



# Mandate and Work of International Organizations with Respect to the Convention on the Rights of the Child : UNICEF'S Contribution

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## I. Introduction

THIS PAPER focuses on UNICEF's role with respect to the Convention on the *Rights of the Child* (CRC). It is hoped that through a better understanding of how UNICEF works within the framework of the Convention partners such as members of the legal and other professional communities attending this ground-breaking conference will be in better position to identify, within their fields of specialisation, specific and priority areas of cooperation for working for and with children.

The broad topics discussed here are:

- a) UNICEF's contribution to implement the convention
- b) CRC as a framework for policies and programmes benefitting children
- c) Country programme: The principal vehicle for UNICEF's support in developing countries
- d) Monitoring the implementation of CRC
- e) UNICEF's cooperation at the international level
- f) Summary of UNICEF activities of CRC
- g) Role of the Regional Office in East Asia and the Pacific

Article 45 of the Convention on the Rights of the Child states that:

"In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- a) The specialised agencies, the United Nations Children's Fund, and other United Nations Organisations 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. The Committee, (on the Rights of the Child) may invite the specialised agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate, to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates.

The Committee may invite the specialised agencies, the United Nations Children's Fund and other United Nations organs to submit reports on the implementa-

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tion of the Convention in areas falling within the scope of their activities;

- b) The Committee shall transmit, as it may consider appropriate, to the specialised agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestion, if any, on these requests or indications".

Article 4 of the Convention encourages States to seek international cooperation, where needed to implement economic, social and cultural rights when their own available resources are inadequate. As the United Nations lead agency for children, UNICEF has a special responsibility in this regard and proposes to continue to encourage those involved in international cooperation to be responsive to States' requests for help and to ensure that their activities in all areas create and support an environment conducive to the optimum development of children.

The Centre for Human Rights is the United Nations body with direct responsibility to assist the General Assembly, the Economic and Social Council, the Commission on Human Rights and the agencies of the United Nations in promoting and protecting human rights, as envisaged in the Charter of the United Nations. The Centre, therefore, has direct responsibility for providing secretariat support to the committee on the Rights of the Child, which is the monitoring body for the Convention and for advisory services and technical assistance that the Committee will need or that State may request in order to meet their obligations under the Convention.

UNICEF has responded to the urgent and basic needs of children for over four decades, and while this continues to be the

primary mission of the organisation, it has also been developing as a major channel through which child-related issues can find expression at the international level and be addressed through specific programme interventions or advocacy on behalf of children. The operational capacity of UNICEF, and the expertise which the organisation has developed through its programmes of cooperation throughout the world, is complementary to the capacity of the Centre for Human Rights to Guide States in the technical aspects of implementing the Convention.

UNICEF continues to work with order international agencies as appropriate, within the framework of inter-agency cooperation, in assisting governments to transform the provisions of the Convention into programmes to protect children's rights and to enhance their chances of survival and development.

## **II. Convention: A framework for policies and programmes benefiting children**

UNICEF planning since the adoption of the Convention has been guided by the consensus view of children's rights embodied in the Convention. In several countries, the Convention is already enhancing many aspects of programme delivery. Advocacy efforts that preceded adoption have strengthened international cooperation within many governments and have led to new alliances among governments, NGOs and UNICEF. The global goals agreed upon by the international community and endorsed by the Heads of State and Government attending the World Summit for Children, are essential first step towards realising the rights outlined in the Convention. However, "the Convention embodies the most comprehensive list of goals for the well-being of children" and "its full implementation is the best guarantee of

achieving the goals for children and development in 1990s.”

The implementation provisions of the Convention (Articles 42-45) seek to avoid an adversarial approach to children's rights by stressing, instead, dialogue and constructive action at the national level. The spirit of these provisions was inspired in large measure by the members of the NGO group for the Convention on the Rights of the Child, which promoted the idea that the cooperative approach to implementation would enable countries to become States Parties to the Convention, knowing that their possible inability to implement immediately, all provisions of the Convention, would not necessarily result in cooperation and active NGO participation.

