

Review of achievements of the Plan of Action of the World Summit for children and consideration of future action

Proposed draft

PART I: actions undertaken under paragraph 35 of the World Summit for Children Plan of Action. Reviews should pay particular attention to the provisions on actions at the international level contained in paragraph 35 of the World Summit for Children Plan of Action. This will require an assessment and analysis of the following:

Answers to Part I.1 attempt to provide a non-exhaustive overview of OHCHR's contribution to creating "an enabling international environment" for the implementation (Para. 35, WSC Plan of Action) of the WSC Goals and Plan. The response seeks to illustrate with a few examples the extent of the organisation's contribution. Part I.2B provides brief references to the different mandates through which OHCHR has sought to implement the WSC Goals and Plan. Both sections attempt also to highlight areas where OHCHR could usefully achieve more, recognising that child rights are not yet reflected across the full range of the OHCHR mandate and activities.

I. The extent to which your organisation has contributed to the achievement of the goals and strategies enunciated in the Declaration and the Plan of Action, as part of more general attention

The Office of the High Commissioner for Human Rights (OHCHR) has a mandate to, inter-alia, promote and protect all human rights and to mainstream human rights within the United Nations (UN) system. The extent to which OHCHR has contributed to the achievement of the goals and strategies enunciated in the WSC Declaration and the Plan of Action should be seen in the context of a very broad human rights mandate.

Certain aspects of the WSC goals (the Goals) and Plan of Action (the Plan) fall directly within the mandate and scope of OHCHR. The Office's fundamental role, in this regard, is to contribute to achievement of the Goals and Plan from a human rights perspective. The 1993 Vienna World Conference on Human Rights emphasised the link between the WSC goals and its own and urged, in its Declaration and Plan of Action, all nations to undertake measures to the maximum extent of their available resources, and with the support of international cooperation, to achieve the goals in the WSC Plan of Action and to integrate the Convention on the Rights of the Child (CRC) into their national action plans.

The Office had achieved considerable success in contributing to achievement of the Goals and Plan in the context of OHCHR's support to UN human rights mechanisms. With a very broad mandate but with substantial restrictions on available resources the Office has had some success, at a more limited level, in contributing to the achievement of the Goals and Plan through its collaboration with partners in the UN system and through other OHCHR activities.

- Supporting a human rights perspective

Beyond the questions posed and responses provided in the report it is useful to draw attention to the Office's contribution to a "rights perspective" and to establishing and maintaining certain child rights standards. OHCHR considers that its most fundamental task in the context of implementation of the WSC Goals is ensuring that children's rights are duly recognised as such and that efforts to protect and provide assistance to children maintain this "rights" perspective and approach. The decade since the WSC has seen dramatic and welcome changes in the UN's approach to human rights, and to children's rights in particular. The almost universal ratification of the Convention on the Rights of the Child has confirmed a willingness among States to address children as the holders of rights. OHCHR supports these changes wholeheartedly and looks forward to the confirmation of this rights-based approach in the outcome of the UN General Assembly Special Session on Children.

The WSC Goals were listed as covering child health, food and nutrition, the role of women, maternal health and family planning, the role of the family, basic education and literacy, children in especially difficult circumstances including in particular the protection of children in armed conflict, children and the environment, the alleviation of poverty and the revitalization of economic growth. Throughout all of its work, and with respect to all of the Goals, OHCHR systematically addresses issues from a human rights perspective by highlighting the fact that education, health, and other areas referred to above, are linked to universally recognized rights which need to be guaranteed to all without discrimination and by stressing the interdependence of civil and political as well as economic, social and cultural rights.

- OHCHR contribution to the achievement of the goals and strategies enunciated in the Declaration and the Plan of Action

A significant proportion of OHCHR's contribution to achievement of the Goals and strategies defined by the WSC Declaration and Plan has been made in the context of support to UN human rights mechanisms and the specific contribution of a child rights perspective.

Child-focused UN human rights mechanisms: Notable progress has been made through attention to particular children's rights by UN human rights mechanisms with mandates focusing specifically on children, such as the Committee on the Rights of the Child (see also the response to Part II.5), certain Special Rapporteurs of the Commission on Human Rights (CHR) and through certain Working Groups.

The Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography has carried out visits to countries in different geographic regions and, through careful elaboration of the definitions of "sale", "prostitution" and "pornography" in the context of children, has been able to make recommendations addressing the child rights violations encountered. The Special Rapporteur on the Right to Education has focused on the availability, accessibility, acceptability and adaptability of education services, working closely with relevant UN partners. The work of both independent experts has been closely supported by OHCHR. The Office has also provided support, from 1995 to 2000, to the Commission on Human Rights ad hoc Working Groups negotiating draft optional

protocols to the Convention on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography, respectively.

Other UN human rights mechanisms: In the decade since adoption of the Goals and Plan there has been increasing acknowledgement of the fact that the respect and protection of children's rights can only be effectively achieved through the inclusion of a child rights dimension in all human rights activities and mandates. UN human rights mechanisms without a child specific focus have increasingly referred to those aspects of children's rights which do fall within their mandates. They have been supported in this effort by OHCHR.

CHR special procedures, for example, more and more often include references to children's rights in the context of their particular mandates. In his 1996 report (E/CN/.4/1996/35) to the Commission on Human Rights, the Special Rapporteur on Torture raised the issue of conditions of detention of children and made recommendations according to the provisions of relevant UN standards. In his 2000 report to the UN General Assembly, the Special Rapporteur continued to report upon conditions of detention for children and also placed particular emphasis on the situation and treatment of children cared for in non-penal institutions; the report also referred to the situation of children in regions of armed conflict.

In reports and contacts with Governments, the Special Rapporteur on extrajudicial, summary or arbitrary executions has on numerous occasions expressed deep concern over the continuing use in some countries of the death penalty against juvenile offenders and persons accused of crimes committed when they were under the age of 18. The Special Rapporteur has also expressed grave concern at the use of children as soldiers and support staff in the world's conflicts, and has called on Governments to unilaterally raise the age of enlistment to 18, and concluded that the use of children in armed conflict constitutes a serious and direct threat to the protection and enjoyment of the right to life.

