

Celebration of the 60th Anniversary of CDCJ

Challenges to the rights of the child in our modern societies

Dear Mr. Dunn,

Ladies and gentlemen,

It is a real pleasure, and honour, to be with you to celebrate the 60th anniversary of European committee on legal cooperation. The history of this committee shows its serious commitment to advance the legal standards related to status of children and their rights.

Today, however, as a member of the Committee on the Rights of the Child, I am here to confirm that most of the signs of progress in children's rights achieved in the last decades, are now increasingly threatened. The dialogues that the Committee holds with States' delegations, civil society organisations, United Nations agencies and child human rights defenders during the course of last few years prove these negative trends. In numerous occasions recently we have been observing narratives and actions openly attacking children's rights, and already established laws, policies and structures.

The Committee is increasingly alarmed that in all regions of the world, and in intergovernmental fora such as the Human Rights Council, children's status as rights-holders is being questioned under the cover of so called "family values". In each of these discourses children's rights have been instrumentalised to serve various political agendas.

Allow me to remind all States that the international human rights law recognises children as full human rights holders, independently from parents or guardians, whose rights, best interests and views must be respected. It is known that there is a concern shared among a few states and other actors that such recognition would undermine the rights, responsibilities and duties of parents and therefore potentially threatens the sanctity of the family. And this concern is justified to a large extend by incorrect interpretation of Article 5 of CRC.

Although this interpretation is not new, the Committee observes that it **increasingly results in a normative pushback** against child rights at country and in intergovernmental level. The Committee therefore considers that the meaning of article 5 of the Convention deserves to be further clarified and in particular, the concepts of 'appropriate direction and guidance' and 'evolving capacities of the child'. Article 5 CRC affirms that all children have a right to exercise their rights irrespective of their age and that, as they grow, develop and mature, they become entitled to an increasing level of autonomy in the exercise of those rights. Children

should receive appropriate direction and guidance by parents, the purpose of which, according to article 5, is to allow them to exercise their rights. Children's evolving capacities must be recognized and respected by those adults who exercise influence and control over children's lives.

Any interpretation that singles out one of the elements of article 5 while ignoring or discarding the other elements – for example, highlighting the rights of parents without also mentioning 'appropriate direction and guidance', 'in the exercise of the rights recognized in the current Convention' would be contrary to an accurate and holistic understanding of the article.

Since children's agency and autonomy are challenged in some parts of Europe, children are less heard and their views are not given due consideration, for example, in highly conflicted divorces or separations of parents and in schools.

The 'pro family' and anti-gender agenda undermine already reached legislation and policies. For example the comprehensive and inclusive sexual and reproductive health education for children is under attack. Although its purpose is to prevent early pregnancies, bullying among children and to promote a healthy lifestyles, it has been portrayed as *promoting the moral and sexual corruption of children*.

The protection of children from sexual and gender-based violence is also at stake. The insufficient investments in the child protection systems, confidential and child-friendly complaints mechanisms, effective access to justice, in training of teachers, social workers and judiciary, undermine the effective implementation of otherwise positive legislation.

The Committee observes with concern that children are not familiar with their rights, professional groups working for children do not know the Convention ... and are not systematically trained on children's rights. Another concern is the use of the words 'youth' or 'young people' as encompassing 'children', hereby denying children aged 0-17 their status of distinct rights holders under international law.

Violations of rights of children affected by armed conflicts as well as of unaccompanied migrant and asylum seeking children and of internationally displaced children from Ukraine, is another very serious challenge. Last year the Committee was engaged with unlawful forced transfers and deportation of children from Ukraine to the Russian Federation, including those from institutional care and separated children.

At the end I would like to share a more positive news. A week ago, the Committee adopted its GC 26 on the rights of children and the environment with a special focus on climate change.

The Committee endorsed that children have the right to a clean, healthy and sustainable environment. This right is implicit in the Convention, and directly linked to, in particular, the rights to life, survival and development (art. 6), the highest attainable standard of health, including ‘taking into consideration the dangers and risks of environmental pollution’ (art. 24), an adequate standard of living (art. 27) and education, including the development of respect for the natural environment (art. 29). Substantive elements of this right are profoundly important for children, as they include clean air, a stable climate, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food, and non-toxic environments.

I wish you to make children’s rights more visible and stronger in your future work. This is an imperative of the modern societies that value each one’s personal autonomy, freedom and contribution, including of children.

Happy Anniversary!