In defining the role of UNICEF in implementation, special attention has been paid to the spirit of the debate leading to adoption of the implementation provisions, which advanced the idea that the implementation of the Convention should:

- a) Provide a forum for consideration of relevant policy issues and a framework for action to be taken at the international and national levels by governments multilateral and bilateral agencies and NGOs;
- b) Provide an opportunity for constructive dialogue to take place on the situation of children, in the communities where they live and at national, regional and international levels;
- c) Facilitate the provision of technical assistance that States may require to enable them to meet their obligations under the Convention; and,
- d) Stress the importance of implementation at the family and community levels as being of primary importance.

### **III. Country programme: The principal vehicle for UNICEF support in implementing the convention in developing countries:**

In a number of countries, there is growing public interest in the rights of children, and indications are that there is political will to act on implementing the Convention. UNICEF has neither the resources nor the expertise to intervene in every problem area where children are at risk, but this operational reality does not negate the fact that all rights enshrined in the Convention are of concern to UNICEF. The Convention's holistic view of children underscores the need for governments and United Nations agencies to take a comprehensive approach to problems affecting children in order to address their direct and underlying causes.

The country programme is the vehicle through which UNICEF supports countries in their efforts to transform Convention ideals into legal safeguard and practical programme benefitting children.

The Convention strengthens ongoing efforts to address the special needs of children in especially difficult circumstances. UNICEF will continue to work with governments, United Nations agencies, NGOs and agencies of the bilateral system to tackle the root causes of problems facing these children in an effort to reduce the incidence of abuse and exploitation and to protect and rehabilitate street children, refugee children, victims of war and natural disasters, orphans, disabled children and those trapped in the bondage of the drug trade, prostitution or other forms of exploitative labour. In its cooperation and alliance with other organisations, UNICEF will continue to make comparative advantage a determining factor in its interventions since other groups or agencies are often in a better position to intervene directly and effectively.

The Convention sets standards protect-

ing children's right to participate fully in accordance with their evolving capacity, in all facets of community life (Articles 12, 13, 30, 31). Children in especially difficult circumstances are least able to exercise these rights. They are marginalised by society and are very often remembered only when their actions are believed to threaten public order. These provisions of the Convention are particularly relevant to the most deprived and vulnerable children, and the actions of UNICEF and all agencies working for their benefit should be guided by these principles.

#### **IV. Monitoring the implementation of children's rights**

While it is the responsibility of the Committee on the Rights of the Child to monitor States, compliance with the Convention, a function in which UNICEF has no direct role, UNICEF monitors the situation of children throughout the various phases of the country programming exercise. Situation analyses programme evaluations and various studies on specific issue affecting children are ongoing processes at national and community levels. Data generated through these activities enable governments to assess their progress towards achieving national goals and to develop systems for detecting special problems. This information also forms a large part of the basis of the global advocacy for children undertaken by UNICEF and others.

Over the next decade, UNICEF will be monitoring progress towards attainment of the goals and targets for children in the 1990s, and in so doing, will be helping governments to strengthen their national capacities for assessing progress towards the realisation of the rights set fourth in the Convention. These UNICEF activities will contribute to efforts at the national level to monitor progress towards implementing the Convention. UNICEF will encourage governments to give priority attention to

monitoring their own compliance with the Convention at national and community levels, since the monitoring process is, above all, a mechanism for enabling governments to assess their progress towards achieving human development goals.

Some countries are already moving in this direction. For example, the States members of the South Asian Association for Regional Cooperation (SAARC) have committed themselves to reporting at their regional gatherings on progress in implementing the Convention, thereby establishing a system for addressing common regional concerns relating to children. Recently, ASEAN adopted a Plan of Action for children. By *developing national and regional monitoring systems*, governments will also create a favourable climate for cooperative approaches to implementing the Convention.

Monitoring at national and regional levels will also enable governments and regional inter-governmental bodies to develop common strategies for the attainment of standards set by the Convention and to define comprehensive social policies for broader human development to be reflected in national development plans. The monitoring process will also enable governments to determine the levels of resources needed to achieve these goals.

