

# Government Communication

## 2001/02:186



### The Rights of the Child as a Perspective in Development Cooperation

Govt. Comm.  
2001/02:186

---

The Swedish Government submits this communication to the Riksdag.

Stockholm, 23 May 2002

Göran Persson

Jan O. Karlsson  
(Ministry for Foreign Affairs)

### Summary of the communication

The Swedish Government submits, in this communication, an account of the experience gained from Swedish and international efforts to make development cooperation conducive to realisation of the rights of every child as upheld in the United Nations Convention on the Rights of the Child. The communication provides a forward-looking presentation of how the Swedish Government intends to apply this experience and other new knowledge in strategic considerations and priority measures to contribute, through Sweden's international development cooperation, to attainment of the joint International Development Goals.

In this communication, the Swedish Government presents a ten-point programme intended to serve as a guide to further integration of the child-rights perspective into development cooperation. Four strategic areas of work to promote respect for the rights of the child are emphasised: social reform, healthcare, education for all and action for disadvantaged children. With this communication, the overview of child-rights issues carried out by the Ministry for Foreign Affairs is complete.

<b>Introduction</b> .....	<b>2</b>
<b>Part I. The Rights of the Child as a Perspective in Poverty Reduction</b>	<b>5</b>
<b>1 Results and experience since the 1990 World Summit for Children</b> .....	<b>6</b>
1.1 International results and experience .....	6
1.2 Final outcome document from the UN General Assembly Special Session to follow up the 1990 World Summit for Children.....	10
1.3 Swedish interventions for children in development cooperation.....	10
1.4 Experience of implementing the Convention on the Rights of the Child in Sweden.....	13
<b>2 Objectives</b> .....	<b>15</b>
2.1 Objectives of development cooperation .....	15
2.2 The Convention on the Rights of the Child .....	16
<b>Part II. Promoting the rights of the child in Sweden's development cooperation</b> .....	<b>19</b>
<b>3 Strategic action</b> .....	<b>19</b>
3.1 Social reform .....	19
3.2 Health and healthservices .....	21
3.3 Education.....	23
3.4 Disadvantaged children .....	26
3.4.1 <i>Child labourers</i> .....	27
3.4.2 <i>Children with disabilities</i> .....	29
3.4.4 <i>Children affected by HIV and AIDS</i> .....	34
3.4.5 <i>Children affected by war, armed conflicts and refugee situations</i> .....	37
3.4.6 <i>Children in institutions</i> .....	41
<b>4 Implementation and follow-up</b> .....	<b>43</b>
4.1 Development of knowledge and methods.....	43
4.1.1 <i>Dialogue with our development partners</i> .....	44
4.1.2 <i>Government budget</i> .....	44
4.1.3 <i>Child strategies</i> .....	45
4.1.4 <i>Statistics</i> .....	45
4.1.5 <i>Research</i> .....	46
4.1.6 <i>Feedback to the youngest citizens</i> .....	46
4.1.7 <i>Enhanced awareness</i> .....	47
4.2 Stakeholders, actors and arenas .....	47
Annex 1: The Convention on the Rights of the Child .....	50
Annex 2: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.....	69
Annex 3: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.....	74
Annex 4: Publications.....	80
Annex 5: List of reports containing statistical information .....	81
Extract from the minutes of the government meeting of 23 May 2002 .....	82

## Introduction

The United Nations Convention on the Rights of the Child (CRC) was adopted by the UN General Assembly in 1989. The CRC emphasises the importance of international cooperation to ensure respect for the rights of the child. The CRC has thus illuminated a central dimension in development cooperation: the child-rights perspective.

Children and adolescents have always been a key target group in Sweden's international development cooperation. Much of the Swedish bilateral aid has gone, and goes, to children and adolescents. Sweden is since long also a vigorous proponent of child issues in various international forums, especially in connection with the drafting of the CRC. The point of departure for child-oriented development assistance was first to provide children and adolescents with essential services and to protect them from the consequences of poverty, disease and armed conflict. Nonetheless, children and adolescents have been virtually invisible in the planning and implementation of, for example, measures relating to the environment, infrastructure or social planning as a whole. They have, instead, been included in such collective notions as 'the family' or 'women and children'.

Since Sweden ratified the CRC in June 1990, Swedish legislation and practice is adapted to its intentions and spirit.. In March 1999 the Swedish Parliament, (Riksdag) adopted the national strategy for realising the CRC in Sweden. The Swedish Government has stated, in several budget bills and government directives to the Swedish International Development Cooperation Agency (Sida) that the child-rights perspective is to be clear in international development cooperation. Both in the Ministry for Foreign Affairs and in Sida, extensive educational and methodological development is continuously pursued. In 1998, the then Minister for Development Cooperation decided that an overview should be carried out to devise a more coherent policy on child issues in international development cooperation.

Since 1997, Sida and the Ministry for Foreign Affairs have been working actively, both jointly and separately, to draw up guidelines on the child-rights perspective in development cooperation generally and for specific areas. Jointly held training courses in the application of these guidelines for administrators in Stockholm and at embassies continue. Some 80 people have had this training so far and another 40 will be included in the courses during 2002. This work has been based on Sida's action programme for poverty reduction, the environment, justice, peace and gender equality. Other basic documents are the Swedish Government's communications to the Riksdagen *The Rights of the Poor — Our Common Responsibility* (Govt. Comm. 1996/97:169), *Democracy and Human Rights in Swedish Foreign Policy* (Govt. Comm. 1997/98:89), and communications and bills that report on the realisation of the CRC in Sweden (Govt. Bill 1997/98:182, Govt. Comm. 1999/2000:137 and Govt. Comm. 2001/02:166).

A country-strategy handbook containing general guidelines for country analyses and overall guidelines for Sida's work has been compiled. Mechanisms for ensuring that all country analyses and country

strategies integrate a clear perspective of democracy and human rights, including the rights of the child, have been developed.

Within the framework of the Ministry for Foreign Affairs' 'Child Project', in cooperation with Sida, additional guidelines for work relating to the rights of the child have been drawn up. One result of the project is a study of how the established objectives of development assistance relate to the rights of the child. Other publications produced in the course of the project have been the report entitled *In the Best Interest of the Child — on Children and Child-Rights Issues in Development Cooperation* and six subsidiary studies that provide guidelines for work with children who are exploited sexually, children with disabilities, children affected by HIV and AIDS, children in armed conflicts, children in institutions and child labourers.

## The Swedish Government's ten-point programme for the rights of the child in development cooperation

### *Put children first!*

In its dialogue with our cooperation partners, Sweden must clarify our joint responsibility for child welfare. We must support measures that enhance awareness of the rights of the child. We must support social reform aimed at families, children and adolescents.

### *Listen to the children!*

Swedish development cooperation must promote children's and adolescents' participation and scope for influence.

### *Invest in the future!*

In international contexts and in dialogue with our cooperation partners, Sweden must work to mobilise resources for greater investments in children and adolescents.

### *Exclude no one!*

Swedish development cooperation must counteract discrimination. Children with disabilities and other disadvantaged children must be given the same opportunities as other children. Registration of newborn babies and collection of data and statistics on children's conditions are key tools in counteracting discrimination and exploitation.

### *Education for all!*

Swedish development cooperation must continue to focus on education for all. Education is the key to overcoming poverty and exploitation of children. Knowledge creates active citizens — the foundation of every democracy.

*Equal opportunities for girls and boys!*

Swedish development cooperation must promote gender equality. Focused interventions for girls are required to give them the same opportunities as boys to attend school, obtain sufficient food, be allowed to express their opinions and gain access to healthcare.

*Health for all!*

Swedish development cooperation must continue to focus on health for all. Good health is an objective for, but also a means of achieving economic development. Pregnancy, early childhood and adolescence are periods of disadvantage in life. Our inputs should therefore focus on helping people during these periods.

*Protect children in war!*

Swedish development cooperation must strengthen efforts to protect children and help them to develop even during armed conflicts, and when they are forced to flee from their home. Children obliged to participate in acts of war should be rehabilitated. Both military and civil employees must acquire more knowledge about the rights of the child.

*Combat HIV/AIDS!*

Swedish development cooperation must mitigate the effects and reduce the spreading of HIV/AIDS,. Inputs to enhance gender equality and openness are crucial, as is sex education for adolescents. Children who live with HIV/AIDS or whose parents die from it need special assistance measures.

*Stop exploitation of children!*

Swedish development cooperation must counteract exploitation of children. This applies, above all, to harmful child labour and sexual exploitation. Our work must focus on preventive measures, but also on rehabilitation and giving the exploited children an alternative. More knowledge of perpetrators and victims alike is necessary. We must therefore support research and development of statistics.

## Part I. The Rights of the Child as a Perspective in Poverty Reduction

Poverty is not just a lack of financial resources. It also means a lack of power. Poverty is illnesses, epidemics and ill-health. Poverty is also violence and insecurity. Being poor means having little or no chance of ensuring a secure future for oneself and one's children. A multidimensional notion of poverty requires multidimensional measures. A complex picture calls for a comprehensive view of people's and countries' development, and must include a child-rights perspective.

Applying a child-rights perspective to development cooperation means that the basic principles of the CRC should govern international development cooperation. These four principles are as follows.

- *The best interests of the child* must be an overriding principle in all decisions relating to children. This means that various possible decisions must be analysed and the option deemed best for children given priority.
- The second principle is *non-discrimination*. Children must not suffer discrimination in relation to adults, but not in relation to one another either; this calls for special efforts for disadvantaged children. All children have the same rights, but not all have the same opportunities and prospects in life. For the rights of disadvantaged children — such as children with disabilities, refugee children and children affected by HIV/AIDS — to become a reality, they must receive special support. The principle of non-discrimination thus requires an active policy that removes obstacles to every child's right to development — irrespective of gender, ethnic or religious affiliation, or parents' social status and financial situation.
- Children's *right to life and development* is the third fundamental principle of development cooperation. All children have a right to develop their personal abilities. Accordingly, children with special needs, such as children with disabilities or illnesses, are entitled to healthcare, social support and care so that they can develop at their own pace.
- Finally, development cooperation must be based on children's *right to express their views*. For inputs relating to children and adolescents to be viable, they must be derived from the reality and ideas of those who are ultimately affected, i.e. children themselves and their representatives. Actions based on close cooperation with children and adolescents themselves are, moreover, the ones that have proved most effective. Children's and young people's participation thus results in more effective aid.