The Special Rapporteur on violence against women has taken a life-cycle approach to her mandate, and in so doing has addressed the rights of girls particularly in regards to violence in the family. The Special Rapporteur reports that gender-specific violence does not begin at a certain age but throughout a woman's life-cycle there exists various forms of gender-based violence that manifest themselves at different stages. The Special Rapporteur has expressed concern that even before birth, females in cultures where son preference is prevalent are targeted by the violent discriminatory practices of sex-selective abortion and infanticide and has reported on different forms of violence inflicted on girls including inter alia enforced malnutrition, unequal access to medical care, as well as physical and emotional abuse, incest, female genital mutilation, early childhood marriage and other harmful traditional practices, and the sale of children by their parents for prostitution or for bonded labour .

CHR Special rapporteurs with a country focus have also since the mid-Nineties more systematically and whenever relevant included a child rights dimension in their reports and work.

Similar efforts to refer to children's rights concerns are being made by the various treaty bodies which

increasingly consider children within their respective mandates and refer to the Convention on the Rights of the Child whenever relevant. Similarly, in 1999 the CHR, through a special dialogue on children, sought to sensitize participants in the Commission to the need to reinforce the protection of children's rights in all areas of its work.

Further, the UN is increasingly adopting a human rights approach towards the enjoyment of economic, social and cultural rights and the right to development, contributing significantly to the achievement of the WSC Goals. Illustrative examples of this progression are provided by the Commission on Human Rights' (CHR) recent establishment of a number of new mandates for special procedures covering topics such as extreme poverty, the effects of structural adjustment and foreign debt on the full enjoyment of all human rights, and the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, as well as the right to education, the right to food and the right to adequate housing. OHCHR has provided substantial support to the Working Group on Indigenous Populations which, in turn, has focused attention on the rights of indigenous children and youth, and on respect for their educational, health and cultural rights, most recently during the July 2000 session.

OHCHR actions in partnership with other UN structures: The Office is called upon to serve as a partner across a range of UN agencies, programmes, offices and departments. The High Commissioner has described the Office's role, in this context, as catalytical, with key contributions being made by the Office to strengthen the human rights work of the UN system as a whole. OHCHR's relationship with UN partners, in the context of child rights and the achievement of the WSC Goals and Plan should be seen in this context.

In the context of the Office's mandate to mainstream human rights within the UN system, increasing attention is focused on assisting partner agencies in their own efforts to adopt a human rights approach to their mandates. Particular progress has been witnessed in the context of input into the work of, inter-alia, UNDP, WHO, the Office of the Special Representative of the Secretary-General on Children in Armed Conflict (SRSG/CAC) and the UN Department of Peacekeeping. Some aspects of OHCHR's contributions have involved children's rights such as, the appointment of child rights officers within peacekeeping operations. However, both OHCHR's general human rights and specifically child rights input into the work of partners needs to be strengthened and made more systematic.

Input into UN studies, reports and conferences: OHCHR has made systematic and substantial input into major UN initiatives focusing on protection of the rights of children and armed conflicts, such as the Graça Machel study, the work of the Special Representative on children in armed conflict and the Secretary General's report on implementation of Resolution 1261 on the protection of children in armed conflict. OHCHR seeks also to provide children's rights input into broader UN initiatives focusing, for example, on the protection of civilians in conflict. These contributions help to ensure that child rights standards are maintained as the UN develops and implements policies and strategies which will affect children.

The Office provides input into international conferences and decades, promoting rights of relevance

to achievement of the WSC goals. To give one example, in the context of the 1993 Vienna World Conference on Human Rights, the 1994 Cairo International Conference on Population and Development and the 1995 Beijing Fourth World Conference on Women and the relevant follow-up initiatives, OHCHR has supported efforts to address traditional practices affecting the health of women and girls.

Input into the development and maintenance of standards: The Office provides input into the development of international standards, many of which are of direct relevance to achievement of certain WSC goals. OHCHR has, for example, given input, in collaboration with IOM, UNICEF, and UNHCR, into the Ad Hoc Committee on the Elaboration of a Convention Against Transnational Organized Crime on the draft protocols concerning migrant smuggling and trafficking in persons. OHCHR provides support to the work of the Representative of the Secretary General on Internally Displaced Persons (IDPs) and contributed, in this way, to development of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). Children constitute at least 50% of IDPs. Application of the Principles which have been widely disseminated and recognized, is critical to ensuring protection for IDP children.

Other OHCHR activities: The Office maintains a focus on the protection of children in armed conflict, guided by implementation of the Machel Study recommendations on the Impact of Armed Conflict on Children. The Office provides expertise on the situation of children in armed conflict and on ongoing developments in efforts to protect child rights in such regions. Examples of such assistance have been the elaboration of guidelines intended to assist OHCHR staff, special rapporteurs and others in adopting a child rights perspective in the implementation of their mandates and the provision of information on violations of children's rights in situations of armed conflict, as relevant to the different mandates. The Office participated in the regional conferences of the NGO Coalition to Stop the Use of Child Soldiers. OHCHR provides a liaison, and maintains extensive co-operation with the Office of SRSG/CAC. Examples of collaboration over the past year include the elaboration of terms of reference and the creation of a candidate pool for Child Protection Advisers who will be increasingly serving with United Nations peace keeping missions and the elaboration of a joint pilot child rights training initiative for peace keeping operation staff. Similar OHCHR efforts have focused on addressing the trafficking of children for sale, prostitution or other purposes, involving "catalytic" input into regional conferences and the development of relevant international law.