Within the framework of the country programme, and in collaboration with the Centre for Human Rights and other bodies of the United Nations system, UNICEF will continue to cooperate with governments and other partners at national and regional levels as they implement the Convention. UNICEF support will cover activities in the following areas:

- a) The creation of further development of national mechanisms to gather gender specific and area-specific data on children which can be used as a basis for

- policy development for State' reports on compliance with the Convention;
- b) Support enabling governments to review legislation pertaining to children in order to ensure compliance with the norms of the Convention and with international humanitarian laws for child protections;
  - c) Support for relevant studies on issues related to the Convention;
  - d) Information and education campaigns to promote knowledge and awareness of children's rights among children, youth and influential groups;
  - e) Training to ensure that government and UNICEF staff, United Nations agencies and NGOs whose activities have an impact on children are familiar with the provisions of the Convention and act to ensure that their programmes have a positive influence on progress towards the full implementation of the Convention.

#### **V. UNICEF co-operation at the international level**

While article 5 of the Convention recognise that families have the primary responsibility for the care and protection of children, article 2 obligates States to provide special assistance to children whose families either do not or can no longer act in their best interest. But the Convention goes further, breaking new ground for international human rights treaties, by introducing the idea that protecting of children's rights either through deliberate acts of aggression or through political blunders short-sighted policies and negligence can no longer be seen as a concern for those most directly responsible for children's well-being who are the victims.

The theme of international cooperation runs throughout the text of the Convention obligating the organisations of the United

Nations and other competent bodies to work with States and the Committee on the Rights of the Child in ensuring that the countries needing help can have recourse to various forms of assistance. In this sense international agencies are also parties to this Convention and its implementation must be seen to have an important international dimension.

Advocacy for the well-being of children has become a major UNICEF function and the experience gained in this area during the past decade is of particular relevance to the implementation of the Convention. Advocacy has been an integral part of UNICEF support for specific projects at the country level for many years, but it has now become a broader process at international and regional levels through which UNICEF tries to engender political support and additional resources for children.

Through the International Child Development Centre at Florence, UNICEF is encouraging research and policy studies on the implementation of the Convention in various social cultural and economic settings with special attention to developing effective strategies for introducing the legal concept of children's rights into the programming process.

#### **VI. Summary of UNICEF activities in support of the implementation of the Convention**

UNICEF's effort towards implementing the Convention can be summed up as follows:

- 1) In co operation with developing countries
  - i) The creation of further development of national mechanisms to gather gender-specific and area-specific data on children that can be used as a basis for policy development and for States' reports on compliance with the Convention. In this regard,

- UNICEF is preparing revised guidelines for the country situation analyses to ensure that the standards set by the Convention and the range of issue it raises are systematically incorporated into the scope of these analyses;
- ii) Pertaining the norms of the Convention and international humanitarian laws for child protection, UNICEF will be guided by the branch of the Centre for Human Rights, which is responsible for advisory services and technical assistance in the field of human rights;
  - iii) Support for relevant studies on Convention-related issues;
  - iv) Training to ensure that governments and UNICEF staff, United Nations agencies and NGOs, whose activities have an impact on children, are familiar with the provisions of the Convention and act to ensure that their programmes have a positive influence on progress towards the full implementation of the Convention;
  - v) Information and education campaigns to promote knowledge and awareness of children's rights among children, youth and influential groups;
- 2) Activities in industrialised countries:
- i) Information and education campaigns to promote knowledge and awareness of children's rights among children, youth and influential groups;
  - ii) Activities with schools and youth organisations to enable children to participate in debates on the implementation of the Convention and to express their views on their own situations;
  - iii) Strengthening of the capacity of the National Committees to undertake advocacy and other activities to support the implementation of the Convention;
  - iv) Information exchange on policies and programmes in developing countries that are also applicable in specific situation in industrialised countries;
  - v) Studies and research on various technical aspects of applying the Convention in specific circumstances where children are at greatest risk and where the problem is common to both developing and industrialised countries, for example, studies on the situation of children of migrants and the complementarity between implementing children's rights and women's rights;

## VII. Role of the regional office

Important for us at the regional level, is the recognition that the Asian and Pacific countries have themselves been active in promoting child rights issues. 25 countries in the region have formally ratified the Convention. Others are on the threshold of doing so. In accordance with the terms of the Convention, some countries are already in the process of preparing and submitting their first report to the Committee on the Rights of the Child, whilst a small number of others have already done so. The Committee has acknowledged the good faith effort being made by these countries and has commended certain of them-- Viet Nam springs to mind -- on their frank and transparent reporting.