A child-rights perspective can reveal conflicts between objectives. It assigns responsibility to those who prepare and take decisions. Has every aspect been considered? Hearing and respecting children on issues relating to them imparts depth to democratic processes. Political systems based on participation, clear ground rules and consistency are strengthened. Children who are respected grow up to become responsible adults. When conflicting interests are weighed up, decisions that work to

children's disadvantage are also clarified and become possible to follow up. This makes it possible to require accountability. By extension, children's interests are strengthened and children are taken into account at an early stage in the preparation of decisions.

A good society takes care of its weakest members. An attitude founded on rights assumes the equal rights and value of all human beings. This is conducive to action and reforms to create those conditions in society that enable all citizens to enjoy their rights.

A child-rights perspective is a matter of children's and adolescents' own contributions to the development of society, as well as of adults' will and ability to protect children and adolescents. In the Swedish Government's view, sustainable development requires an attitude and social organisation today that enhance opportunities for the future and for generations to come.

A child-rights perspective in development cooperation means that development objectives must also be seen in a child-adult perspective. It means combating poverty by making the best interests of the child the top priority. This calls for changes — for many countries, major economic, social and cultural changes based on more equitable distribution of the resources available. Swedish development cooperation must support, stimulate and influence reform efforts of these kinds at all levels.

## 1 Results and experience since the 1990 World Summit for Children

### 1.1 International results and experience

More progress in terms of children's survival and education was made during the 1990s than in any other decade in human history.

Today, there is a common global foundation of values based on the human rights of the child. In 1989 the UN Convention on the Rights of the Child (CRC), which expresses the world community's view of children and the conditions in which they grow up, was adopted. With the CRC came a new normative instrument for individual nations and cooperation between countries. The CRC has had a virtually world-wide impact. Except for the USA and Somalia, every country has ratified it.

Sweden is promoting a child-rights perspective throughout the work of the UN system. Each individual country must also, in its reports to UN Committee on the Rights of the Child, describe implementation and application of the CRC, including both successes and shortcomings. The total of 212 reports submitted to date reflect children's and young people's situation in the world, and progress and problems in relation to development in the countries concerned.

A year after the UN General Assembly's adoption of the CRC, the first World Summit for Children (WSC) took place.

Common norms thus exist. But how far have children's and adolescents' rights been realised? Clearly, children and adolescents have come to the fore and been made visible, both nationally and globally. Since 1990, 117 countries have adopted national action plans for children and 17 countries in Central and South America have implemented special child statutes. Many countries have amended their legislation to conform to the CRC's provisions. These changes have affected everything from healthcare and treatment of young offenders to female genital mutilation.

Interest in developing methods for enabling children and adolescents to express their views and participate in development has grown markedly in the past few years. Ten countries in South and Central America have tried various forms of youth assembly. Millions of children and adolescents in Chile, Ecuador, Mexico and Mozambique, for example, have taken part in referenda on children's rights. In Colombia, a country characterised by wars and conflicts for 30 years, children and adolescents have taken the initiative for a peace movement. In a study carried out on behalf of the UN Children's Fund (UNICEF) and the Organization for Security and Cooperation in Europe (OSCE), more than 15,000 children and adolescents have had the opportunity of expressing their views on what they deem important. These young people, aged from nine to 17, came from 26 European nations.

Another relevant question is how far the CRC and the increased attention paid to children by the international community have fundamentally changed real life for children. There is more than one answer to this question. Today, parallel development tendencies that point partially in different directions are discernible. Great progress has been made. Polio, once a global epidemic, has now been virtually eradicated. The incidence of measles, which has killed millions of children, has decreased by 85 per cent in the past ten years. Vision damage due to vitamin A deficiency has also diminished considerably.

At the WSC in 1990, seven specific objectives were adopted. An evaluation of how far these objectives have been fulfilled shows that a great deal remains to be done before children's and adolescents' rights are fully realised. Children are still dying of malnutrition and treatable diseases. Some are excluded from the progress made to date. The following review of the WSC's objectives clarifies the situation.

**The World Summit for Children in 1990 adopted the following goals:**

- to reduce the under-five mortality rate by a third, or to a maximum of 70 per 1,000 live births
- to halve maternal mortality
- to halve the proportion of malnourished children under the age of five
- to ensure universal access to clean drinking water and good sanitary conditions
- to provide primary schooling for at least 80 per cent of children of primary-school age
- to improve protection for children living in particularly harsh circumstances
- to reduce adult illiteracy to half its 1990 level.



### *Infant mortality*

The under-five mortality rate has more than halved since the 1960s. In the 1990s it fell by 10 per cent, from 94 to 81 per 1,000 live births. The objective was a one-third reduction, to 70/1,000. Sixty-three countries have attained this WSC objective, and more than 100 countries have succeeded in reducing under-five mortality by a fifth. As a result, three million more children are surviving annually than in 1990.

However, there are major disparities between countries, and the decrease has been most striking in the poorest countries. In the industrialised countries, six out of 1,000 children die before the age of five; in South-East Asia the figure exceeds 100, and in sub-Saharan Africa it is over 170.

### *Maternal mortality*

Globally, the birthrate has declined. This is associated with girls' increased schooling and improved access to contraceptives. But there have been no benefits with respect to maternal mortality. On the contrary, there was a rise in the maternal mortality rate between 1990 and 2000. In 1990 an estimated 500,000 women died annually owing to complications before, or in connection with, childbirth. In 2000, the estimated number of such deaths was 515,000. Half of these occur in Southern Africa and only 1 per cent in the industrialised countries.

### *Malnutrition*

In certain parts of the world, such as Latin America and East Asia, some progress has been made. Overall, the number of people suffering from hunger is decreasing by eight million a year. But around 400m children in the developing countries are still chronically undernourished. Those who survive are affected both mentally — through learning difficulties, for example — and physically. In 1990, more than 170m children were malnourished; the estimated number in 2000 was approximately 150m. In percentage terms, the proportion of malnourished children has fallen from 32 to 28 per cent.

### *Water and sanitation*

As a result of investments in water programmes, more than half of all African households and three out of four households in East Asia and the Pacific Region now have access to clean water. Nine million more people are estimated to have access to clean water today than ten years ago.

The proportion of people with access to clean water has risen from 77 to 82 per cent since 1990. A billion people still lack clean water, and 2.4billion lack access to basic sanitation.

### *Education*

More children attend school today than ever before. Since the 1970s, the number has risen by 80 per cent. In East Asia and the Pacific Region, the target of universal schooling has basically been attained. Progress in Latin America and the Arab countries is also notable. In Southern Africa the proportion of children attending school has also risen, from 54 to 60

per cent. Altogether, however, 120m children world wide do not go to school. Forty million of these are in Southern Africa, and 53 per cent of them are girls.

### *Half a billion children and adolescents in need of special protection*

According to the UN Secretary-General's Special Representative for Children and Armed Conflict, more than 2m children have been killed in connection with armed conflicts over the past decade. Over a million children have been orphaned, and more than six million have been severely injured or permanently disabled. Some 300,000 children have been forced to become soldiers in various ways. And 40m people, mainly women and children, have had to leave their homes and become refugees.

HIV/AIDS affects children and adolescents in various ways. A total of 2.7million children live with HIV/AIDS. In 2001, 580,000 children died from AIDS. More than 12million children have been orphaned as a result of AIDS. In recent years, the UN General Assembly and Security Council have devoted attention to the threat posed by the HIV/AIDS epidemic to society.

An estimated 5 to 7 per cent of the global population have disabilities. The usual estimate is that, worldwide, there are some 140million children with disabilities. Of these, 120million live in the developing countries. There are many reasons for children's disabilities: malnutrition, landmine injuries, violence or injuries in the foetal stage, during childbirth or caused by illnesses.

The International Labour Organization (ILO) estimates that 250m children aged from five to 14 are obliged to work for their own survival or to contribute to their families' survival.

Data on the sexual exploitation of children are highly uncertain. In 1997 the United Nations Population Fund (UNFPA) estimated that tens of millions of children were involved in commercial sexual exploitation. There are figures indicating that child prostitution, child pornography and trafficking in children are on the increase.

Figures for the number of children in institutions are also uncertain. Various estimates cite a figure of eight to ten million children and adolescents. Some surveys show that more than 90 per cent of these children have at least one parent alive. Many children are caught in a vicious circle, alternating between institutions and living in the street. These children incur particularly high risks of being sexually assaulted.

### *Illiteracy*

The number of illiterate people in the world is believed to be around 900m. An estimated two-thirds of these are women. Since 1990, the proportion of the world population who cannot read and write has fallen from 25 to 20 per cent.

## 1.2 Final outcome document from the UN General Assembly Special Session to follow up the 1990 World Summit for Children

In May 2002, the UN General Assembly held a Special Session (UNGASS) for Children. It represented a follow-up of the 1990 World Summit for Children (WSC) and a reaffirmation by the world's nations of their commitment to work for the best interests of the child. The Special Session adopted a final outcome document, *A World Fit for Children*, stating the following main goals in further work for child welfare:

- promoting healthy lives
- providing quality education
- protecting against abuse, exploitation and violence
- combating HIV and AIDS.

The content of the outcome document may be deemed satisfactory. No decisive progress was made but, given that several countries sought the insertion of wording that was less forceful than that previously adopted on such crucial issues as the rights perspective and sexual and reproductive health, it may be considered acceptable.