Other OHCHR mandates are not specific to children but are almost all of direct relevance to respect for children's rights and achievement of some of the WSC Goals and the Plan. For example, efforts are being made to ensure that national institutions in the field of human rights establish national focal points or appoint human rights commissioners dealing with child rights or that they work closely with other national bodies such as children's ombudsmen. OHCHR's support in the creation of national human rights institutions has resulted in a rapid increase in the number of requests for assistance, now from over 50 countries. At its April 1999 meeting in Geneva, the International Co-ordinating Committee on National Institutions discussed the role of national human rights institutions in promoting and protecting children's rights and recognised that these rights should be a priority area in the work of national institutions, *inter-alia*, through the adoption of national legislation, ratification and implementation of international instruments, human rights education and promotion, and national

economic policy. Child rights was also the focus of the Fourth Annual Meeting of the Asia Pacific Forum of National Human Rights Institution, held in Manila in September 1999. OHCHR's child rights input into the development of national institutions has not yet become thoroughly systematic but will, ideally, be strengthened in the future.

OHCHR activities relevant to children at the field level: Most OHCHR field presences and operations have included some focus on child rights and the related WSC Goals, although the extent of the contributions have varied according to the capacity and mandates of different offices. OHCHR field activities range from the promotion of human rights to the monitoring and reporting of violations. For example, OHCHR's presence in Abkhazia, Georgia, has facilitated the translation of child rights and general human rights texts into Abkhaz and is currently assisting in the introduction of human rights subjects into school curricula. OHCHR's office in Cambodia has investigated and raised with local authorities allegations of child rights violations involving sexual exploitation and health issues, among others. The Cambodia office has worked to strengthen the capacity of local NGOs to protect child rights, including through the provision of legal aid, and the office has provided members of the Royal Cambodian Armed Forces and police with human rights training. OHCHR's human rights presence in Sierra Leone (within the DPKO mission) has recruited a child rights officer to focus on child rights specific issues. OHCHR's Regional Office for Southern Africa has focused on supporting States in meeting their human rights reporting obligations to treaty bodies through, inter-alia, the provision of training on report preparation. OHCHR is currently completing a human rights field manual, including a chapter on children's rights, which should make a contribution to the child rights work of field offices. OHCHR's field contribution to children's rights and achievement of the WSC Goals is thus significant, but remains uneven and somewhat adhoc. The experience acquired in recent years will provide a basis for future improvements.

The "mainstreaming" within OHCHR of children's rights: Ideally, each OHCHR mandate and activity would incorporate a child rights perspective and would thus contribute to achievement of the relevant WSC Goals and other child rights concerns. The Office has had some limited success in accomplishing this and all OHCHR individual mandates can be said to have addressed child rights at some point and to some extent. However, limited resources have prevented the Office from integrating the human rights of children in a systematic manner in the full range of the Office's activities.

II.

A. The degree of cooperation and collaboration between your organisation and relevant UN agencies and organs, as well as other international institutions to ensure the achievement of the goals and objectives of the national plans envisaged in the WSC Declaration and Plan of Action, including at field level.

OHCHR's co-operation and collaboration with other relevant UN agencies and organs in the context of efforts that contribute to the achievement of the WSC Goals and Plan is significant. As the numbers of UN bodies involved has grown, so has the call for OHCHR input. The High Commissioner has been given, as a priority for her Office, a mandate to develop UN system-wide co-

operation for the promotion and protection of all human rights. Within this context additional attention could be placed on child rights concerns, as covered by the WSC Goals.

- Examples of co-operation and collaboration

UNICEF and OHCHR have developed systematic and extremely efficient collaboration in the context of assistance to the Committee on the Rights of the Child. Information on UNICEF's invaluable contributions to implementation of the CRC and on the situation of children at the field level is regularly channeled through UNICEF's Geneva office to the OHCHR and the Committee, which is able to use the information to strengthen dialogues with State parties and concluding observations.

Other collaboration has involved support from UNFPA and UNAIDS towards the development within OHCHR of human rights activities dealing with HIV/AIDs and other issues with human rights implications for children, and particularly for girls.

Further examples of co-operation and collaboration have involved a wide range of interagency initiatives towards strengthening the integration of a human rights dimension into programmes and activities across the UN system. OHCHR has:

- contributed to the development of a human rights-based approach to health by WHO;
- helped to implement activities under the United Nations Decade for Human Rights Education, in particular through joint efforts with UNESCO;
- participated in efforts aimed at linking human rights and human development, in the context of activities under the Memorandum of Understanding between UNDP and OHCHR;
- encouraged the development by ILO of international standards in the area of child labour and their effective implementation;
- contributed to efforts aimed at protecting children in armed conflict, in collaboration with the Special Representative, UNICEF and UNHCR;
- played an active role in the Coordination Panel on Technical Assistance and Advice in Juvenile Justice, gathering OHCHR, UNICEF, UNDP, the Centre for International Crime Prevention, the Committee on the Rights of the Child, and the International Network on Juvenile Justice (NGOs);
- addressed, together with other partners such as UNICEF and the Centre for International Crime Prevention, the problem of trafficking of women and children;
- has joined the Steering Committee of the UNHCR and the Save the Children Alliance initiated ARC (Action for the Rights of Children) training project with the objective of implementing this "rights based capacity building and training initiative".

Collaboration has been good, but could be more systematic and regular, facilitating improved achievement of the WSC Goals.

B. The extent to which your organisation has ensured that within its mandate the fullest possible support has been given for the achievement of these goals, including at field level.

OHCHR has endeavoured to give support to the achievement of the WSC goals, particularly in terms

of paragraph 39 of the Plan ".to create an enabling international environment for the implementation of this Plan of Action". The Office has provided a specific focus on several key issues affecting respect for children's rights, and has tried to introduce a child rights perspective into some of its broader human rights activities.

The work of child-focused UN human rights mechanisms, the inclusion of a focus on child rights in the context of broader UN human rights mechanism actions, and the expanding human rights protection approach to economic, social and cultural issues are all developments which contribute to achievement of the WSC goals and Plan and which have been supported by OHCHR. The Office's partnership with other UN structures and OHCHR's contributions to studies, reports, conferences and the development of standards have also made positive contributions to achievement of the WSC Goals and Plan. Similarly, the Office's focus on children in armed conflict and the trafficking of children and some field-based child rights activities represent further contributions.

