

Human rights for children and women:

How UNICEF helps make them a reality



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The renewed global commitment to the realization of human rights is transforming the way governments protect their people. This recent positive trend is nowhere more visible and powerful than in the nearly universal ratification of the Convention on the Rights of the Child (CRC) and in the very wide embrace of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Reflecting their profound concern for children, governments have ratified the CRC more quickly and in greater numbers than any other human rights instrument. And governments have gone even further, enacting legislation, creating mechanisms and putting into place a range of creative measures to ensure the protection and realization of the rights of children. As a result, children everywhere are benefiting from renewed efforts to ensure the fullest achievement of their rights to life, health care, education, nutrition, a basic standard of living and to special measures for their protection when they are threatened by violence, abuse and exploitation.

Alone, no human rights convention can eliminate neglect, abuse or violations of human rights. But the application of CRC and CEDAW principles, now the driving forces behind UNICEF's work for children and women, can deepen and make real the world's resolve to end conditions that lead to crimes against humanity and the denial of people's fundamental rights and freedoms. By honouring their binding commitments to children and women, governments can transform the human rights vision of human dignity, equality, peace and security into a universal reality.

For UNICEF, a human rights framework strengthens and builds on the organization's long tradition of programme development and practical action to make life better for children. This approach enhances the organization's ability to address the needs of disadvantaged children. It does so by improving UNICEF's understanding of the circumstances that deny children access to basic services and create inequality, discrimination and conflict. UNICEF is guided by the principles of CRC and CEDAW in its continuing efforts to influence public policies in ways that prioritize children's needs, develop and assist programmes benefiting children and stimulate public dialogue on issues that affect children's lives. The organization also monitors and publicizes the status of children's rights and reports on progress, viewed through a human rights lens.

CRC and CEDAW, as well as other human rights instruments and treaties, are blueprints from which the world can craft a human development agenda that secures the rights of all. With fulfilment of such an agenda, a more peaceful, equitable and just future for humanity is sure to follow.

Human rights: The foundation for sustainable human development



Sustainable human development means expanding all people's choices and creating the conditions for equality so that they may realize their full potential. This goal is unrealizable if all human rights — economic, social, cultural, civil and political — are not promoted, preserved and defended.

Since the early 1980s, a number of political and social trends and events have strengthened recent efforts to reaffirm human rights as an integral focus of development activities. The emergence or resurgence of democracy in many parts of the world, for example, has reinforced international support for democratic principles and human rights. Recent civil conflicts, wars and acts of genocide have also elicited strong international calls in defense of human rights. In addition, the expansion and impact of communications technology and transportation are making the world a virtual village, giving people easy access to each others' experiences. Taken together, these changes are creating renewed demand for public sector accountability, good governance and the realization of human rights as the ultimate purpose of development efforts.

The extraordinary momentum behind the process of ratifying international human rights treaties, in particular the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women

Governments and international financial institutions have come to recognize that expenditures on human development are both sound economic investments and necessary conditions for the enjoyment of human rights.

(CEDAW), has been instrumental in reinforcing the concept of public accountability. Since States commit themselves, in ratifying such treaties, to respecting the standards the treaties establish, individuals and institutions can be held accountable when human rights are not realized or are wilfully violated.

The CRC, which is the most comprehensive human rights treaty, is also the most widely and most quickly embraced, evidence of the consensus possible with regard to children. This consensus can help to create a more positive climate for the acceptance of other human rights standards.

The process of encouraging CRC and CEDAW ratification, plus a series of global conferences, most notably the 1990 World Summit for Children and the 1995 Fourth World Conference on Women, have further fuelled social and political support for human development, human rights, and in particular, gender equality. Other conferences that have also adopted agendas for action that



States are accountable and assume obligations to provide for and protect the rights of their people when they ratify human rights treaties.

aim to transform human rights principles into practical actions and time-bound goals include:

- World Conference on Education for All (1990);
- World Conference on Environment and Development (1992);
- International Conference on Nutrition (1992);
- World Conference on Human Rights (1993);
- International Conference on Population and Development (1994);
- World Summit for Social Development (1995);
- Second United Nations Conference on Human Settlements (1996);
- World Food Summit (1996);
- World Congress against Commercial Sexual Exploitation of Children (1996);
- Amsterdam and Oslo Conferences on Child Labour (1997).

