

WORKSHOP: Compliance on Human Rights Instruments UN Convention on the Rights of the Child

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SPEECH

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Distinguished Guests

Ladies and Gentlemen

Good morning,

Introduction

It gives me great pleasure to be here with you all today at this workshop.

I would firstly like to express sincere gratitude to the International Affairs Division of the Attorney General's Chambers for their collaboration and hard work to bring so many people from such a wide range of agencies to this four day workshop on 'Compliance with Human Rights Instruments' focusing on the Convention on the Rights of the Child.

I would also like to express my great thanks to Professor Jaap Doek for taking the time to come and be with us this week. Professor Doek has been a long time friend of UNICEF Malaysia and, amongst all the other countries he visits, continues to show his support for the development of the child rights agenda in Malaysia.

The Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted by the General Assembly of the United Nations by its resolution 44/25 of 20 November 1989.

Although specific provisions concerning children had been incorporated in a number of existing human rights and humanitarian law treaties, it was acknowledged that there was a need for a comprehensive statement on children's rights which would be binding under international law.

That view was influenced by reports of grave injustices suffered by children around the world: high infant mortality, deficient health care, limited opportunities for basic education.

There were also alarming accounts of children being abused and exploited in the sex industry or in hazardous jobs, of children in prison or in other difficult circumstances, and of children as refugees and victims of armed conflict.

The drafting of the Convention took place in a working group set up by the United Nations Commission on Human Rights.

Government delegates formed the core of the drafting group, but representatives of United Nations bodies and specialized agencies, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), as well as a number of non-governmental organizations, took part in the deliberations.

The unanimous adoption of the Convention by the General Assembly paved the way for the next stage: ratifications by States and the setting up of a monitoring committee.

Within less than a year, by September 1990, 20 States had legally endorsed the Convention, which thereby entered into force. To date, all but 2 countries have ratified the Convention, a number unprecedented in the field of human rights.

It is eighteen years now since the Convention on the Rights of the Child came into force, enshrining childhood within a human rights framework and defining a set of commitments to ensure that all children enjoy the same opportunities.

This powerful vision of children's rights set forth in the Convention has in recent decades resulted in advances in fulfilling children's rights around the world, for example:

- In 2006, for the first time since records have been kept, the number of children dying before their fifth birthday fell below 10 million, to 9.7 million. This milestone follows a long-term decline in the global under-five mortality rate since 1960.
- In the 47 countries where 95 per cent of measles deaths occur, measles immunization coverage increased from 57 per cent in 1990 to 68 per cent in 2006.
- Attendance data based on household surveys shows that the number of children of primary school age who are out of school has declined markedly in recent years, from 115 million in 2002 to 93 million in 2005–2006. This is substantial progress, and many countries are close to delivering universal primary education.

But while these are admirable achievements for children, these figures nonetheless demonstrate that childhood for millions of children around the world remains very much under threat.

Indeed, millions of children continue to struggle for the most basic of rights – the right to survival - whilst others continue to suffer incomprehensible cruelty and exploitation.

- 29,000 children die every day (that is 10 million children per year) from preventable diseases such as malaria. A further 500,000 children under the age of 15 died of HIV/AIDS in 2007.
- 20 percent of all children in South East Asia still have no birth registration or citizenship
- An estimated 126 million children aged 5-17 are employed in hazardous labour
- Over 1 million children, mostly girls, are trafficked every year in South East Asia, mostly into the sex industry and domestic work
- Around 36 six per cent of the 24.5 million people who are internally displaced because of conflict, are children.
- More than 2 million child soldiers were killed, while some 6 million children were permanently disabled or seriously injured during conflicts around the world between 1995 and 2005.

UNICEF's Mandate

In the case of UNICEF, the Convention has become more than just a reference, but rather a systematic guide to the work of the organization:

- As expressed in its Mission Statement, UNICEF is mandated to "advocate for the protection of children's rights" and it "strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children."
- UNICEF promotes the principles and provisions of the Convention and the mainstreaming of children's rights in a systematic manner, in its advocacy, programming, monitoring and evaluation activities.
- The Convention on the Rights of the Child provides UNICEF with guidance as to the areas to be assessed and addressed, and it is a tool against which UNICEF measures the progress achieved in those areas.
- In addition to maintaining a focus on child survival and development, UNICEF considers the situation of all children, better analyses the economic and social environment, develop partnerships to strengthen the response (including the participation of children themselves), support interventions on the basis of non-discrimination and act in the best interests of the child.