In the last two years alone, national and regional bodies have been set up several Asian and Pacific countries to deal specifically with child rights issues. This development is not only exciting but is a challenging new avenue to all those associated with it. A

worthy example is that of child Rights ASIANET, which, since its inception has been so energetic in its catalytic consultative roles and is, of course, the main reason why we are all here today. We have also seen conferences and meetings such as two Regional Consultations specifically on child rights take place in the region. These have all made a positive contribution to the understanding and development of the child rights agenda, and, more concretely have resulted in the establishment of ASIANET itself and the endorsement of the "Beijing Consensus". Many governments had adopted the "Consensus" with the broad aim of translating the Convention into concrete programmes and services for children. The National Programmes of Action, which most of the Heads of State and Government had brought into being as a result of the World Summit for Children, were in fact, the Convention in Action. At a recent Ministerial Consultation in Manila, delegates from East Asia and the Pacific who gathered to follow-up on the progress of the National Programmes of Action, Supported the universal ratification of the Convention on the Rights of the Child by 1995 as one of the important mid-decade goals. The governments of the ASEAN countries recently agreed on a frame of reference to strengthen regional cooperation in the survival development and protection of children. As a result, desk officers have been placed in Member States to oversee implementation of the ASEAN Plan of Action for Children that will be based on the frame of reference. Our Regional Office has had the privilege of working with some countries toward implementing the Convention, such as ensuring inclusion of child rights in the new Constitution of Cambodia; in the drafting of a child rights protection law in Mongolia, and the establishment of a Children's Rights Centre in the Philippine Commission on Human Rights.

With that small wealth of experience

already behind us, it is time to chart our future path. One real step that we can take together would be to encourage ratification of the Convention to encompass all countries of the region. This could be achieved by ensuring that information is properly disseminated and by providing examples to policy makers seeking to put legislation and policies in place. Further progress could be made by setting short-, medium-, and long-term regional goals. In the short-term we could set regional priorities and begin by implementing those which are easily achieved. This would not only be another move forward but would undoubtedly gain support for further action. On a longer-term basis, and within the framework of the Mid-Decade Goals, we could identify the priority of elements embodied in the Convention to be pursued in regional countries over the next two years. Key personnel in functional areas involved in Child Rights could be trained to better understand the process and those agencies active in the monitoring role to enable more effective reporting on the implementation of the Convention. I am sure that many of you have more ideas on how we can best proceed on a complementary course of action. UNICEF and ASIANET believe that by promoting a combined effort we can take the practical steps required to promote, monitor and thereby improve the well-being of our children at the national and regional level.

### VIII. Conclusion

The role of international agencies, and particularly that of UNICEF, in the CRC process is varied and extensive. The wide-range of activities stretch from advocacy to programming and monitoring. It is fast becoming recognised that advocacy and programming have become united components of one process. The primary objectives of both UNICEF and governments must be to enhance the quality of life of children and women and prepare the groundwork for a sustained, long-term strategy to achieve the

goals of National Programmes of Action, in conformity with the fundamental intentions of the Convention.

By cooperating with countries in setting-up National Programmes of Action, it has been demonstrated how important a support role UNICEF can play in assisting governments to strengthen their national capacity towards accomplishing Child Rights. UNICEF encourages governments in their endeavours by stimulating the mobilisation of significant additional resources to support the NPA goals. The principal vehicle for UNICEF support in implementing the Convention in developing countries is the Country Programme. The Country

Programme allows UNICEF to monitor the situation of children throughout the various phases of the exercise. Steps being taken by UNICEF to facilitate and support implementation of the Convention are rapidly becoming an essential part of ongoing UNICEF programmes.

Another fundamental step that must be taken is to ensure that the general principles of the Convention are translated into national laws and policies. The Convention itself allows UNICEF flexible and innovative approaches to implementing and monitoring Child Rights, thereby giving UNICEF the opportunity to tackle some of the more.