Sweden and the EU endeavoured to bring about a consensus and sought to avoid a vote on the outcome document. The provisions to which Sweden gives priority, concerning the CRC and children's rights, contain wording and references that are relatively forceful. These include statements of the CRC's importance to children's wellbeing, its four general principles, and also political measures such as the setting-up of the office of the Children's Ombudsman. Sweden and the EU also ensured the inclusion in the outcome document of a reference to the issue of the death penalty for minors. True, on the controversial issues of sexual and reproductive health no specific advances were made in relation to previous commitments. But previous undertakings were preserved through references to agreements that arose in conjunction with UN conferences. Another result was that UNICEF received a clearer remit to take the rights perspective into account in its work.

Sweden bore particular responsibility for two meetings held in connection with the Special Session. One, dealing with violence against children, was organised by Swedish Save the Children in cooperation with the Ministry of Health and Social Affairs. The other concerned the importance of children's and adolescents' participation and right to have their views heard.

## 1.3 Swedish interventions for children in development cooperation

Children have always been a priority target group in Swedish development cooperation, and especially in the social sectors. The starting points have been children's needs of healthcare and basic education. From an early stage, health aid focused on the survival of the

youngest children. Educational aid was oriented primarily towards extending primary schooling. But in Sida's activities, as in most countries and organisations, matters relating to children have not been raised clearly in the overall dialogue to date, or in planning and implementation of aid in other sectors.

#### *Swedish bilateral aid for children*

Around 60 per cent of Sida's support for social sectors (health, education and culture) is estimated to benefit children or actors who work for children, such as teachers and midwives. Over a third of Sida's support for projects relating to water and sanitation goes to children. For 2001, this represents roughly SEK 2.5bn. This may be compared with the corresponding total in 1998, which was some SEK 1.9bn.

To supplement this picture it may, moreover, be mentioned that Sida's contribution to UNICEF's regular work and special projects rose from SEK 358m in 1998 to SEK 713m in 2001.

Most health inputs go to primary care and nutrition programmes, which cater mainly for pregnant women and small children. In recent years, adolescents' sexual and reproductive health has received increasing attention, especially because of HIV and the AIDS epidemic.

Some 75 per cent of education support is devoted to basic, primary education. Special efforts have been made to reduce the gap in educational opportunities between girls and boys, to enable children with disabilities to attend ordinary schools, and to adapt the teaching to children who have jobs.

The Swedish Government has stated that Sida, in its bilateral negotiations with Sweden's cooperation partners, must use the national reports submitted by each country to the UN Committee on the Rights of the Child. Ever since the mid-1990s, the Swedish Government has urged Sida to be active in the international arena and take children's rights into consideration.

In May 2000, the Swedish Government earmarked SEK 45m for programmes for the six categories of children in need of special protection.

#### *Swedish NGOs' support for children*

Swedish Save the Children worked according to an explicit child-rights perspective throughout the 1990s. The organisation provides, for example, support for the work of developing alternative reports to the UN Committee on the Rights of the Child. As a rule, groups or confederations of NGOs in the country concerned collect and compile data for these alternative reports. The parallel reports are a valuable supplement to the official reports.

Most major Swedish NGOs engaged in development cooperation provide inputs for or in cooperation with children and adolescents. In most cases, these relate to projects for disadvantaged children, such as those affected by war, children and young people affected by HIV/AIDS, children with disabilities and sexually exploited children.

One third of Sweden's development cooperation is channelled through multilateral organisations. Since the CRC was adopted by the General Assembly, Sweden has assumed major responsibility for spreading knowledge about it. Sweden has also emphasised the follow-up of its application, and for this purpose provided financial support for the UN Committee on the Rights of the Child. To date, Sweden has had two representatives on the committee. In addition Sweden has, for example, pushed for a ban on using children under 18 as soldiers. These efforts have resulted in an Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Annex 2).

As the second-largest donor and member of governing board, Sweden has long collaborated closely with UNICEF. This close cooperation resulted in the WSC in 1990, and accordingly in many nations' prompt ratification of the CRC.

Sweden was a driving force in inducing the World Health Organisation (WHO) and the United Nations Population Fund (UNFPA) to adopt a clearer stance on the issue of children's and young people's sexual and reproductive rights.

Sweden is the fourth-largest contributor to the UN High Commissioner for Refugees (UNHCR). Roughly half the world's refugees are children. Swedish Save the Children and UNHCR have jointly drawn up guidelines and training programmes on how children should be protected.

Besides these specific inputs, portions of Sweden's support for children and adolescents are channelled to the United Nations Development Programme (UNDP), the World Food Programme (WFP), the International Labour Organization (ILO), the special UN body for AIDS issues (UNAIDS), the United Nations Development Fund for Women (UNIFEM), and the UN Educational, Scientific and Cultural Organization (UNESCO).

### *International conferences*

At all the major international conferences of the 1990s, Sweden emphasised issues relating to children's and adolescents' rights. Sweden has often raised controversial issues that would otherwise probably have been muted. Sweden's role as host to the first World Congress Against Commercial Sexual Exploitation of Children in 1996 is perhaps the clearest example of this. The Swedish initiative has since been followed up with a second World Congress in Yokohama, Japan, in December 2001.

In conjunction with the Fourth World Conference on Women, Swedish Save the Children and other partner organisations in the International Save the Children Alliance published a report on conditions for girls. One point made in this publication was that the national reports on following up the CRC that had been submitted to the UN Committee on the Rights of the Child often neglected to clarify the situation of girls.

Thanks to a Swedish initiative, a child-rights perspective has been inserted in the EU's new policy documents for the Community's international development cooperation. For the EU's new work on country strategies, Sweden has contributed experts on the rights of the child from Sida and the Ministry for Foreign Affairs.

#### 1.4 Experience of implementing the Convention on the Rights of the Child in Sweden

As a signatory to the Convention, Sweden is constantly gaining new experience on the application of the Convention on the Rights of the Child (CRC) in this country. The Swedish Government finds this experience a major educational and confidence-building asset in our international development cooperation as well.

The Swedish Government's strategy for the CRC:

- The CRC should be an active policy instrument that permeates all child-related decisions made in the various ministries.
- The child perspective should, to an appropriate extent, be included in the directives issued to government commissions of inquiry.
- The Convention should, in various ways, be incorporated into the training of professional groups who work with children.
- Government employees whose work has an impact on children and young people should be offered in-service training to boost their knowledge of children and familiarity with the contents of the CRC.
- Municipalities and county councils should set up systems to enable them to monitor how the best interests of the child are met in local-government activities.
- 'Child impact analyses' should be carried out in connection with central-government decisions relating to children.
- The influence and participation of children and young people in social and transport planning should be developed.
- The activities and organisation of the office of the Children's Ombudsman should be reviewed with a view to strengthening its role in the implementation of the CRC in Sweden.
- Statistics on children should be developed.

Sweden ratified the CRC in 1990 without reservations. Since then, Sweden has signed the two optional protocols to the CRC, on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict respectively. Sweden was active in promoting the process of developing the latter protocol. Work on ratification of this protocol is under way. Sweden has ratified ILO Convention No. 182, which regulates the rights of the child in the labour market and calls for immediate action to eliminate and ban the worst forms of child labour.

To carry out a broad overview of how Swedish legislation and practice tally with the provisions and intentions of the CRC, the Swedish Government appointed a Parliamentary Committee in 1996. This Committee found, in its report *The Best Interests of the Child a Primary Consideration* (SOU 1997:116), that Swedish legislation broadly tallied with commitments in the CRC. Simultaneously, the Committee emphasised that it is imperative to genuinely apply the provisions of the CRC and implement it at every level of society.

With this report as a starting point, a national strategy to realise the CRC in Sweden was drawn up. This strategy was adopted by a unanimous Riksdag in March 1999 (Govt. Bill 1997/98:182, Report 1998/99 SOU, Govt. Comm. 1998/99:171). In 2000, Sweden was still unique worldwide in having adopted such a strategy. In a recent communication to the Riksdag — *Child-Policy Work on the Strategy to Realise the United Nations Convention on the Rights of the Child* (Govt. Comm. 2001/02:166) — the Government provided an account of the results and experience of work on the strategy.

To achieve results in the work of implementing the strategy and strengthening the rights of the child, a formal coordinating function has been established in the Government Offices, located in the Ministry of Health and Social Affairs. The purpose of this function is to develop work on the Convention through proactive and supportive measures. Key tasks include participating in the joint preparation of government business and reviewing the Swedish Government's in the light of the CRC.

To make children and young people in Sweden more visible and increase knowledge of their situation, special funds have been allocated to Statistics Sweden (SCB) since 1999 to develop annual statistics on children. These include figures on family composition, child care, parental leave, the size of the child population and annual changes.

On two occasions, Sweden has reported to the UN Committee on the Rights of the Child. Sweden's third report to the Committee will be submitted in September 2002.

In the national action plan for human rights submitted to the Riksdag session of 2001/2002 (Govt. Comm. 2001/2002:83), the rights of the child are cited as an area for special measures. The Swedish Government also intends to clarify the situation of children and adolescents further in its Budget Bill.

The Government Commission on Swedish Democracy investigated the question of how far children can join in exerting influence at municipal level. On the strength of this Commission's report, the Swedish Government has proposed various measures to strengthen children's right to influence and to express their views.

## 2. Objectives

### 2.1 Objectives of development cooperation

The overall aim of Swedish development cooperation is *to raise the living standards of poor people*. This comprehensive objective was adopted 40 years ago, in a Government Bill (1962:100). On several occasions — in 1968, 1973, 1978, 1986 and 1996 — the Riksdag has resolved on further development of various aspects of the overall aim, in the form of six subsidiary aims. According to these, Swedish development cooperation must, within the framework of the overall poverty objective, contribute to resource growth, economic and social equalisation, economic and political independence, democratic social development, sustainable management of natural resources and the environment, and gender equality.

Globkom, the parliamentary commission appointed to investigate Sweden's policy for global development, submitted its report to the Swedish Government in March 2002. Globkom's task was to investigate how Swedish policy for global economic, social and ecologically sustainable development should be further developed at a time of ever-increasing interdependence. The report seeks to bring the global dimension into development cooperation and to deal with the connection between development assistance and other policy areas. Globkom proposed in its report that poverty reduction should remain an overall aim. In addition, objectives for subsidiary areas in the extended concept of Sweden's policy for global development are proposed. The three proposals are for more equitable global development, preventive and sustainable management of common global concerns, and an improvement in poor people's living conditions.