What has resulted is a shift in the definition of development. The concept of sustainable human development means that economic, political, social, environmental and cultural dimensions of development are aspects of one holistic process, a vision of development consistent with the aims of CRC and CEDAW. With this vision, governments and international financial institutions have come to increasingly recognize that expenditures on human development are both sound economic investments and necessary conditions for the enjoyment of human rights.

The inextricable link between needs and rights



Rights are not luxuries. Although rights cannot be realized if needs are not met, simply meeting needs is not enough. The problems facing vulnerable women and children have immediate, underlying and structural causes and many have common roots. These could be discrimination in various forms, including gender bias, unsafe environments or chronic poverty. The root causes of preventable death and illness, for example, are often a violation of civil and political rights. A poor child dies not simply from disease or a poorly functioning health system. A number of underlying reasons, including his or her mother's access to education, health care, credit, jobs, participation in public life and ultimately power over food and other resources are root causes of preventable death. Rights, therefore, cannot be separated from needs.

CRC and CEDAW recognize that women and children have specific needs that have been historically neglected or overlooked by societies, neglect that is both a cause and a result of the specific forms of discrimination these groups suffer. In fact, many of the interdependent and interrelated children's human rights that the CRC codifies are based on needs, such as the right to the highest attainable standard of health, to education and to protection from abuse and neglect.

Rights cannot be realized if needs are not met, but simply meeting needs is not enough.

Addressing the human rights of children and women affirms that:

- The State and its institutions are legally and morally obligated to meet the basic needs of people.
- Children and women are subjects of rights. In other words they have rights and are not objects of charity. This change in attitude initiates a process whereby children, within the context of their evolving capacities, participate in the processes and decisions that concern them and affect their lives.
- Those with rights and those working to realize rights have shared interests. Benevolent and charitable actions, while good,



are insufficient from a human rights perspective. In a rights-based approach, it is accepted that the State is required to work consistently towards ending denials or violations of human rights, and that the empowerment of rights holders is in itself an important result of various processes. A rights-based approach, therefore, better guarantees the sustainability of development programmes.

Guiding principles of CRC and CEDAW



Accountability

States voluntarily acknowledge and accept obligations when they ratify human rights treaties. In doing so they agree to implement these treaties and to be accountable for meeting the rights and providing for the needs of the people within their jurisdiction. The State also recognizes a person's right to participate fully and equitably in the civil, political, economic, social and cultural life of the State. Finally, ratification requires States to align their domestic laws with treaty provisions and to ensure that steps are taken to make structures in society, at national and sub-national level, respond in a way consistent with the letter and intent of the law.

The World Conference on Human Rights (Vienna, 1993) recalled in the Preamble of its Declaration, "The determination of the United Nations to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained...." States Parties are accountable before the international community. In this spirit States Parties have to submit to the Committee on the Rights of the Child, and the CEDAW Committee, through the Secretary-General of the United Nations, regular reports on the measures they have adopted to realize the rights of children and women.

States Parties must therefore be proactive in efforts to implement the rights recognized in the treaties they ratify. Ratification makes them legally accountable and opens the way for UNICEF and other UN agencies to discuss issues with governments when children's or women's rights are not realized and to comment on progress. As all UN development agencies are required by the UN Charter to play an important role in the realization of human rights, UNICEF and other UN agencies must advocate for change when national policies and practices, or the policies and practices of bodies other than the State, undermine the realization of rights. In the case of the CRC, UNICEF is specifically mentioned in article 45, placing a further distinct responsibility on the organization vis-à-vis this Convention.

Civil society organizations concerned with human development and the realization of human rights also play a legitimate role in ensuring that established human rights principles guide both the



specific actions of the State and the overall aims of national development. Such organizations are important actors in helping to create and strengthen the culture of rights within communities and countries.

Universality

Article 1 of the Universal Declaration of Human Rights adopted in 1948 states, "All human beings are born free and equal in dignity and rights." This principle is the foundation of all human rights treaties.

In the country-level work of UN agencies the application of this principle, therefore, means that country programmes of cooperation need to identify issues of exclusion and injustice as central concerns in the dialogue with national partners.