UNICEF in Malaysia

Since its inception in 1946, UNICEF has supported governments to alleviate the suffering, and raise the opportunities, of the world's most vulnerable children. As nations have developed and are more able to meet the basic survival needs and security of their children, so UNICEF has been able to expand its mandate with a more comprehensive rights based approach to its programs.

Of course, however, even within this region there are still occasions when conflict, natural disasters and poor governance require a more emergency based, service delivery approach, and UNICEF continues to work to ensure basic rights are achieved through the provision of food, shelter and medicines.

As was noted in the recent UNICEF report on the 'State of the World's Children 2008', Malaysia has made great strides in the welfare of its children. The country is well on the way to achieving its Millennium Development Goal targets, with significant reduction of child poverty and mortality, and improving maternal health, sanitation, and education.

Such drastic progress has enabled the government of Malaysia to expand a welfare approach to one that more systematically considers existing socio-economic inequalities, as highlighted in the Ninth Malaysia Plan. This progress has also encouraged UNICEF to realign its strategy to be relevant and appropriate in a middle income country such as Malaysia. Indeed, this transition marks a significant departure from traditional project and issue based interventions towards a more comprehensive framework of legal and social reform.

In real terms, UNICEF's contribution to the welfare of children will come through the development of strong partnerships with key agencies responsible for ensuring children achieve the highest level of rights. UNICEF's annual work-plan for 2008, recently agreed with the Economic Planning Unit of Malaysia, identifies a range partners and institutions (many represented here today) with whom UNICEF will collaborate to ensure that all children are able to achieve their full potential.

The principal aim of these partnerships will be to support the generation of knowledge through evidence based research programs and provision of technical expertise, with the goal of promoting greater dialogue on social and welfare policy pertaining to children.

It is at this point that I return to the Convention on the Rights of the Child, for Malaysia's submission of its first report to the Committee on the Rights of the Child represents an important new chapter in that debate and dialogue about children's welfare in the country.

Indeed, it is what has brought us all here today, to consider the recommendations of the Committee to promote children's rights in Malaysia. Through UNICEF's partnership with the Attorney-General's Chambers and the other ministries and agencies assembled here, it is hoped that the debate will lead to significantly increased social, legal and protective policies for enhancing children's rights.

MALAYSIA'S First Report to the CRC, December 2006

Before I conclude, I did want to highlight the importance of collaboration across all agencies responsible for protecting children's rights. Indeed, the Committee recognized the multi-sectoral nature of the delegation that presented the report in Geneva in early 2007.

A protective environment is multi-layered and incorporates a strong legislative framework, implemented policies and standards, attitudinal and behavior changes and good service provision.

This requires considerable coordination because:

- An immunized child who is faces violence and abuse at home is not a healthy child.
- A child attending school but who is discriminated against due to ethnic status will not achieve his/her educational potential.
- A healthy new-born who is not registered will grow up invisible – and much more vulnerable to exploitation in the form of recruitment, into child labour, trafficking, and sexual exploitation.

The Committee underscored this point in its recommendations to the Government of Malaysia to ensure that the fundamental principles of the Convention be attained. Article 2 of the Convention states that equal rights should be enjoyed by every child:

"irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status".

Whilst recognizing the high level of wellbeing of the majority of Malaysia's children, the Committee noted that certain populations are still unable to access their full childhood rights. These pockets of children include those of indigenous and minority groups; disabled children; children affected or infected with HIV/AIDS; children in conflict with the law; refugee children and children of foreign origin. Not only may these children be unable to attain the same rights to education and healthcare, but they remain especially vulnerable to violence, abuse and exploitation.

I know that in the forthcoming days, there will be ample opportunity to discuss the individual recommendations further, and to develop sustainable processes for addressing priority issues.

On behalf of UNICEF, I would like to thank the Attorney General's Chambers of Malaysia for its leadership in the efforts being made to ensure that the very constructive recommendations of the Committee are heard and responded to. I know that the workshop will focus on the reporting process, but it should perhaps be remembered that the report itself is not the end goal. Rather, it should be considered as a process or tool that guides future policies and welfare provision for the betterment of children's lives.

Conclusion

I am convinced that the work undertaken during the next few days will make a significant contribution to the realization of children's rights in Malaysia.

I wish you an enjoyable and fruitful workshop. Thank you.