In autumn 2000 the United Nations General Assembly adopted the Millennium Declaration, based on agreements made in connection with the UN conferences of the 1990s. From the United Nations Millennium Declaration, eight millennium development goals were developed. The Swedish Government gives particular emphasis to these common international goals in its Budget Bill for 2002 (Govt. Bill 2001/02:1):

*Eradicate extreme poverty and hunger*

To halve, by the year 2015, the proportion of the world's people living on less than one dollar a day and the proportion of people who suffer from hunger.



*Attain universal basic education*

To ensure that all boys and girls complete a full course of primary education.

*Promote gender equality and increase women's participation*

To eliminate all gender discrimination in basic education preferably by 2005, and at all levels by 2015.

*Reduce child mortality*

By 2015, to reduce the under-five mortality rate by two thirds of its current rate.

*Improve maternal health*

By 2015, to reduce maternal mortality by three-quarters of its current rate.

*Combat HIV/AIDS, malaria and other major diseases*

By 2015, to halt and reverse the spread of HIV/AIDS, and to reduce the incidence of malaria and other major diseases that afflict humanity.

*Secure a sustainable environment*

By 2015 sustainable development must be included in all national programmes and environmental degradation has to have been reversed. The proportion of people who lack access to clean drinking water must be halved by 2015. The living conditions for at least 100 million people living in slums must have been appreciably improved by 2020.

*Strengthen global partnership for development*

- To increase official development assistance
- To provide market access
- To attain a sustainable debt situation.

## 2.2 The Convention on the Rights of the Child

The ultimate purpose of the UN human-rights conventions is to protect the dignity of humankind — that is, the notion that everyone possesses inalienable, innate and inherent rights. All human beings have the same value and the same right to life, personal freedom and security. The Convention on the Rights of the Child (CRC), which is one of several conventions on human rights, confirms that human dignity and worth are not connected with ability, age or maturity but, rather, founded on the existence of every person.

The CRC therefore defends the inherent dignity of childhood. Children should not be seen as appendages to their parents or as passive

recipients of services and measures. Children should be seen as unique individuals with their own needs, interests and rights.

This is the foundation of values on which international development cooperation must rest, and realisation of the CRC's provisions and spirit is therefore an objective in its own right.

The CRC is unique, not only because it has obtained virtually world wide support but also because it includes civic and political rights as well as economic, social and cultural rights.

One basic point in the Convention is that it defines a child as 'every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier' (Article 1).

The CRC focuses on the individual child and his or her right to have the basic needs met, to protection against exploitation and discrimination, to expressing her or his opinions and to be respected. It emphasises the child's right to survival, and also to development and participation. It emphasises the family's importance to the child and, at the same time, sees the child as an individual, with personal rights, and not merely as part of the family.

Ratification obliges every nation to ensure that national legislation conforms to the content of the CRC. Moreover, the State Parties to the convention are obliged to take other measures to ensure that the CRC's spirit and intentions permeate all child-related measures.

Every state must do its utmost, with the resources available, to safeguard the rights of the child in its social development, and to the extent that is necessary national efforts should be supplemented by international cooperation.

Article 3 of the CRC provides: 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.' The notion of the best interests of the child is found in other conventions and declarations as well, as in many countries' national legislation, but it is then often restricted to matters of family law relating to custody, access and adoption.

The CRC extends the principle of the best interests of the child to include all decisions 'concerning children'. The fact that social development generally concerns children emerges clearly from the CRC's breadth. Although the child's interests cannot always be decisive, a government can never exclude consideration of the best interests of the child from its decision-making documentation or analysis. These interests must always be taken into account.

A third of the nations that have signed the CRC have entered reservations against parts of it. The CRC states (in Article 51): 'A reservation incompatible with the object and purpose of the present Convention shall not be permitted.' Sweden and the other EU member states have therefore always vigorously opposed reservations against individual articles in the CRC involving sweeping references to tradition or religious customs.

The reason why, in the CRC, children were selected as a collective term for the entire age group below the age of majority, aged up to 18 years,

was a wish to clarify this group in relation to the adult portion of the population. However, there are major differences between the needs and interests of small children and of adolescents.

Inputs directed at children are therefore different in nature from those for young girls and boys.

Since more than a billion people in the world are aged 10–19 it is, in the Swedish Government's view, imperative for greater attention to be paid to the rights of adolescents. The Swedish Government is also of the opinion that youth offers unique opportunities for combating discriminatory attitudes and inhibitory or destructive habitual patterns, provided that young people are given scope for influencing and taking part in processes of change.

## Part II. Promoting the rights of the child in Sweden's development cooperation

The rights of the child must be a clear focus, and the best interests of the child must be paramount in all matters concerning children. Children and young people must be made visible in society, and their rights and interests must be taken into consideration in all decision-making. Accordingly, the best interests of the child must be taken into account in issues concerning the economy, the environment and social planning.

The Millennium Development Goals and the objectives from the UN Special Session on Children in 2002 emphasise healthcare, education and social reforms for the child's survival and development.

To combat poverty in all its aspects, the thrust of efforts must be to improve the conditions in which all children grow up. In addition, special actions are required for disadvantaged children.

The child-rights perspective is the basis for a coherent development policy. The starting point is that each country is responsible for taking measures to make the best use of its available resources to safeguard children's rights as prescribed in the CRC. To the extent that a country's resources are inadequate to implement the CRC's provisions, this must be done within the framework of the international cooperation.

This communication identifies four areas for strategic action to strengthen the child-rights perspective in development cooperation:

- social reform
- healthcare
- education
- inputs for disadvantaged children.

### 3 Strategic action

#### 3.1 Social reform

**The Swedish Government intends to give priority to the following development cooperation measures with a view to promote social reform:**

- Application of relevant Swedish experience of social reform in international development cooperation.
- Support for analysing the impact of social reform on economic growth and social development.
- Interventions for education and knowledge transfer.
- Collaboration and exchange of experience between researchers, social institutions and government agencies.

Economic growth is a necessary, but not sufficient, precondition for a country to eliminate its poverty. Another requirement is a distribution policy that takes into account children's development and parents' scope for protecting and their children. For economic growth to benefit children and adolescents, inputs that put an end to the 'social inheritance' of poverty are necessary.

The CRC sees the family as the natural environment for children to grow up in. The concept of 'family' is given a broad definition. It may be the nuclear, but also the extended family. It is in the family that children have the best chance of developing, receiving protection and having their other needs satisfied. Thus, the rights of the child have a family context as their fount, with parents, relatives or other custodians who are capable of creating a good environment for children to grow up in.

The CRC provides guidelines for a child-oriented family and social policy. A policy of this kind should, according to the Convention, contain everything from, for example, social-insurance schemes and financial assistance for the family to regulations governing maintenance allowance, child care and healthcare. The CRC applies to all children, without discrimination, and the articles that refer to the obligation of the state to support the family thus apply to all families.

A child-rights perspective in poverty reduction results in priority being given to support for developing a child and family policy. It is a matter of combating poverty by putting the best interests of the child first. For many countries, this entails major economic, social and cultural changes based on more equitable distribution of the available resources. Swedish development cooperation should support, stimulate and influence reform efforts of this kind at all levels.

The World Bank's report on development, *World Development Report 2000*, emphasises the importance of social development as part of poverty reduction. The report cites three main components of poverty reduction: human security, human empowerment and human opportunities.

These are also key concepts in Swedish social policy. Having one's basic needs satisfied, feeling secure about the future and living in a society where one's vote means something — these boons give every human being a freedom that, in turn, generates creativity and permits creative work. It is this power that is produced from security, which propels development and provides scope for personal growth, but also economic growth and development, in a society.

The Swedish Government believes that Sweden, by putting to use, analysing and conveying this country's knowledge and experience av social reform, could play a key role in the developing countries' reform endeavours. It is important for us to analyse how Swedish welfare policy may have helped to stimulate social and economic development, and how this influence can be used in international development cooperation.

**The Swedish Government intends to give priority to the following inputs to promote children's and adolescents' health:**

- Further investment in healthcare that is universally available. Special measures are required in rural areas.
- Support for maternity and obstetric care. Training of midwives and promotion of breastfeeding are crucial, as are vaccinations.
- Greater focus on adolescents', and especially young girls', access to information and advice about sexual matters.
- Promotion of care and rehabilitation for children with disabilities.
- Continued support for programmes aimed at good sanitation and clean water.
- Increased participation of children and adolescents in decisions relating to environmental issues.

The CRC lays down every child's right to good health. The fact that 11m children under five die annually of preventable diseases is unacceptable. Half of them die because of malnutrition and famine. Other causes of death are illnesses like malaria and diarrhoea, and other infections due to lack of clean water and poor sanitary conditions. During two periods in life, children are particularly disadvantaged: during the first few years of life, and in their adolescence. Our inputs should therefore be focused on these periods.

Closely linked to infant health is the situation for pregnant women and mothers. The persistently high maternal mortality rate is due to women in rural areas and urban slums lacking access to maternity care. Most births in the developing countries take place without the assistance of competent midwives. Other causes are the large numbers of unwanted teenage pregnancies and of dangerous abortions. Lack of respect for women's right to take decisions about their own sexuality, including how many children they want and how far apart they want the births to be, underlie the prevailing situation.

Good health is an objective in its own right — a fundamental task of economic development. But good health is also a means of attaining economic growth. This connection has been analysed in depth in the past few years. The findings show that the connection between inputs for health and poverty reduction is a strong one. Ill-health drains a country's economy, and investments in health yield a sixfold return in the form of economic growth. USD 27 billion in increased development assistance annually, starting in 2007, would be required to save the lives of eight million people a year — most of them children.

Health is as much a matter of economics and knowledge as of healthcare systems. It is just as much about general education, infrastructure, employment, and access to food, water and good sanitation. Functioning healthcare systems call for heavy resources and can be brought about only through a combination of increased national resources and raised financial assistance for healthcare.

