people would like to see is a world where all young people...

- ...finish secondary school;
- ...have equal opportunities to develop their capacities;
- ...have access to information they need;
- ...can participate in political life and decision-making;
- ...are protected against exploitation and abuse; and
- ...have recreational places to go to that are safe.”

This was the message that came to the first intergovernmental meeting on children in Europe and Central Asia. – organized in Berlin 2001. It was brought by three spokespersons from a preparatory meeting of children held in Budapest.

The message continued: “What ought to be done?... By the year 2011, there should be, across the region ...

- ‘shadow’ Youth Councils in every local authority;
- educational reform to ensure greater relevance of curricula;
- a centre created in every city where young people from different backgrounds could meet and interact;
- services in every community for young people’s physical and mental health that are non-judgmental;
- enhanced social support and ‘mentoring’ programs for vulnerable families.”

The young people from Budapest ended their message with a reminder that there is a need to start on this agenda, not tomorrow, but today.

Five years have gone, half the distance to the target year 2011. The Special Session of the General Assembly adopted a Plan of Action. UNICEF has sought ways to encourage the implementation of this plan and governments have done their own planning and budget work. But how much have we *really* achieved during the past five years?

I am afraid that the participants in Budapest – most of them now in their early twenties – would be disappointed. They asked for more.

- They wanted protection against exploitation and abuse. However, we still receive reports about continued trafficking, child labor and violence against children even in their homes. Less than half of the European countries have prohibited corporal punishment of children.

- They wanted a better and more relevant school. We know that educational reforms indeed are coming. However, the teaching is still not sufficiently child friendly in some of our countries. One consequence is that disadvantaged children still tend to drop out before finishing the secondary level.

- They wanted equal opportunities for all children and initiatives to bridge cultural differences. However, Europe today appears to be as xenophobic today as five years ago, if not more so. Gaps between the rich and the poor have widened – it is reported that about a fifth of the children in the EU area live in poverty.

- They wanted a political influence. There may be indirect channels, but on the whole there have been few concrete initiatives to give people under 18 a possibility to have a say – and be heard - on the political issues. Not many municipalities have set up ‘shadow’ Youth Councils.

There are of course also many positive aspects to report. Children are more often on the political agenda than before. The Millennium Declaration with its Development Goals

stressed the importance of education, gender equity and child health. Support to children is made an important part of the international campaign against HIV/aids. Child trafficking is strongly condemned universally. The most important result in my view is that more children than ever are in school today.

But several points in the message from Budapest have not been implemented fully. What the participants there requested could indeed form an agenda for what we now should put in focus:

- Stop exploitation and abuse.
- Make the school relevant for all.
- Prevent discrimination of groups of children.
- Open the political channels for young participation.

First, we must take a clear stance that *violence* is no more permissible against children than against adults. Corporal punishment should be banned and the principle of zero tolerance respected. Talk about accepting certain levels of beating of children – for whatever reason – sends a most unfortunate message.

Organized crime against children must be stopped. Further measures are needed to put an end to trafficking. Exploitation of children via the internet is another major concern for police and other actions by authorities.

Second, *education* is nowadays a major political issue in many of our countries, but there is a need for further discussion. Access is crucial but not the only aspect. The Budapest message stressed quality and relevance of curricula. Life skills are more important than time-bound facts. The school is also a social arena - where violence should be prevented and mutual respect fostered.

Third, *child poverty* requires stronger political remedies also in Europe's richer countries. The social exclusion of Roma children as well as migrant and refugee children has to be

countered with more resources and creative political ideas. Schooling for children with disabilities must be secured, if possible through inclusive approaches.

Fourth, *participation*. When young people are invited to take part in discussions, the reaction is often that this made the discussion more real, relevant and rich. The Budapest message was only one reminder of this. Some of the children's ombudsmen have organized a system of consultation with children via the internet. This has demonstrated the potential for participatory channels which are more than tokenism.

The schools should be more democratic but there should also be forums for child participation in local, regional and national politics. Very little has happened in this area; reforms here is a great challenge for the coming year.

Children do have a right to be take part and be heard – to have an influence. This issue is not a zero sum game – the generations do not stand against one another. Indeed, the adult society needs the guidance from those who belong to the future – and seems to understand it better.

It is all about moving towards genuine *implementation*.

1. Some countries have developed a *national strategy* for the rights of the child. Such a strategy could of course incorporate plans to implement the 2002 UN Plan of Action adopted at the General Assembly Special Session.
2. The *laws* could be reviewed in order to correspond properly to the rights of the child. Some countries had introduced the principle of the best interests of the child as a major dimension of the laws on, for instance, family matters and asylum procedures. Other law making work has been undertaken on adoption, sexual abuse, domestic violence and juvenile justice.

3. The functioning of the *political and administrative system* affects the implementation. Ministries should of course be coordinated in order to secure that all government programs are influenced by a child rights approach. Also, local governments are obliged to respect international and European standards on human rights. The vertical coordination between national and local authorities are important for the effective implementation. Likewise, governments ought to relate constructively with NGO:s working for and with children.
4. Children should be a major consideration in the *budget process*. Child impact analyses is a strategic tool. Relevant statistical and other data ought to be assembled in disaggregated form and compared to indicators in order to facilitate problem detection.
5. An effective *monitoring* should be part of the national strategy. Many countries now have an ombudsman for children or have decided that the general ombudsman should include the monitoring of child rights in his/her mandate. Ombudswork for children – through whatever mandate – will be discussed at a Council of Europe conference in Athens in September. However we organize the monitoring, a priority now must be the situation of children at risk or in other difficult circumstances; for instance, those in poor families, children with disabilities, migrant children and those belonging to minority groups.

To sum up, the time has come for governments to refine the tools for realization of child rights. In concrete action we should prove that we have the political will for genuine change. And that we do respond to the expectations of children of today.