The Office still faces the need to ensure a more systematic and effective mainstreaming of children's rights issues into all aspects of its work. The constraints on the success of such mainstreaming, and on the availability of appropriate substantive support to guarantee it, limits the ability of the Office to take additional initiatives and to provide more regular and systematic input, for example towards the development of UN system child rights approaches.

III. Participation of your organisation in appropriate mechanisms for monitoring the implementation of the WSC Plan of Action, including at field level.

OHCHR participates in the functioning of several mechanisms for monitoring the implementation of the WSC Plan of Action and is contributing to the process of improving the methods used for monitoring. Some of these activities are linked to field level monitoring.

In addition to the WSC monitoring requirements, the 1993 World Conference on Human Rights recommended that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by the supervisory bodies of the specialized agencies in accordance with their mandates.

Monitoring by UN human rights mechanisms: OHCHR supports the monitoring functions of the human rights mechanisms established by international human rights treaties, as well as those of the charter-based procedures of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights. These mechanisms collect information, much of which is directly relevant to the various summit goals, from a human rights perspective; they identify gaps in the realization of human rights; and they engage in a dialogue with States and other partners making recommendations on steps to be taken to improve the human rights situation.

The Committee, and OHCHR, have also been consistent in urging States to develop independent national human rights institutions with mandates, resources and authority to monitor implementation of the Convention and to receive reports of human rights violations.

The development of indicators and collection of relevant data: In addition to actual monitoring, OHCHR has contributed to the development of indicators of respect for civil and political and economic, social and cultural rights. The task of identifying suitable indicators which can be easily and inexpensively monitored, and which are common and relevant to most regions and countries of the world is a complicated task. Significant progress has been made in developing useful indicators, through the effective collaboration of several UN partners. However, existing indicators still do not cover child rights as effectively as is needed.

The Committee on the Rights of the Child is regularly confronted with an absence of statistical data for the group of children aged 15 to 18. Traditional data collection criteria in some fields group children aged 1 to 14, and persons aged 15 to 49. For example, the data supplied by many States or WHO with regard to children aged 15 or below is of little use in an analysis of the health situation of under 18s.

There is also increasing recognition of the fact that the children most at risk from violations of their rights are also those that escape monitoring mechanisms. A failure to register a birth, for example, can exclude a child from all subsequent registration and monitoring processes. In addition, data which might reveal civil and political rights violations committed against children is often hidden and inaccessible.

IV. *A) Participation of your organisation in the preparation of a consolidated analysis of the plans and actions undertaken by individual countries and the international community, in support of the child related development goals for the 1990s. B) The extent to which your governing body has included a periodic review of the implementation of the Declaration and Plan of Action at its regular sessions, and has kept the General Assembly, through ECOSOC, fully informed of progress to date and additional action required during the decade.*

OHCHR contributes to various forms of analysis of efforts made by individual countries to respect and protect human rights. Some of these analyses are specific to children's rights issues and some of them refer directly to plans and actions undertaken by individual countries. OHCHR provides support in the preparation of the analyses and recommendations of thematic and country special rapporteurs and in the preparation of analyses and concluding observations of the various treaty bodies. The published reports and concluding observations, respectively, provide a useful basis from which to evaluate the degree of realization of human rights at country level, including those rights covered by the WSC Goals. They provide very valuable information on specific country situations and could be used in developing a consolidated analysis of plans and actions taken in support of the specific goals for the 1990s, but they do not constitute a consolidated analysis in themselves.

With the support provided by OHCHR analyses, the Committee on the Rights of the Child has welcomed the adoption of National Programmes of Action (NPAs) for children in a large number of countries, as a result of the Declaration and Plan of Action of the WSC. The Committee's concluding observations have consistently reflected the importance it attaches to NPAs as a very useful tool for

the implementation and monitoring of the Convention on the Rights of the Child at the national level. The Committee has emphasised the need to integrate, in light of the recommendations formulated by the 1993 World Conference of Human Rights, the Convention into national action plans in order to pave the way for a holistic approach to the rights of the child and for the consideration of multi-disciplinary action in favour of children in the context of the formulation of public policies in every country.

The various resolutions relevant to the rights of the child adopted during the past decade by the Commission on Human Rights, ECOSOC and the General Assembly make consistent references to the realization of the WSC goals and progress achieved towards their implementation. These references support efforts to ensure regular analysis of the achievements of the Goals at a country level.

Part II: Other actions undertaken in the implementation of the WSC plan of action

Reviews should also take into consideration other actions undertaken by your agency that have contributed in the implementation of the WSC Plan of Action. There are, for example, close links between the implementation of the WSC Plan of Action and the implementation of the Convention on the Rights of the Child. Therefore, reviews should include the following issues:

V. The extent to which your organisation has fostered the effective implementation of the Convention on the Rights of the Child and has encouraged international cooperation in the field covered by the Convention (Article 45 of the Convention).

OHCHR's single most significant contribution to effective implementation of the Convention and related international co-operation has been through its servicing of and support to the Committee on the Rights of the Child. Other contributions can be identified in the context of various OHCHR activities.

Supporting the work of the Committee on the Rights of the Child: OHCHR provides Secretariat services to the Committee. Through the regular submission of reports by States parties to the Convention, the Committee has considered over 140 State reports on CRC implementation (as at 1 November 2000). With increasingly valuable support from UNICEF and other partner UN agencies, and particularly from national NGO coalitions, the Committee has engaged in informed discussions with State delegations on the situation of respect for children's rights in each State party. The Committee has made detailed recommendations, formulated with OHCHR support, to States in the areas of, *inter alia*: legislative reform; the establishment or strengthening of co-ordinating and monitoring mechanisms including national institutions for the rights of the child; child rights awareness-raising; support to disadvantaged families; strengthening of alternative care opportunities; strengthening of child and maternal health care; strategies to address HIV/AIDS and its effects; improvements in child access to education including the access of children with disabilities, girls and minorities; the protection of the rights of displaced children, children in areas of armed conflict, child labourers and child victims of sexual abuse.