While the well-being of all children is important to UNICEF, the organization gives priority to the most disadvantaged children and the countries in greatest need.

**"All human beings are born free and equal in dignity and rights."
— Universal Declaration of Human Rights (1948)**

Indivisibility and interdependence of rights

One of the basic principles of international human rights law is the indivisibility and interdependence of rights. This means that all rights have equal status as rights and it is necessary to look at the full range of human needs: physical, psychological, developmental and spiritual. As the Committee on the Rights of the Child has pointed out, “All rights are indivisible and interrelated, each and all of them being inherent to the human dignity of the child. The implementation of each right set forth in the Convention should therefore take into account the implementation of and respect for many other rights of the child.”

Rights are indivisible and interrelated.



The Convention on the Rights of the Child



The CRC was adopted in 1989 and entered into force in 1990.

Four foundation principles

The CRC Committee has identified four CRC articles as ‘foundation’ principles that underpin all other articles: non-discrimination; best interests of the child; right to life, survival and development; and views of the child.

1. Non-discrimination (article 2)

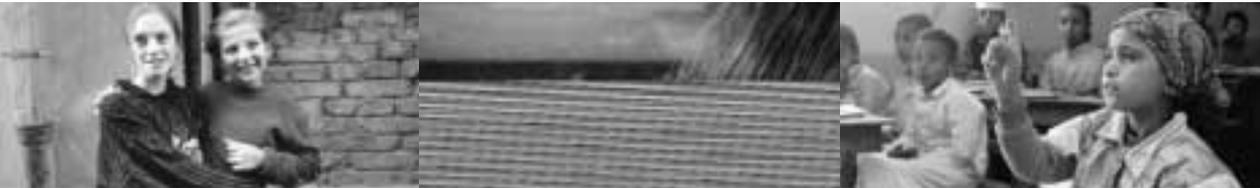
The principle of non-discrimination (on the basis of race, colour, gender, language, religion, opinion, origin, disability, birth or any other characteristic) means that all children have the same right to develop their potential. To identify discrimination, data should be broken down and analysed by age, ethnic group, geographic area and gender. For instance, only when school enrolment data are broken down by gender does it become clear that girls in many countries are not receiving a basic education. Such breakdowns are essential for making rights-sensitive decisions regarding policies, services and allocation of resources.

2. Best interests of the child (article 3)

The Convention on the Rights of the Child refers to the best interests of the child as ‘a primary consideration’ in all actions regarding children, relative to the best interests of others in the society and balancing the child’s autonomy rights with his or her need for protection.

This principle means that certain factors should be taken into consideration in determining outcomes and guarantees, and that other interests such as those of the State, parents or others, will not automatically prevail. This principle also emphasizes the right of children to express their views in all matters related to their lives, in accordance with age and maturity. The CRC encourages appropriate participation of children in making decisions. CEDAW has a similar principle with an even higher standard: the principle of ‘paramount consideration’.

As rights holders, children have active roles to play in the enjoyment of their rights and in helping to define how their rights are to be fulfilled.



The principle of the ‘best interests of the child’ is applicable in three main ways:

- First, it supports a child-centred approach in actions and decisions affecting children.
- Second, serving as a mediating principle, it can help to resolve confusion between different rights.
- Third, the ‘best interests’ principle provides a basis for evaluating the laws and practices of States Parties with regard to the protection provided to children. The ‘best interests’ principle has been invoked to argue that basic services for children and women must be protected at all times, including during wars or periods of structural adjustment and other economic reforms.

A major challenge is to determine what constitutes the ‘best interests’ in a particular socio-cultural context. Clearly, a human rights-based approach is about values, aiming to ensure that society values women and children, protects their rights and responds positively to their entitlements. As many societies go through periods of political, economic and cultural transition, CRC and CEDAW should serve as touchstones and guides for defining the desirable direction that change should take.

3. Right to life, survival and development (article 6)

Children have a right to life, survival and development. In this regard, it is crucial to ensure access to basic services, and equity of opportunity for all individuals to achieve their full development, based on, among other things, the principle of distributive justice. Positive measures that ensure that policies truly cover all are vital.