The family and the child's parents play a key part. So, too, does knowledge of what is important for staying healthy in adolescence and in

adulthood. Children need help and protection to avoid injury, and they are exposed to common diseases. Children also need access to basic healthcare.

To give children the best possible start in life, maternal mortality must be reduced and there must be maternity and obstetric care of good quality, which in turn require trained midwives.

Promoting breast-feeding and vaccination is a crucial means of improving infant health. It is also essential not to work in isolation on individual diseases but also for staff in primary healthcare services to take children's various needs and rights into account, and to discuss with parents how they can do more to promote their children's health and development. Healthcare for all means that children with disabilities must not be discriminated against.

Adolescence is a period in life that entails major health hazards, such as the spread of HIV/AIDS, other sexually and/or intravenously transmitted diseases, and girls' high mortality rate in connection with too early pregnancies. Access to contraceptives, adequate information, sex education, care and treatment for infectious diseases, and care in connection with pregnancy and abortion must be high on the healthcare agenda.

One major problem is the prejudices and taboos that surround and obstruct adolescents' rights to information and healthcare in connection with reproductive health, including sex education and access to contraceptives.

It is important for national guidelines and programmes for healthcare to be developed with a focus on various age groups' special needs, and based on a holistic approach, so as to fit in with national strategies for food security, gender equality and education for all, improved water supply and sanitation, and also efforts to combat HIV/AIDS.

According to many studies, lack of good sanitary conditions is one of the gravest threats to children's survival. For several years, Sweden has supported projects concerning water and sanitation. This type of support must continue.

Environmental issues are crucial to children's chances of obtaining clean drinking water. Pollution of air, lakes, sea, soil and forests affects children and adolescents more than adults, since they are more vulnerable. Agenda 21, adopted by the 1992 UN Conference on Environment and Development (UNCED), states that 'the involvement of today's youth in environment and development decision-making and in the implementation of programmes is critical to the long-term success of Agenda 21' (25.1). These intentions have yet to be fulfilled. A great deal remains to be done here to bring about realisation of the child-rights perspective.

### 3.3 Education

**The Swedish Government intends to adopt the following priorities with a view to promote quality education for all:**

- Inputs that enable more girls to attend school.
- Gender-equality efforts in education.
- Increased support for disadvantaged children, such as children with disabilities or in the risk zone to be recruited as soldiers, for prostitution or injurious labour.
- Support to the abolishment of school fees and elimination of costs of school materials and uniforms.
- Promotion of children's scope to influence their schools and practise expressing their opinions.
- Support for curricula, teaching materials and teaching methods to integrate the CRC in school education.
- Support for decentralisation of resources and delegation of decisions to local authorities.

Education is the core of, and a key tool in, the struggle against poverty and against use of children in harmful labour, and also for democratic culture, peace, tolerance and development. Women's and girls' education has proved to have a striking lever effect on the whole family's wellbeing, and on economic development. Mothers who have attended school for a few years also ensure that their own daughters can go to school. This also works conversely: parents who lack education themselves are more doubtful about investing in children's schooling, especially if it is not immediately obvious that future income improvements will result.

It is important for all children to go to school, and do so long enough to learn the basics of reading, writing and arithmetic. It is particularly important for them to acquire knowledge with a bearing on their own survival, development, and capacity to earn a livelihood and play a responsible part in family and community life. This basic knowledge is outstandingly important in societies hit by HIV/AIDS and in those that – owing to urbanisation, for example — are changing rapidly and necessitating new knowledge of sexual relationships, new technology and the impact of globalisation. It is therefore vital to invest in basic education of high quality, and also in higher education.

The quality of schools and education is a crucial factor in children's and parents' choices as to whether a child should attend school or not. This quality relates to the school building as such, and also to its accessibility, the teaching materials, and the number and skills of the teachers. Obstacles to girls' participation in education may consist in the school being too far from the home or has only male teachers, or practical impediments such as the school having latrines for boys only. A long distance to school and ordinary staircases can exclude many children owing to disabilities. A teacher trained for teaching at primary school is not always competent to teach teenage beginners.



Parents and authorities must ensure that schools cannot serve as a recruitment base for sexual exploitation, criminality and various warring groups.

It is through education that children and adolescents can best obtain protection against what damages their health: dirty water and hazards like landmines, contaminants in the natural environment and food, child labour, malaria, TB, HIV/AIDS, and other transmission of infection, as well as against unwanted pregnancies. Education can reduce the number of teenage mothers who opt to place their children in institutions.

Sex education and contraceptive advice in schools are crucially important, since the fact that tradition and religious customs in many countries do not permit openness concerning sexuality and sexual relationships is a problem.

It is particularly important to be able to give disadvantaged children an opportunity to attend school. In war situations, school has proved to offer a measure of everyday normality and structure in an otherwise chaotic life, and thereby facilitate coping with the trauma of war, and also returning to a life in peacetime. Education and a purposeful occupation in the community strengthen children's and adolescents' status and can counteract military recruitment.

Education can be a crucial determinant that prevents a girl or boy entering a vicious circle in which poverty may result in child labour, prostitution and sexual assault. Schools have a key role as providers of knowledge and information about sex and sexual relationships in a broad sense. Teachers must be trained for this task, as well as to be able to detect whether a child has been sexually assaulted.

Disadvantaged children and adolescents often need special support. One cost-effective way of providing education for all and simultaneously enhancing the quality of education is, to also make it, from the start, suitable for children and adolescents with disabilities. Provided that education is open to all and to new initiatives, a child in need of special support in the teaching can contribute to the school's development of its educational methods, an increase in the presence of adults, and opportunities for pupil groups to practise tolerance and compassion.

Work to promote gender equality must provide support for girls. Gender-equality work must also emphasise the importance of changing boys' attitudes towards the opposite sex and their own role. If this foundation is laid sufficiently early at a good school, it represents a marked gain for society.

Besides the fact that the quality of education and its relevance to pupils' future capacity to earn their livelihood are crucial factors governing whether children are allowed, and wish, to go to school, it must also be free of charge. Direct costs of education, such as the expenses of school materials and uniforms, must be abolished. School lunch, for example, has a major bearing on individual children's ability to walk what is often a long distance to school, and their ability to absorb knowledge. But a free meal a day for a child has proved to be an insufficient single factor in whether children go, or are allowed to go, to school if there is no compensation for the child's loss of income or other costs to the family.

Education is the single most important factor both in prevention of HIV and in supporting children who are affected by HIV/AIDS in one way or another. Teaching must venture to challenge traditional gender roles and contribute to more gender-equal conditions and greater appreciation of the value of gender equality.

There are many countries where the number of schoolteachers is being rapidly reduced by HIV/AIDS. Compensating for this decrease requires knowledge, forward-looking planning and investments in the teaching sector. The planning also includes reviewing which subjects are most relevant to pupils who, at an early stage, become family breadwinners with responsibility for their siblings and adult family members who are ill.

The best person to assess education and provide inspiration to improve its quality is the girl or boy concerned. In an educational context, there are ample opportunities to make children's participation and ability to express their own opinions part of the pedagogic education. For this to be achieved, methods need to be developed. Parents and other adults involved in the children's immediate surroundings need to join in discussing school location, curricula, etc to make education accessible and relevant to the local community.

In the Swedish Government's view, children's education improves if it is permeated by a rights perspective. High-quality education for all then becomes the objective. Planning of the physical — as well as educational — school environment must include a child-rights and gender-equality perspective. Children must be given a chance to learn about their own social, economic, cultural, civic and political rights, in theory and practice alike. Corporal punishment in schools must be ended. Giving children knowledge of their right to express their opinions, practice in doing so and opportunities to practise democracy in, for example, pupil councils helps to create a favourable learning environment. There is a need for development of curricula, textbooks and teaching methods to integrate the intentions of the CRC into school education.

Schools are often the local authority's responsibility. It is therefore important to support resource decentralisation and delegation of decision-making. These processes should be accompanied by skills development of decision-makers at all levels, and they also apply to decision-makers who are responsible for community cultural and sports activities, communications and infrastructure, and also to religious leaders.

### 3.4 Disadvantaged children

**The Swedish Government intends to give priority to the following preventive action and support to children in situations of disadvantage:**

- Support for developing social and educational reform work focusing on all children and adolescents.
- Support for civic registration, including registration of all births.

Combating every aspect of poverty; assisting families to enable them to look after and protect their own children, and making education and healthcare accessible to all mean that a social safety net is constructed. This, in turn, means that fewer children incur situations of disadvantage. The focus should thus be on improving the conditions in which all children grow up. Swedish development cooperation should provide support for education for all, extended healthcare that reaches everyone and social reforms that do not exclude any groups in society.

In addition, focused inputs for disadvantaged children are required. This applies, for example, to children with disabilities, children in armed conflicts or as refugees, children who grow up in institutions, child labourers, children affected by HIV/AIDS, and children who are subjected to assault and exploitation. Girls generally need more support than boys to obtain food, healthcare, education and opportunities for expressing their views. Children who belong to minorities, live in remote areas or lack parents also need special inputs.

One basic requirement for an ability to provide focused inputs of this kind is that all children are registered and have identity documents. Such documents often determine when or whether a child is vaccinated and gains access to other healthcare or education. Distribution of food and other forms of support to poor people is, similarly, based on documents of this kind.

Support for registration of births, civic registration and development of demographic statistics segregated by age and sex is needed to make all children visible. Such data and appurtenant analysis is still lacking in many countries that are Sweden's cooperation partners. The result is that children and adolescents in need of special support are visible neither in statistics nor, accordingly, in budget contexts or discussion about social development. This applies to girls in general, and especially children and adolescents — both girls and boys — with disabilities. Since no one knows how many child labourers there are, how many of the children with disabilities go to school or how many are subjected to assault, the right questions are not asked and the right demands are not made.