Other OHCHR contributions to foster implementation of the CRC:

OHCHR has sought, since the mid-1990s, to expand its contribution to implementation of the CRC. To this end, a Plan of Action was launched in 1997 by the High Commissioner for Human Rights, with the aim of strengthening OHCHR's contribution to implementation of the Convention. The Plan was envisaged as a means of providing additional support to the Committee on the Rights of the Child and also a means of assisting OHCHR to develop its support to other human rights mandates and activities in a manner which would contribute to implementation of the Convention, including through follow-up to some of the Committee's recommendations.

The Plan of Action provides valuable support to the Committee, helping to reduce the significant backlog in consideration of State party reports. OHCHR's role under the Plan of Action, as with other activities, is envisaged as a "catalytical" one. Beyond support to the Committee, the Plan provides for OHCHR contributions which stimulate and support actions by States, or by UN and NGO partners to improve the Convention's implementation.

VI. The extent to which your agency has contributed to the system-wide follow-up to the World Summit for Children, through the Common Country Assessment (CCA), the United Nations Assistance Framework (UNDAF), the Thematic Groups and the Resident co-ordinator System (RCS).

The Common Country Assessment (CCA) and the United Nations Assistance Framework (UNDAF) initiatives are excellent examples of the recent progress being made in the adoption throughout the UN system of a human rights approach. OHCHR has made contributions to both the CCA and UNDAF in the context of general human rights input, aspects of which are of direct relevance to achievement of some of the WSC Goals. A specific child rights element still need to be introduced more regularly into the CCA or UNDAF processes. An OHCHR and UNDP co-organised workshop on civil and political rights indicators, for example, did identify some child rights specific criteria but the child rights contribution required remains incomplete. OHCHR intends to continue and strengthen its input into both initiatives, in collaboration with UNICEF, UNDP and other partners. The Office recognises the importance of ensuring that future contributions include systematic consideration for children's rights concerns.

Through the Office's high level participation in the UN Executive Committees, an effort is made to raise children's rights concerns. For example, the High Commissioner has raised the issue of the impact of macro-economic policies on child rights in discussions related to children in the Executive Committee on Economic and Social Affairs.

VII. Other issues, as appropriate

Part III. CONSIDERATIONS FOR FUTURE ACTION

It would be extremely useful for the preparatory process and for the Secretary-General's report that reviews include some global assessment of the implementation and results of the WSC Plan of Action, as well as some considerations for future action. Therefore, reviews should include the following:

VIII. The views and global assessment of your organisation regarding the implementation and results of the World Summit for Children Plan of Action, during this last decade.

A number of mechanisms and events, notably in the context of the end of decade 10th anniversary of the adoption of the Convention on the Rights of the Child, have provided a good opportunity for assessing achievements and challenges and determining concrete steps for the future.

For instance, the special dialogue on child rights organized during the 1999 session of the Commission on Human Rights enabled the Commission to focus on issues such as the marginalization and exclusion of children and on key factors leading to it such as poverty, ethnic and gender discrimination, child labour, sale and trafficking. It also drew attention to the need to focus the attention of UN agencies and bodies dealing with economic and financial issues on the rights of the child. The dialogue also highlighted the importance of child participation. Similar issues were raised at the high level-segment discussion devoted by ECOSOC to the rights of the child in July 2000. A two-day meeting, jointly organized by the High Commissioner and the Committee on the Rights of the Child, and at which the main implementing partners from the UN system, States and NGOs participated, took place in Geneva in September-October 1999 with the objective of determining examples of best practice as well as obstacles, constraints and recommendations for the realization of child rights. The discussion focussed on translating law into reality, putting child rights on the agenda, and building partnerships for the realization of rights. The key issues that were highlighted at that meeting included, *inter-alia*: 1) the problem posed by reservations entered by States upon ratification of the Convention, especially general ones; 2) the limited attention to the human rights of children by domestic courts; 3) the need for all government measures (legal, administrative, budgetary, etc) to be assessed for their impact on child rights before adoption; 4) the extent to which implementation of the Convention requires a change in social attitudes and perceptions, and poses particular challenges for child participation.

Perhaps the most practical OHCHR assessment of the WSC results can be made through analysis of the different State reports submitted to the Committee on the Rights of the Child. The Committee is now receiving an increasing number of second periodic reports and is able to measure changes in the country situation of children since a State submitted an initial report. Notable progress has been made in, *inter-alia*: legislative improvements, particularly in guaranteeing non-discrimination; the reinforcement of co-ordination between various organs and agencies addressing children; the establishment of monitoring mechanisms such as ombudspersons for children; improvements in access to education; efforts to address harmful traditional practices and to ensure respect for the CRC in the application of customary law practices. Though less easy to quantify, progress can also be identified in introducing a rights-based approach to children and in improving respect for women's rights via, for example, improved access to education for girls. The Committee's work has also revealed situations where respect for children's rights and achievement of the WSC goals have not improved

or have deteriorated.

An OHCHR global assessment of the WSC would argue that the past decade has seen very important progress in the respect of children's rights based in part upon the commitments made at the WSC and in part on the momentum gathered by the Convention on the Rights of the Child. The decade has also shown that gradual progress over several years can be reversed in just a few months by armed conflict and other factors. Further, good governance is quite clearly fundamental to the effective implementation of children's rights and to the building of the structures necessary to adopt general measures of implementation. Many of these and other factors that have a major influence on achievement of the WSC goals are themselves outside of the mandates and competence of almost all UN human rights child-focused mandates. This fact illustrates how vital it is for children's rights issues to be on the agenda of all UN agencies and bodies, whether engaged in economic restructuring, conflict prevention or addressing the impact of natural disasters. Within this overall context, a human rights approach to improving the situation of children continues to be fundamental, thus demanding a strengthened OHCHR intervention.

In addition, OHCHR would argue that the WSC Plan of Action did not reflect sufficiently the rights-based approach to children enshrined by the Convention, adopted one year earlier. The latter's success amongst international human rights treaties highlights the need for further efforts for children to adopt more firmly an approach thoroughly centered upon the recognition of the universally accepted human rights of children.