4. Views of the child (article 12)

This principle calls for the views and voice of children to be heard and respected. Closely linked to the best interests of the child, this principle means that children's opinions are important and their views and voices must be taken into account concerning the realization of their rights. They should also participate in decision-making processes that affect them, in ways that are appropriate for their age.



The role of parents, family and community

The CRC concretely recognizes the role, rights and duties of parents, or the 'extended family or community' as the primary caregivers and protectors of children. This recognition involves the obligation both to support the family in these roles, and to step in when the family is unable, or fails, to act in the best interests of children.

The Convention also recognizes the role of the family in providing — “in a manner consistent with the evolving capacities of the child” — appropriate direction and guidance for the child in the exercise of the rights recognized in the Convention (article 5). Both the role of the parents and family and the child's status as the subject of rights are forcefully underpinned by this provision. This principle means that parents should guide children in the exercise of their rights but that a child, as he or she grows and matures, should become more directly responsible for decisions on how to exercise rights.

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Resources and rights

Article 4 of the CRC says: “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.”

This article means that the State has a duty to act in the best interest of children when allocating the resources available in the society, no matter how small the amounts. The State must also demonstrate good faith by being able to show that actions have been or are being taken to give children the priority they deserve.

While governments have the principal responsibility, this duty covers both governmental and other resources — human and

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financial — such as public and welfare institutions. Civil society organizations can also be very effective in mobilizing resources at all levels of society.

Thus, States Parties are responsible for moving forward to implement the provisions of the Convention with whatever resources they possess. The challenge is, therefore, usually to ensure that the term ‘available resources’ is viewed as ‘total available resources’, and not just those currently allocated to the social sector. Efforts also are needed to mobilize additional resources throughout a country. Close attention should be paid to the extent to which all national resources, including institutional and privately held resources, are used to advance human development. In particular for UNICEF, this means determining the level and effectiveness of the resources devoted to children and women.

Cooperating internationally (articles 4 and 45)

It is rare that a human rights treaty explicitly includes the international community among those responsible for implementing its provisions, yet the CRC does exactly that. By including the phrase

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“where needed, within the framework of international cooperation” in the article concerning available resources, the CRC clearly links the responsibilities of States Parties with those of international development partners. In addition, a number of articles call for international cooperation to support, for example: the child's rights to health (article 24), to special care when disabled (article 23), and education (article 28). Furthermore, UNICEF is specifically mentioned several times. “The specialized agencies, UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate.” In addition, “the Committee may invite specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice... and to submit reports on the implementation of the Convention in areas falling within the scope of their activities.”



Setting priorities

Both CRC and CEDAW, based on principles of universality and indivisibility, make it clear there is no inherent hierarchy of rights and that all rights are equal as rights. The Conventions do, however, often contain phrases such as “the appropriate resources”, “will take all appropriate measures,” and specifically in the CRC: “Taking due account of the importance of the traditions and cultural values of each people.”

These phrases recognize that societies differ and there is need to adapt strategies to country realities. It is the recognized responsibility of States to determine where to begin and what is most urgent, always in a manner that is true to the spirit of the treaty under consideration, and in the case of the CRC, in a manner true to the best interests of the child. Under no circumstances, however, should a State violate the rights of children or women or allow those rights to be violated, regardless of a lack of resources. All States are required to take direct action to protect human rights and a lack of resources is never an excuse for not taking such action.

It follows that organizations working to realize human rights also need to prioritize according to their own available resources, their expertise and the knowledge of what others are doing in similar spheres of activity.

CEDAW and women's human rights



The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the most comprehensive and detailed international agreement which seeks the advancement of women. While it builds upon the existing international human rights machinery, CEDAW points out that those treaties were not sufficient to guarantee the full enjoyment and exercise of women's human rights. CEDAW applies to females of all ages since no specific age group is specified. For UNICEF it is important in our focus on girls.

The Convention requires States to eliminate discrimination against women in the enjoyment of all civil, political, economic and cultural rights. It also establishes programmatic measures for States to pursue in achieving equality between women and men. States are required to work for equality not only in public life — for example, in the realm of legal status and political participation — but also in private life and, in particular, the family. In pursuing CEDAW's goals, States are entitled to introduce measures of affirmative action until equality between men and women is reached.

CEDAW was adopted by the UN General Assembly in 1979 and entered into force in 1981.