### 3.4.1 Child labourers

**The Swedish Government intends to give priority to the following measures to counteract exploitation of children as workers:**

- Measures to enhance the quality and accessibility of education.
- Measures to improve the protection afforded by legislation and its application, and also training in the rights of the child for police officers, prosecutors, judges and other relevant public agencies.
- Promotion of trade-union freedoms and rights.
- Compliance with international conventions, agreements and codes of conduct.
- Inputs to promote compliance with ILO conventions.

The main thrust of policy is that children should go to school and be supported by their working parents — not work themselves. Poverty in a broad sense, including low income and education, shortcomings in democracy and respect for human rights, is the main reason why children work. The World Bank has shown that there is a connection between a country's level of economic development and child labour. However, there is no mechanical connection between increased growth and reduced child labour. For economic development, distribution policy is crucial. Scope for the most disadvantaged people to find jobs, government investments in education and healthcare for all, and the existence of independent trade unions are other key factors. The prevailing level of pay on the labour market determines the existence of child labour. Higher wages for the parents, especially mothers, reduce the frequency of child labour. When setting of pay rates is free, children can replace adults on the labour market or carry out simple occupations that would be mechanised or not done at all if the employer were obliged to pay the higher salary that an adult would demand. A range of studies show that child labour can also be part of poor households' strategy to deal with insecurity in countries where social safety nets are largely lacking. After poverty, the parents' — and especially mothers' — level of education is the factor with the greatest influence on whether their children go to school or work. Free, compulsory and universal schooling and women's integration into the labour market make an immense difference.

Efforts to improve the quality and accessibility of education, with special support for girls' and mothers' education, are an important means of counteracting and eliminating child labour. Measures to generate a stable labour market, with independent trade unions and minimum pay rates, are also important. It is also essential to take steps to develop social safety nets and a family policy that enables parents to support themselves and their children. If child labour is to decrease, the poorest groups in society need jobs, credit, social safety nets, and trade-union freedoms and rights.

Mothers' own education is a particularly important instrument for preventing or reducing the incidence of child labour. However, schools must be good enough for parents and children to deem it worth going

without the contribution child labour makes to supporting the family. Schools must be accessible.

The great majority of countries have legislation that regulates age limits and conditions for minors' employment. But as long as parents, religious leaders and local politicians accept that children are working instead of attending school, many children will do so — regardless of what the law says. When laws that prohibit child labour are introduced, inspectors and police officers must be given reasonable conditions to resist the pressure and bribes from the employers. Otherwise, children risk becoming even more disadvantaged than they were before the laws were amended. Education concerning the rights of the child is vital for the police, prosecutors and other adults whose task it is to ensure that the laws are complied with, or who are responsible for decisions relating to children.

Political will, economic growth, democracy, respect and promotion of human rights, development of civil society and administrative capacity, and also social mobilisation are needed to tackle the causes of child labour. National decision-makers, as well as those of the local community at all levels, must be drawn into the process. Politicians' and public agencies' attitudes need to be influenced, and they must review resource allocation, legislation and ways of improving judicial administration.

The structure of the labour market is important, and the flexibility of pay rates is a key factor. Where negotiated minimum pay rates and independent trade unions are workable, employers prefer to recruit adults, who are more productive than children. Measures to strengthen the position of employees and independent trade unions are thus important in work to combat child labour. This work includes monitoring compliance with international agreements.

Measures against child labour must be carefully planned and based on a comprehensive approach to the situation of children and adolescents.

In the new round of trade talks within the framework of the World Trade Organization (WTO), which took place in Doha, issues relating to conditions in the world of work were not sufficiently clearly included on the agenda. This makes the ILO's work to monitor and promote good employment conditions very much more important.

In 1999, the ILO passed Convention No. 182, on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In accordance with the Convention, which relates to children below the age of 18, the signatories undertook immediate abolition of the most extreme forms of child labour. These include, for example, child prostitution, trafficking in children and recruitment of children for military service.

During the 1990s, many companies in industrialised countries with production in developing countries introduced what are known as 'codes of conduct'. Checking and labelling initiatives have been taken to assure consumers that products were not made by children. This may have an opinion-moulding effect, although only 5 per cent of the world's child labourers are employed in export-related activities.

**The Swedish Government intends to adopt the following priorities to promote the rights of children with disabilities:**

- Measures to enhance knowledge of disabilities among parents, politicians and other decision-makers.
- Measures to disseminate information, e.g. through the mass media.
- Support for analysis of judicial administration and distribution policy based on non-discrimination.
- Increased participation by children with disabilities and their parents in pre-studies and planning of measures.
- Steps to strengthen the reporting of limitations on the rights of children and adolescents with disabilities, and also implementation of the United Nations' *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*.

The objective for Swedish support for children with disabilities is for their rights to be respected in the same way as those of all other children. Measures should be designed in such a way as to take all children and adolescents into account, regardless of any disabilities they may have.

Children with disabilities are frequently discriminated, excluded, hidden or forgotten. Of the world's disabled children, an estimated 85 per cent live in the developing countries.

Children and adolescents with disabilities are generally poorer than others in the same age groups. In many legal systems, they are not accorded the same human dignity as other children. Perpetrators who commit criminal offences against disabled people can, where such systems are applied, refer to the disability in defence of the crime. In some countries, an estimated 90 per cent of children with disabilities die before the age of 20. Children with disabilities suffer from systematic discrimination in terms of healthcare, child care and education.

Discrimination is one way in which attitudes and values are expressed. The cause is often ignorance. One central aspect of the strategy for children with disabilities in Swedish development cooperation is contributing to increased knowledge and insight on the part of parents and others in the child's immediate vicinity, and also among politicians and other decision-makers. This may involve improving statistics, disseminating information via the mass media or more purpose-oriented work.

It is essential to analyse laws and their application, and how society's resources are distributed, in terms of the principle of non-discrimination. This applies both to general government and municipal budgets and to measures in various sectors that must be adapted for all children, regardless of whether they have any disabilities.

In order for measures to exert a lasting effect, those that are proposed must stem from the needs of the people they ultimately concern — children themselves and their families, representatives and others in their network. They must be involved right from the beginning, at the stages for pre-study and planning of proposed measures. There are methods that make this possible in what are known as Community-Based

Rehabilitation (CBR) programmes, intended for the local community. These are aimed at changing attitudes throughout society towards children with disabilities and their families, with a view to bringing about the social integration of children and adolescents with disabilities.

When it comes to the practical implementation of policy work at national level, local support — through NGOs working for children and adolescents with disabilities, for example — is important. Adults with disabilities can serve as positive models and make active contributions to this work. Simultaneously, it is easier for isolated inputs to promote ‘education for all’ or a CBR programme to be accepted and bring results if policy efforts are also under way at national level.

Given that children and adolescents with disabilities are a weak political pressure group, it is vital to involve parents and other representatives of children with disabilities in work to protect their rights.

Better healthcare and a modified view of children with disabilities can save many children’s lives. Knowledge on the part of these children’s relatives and staff at healthcare centres, schools and pre-schools may also contribute to early detection of injuries, to prevent them becoming worse or chronic. Training and information about disabilities and the rights of the child have a given place in Sweden’s development cooperation.

A physical school environment that offers equalisation by providing ramps, and one that makes an effort, using lighting, colour and acoustic conditions, to boost accessibility and make it easier for children to find their way around, would spell opportunities for hundreds of thousands of children to go to school. Other measures that promote ‘education for all’, too, maximize scope for realising the CRC.

It is vital for all UN bodies and other international organisations to take children and adolescents with disabilities into consideration in their strategies and programmes. Pursuing these issues in governing boards and other contexts is therefore essential in Swedish work to promote the rights of children and adolescents with disabilities, as is ensuring that international reporting on violations of disabled people’s rights also includes violations of children’s and adolescents’ rights.

The CRC, like the United Nations’ Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which is aimed at counteracting discrimination and promoting integration of disabled people into society, provides a solid basis for Sweden’s work to promote respect for the rights of children with disabilities.

National reports to the UN Committee on the Rights of the Child have long been inadequate in terms of the rights of children with disabilities. However, preconditions have changed owing to various factors, including the active part played by the Special Rapporteur on Disability of the UN Commission on Social Development, the Swede Bengt Lindqvist, who is also the chairman of a newly formed non-governmental working group. This group’s main function is to strengthen the reporting on children with disabilities. To monitor compliance with the WSC, it has drawn up an action programme for the rights of children with disabilities.

### 3.4.3 Children subjected to sexual exploitation

#### **The Swedish Government intends to give priority to the following measures to prevent sexual exploitation of children:**

- Measures to improve legislation and strengthen the judiciary, and also application of the law.
- Measures to boost access to vocational training, loans and jobs, for girls and women in particular.
- Measures for education, including sex education.
- Support for statistics and research to increase knowledge both of perpetrators and of their child victims.
- Measures to offer protection and rehabilitation of children subjected to assault.
- Measures to change attitudes and reduce the number of sex customers.
- International measures to prevent all trafficking in human beings.

Criminal law and the law of procedure must take children's special requirements and needs into account, defend children's interests and protect them during police investigations and trials. Children must be offered support during preliminary investigations and legal proceedings. National law must conform to the CRC. To stop and prevent sexual exploitation of children, there must be clear legislation that affords protection for children. There must be rules to ensure that the child concerned, or another person, can report the matter to the police without any difficulty.

Shortcomings in application of the law may be due to lack of resources, commitment and knowledge. They may also be due to corruption in the police force or among other public servants and to their being involved in exploitation themselves in some way.

The widespread practice of sexual exploitation of children is underpinned by a view of women and children that denies their human dignity, and sees them as someone's property. To stop trafficking in women and children, society must break with the traditions whereby women and children are treated as beings of inferior value.

Functioning legal systems that protect the child's interests in legal proceedings require increased awareness — on the part of all groups in society — of the rights of the child, and of the prohibition by law and harmful effects of sexual exploitation of children. People who are to apply the law, including the police, social workers and healthcare staff, must have good knowledge of children and adolescents, and their rights and needs. Concerted action is needed if society is to make effective use of its common resources to prevent crimes of this kind and injuries inflicted on children. Close collaboration between public agencies and civil society is important. The role of the media in disseminating knowledge and moulding opinion needs to be strengthened to permit active, extensive public information campaigns.