IX. The views of your organisation on the emerging trends, issues and challenges that affect the needs and rights of children and women.

Little more than ten years after the adoption of the Convention on the Rights of the Child and of the adoption of the WSC Goals, it may seem still early to assess progress made in some areas of implementation. Yet, their impact highlights a number of emerging challenges that will have to be faced in order to make further progress in the effort to respect, protect and promote the human rights of children that the international community has enshrined in the Convention.

The adoption of the Convention, after years of intergovernmental negotiations, marked the beginning of a gradual process, bringing into light a new vision of childhood. The unprecedented and broad consensus leading to nearly-universal ratification of the Convention will require further reassessment of the place of children in society, by conferring upon them the dignity and status of full fledged subjects of fundamental rights and freedoms. In the light of the Convention and the values and principles it conveys, children have only started to be perceived not solely as vulnerable beings in need of specific protection measures, but rather as persons entitled to enjoy the full range of human rights, including the right to participate in decisions affecting them within the family, school and larger community environment.

With near universal ratification reached by the mid-1990s, the focus of child rights efforts will have to move in the next decade from acceptance of international legal standards to their implementation.

Together with the growing recognition of the place of human rights at the heart of all international endeavours, a focus on the rights of children will have to continue being integrated as a priority in the United Nations system-wide action in all fields. The need to implement the Convention on the Rights of the Child and relevant provisions of other international instruments must increasingly guide the programmes of all UN agencies and bodies, as well as action by States, civil society and the private sector.

This increased awareness about child rights has played an important catalytic role at the international level, leading to the adoption of new international standards and an increased international mobilisation. But implementation of international standards through national processes remains absolutely essential. Many States have become aware of the need to take special measures and develop specific institutions for children. When considering briefly what has been achieved in this regard, one notes that the last decade has witnessed efforts to develop legislative reform, national plans of action for children, child impact assessment, children=s budgets. Independent offices have been set to promote children=s interests. Further action will be needed in these areas, which should receive higher priority and more systematic attention than in the past.

The family, the community, the school and other institutions constituting the child=s natural environment are also directly concerned. The success of the Convention as reflected by State ratification must be followed by the establishment of wide networks to support awareness and implementation of child rights. Much remains to be done to familiarize children themselves, parents, guardians, teachers, social workers, personnel in institutions, the media or private corporations with the principles of the Convention. Further efforts must be made to spread recent examples of increased involvement of the media in initiatives to change the way they are reporting on children.

In spite of such positive trends, a quick look at the problems faced by so many children should caution us against excessive optimism and clearly reminds us of the huge gap still existing between the principles and provisions of the Convention and its practical implementation in everyday life. Children remain too often invisible as victims of human rights violation. Children and adults lack awareness about or the means to ensure respect for child rights.

While resource limitations may sometimes constrain the implementation of economic, social and cultural rights, the Convention on the Rights of the Child helps to focus attention on the crucial dimensions of the general principle of non-discrimination, reflected in the provisions of article 2. Recognition of the right of women and girls to be protected from all forms of discrimination has slowly grown. The years since the holding of the World Summit for Children have witnessed some progress, but much more must still be accomplished. Some dimensions of gender discrimination are well known and yet have proven difficult to address and resolve. Others are still not well understood and call for further analysis. In some States, girls continue to be disproportionately victims of undernourishment and thus also of related morbidity and mortality; legal discrimination can also persist in their access to property and inheritance. In a few cases, boys also face the discriminatory impact of inappropriate socialization into rigid gender roles that can limit their enjoyment of the right to education through academic under-performance and high truancy and drop-out rates. Gender discrimination that often limits enjoyment by girls of the right to education, or lead to premature

marriage and pregnancy is more widespread. Such pervasive gender discrimination can also have an impact on boys, as it can play a role in producing disproportionate rates of suicide, infringement of penal laws, involvement in the use, production and trafficking of narcotic drugs and psychotropic substances, etc.

More sophisticated gender analysis is necessary to address some of the worst human rights violations against children. Discrimination can result in higher number of girls being victims of sexual abuse and commercial sexual exploitation; but it can also lead to even greater trauma and less attention to the rights of boys, less commonly but also sometimes victims of such violations. Gender discrimination can also lead girls and boys to face different risks of economic exploitation, with girls often subject to the particularly invisible victimization they can face as domestic workers. Addressing gender discrimination can often be one of the most effective strategies for improving enjoyment of most human rights by both girls and boys. Increased efforts will be needed to collect relevant data, diagnose problems and design effective strategies.

Other dimensions of discrimination will also require greatly increased attention in the future. Few international human rights treaties set as high a standard for non-discrimination as the Convention on the Rights of the Child, whose article 2 calls for States to respect and ensure the rights it sets forth “to each child within their jurisdiction”. By holding in 2001 the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the international community recognises the need to focus increased attention on a form of discrimination that is often the underlying cause of the worst forms of conflict. Combatting racial discrimination and xenophobia when dealing with the rights of children will be a fundamental challenge for the next few decades. Ethnic origin is often the biggest cause of discrimination faced by children in prosperous societies, closely linked with economic exclusion and social marginalisation. Children who suffer from ethnic discrimination or grow up learning to use race as the basis for discrimination perpetuate the cycle of social and ethnic tension that limits enjoyment of all human rights. With globalization adding to international mobility, even traditionally homogenous societies face the growing challenge of ensuring non-discrimination for long-established groups and for new arrivals. The discrimination faced by children from indigenous groups will also be an issue requiring increased attention in the years to come.

Articles 2 and 23 of the Convention also help to bring into focus a challenge that will continue to grow in the future. Children with physical or mental disabilities have a right to enjoy a “full and decent life”, and special care and assistance from the State to ensure dignity, promote self-reliance and facilitate the child’s active participation in the community. Yet few children with disabilities can be said to enjoy fully and without discrimination the rights to which they are entitled. In many cases, children with disabilities face discrimination that is not based on their need for special care and assistance, but on prejudice and misinformation, and a traditional reluctance to acknowledge the right of such children to the fullest possible participation in society.