A landmark for women's rights

CEDAW requires States to work for women's equality not only in public life, but also in private life and, in particular, the family.

CEDAW's Preamble acknowledges that despite the UN's various efforts to promote human rights and the equality of women, "extensive discrimination against women continues to exist." It declares, moreover, that the discrimination "violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity."

CEDAW moves beyond the guarantees of equality before the law and equal protection under the law found in earlier instruments. It sets out measures aimed at achieving substantive equality between men and women, regardless of marital status, in all fields of political,



economic, social and cultural life. The 30 operative articles of CEDAW, together with the General Recommendations of the CEDAW Committee, deal with the obligations of States Parties in enacting appropriate legal, administrative and other measures to ensure the comprehensive prohibition and elimination of discrimination against women.

The framework created by CEDAW was reinforced by the Declaration on the Elimination of Violence against Women. While not legally binding, this Declaration represents a moral commitment on the part of member states to introduce a number of immediate and progressive measures to address gender-based violence against women.

In addition, a number of mechanisms and offices have been established to encourage the implementation of women's human rights. The most important of these are:

- The Commission on the Status of Women;
- The Committee on the Elimination of Discrimination against Women;
- The Special Rapporteur on violence against women, its causes and consequences.

CRC and CEDAW: Complementary and mutually reinforcing



The Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination against Women have emphasized the complementary and mutually reinforcing nature of CRC and CEDAW. Both are based on the principles of human rights as articulated in the International Covenants, and both reaffirm human rights as universal, indivisible and interdependent. Together, they form an essential framework for a forward-looking strategy to promote and protect the rights of girls and women throughout the life cycle, and decisively eradicate inequality and discrimination.

An example that illustrates how interrelated women's rights and children's rights are, is infant mortality. A significant percentage of infant deaths — particularly those that occur within the first 28 days after birth — are attributable to the poor health and nutrition of the mother during pregnancy and in the immediate post-partum period. In some cases, neglect of a female infant due to cultural attitudes of son-preference results in higher mortality among female infants. Also well documented is the strong positive correlation between women's literacy and girls' educational levels. Women who have experienced the benefits of education themselves are in a better position to make decisions on the education of their children, especially of their daughters.

CEDAW has been ratified by 163 countries, and the CRC by 191 countries. These two treaties are the most widely endorsed human rights treaties in the history of the United Nations.

Equally important is the centrality of women's human rights to the overall achievement of human rights. This needs to be understood from the perspective of women's individual and collective rights and the implications women's inequality has for the achievement of human development goals, beyond those associated with women's reproductive and caring functions. Women and girls constitute just over 50 per cent of the populations of most countries and if their political and social participation is disproportionately low or altogether lacking it means that half the population is not represented.

Since the mid-1980s, the UNICEF Executive Board has approved policies on women in development and gender equality, and has endorsed women's rights and the understanding that CRC and CEDAW jointly provide the umbrella of rights and norms for gender-responsive programme goals and strategies.

The World Conference on Human Rights held in Vienna (1993)



Women's rights and children's rights are interrelated: A significant percentage of infant deaths are attributable to the poor health and nutrition of the mother during pregnancy and in the immediate post-partum period.

declared the human rights of women and girls as “an inalienable, integral and indivisible part of the universal human rights.” The Platform for Action of the Fourth World Conference on Women, held in Beijing (1995), reaffirmed this and outlined specific objectives and strategies for the implementation of these rights.

In many countries, CRC and CEDAW have led to calls for specific actions to eliminate discrimination and reduce gender-based disparities. Some examples include:

- Special policy measures for girls' education, with, in some cases, girls' education and vocational training being linked to employment opportunities for women.
- Legal reform for guaranteeing a child's right to a nationality and women's right to inherit property, measures critical to the care and development of children, particularly in war-affected areas.
- The right to information on reproductive and sexual health issues, for both adolescent boys and girls.

- Recognition of harmful cultural practices such as female genital mutilation as a violation of girls' rights and not only as a health hazard.
- Recognition of sexual exploitation and gender-based violence against girls as violations of rights, leading to legal measures for punishing the perpetrators and for protecting vulnerable groups. In some places, new programmes of family support services provide incentives for education and employment.
- Child care facilities for protecting the best interests of the child and providing support to women's economic participation.
- Collection and analysis of gender- and age-disaggregated information for monitoring the implementation of CRC and CEDAW.