Selling one's child can, in some families, seem to be the only way out of a desperate situation. Many people are drawn into sexual exploitation because they see no other means of supporting themselves. Families and



children alike may need support to resist such exploitation. Where measures have been taken to promote access to vocational training, employment and, for example, loans for business start-ups, fewer girls in particular have proved to be drawn into prostitution.

Education can be the crucial factor determining whether a girl or boy is caught in a vicious circle caused by poverty that, for example, may include child labour, prostitution and sexual assault. Schools play a vital part in conveying knowledge and information about sex and cohabitation in a broad sense. Teachers must be trained for this, and also to be capable of detecting whether a child has been subjected to sexual assault. The ILO is conducting a key education project of this kind.

There is a need for research on child prostitution, as well as child pornography and, for example, surveys of where the children used in child pornography are recruited. More research is required on the customers, the purchasers of sexual services, to obtain a clearer picture of the market. In the future-oriented perspective of development cooperation, methods must be developed to counteract child pornography and its spread. There is a risk of a sharp increase as a result of Internet use.

Besides housing and means of livelihood, support enabling people to live a normal life may relate to social, medical and psychological advice. A child who receives protection and professional support at an early stage has a greater chance of recovering from what has happened and moving on in life. Children taken into institutional care must also be helped to reunite with their families. Support for education is often urgently needed, since many children and adolescents — owing to exploitation — have been fully or partially deprived of the opportunity for schooling. Effective measures must be taken to counteract and eliminate society's stigmatization of the child and adolescent victims of sexual exploitation. They must be given chances to socially adjust in an environment that promotes their health, self-respect and dignity.

At the World Congress Against Commercial Sexual Exploitation of Children in Stockholm in 1996, the joint responsibility of all countries in international cooperation to combat the cross-frontier crimes, was declared. This responsibility was confirmed in Yokohama, Japan, in December 2001. Simultaneously, the restriction to what is often a hard-to-define 'commercial' form of exploitation was deemed an obstacle in the work. The definition was therefore broadened to include efforts to combat all sexual exploitation of children.

In May 2000, the UN General Assembly adopted an Optional Protocol (Annex 3) to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The signatories of the protocol undertake to prohibit and make punishable such activities as trafficking for sexual exploitation, forced labour, illegal adoptions, child prostitution and child pornography. The protocol also contains provisions concerning extradition and international cooperation to prevent crimes of this kind. Sweden has signed the protocol, and a government bill proposing its ratification is being drafted in the Government Offices.

Trafficking in people is a ruthless and cynical way of exploiting other people's distress and vulnerability. Human trafficking is often, by nature,

a problem that goes from poorer to more affluent areas, within nations but also across national borders. The victims, who are mainly women, girls and boys, are sold for use in prostitution, pornography and various forms of forced labour. It is hard to estimate the scale of the problem, since it is a matter of concealed activity, but there are several indications that the problem is on the increase in many parts of the world.

Human trafficking is mainly a result of poverty and lack of means of livelihood; continued widespread oppression of women and children; growing demand for low-cost labour and sexual services; and increasingly organized crime. The impact on the victims' physical and mental health and development, and their legal, social and economic situation, is devastating in both the short and the long term. Children are at a particular disadvantage. Besides the adverse repercussions on the individuals concerned, human trafficking also has a harmful influence on the whole of society.

Sweden has been working to combat trafficking in people globally, in the UN; regionally, in the EU; and in cooperation between Asia and Europe, in the Asia-Europe Meeting (ASEM), where an action plan to prevent and combat trafficking in human beings was adopted by the Third ASEM Foreign Ministers' Meeting in May 2001. Sweden has also initiated regional cooperation with the African governments to focus attention on the issue and find common measures to tackle the problem. Through Sida, Sweden supports measures to combat trafficking in women and children in particularly hard-hit regions, including parts of South-East Asia; Central, East and South-East Europe; and West Africa.

To integrate this issue into Swedish foreign policy, the Ministry for Foreign Affairs is drafting a strategy for combating trafficking in human beings through Sweden's development cooperation. This strategy will be completed in the first half of 2002.

The UN has adopted an Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

### 3.4.4 Children affected by HIV and AIDS

**The Swedish Government intends to adopt the following priorities in efforts to combat HIV/AIDS, focusing on children and adolescents:**

- Dialogue to strengthen political leadership and openness concerning HIV/AIDS.
- Measures to increase gender equality.
- Measures to reduce parent-to-child transmission of HIV.
- Increased access to low-cost drugs for pregnant women, and to alternatives to breastfeeding.
- Measures to make education accessible to all.
- Support for teaching that challenges traditional gender roles and contributes to gender equality.
- Reinforcement of the child's right to information.
- Measures for information and education based on adolescents' own participation.
- Measures to strengthen healthcare systems.
- Legislation to afford protection against exploitation and assault.
- Support for the local community.

Children and adolescents suffer from the effects of HIV/AIDS in various ways. They may have become infected at birth. Breastfeeding and, later, unprotected sexual relations also entail risks of infection. Their parents, siblings, teachers and others in their immediate surroundings may fall ill and die. With them, care, knowledge and experience are lost. For example, African agriculture is already suffering noticeably from children having to assume responsibility for supporting their families without the requisite knowledge and strength.

Political leadership is essential for success in efforts to prevent HIV and mitigate the devastating consequences of AIDS. Strategies sanctioned at the highest political level are required to influence attitudes and disseminate information on how HIV spreads. Openness about sexuality and sexual relationships; relations between men and women, girls and boys; and gender equality must be developed with the involvement of every group in society.

It is vital to emphasise the gender-equality perspective in work to prevent HIV/AIDS infection. The power structure in which men and women live very often contributes to women not daring or being able to demand safer sex. Many men have a view of masculinity and sexuality that encourages a multiplicity of sex partners. Men become infected by HIV and then transmit the infection to others. Women's situation generally must be improved to prevent children being exposed to the risk of HIV infection. To avoid this risk, women need the power and ability to take decisions and make demands. Women's access to information about HIV/AIDS, and the scope for testing and methods of avoiding unwanted pregnancies, must be improved. Women alone should not have to bear responsibility for stopping the epidemic. Transmission of HIV

infection between mothers and their babies must be seen as parent-child transmission in which the father bears a clear responsibility for his sexuality.

Today, there are medical means of reducing the risk of mother-to-child transmission of HIV. However, these medicines are seldom available to mothers in poor countries. To prevent transmission between an infected mother and her child, society must provide functioning maternity and obstetric care, access to low-cost drugs and alternatives when breast-feeding is no longer possible. A third of mother-to-child transmission of HIV infection takes place through breast-feeding. Bottle-feeding of infants, on the other hand, is risky in countries where poverty is widespread, and knowledge and clean water are in short supply. HIV-infected mothers therefore face a dilemma. Either they breast-feed their babies, and run the risk of infecting them with HIV but, at best, give them a better immune system and protection against various deadly bacteria that are spread in contaminated water, or they give them milk formula, which eliminates the risk of HIV transmission but is expensive, and may be difficult to obtain. UNAIDS recommends that alternatives to breast-feeding be developed for HIV-positive women, while HIV-negative women should always be encouraged to breast-feed their babies.

Education is the single most important factor both in preventing HIV and in supporting children who are affected by HIV/AIDS in one way or another. Teaching must venture to challenge traditional gender roles and help to bring about more equal conditions and a greater appreciation of the benefits of gender equality. Schooling as such may afford protection for children and adolescents who are in disadvantaged situations. It may be crucial in preventing a child, when a parent has fallen ill or is dying from AIDS, from entering a vicious circle of poverty, harmful child labour, prostitution and sexual assault. Since orphaned children must, in many cases, find ways of supporting themselves at such an early age, it is vital that they also obtain vocational education and apprenticeships early on. The supply of teachers must also be safeguarded in places where the teaching profession is being decimated by HIV/AIDS.

The fact that youth is a period characterised by a questing attitude and openness to information must be put to good use in the struggle against HIV/AIDS. Programmes focusing particularly on influencing, informing and advising adults on how HIV is transmitted, and which teach children and adolescents how to protect themselves, are crucially important means of reducing young people's risk of becoming infected with HIV. Sex education aimed at postponing their sexual début, and at prompting them to use contraceptives and methods of safe sex that protect them against transmission of infections, are included in programmes of this kind. But sex education is a controversial issue in many countries. The teaching provided must take cultural values into account, but without obscuring the message, which is 'You can protect yourself against HIV, but you must know what to do and also do it!'

Measures aimed at influencing adolescents must be distinguished by diversity and designed in such a way as to attract young people. Possible ways of doing so include theatre, television, radio, the press, film and other cultural activities. Information and educational inputs based on

adolescents' own participation must be given priority. Local youth organisations have a key part to play in this work.

The arts and the media, schools and workplaces under both private and public management are all important social sectors in which Swedish development cooperation must work to reach girls and boys, women and men alike with information about HIV/AIDS, gender roles and the importance of more equal relationships, and with other activities that prevent HIV/AIDS.

The most disadvantaged children affected by HIV/AIDS are those who lack support from either their family or a local safety net. There is then no one to see that the child needs help or knows where to apply for it. Nor do children themselves understand this; they often do not seek care at all, or do so too late. These children are the responsibility of society, and for them measures are required in numerous different areas.

Legislation must provide protection against exploitation and assault, which are often the reason why children and adolescents themselves become infected. Legislation must also fulfil children's and adolescents' inheritance rights. A functioning judicial system is essential so that children and adolescents do not risk losing their homes or belongings if their parents die.

From the day on which a family member is found to be infected with HIV, a child's problems become acute. Financial, social and psychological assistance for the family can give the child support. If either parent succumbs to AIDS, further support is required to enable the child to keep developing. Measures for children who have been orphaned because of AIDS must be aimed primarily at keeping the child in the local community. These measures should preferably start long before the parents die, for example through help in the home and support to help parents plan for their children's future.