The acknowledgement of children as subjects of rights will require in the future a more rights-based approach to action addressing the needs of children on social, economic and cultural areas. Traditional approaches to social and economic issues underlined a focus on the needs of children.

Genuine adoption of a rights-based approach will require a change in the understanding and activities of States, organizations of civil society, UN agencies and bodies, and the private sector. Identifying a rights-based approach to a future agenda for children calls for a new emphasis on the collection of data which can reveal problems of discrimination and highlight the importance of approaching health, education, or enjoyment of cultural activities as rights, rather than needs of children. States and the international community will need to give greater emphasis to the nature of the international legal obligations that they have accepted, and recognise the greater priority that will have to be given to the implementation of child rights. From reviewing all proposed new and revised legislation, to analysing budgetary decisions, proposing structural adjustment strategies, or planning international assistance, child rights will have to be increasingly taken into account in the decision-making processes of governments, international institutions, and non-governmental or private actors.

Recognition of child rights as legal obligations, embodied in the international treaties that States have ratified, calls for mechanisms to ensure accountability for the implementation of child rights. Greater attention will be needed in the future to providing remedies for the victims of violations at the national level, through courts able to implement adequate legislation, well-trained professionals, and mechanisms to ensure national monitoring and equipped with the capacity to request remedial action, including for individual complaints. At the international level, increased support and accountability will be needed for the reporting obligations of States, as defined by article 44 of the Convention on the Rights of the Child and by relevant provisions of other international instruments. International reporting must become a national opportunity to examine and evaluate progress made and changes needed to implement further the human rights of children. Increased efforts have to be made to follow up at the national and international levels on the recommendations formulated upon the examination of such State reports.

The implications of an approach based on clear links to international legal obligations, empowerment, broader participation – including children - in decision-making, immediate obligations to prevent and avoid discrimination, and mechanisms to ensure accountability, are many. Within a broader emphasis on good governance the particular implications of taking a rights-based approach to children must be taken into account at both international and national levels. They must guide, for example, the planning of all actions to combat poverty (including the UN Strategy for Halving Extreme Poverty) and to ensure the full implementation of the right to education, as called for again by the Dakar Framework for Action.

International and national efforts to respect, protect and promote human rights will also have to make greater efforts to address the specific problems faced by children. Existing human rights activities will have to be reviewed to analyse the specific characteristics of children that can require a differential approach to deal with the distinct impact of human rights violations on this often vulnerable group. Protecting children from all forms of violence and abuse, as demanded by articles 19, 34, and 37 to 39 of the Convention, will require a greater effort than providing similar protection for adults. Yet States parties have accepted the obligation to respect such rights without any consideration to the “maximum extent of available resources”, and implementation efforts will have to be stepped up significantly to give true meaning to these human rights for children.

A major effort will be required to understand and promote the implications of the realisation of the rights of children, in accordance with their evolving age and capacity, to enjoy the full range of civil and political rights enshrined by the Convention on the Rights of the Child. Respecting and promoting the rights of children to express their views freely, to freedom of expression, of thought, conscience and religion, of association and peaceful assembly, to privacy, or to access information, as stated by articles 12 to 17 of the Convention, will pose challenges that the international community has only started to explore. Defining and developing in more detail the concept of the child's right to express views and have them taken into account in the taking of all decisions that affect her or him, as described by article 12, will be particularly important in this regard. The right of children to participate in society in accordance with their evolving age and capacity will have to be addressed at all levels, within the family and in schools, in workplaces or at community level, nationally and internationally. As subjects of rights, children must be given the tools to become active participants in the defense of their own entitlements. Achieving genuine progress in this regard will often require States to tackle the difficult task of promoting change in traditional, cultural and societal values, attitudes and behaviors with regard to children and childhood. Ways will have to be found to involve traditional, religious, and community leaders in the effort to bring about such social change, to implement the legal obligations enshrined by the Convention.

Integrating child rights into existing human rights activities will require existing human rights mechanisms and institutions, at international and national levels, to include explicitly the protection of child rights amongst their mandates and activities. It will require a distinction to be made, for example, between the human rights problems affecting women and those affecting children, when addressing growing problems such as the trafficking of human beings for economic or for sexual exploitation. National human rights institutions, guided by the Paris Principles, must be established to monitor the implementation of child rights, or must explicitly include them within their mandates and functions. Many States will need assistance to establish or ensure the effective functioning of such institutions, or to support them in identifying and addressing the problems limiting the enjoyment of human rights by children.

Increasing economic globalization will also call for increased attention to be given to the role played by private actors in determining outcomes for children. Beyond its role in combatting harmful forms of child labour, further attention will need to be given to the impact of private sector activities in the enjoyment by children of their rights. Private sector activities, and the growing influence of international trade, financial and labour movements on the economic and social policy decisions of States and international actors, will have to be taken into account in all efforts to improve the situation of children and respect for their rights.

In several fields, including the involvement of children in armed conflict, and the sale of children, child prostitution and child pornography, attention will have to shift from the elaboration of new international standards to their acceptance and implementation. With the Convention on the Rights of the Child almost universally ratified, efforts to promote international law should emphasize the importance of ratifying other treaties, from ILO's Convention no. 182 to the Statute of the International Criminal Court, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, or the International Convention on the Protection of All

Migrant Workers and Members of their Families. Attention will have to be given to ratification of the two Optional Protocols to the Convention on the Rights of the Child, and to the challenges that will be faced in their effective implementation. For the involvement of children in armed conflicts, the international community will have to look for mechanisms to impose the higher standard for recruitment on non-State actors as well as on States. It will also have to focus on the need to ensure that children recruited into the armed forces below the age of eighteen can be effectively protected from involvement in hostilities. For sale of children, child prostitution, and child pornography, the challenge will be to ensure that increased efforts to criminalise and prosecute the perpetrators do not risk violating the rights of the child victims of such human rights violations.