UNICEF and human rights programming for children and women



As a member of the United Nations family, UNICEF has an obligation to help countries honour their commitments to human rights. The CRC, which recognizes that individuals up to the age of 18 are children, provides a legal foundation for the ethical and moral principles that have always guided UNICEF's work. UNICEF is committed to ensuring that country programmes of cooperation are framed by the human rights approach and that global activities specifically support the implementation of the CRC.

Human rights are fundamental to the work of UNICEF and guide all programming processes, such as how we assess and analyse the situation of children and women; how we build partnerships and alliances for children; how we influence public policy and resource allocation; and how we help ensure the realization of the full spectrum of children's rights.

The human rights perspective means that UNICEF is changing the way it analyses how children live at all stages of their development — from early childhood through puberty and adolescence. Analysis from a human rights perspective should lead to an understanding of the multiple and interrelated causes that together prevent some children and women from enjoying their rights. It should help us to more fully understand how law, social norms,

traditional practices and institutional responses positively or negatively affect children and women.

To deepen our understanding, we at UNICEF are working to ensure that data is disaggregated by sex, geographic origin, age and ethnicity in order to expose disparities, which are too often concealed by averages. We are reviewing national laws to see if they protect all children and women equally or whether in the application of laws there is inherent discrimination. We are looking at whether the allocation of national resources actually reinforces discrimination against women, girls, certain ethnic groups or disabled children, or helps to overcome it. Also, we are determining whether macroeconomic and social sector policies and programmes are consistent with the general principles of human rights (particularly the best interests of the child) and whether in fact they provide a sound basis for the 'progressive realization' of rights.

At the same time, UNICEF is not only focusing on problems,



but is also promoting ways to continually monitor progress in areas where gains for children's and women's rights are manifest.

Working with States

The administrative and legal frameworks that govern the relations between women, children and the State are important determinants of rights. How schools and child care and welfare agencies function, the conditions in prison, the administration of justice, the behaviour of the police, health workers and others all have important consequences for children and women. National legislation and, increasingly, decentralized government structures also need to be looked at for their compliance with CRC and CEDAW. How existing social and legal standards influence the treatment of children and women, and whether there are mechanisms that enable them to claim their entitlements and rights, are vital issues. The importance of traditional law should also be considered since it may govern the lives of the majority in some countries.

Tradition: A double-edged sword

The legal systems of many countries are strongly protective of children's and women's rights, but these achievements may be negated or

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neutralized by traditional practices and local authorities. The law may be explicit about women's rights to own land but traditional inheritance practices may make it nearly impossible for women to actually benefit from these clearly established legal rights.

Traditional law can often be the dominant norm for the majority of a country's population. However, customs that are incompatible with CRC and CEDAW must be identified and ways to change negative aspects addressed collectively. At the same time, those customs and practices that are positive for children and women should be recognized and promoted as important aspects of CRC and CEDAW implementation.

Socio-political structures that create a strong sense of social cohesion can help to promote human rights and the recognition of basic needs. A human rights approach should identify, analyse and try to preserve those aspects of traditional society that advance social cohesion for the benefit of the child and the woman.



Participation and empowerment

A human rights approach recognizes that women and children should be central actors in their own development. The goal of development is therefore to create conditions that allow them to participate more fully in community life and in the creation of policies that affect them. Such a focus also helps to create a climate for the broader acceptance of human rights principles and leads to national policies and value systems that recognize human dignity, value tolerance and acknowledge the rights of people to be partners in the development of their communities. From a human rights perspective, broad participation is both a means and an end. CRC and CEDAW stress participation rights in particular, since traditionally women and children are those most marginalized and excluded from the processes of mainstream society.

Children's participation rights include their involvement in the social, cultural and political spheres of life. One of the more meaningful participatory roles of youth is in helping determine their 'best interests'. This is already happening in youth HIV/AIDS prevention programmes and increasingly in other programme areas. Participation is an end in itself, and UNICEF is developing programmes that have this principle as the main objective.

Joining forces to secure human rights

In the cooperation that has always been at the heart of UNICEF's approach, governments are our principal partners. However, this cooperation becomes even more vibrant and productive when the groups and organizations of civil society that share common values join the partnership for good governance, which is an essential condition for the protection of children's and women's rights.

For this reason, the alliance with civil society organizations is not an alternative to working with governments, but is a cornerstone of the effective private/public collaboration essential to CRC and CEDAW implementation. The well-being of women and children is heavily determined by what happens in the private spheres of their lives: within their families, households and communities. The ability of parents, especially mothers, to provide for and protect their children is the key determinant of their survival and

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optimal development.

A human rights approach requires that the programmes UNICEF supports develop genuine modes of partnerships and participation, which include communities and local associations as full actors in their own development rather than as participants in projects which are planned and managed outside their sphere of influence.

The best UNICEF-supported programmes have always given high priority to people-centred development and broad community involvement in decision-making. The ground is already fertile for using the principles of CRC and CEDAW as guiding frameworks for action.

Much more intersectoral work

The social and economic rights of children and women must be met through the provision of essential services such as health, education and access to adequate food and to care. However, a human rights perspective requires that attention be paid also to the civil and political dimensions of meeting basic needs. Inequity and discrimination that are both direct and underlying causes of children's and women's deprivation must be addressed as well.

The ability of parents, especially mothers, to provide for and protect their children is the key determinant of their survival and optimal development.

A human rights approach also means that UNICEF programmes will strike a balance between activities that respond to the urgent survival and protection needs of children, while also contributing to the social, economic and legal transformations that will guarantee sustained protection and realization of children's rights.

Priority attention will always be paid to ensuring that UNICEF programme activities help lead to greater cohesion and integration in a community or society, especially for those most affected by discrimination based on gender, ethnic origin or social class. Helping make possible the participation of women and children, especially in family and community activities that directly influence their well being, is another priority of UNICEF programmes.

A human rights-based approach entails the involvement and participation of individuals and social groups in assessing and analysing their own situation. This broad participation in the analysis of constraints and opportunities can lead to increased understanding



by all members of society of what their roles are in realizing the rights of children and women. Also, when people examine problems together and agree on the causes, they are more likely to agree on the actions to resolve them.

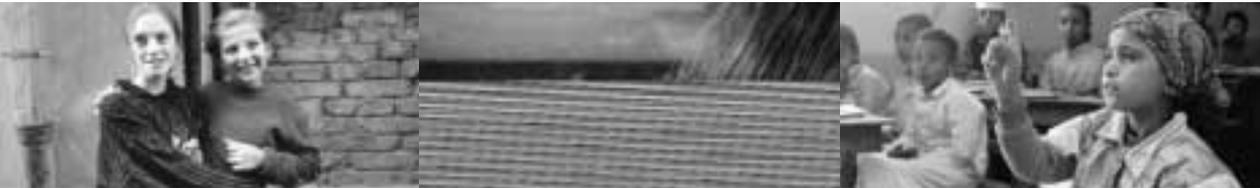
This participation is now a right and it is crucial for accelerating change. Broad, effective partnerships for rights become particularly essential if long-term, sustained changes are to be achieved in values and in consciousness about children and women.

Links to the CRC and CEDAW Committees

In assessing the country situation of children and women, UNICEF offices are guided by the suggestions and general recommendations of the Committees for CRC and CEDAW. The concerns and specific problems identified by these Committees may point to the need for further study or actions by UNICEF on issues within its mandate. These suggestions and recommendations may also highlight issues and concerns which in the view of the Committees require attention and may warrant a UNICEF programmatic response.

UNICEF provides the Committees with relevant information as requested for their review of States' reports. The Committee on the Rights of the Child relies heavily on UNICEF to help it understand the situation and context of children in each country.

A collective responsibility



Parents normally have the first line of responsibility to provide for a child's basic needs, to protect the child from harm and to create a family environment that is conducive to the child's optimum development. Often, this primary responsibility for the care and protection of children falls disproportionately on the shoulders of women: mothers, sisters, aunts and grandmothers. But beyond a child's family, the immediate community plays a vital role in providing basic services, and is the place where schooling and wider social interaction takes place. Then, beyond the community, regional and national bodies have the responsibility to create the broader contexts for the enjoyment of children's rights. UNICEF and the agencies of the UN system have the responsibility to support countries' efforts to implement their treaty obligations, and when appropriate to remind States Parties of such obligations. UNICEF programmes of cooperation are part of the international community's response to the realization of children's and women's rights.