X. *The initiatives and actions that could be considered for the future.*

To address the challenge of integrating more effectively the rights-based approach to the improvement of the situation of children, priority should be given to setting targets, developing strategies, and collecting data on the implementation of relevant international human rights standards. Such efforts should include emphasizing:

- encouraging States to ratify international treaties beyond the Convention on the Rights of the Child;
- encouraging States to withdraw reservations entered upon ratification of the Convention;
- encouraging States to comply with reporting obligations;
- encouraging States, UN agencies and bodies, national human rights institutions, and organizations of civil society to take full account of the recommendations of the Committee on the Rights of the Child;
- encouraging States and others to pay increased attention to the general measures of implementation for the Convention identified by the Committee on the Rights of the Child under the provisions of articles 4, 42 and 44, including:
 - a) review of legislation;
 - b) establishment of effective government coordination machinery;
 - c) establishment of effective monitoring mechanisms;
 - d) due attention to child rights in budgetary processes and international assistance;
 - e) dissemination of the Convention and general human rights education, including through the provision of effective training to all relevant professional groups; and
 - f) involvement of non-governmental organizations in efforts to implement and monitor progress in child rights.

The UN system should, in particular, ensure that the human rights of children receive priority attention in the formulation of Common Country Assessments and of United Nations Development Assistance Frameworks. These tools must help all agencies and bodies in the system to achieve further progress in adopting a rights-based approach to their activities. Reflecting the central role assigned to human rights by the UN Charter is a priority for all UN efforts at international and national levels, defined by the Secretary-General, and endorsed by States and heads of all agencies. The CCA/UNDAF process will provide a key opportunity to mainstream the rights of children into all UN activities.

To make effective progress in reducing gender discrimination, the international community and States must clearly link implementation of the rights of children to the need for effective follow up to the “further actions and initiatives to implement the Beijing Declaration and the Platform for Action” adopted by the twenty-third special session of the General Assembly, including those defined for the critical area of “the girl child”. Efforts will also need to be made to identify and address forms of gender discrimination that limit enjoyment of human rights by boys, as well as by girls.

To address the problems caused by racial discrimination and xenophobia, follow up measures will be needed to implement the declaration and Plan of Action of the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In emphasizing the role of such discrimination in limiting the enjoyment by children of their human rights, and among the causes of conflict, special attention should be given to the usefulness of appropriate education in preventing and addressing racial discrimination. The new permanent forum on indigenous issues will also require support from States and international institutions. For example, by combatting racial stereotyping and by ensuring that the history of minority and majority groups are taught to all children with a view to enhancing tolerance among different groups and communities within States.

Integration of child rights into the activities of all human rights mechanisms and institutions must continue. In particular, priority attention should be given to reviewing the functioning of existing international mechanisms so as to ensure more appropriate attention to the protection of children against all forms of violence. Conducting an international study on the subject, raising awareness and increasing priority attention to violence against children will be further steps in that regard.

The international community should give increased attention to the protection of children from involvement in armed conflict and focus on the effective protection of civilian victims, as well as on preventing the use of child soldiers. Efforts to promote and encourage ratification and effective implementation of the Optional Protocol to the Convention should be accompanied by attention to the need to ratify and implement effectively the provisions of other relevant treaties on humanitarian law, war crimes or disarmament.

Efforts to address the human rights violations that children suffer as victims of sale or traffic for any purpose, prohibited by article 36 of the Convention on the Rights of the Child, should include promoting ratification and implementation of the Optional Protocol. They will also call for effective involvement and support for the Second World Congress against Commercial Sexual Exploitation of Children, to be held in Yokohama in December 2001, and for implementation of its outcome.

The private sector will also have to be drawn into playing a more active role in human rights, in particular through the implementation of the human rights principles included in the Secretary-General’s “Global Compact”. They require world business both to support and respect the protection of human rights within their own spheres of influence and to ensure that corporations are not complicit in human rights abuses. States, civil society, and international organizations will have to think creatively of how to involve the private sector effectively in efforts to protect and promote the rights of children.

Accelerated progress in the implementation of the civil and political rights of children must be made without consideration to available resources. A particular effort is needed to increase attention to the human rights of children alleged to, or recognised as, having infringed penal law. The international expert workshop on juvenile justice to be held in 2002 at the initiative of the Coordination Panel on Technical Advice and Assistance in Juvenile Justice will focus on relevant problems. It will seek to increase the priority given by States and the international community to the implementation of all relevant international human rights standards in the area of juvenile justice, including articles 37 and 40 of the Convention on the Rights of the Child, as well as the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules, adopted by GA resolution 40/33 of 29 November 1985), the UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines, adopted by GA resolution 45/112 of 14 December 1990), the UN Rules for the Protection of Juveniles Deprived of their Liberty (adopted by GA resolution 45/113 of 14 December 1990), and the UN Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines, adopted by ECOSOC resolution 1997/30).

Finally, for genuine progress to be made in accepting the implications of acknowledging children as subjects of rights rather than objects for protection, further efforts must be made in human rights education. After the mid-decade review, the rest of the UN Decade for Human Rights Education (1995-2004) should provide a useful framework for increased efforts to empower children and adults in the effort to implement the human rights of children. With this objective, States, non-governmental organizations, and UN bodies and agencies must seek to disseminate relevant information, in suitable languages and formats, and through appropriate channels, to all sectors of society. Human rights must be more systematically integrated into education curricula at all levels. Effective public education campaigns should continue to be carried out. Providing appropriate and multidisciplinary training on international human rights and child rights standards to all professionals working for and with children must become a greater priority.

More than a decade after the adoption and entry into force of the Convention on the Rights of the Child, future initiatives and action for children should place the respect, protection and promotion of human rights of children clearly as the basis and objective of all efforts. Similarly, all international initiatives and actions to implement human rights as set out by the Universal Declaration of Human Rights and all relevant international instruments must deliberately seek to address and include fully, as a priority objective, the enjoyment of all human rights by children.