Human rights and UN reform

According to the UN Charter, human rights are about respecting, protecting and fulfilling the inherent dignity of the individual as well as promoting the ability of each individual to reach his or her full potential, in the context of equality, self-determination, peace and security. The Charter and all international human rights instruments constitute a clear and compelling development agenda both for individual countries and for the UN system.

Duly ratified human rights conventions constitute legal obligations for a country. For the UN system, they define its ultimate purpose and rationale. In his 'Programme for Reform', Secretary-General Kofi Annan emphasizes that human rights are "inherent to the promotion of peace, security, economic prosperity and social equity" and calls for the integration of human rights into all principal United Nations activities and programmes.



With its mission centring upon protecting the rights of children and women, UNICEF is well placed to bring a human rights focus to the UN reform process. To this end, we need to apply what we have learned about the implications of human rights-based programming to the broader UN reform effort. For instance, in the development of the revised guidelines for both the Common Country Assessment and the United Nations Development Assistance Framework, UNICEF, together with other agencies, has included specific reference to the promotion and protection of human rights, and is developing appropriate indicators for this work.

All UN agencies need to work together to:

- Influence or convince governments and other actors to make the right choices, by avoiding actions and omissions that violate rights. All institutionalized forms of discrimination and the failure to enforce legislation, therefore, constitute serious failures on the part of a State.
- Directly support other actions to help realize the rights of children and women.
- Empower poor people and particularly children to claim their rights, and help families, guardians, care givers and all responsible groups and bodies to meet their obligations to children and women.



Collaboration with international financial institutions

In addition to the UN reform process, UNICEF's growing collaboration with the international financial institutions — especially the World Bank in the context of sector-wide programmes — represents another strategic opportunity to advance the human rights approach to development. A successful sector reform initiative should benefit those previously excluded as well as address issues of equity and participation. In this connection, it is useful to keep in mind the following recent developments within the Bank which augur well for stronger UNICEF-Bank collaboration in the pursuit of human rights-based development.

First, as James D. Wolfensohn, President of the World Bank, noted in his November 1997 meeting with the United Nations Development Group, there has been an important evolution in the Bank's approach to sector investment programmes (SIPs) linked to the Bank's overarching goal of poverty alleviation. Rigid definitions of what constitutes a 'sector' are giving way to approaches that facilitate the integration of cross-cutting issues like gender discrimination, equity, participation. There is thus more 'space' within the SIP policy dialogue for the systematic treatment of such overarching issues as universality, non-discrimination, participation and best interests of the child. This is particularly important for UNICEF because in many instances the SIP process is the main operational mechanism for UNICEF-Bank collaboration at the country level.

Second, there is a far-reaching process of decentralization under way within the Bank that involves a substantial devolution of decision-making authority to resident missions. This is illustrated



by the greater role country directors are playing in the loan approval and implementation processes, particularly in terms of loans of up to \$5 million, which can now be approved within 60 days. This greater flexibility will make it easier for the Bank to collaborate with UN and other agencies on innovative pilot projects.

And third, there are increased opportunities for UNICEF and other UN agencies to further influence the development of the assistance strategy at country level, in line with the Bank decentralization policies. The recently announced initiative of the Comprehensive Development Framework offers a much broader opportunity for UNICEF to bring a human rights perspective to the policy dialogue, involving the full partnership of bilateral and multilateral development agencies.

In order for human rights conventions to form a sustainable foundation for development, innovative strategies and interventions must be developed to translate ethical and legal principles into practical programme activities with verifiable results.

We must also explore different ways of conceptualizing rights, which, at the same time, respect their indivisibility and interdependence. We must re-examine and modify traditional ways of monitoring change while preserving efficiency and effectiveness.

Finally, we need to examine how we can all work together to ensure that when a government ratifies an international human rights instrument, it commits itself as well as all partners in society — the media, NGOs, civic associations, schools, development partners and individuals — to ensuring that those rights are recognized, respected and realized.

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