The Swedish Government shares the concern already expressed by some of our cooperation partners regarding the rapidly shrinking scope for the extended family, which was once so strong, to take on even more young relatives left alone in the wake of the HIV/AIDS epidemic.

However, the Swedish Government considers that alternatives to institutional care must be developed for these children, by such means as support for the extended family and for local associations, to strengthen the social safety net that, although it is fragile, nonetheless exists. This is evident from the fact that fewer than 1 per cent of children and adolescents whose parents have died from AIDS live in the street, in institutions or in families composed solely of children. The great majority of them are looked after by the social network represented by the extended family. Assistance increases the capacity of relatives and the communities concerned to care for child victims of HIV/AIDS. There are good examples of communities organising themselves to help and support families and children affected by HIV/AIDS.

What is crucial for an ability to monitor development continuously and apply measures where they are most needed is knowledge and statistics on how many children are HIV-positive, how many children have lost either or both of their parents, and these children's life situation. National strategies for reducing HIV/AIDS are being drawn up

by several of Sweden's cooperation partners. Sweden is to work for consideration of children's and adolescents' rights to be included in the strategies and their further development.

In accordance with the declaration adopted by the UN General Assembly at its Special Session on HIV and AIDS in June 2001, the Swedish Government will lay emphasis on measures, including opinion-moulding, that help to counteract denial and silence concerning HIV/AIDS. Openness about sexually transmitted diseases, including HIV/AIDS, helps to ensure that people, and especially adolescents, can obtain knowledge of how HIV/AIDS spread and how to protect oneself from infection. Accordingly, openness can help to prevent the spread of HIV and AIDS. The Swedish Government will also provide increased support for the United Nations Population Fund (UNFPA), and has previously announced its intention to grant SEK 600m over three years, including SEK 60m in the present fiscal year, to the newly formed fund to combat HIV, AIDS and other illnesses (the 'Global Fund Against AIDS, TB and Malaria').

### **3.4.5 Children affected by war, armed conflicts and refugee situations**

- **The Swedish Government intends to give priority to the following support for children affected by war, armed conflicts and refugee situations:**
- Measures to ensure protection and assistance for children.
- Support for children's education both during and after a conflict.
- Support for teaching about peaceful conflict resolution and tolerance, and also methods that respect children's dignity.
- Support for children who are forced to take part in warlike acts. Organisations that are on the spot first must have staff with knowledge and skills relating to children.
- Training in the rights of the child for military and civil personnel on peacekeeping missions.
- Promoting mental rehabilitation of children affected by armed conflicts.
- Measures for demobilisation of child soldiers.
- Promotion of children's and adolescents' rights in readjustment programmes.
- Promotion of documentation on the impact of armed conflicts on children.
- Promotion of research on the impact of armed conflicts on children.

Most of the world's current conflicts are a matter of armed violence within single countries. Long-term work must focus on the fundamental reasons why the rights of the child are so profoundly violated in armed conflicts, and on how children and adolescents can come to take part in action to prevent conflicts. It is a matter of mobilising society for changes in attitudes, legislation, the application of law, politics and administration. In the short term, the work must focus primarily on emergency measures to prevent the worst forms of assault, and to bring

about an improvement in the situation for the most disadvantaged children. When children are affected by war, and suffer harmful consequences for life, it also means extensive repercussions — both social and economic — on society.

Knowledge of the CRC must be disseminated further, especially among warring parties whose respect for and knowledge of international law are limited. In people's attitudes towards child soldiers, there is negligible understanding of the fact that children themselves are victims. When a child is seen as a perpetrator, it is difficult to see that the same child's rights have been infringed upon. The consequences of a child's participation in military activities — lost opportunities for normal development, a lack of education, social marginalization and an increased risk of exploitation — must be clarified, to enhance awareness and prevent children from being recruited into armed groups.

In May 2000, the UN General Assembly adopted an Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Annex 2). This Protocol enjoins states to undertake measures to ensure that people under the age of 18 are not, for example, involved in hostilities or forcibly recruited into their armed forces. In the CRC, this age limit is 15. The Protocol came into force in February 2002 following its ratification by ten states. In its Bill 2001/02:178, the Swedish Government has proposed that the Riksdag approve the Protocol.

Children's right to have their names, birth dates and citizenship registered, and for this registration to be linked to a functioning judicial system, is a key tool in combating the problem of children below the age of 18 being recruited as soldiers.

A majority of children would not have entered armed forces if any alternatives had been provided. Preventing children from becoming soldiers requires measures addressed directly at the children themselves. Education and meaningful employment in society strengthen children's and adolescents' position and can counteract military recruitment.

One key conclusion of the EU seminar about children in wartime and refugee situations that was held during the Swedish Presidency was the importance of protecting school buildings and teachers, and of keeping children and adolescents at school while conflicts are taking place. The continuation of normal routines and the presence of teachers and schoolmates help to create context and meaning for a child even in a chaotic existence. The fact that schools are still there and teaching goes on even in the midst of armed conflicts also has a symbolic significance for society as a whole. Schools symbolise hope, and belief that the future exists.

Documentation of the impact of armed conflicts on children is still limited, but important for the programming of governments' and NGOs' work to strengthen the rights of the child during armed conflicts, as in peacetime. Here, the UN Secretary-General's Special Representative for Children and Armed Conflict plays a key part.

In many cases, the best form of support for a child is to provide support and help for the child's family. Family members may need help

in working through their own wartime experiences, as well as securing the family's subsistence when the war ends.

In cases where children have been separated from their families, procedures must be devised to ensure that children on their own receive protection and help. Sweden's support for measures to trace family members and programmes for reuniting families will continue.

Destruction of schools is a severe economic and social setback for countries affected by war. Conflicts reduce children's access to education. Compensating for years of lost schooling takes a long time and the absence of education involves restrictions on society's scope for recovering after war.

One clear example of this is Afghanistan, where more than two decades of war and disturbances meant that fewer than 500,000 children were attending school at year-end 2001. One of the new, interim Swedish Government's first measures was, in collaboration with the international community, to initiate a campaign to enable children to return to school. Today, more than two million children in Afghanistan are estimated to be back at school.

According to international humanitarian law, schools must be 'zones of peace' and receive special protection, not used as targets. Such violations must be condemned in no uncertain terms.

Education is crucial as the engine for generating the knowledge needed for structural, conflict-preventing economic growth and development, and also for influence on attitudes. At school, children need to learn about peaceful conflict resolution and gain an understanding that differences need not pose threats. Educational material must be devised with a view to educating responsible citizens in an open democratic culture.

Children forced to take an active part in acts of war must be among the first to receive the benefits of measures to create peace and confidence, so that new conflicts do not arise. It is these children and adolescents who are otherwise at risk of becoming the next generation of warlords, soldiers and civilian victims. In unstable societies, the education sector is often among the institutions capable of withstanding even strongly adverse changes.

It is vital for the organisations that arrive first at the site of a disaster to have skilled staff qualified to deal with children. Employees who have received training in children's rights and needs can ensure that measures for children are integrally planned right from the start, both in the immediate emergency aid and in a more long-term perspective. Educational programmes of this type must be given high priority and include local employees as well.

The basis for reconstruction of war-torn societies is laid during the peace process itself. The rights of the child should be considered in peacekeeping operations and the signing of peace agreements. Training in children's rights and needs must be given to both military and civil peacekeeping staff.

States must take all appropriate measures to promote mental rehabilitation of children affected by armed conflicts. Such rehabilitation and readjustment must take place in an environment that promotes the



child's health, self-respect and dignity. Psychosocial support for former child soldiers and other children traumatised by war is included in Sweden's humanitarian assistance. In order for psychosocial support to yield results that are sustainable in the long term, parents and other adults in the local community must receive further training and supervision in dealing with trauma.

The first step towards readjustment of child soldiers is to require that all armed groups demobilise their child soldiers and develop local, national and international means of monitoring efforts of this kind. All future peace agreements must incorporate measures to ensure that demobilisation of child soldiers is implemented. These measures must be supplemented with action to ensure that the demobilised girls and boys receive food, clothing, accommodation, educational programmes and vocational training, and also assistance in reuniting with their families and reintegrating in civil society.

Resource allocation and means of livelihood in reconstruction programmes are among the biggest challenges to societies after wars. To achieve a successful recovery, children and adolescents must regain their belief in the future. Cooperation partners in reconstruction programmes, including the World Bank, the EU, UNDP and bilateral cooperation partners, should pay more attention to the rights of the child, from the initial stage of planning and resource allocation. People must be given scope for supporting themselves, in order to be able to rebuild society. Support for vocational training for adolescents, and loans and credits that can give women opportunities for supporting themselves and their families, are urgently needed. After wartime violations of human rights, justice must be done in order for reconciliation to be attained. The manner in which war crimes are dealt with, including scope for appealing to a court that must adjudicate and punish those responsible, is important. The peace process, amnesty and justice must take into account assaults committed against children and adolescents and the circumstances contributing to these assaults.

### 3.4.6 Children in institutions

**The Swedish Government intends to adopt the following priority objectives for children and adolescents in institutions:**

- Support for an active family policy based on gender equality, to enable families themselves to support their own children.
- Support for young, single parents.
- Support for families with disabled children.
- Measures to mobilise children's networks.
- Support for the drafting of national plans to phase out children's institutions.
- Measures to boost close and regular contact between children in institutions and their parents and other networks.
- Collaboration between institutions and community services, such as education and healthcare.
- Support for children's readjustment to family life.

No child should be placed in an institution on unclear terms or for an indefinite period. No child should need to grow up entirely in an institution. The long-term ambition must therefore be to phase out these institutions as far as possible, and to make it possible for families to look after their own children. At the same time, measures must be undertaken to improve the institutions that will persist for a transitional period. The few institutions that will remain on a more or less permanent basis must be given as much of a family atmosphere, and be as well integrated into the community, as possible.

There are eight to ten million children in the world today living in institutions. Surveys show that more than 90 per cent of these children have one or both parents alive. Many children are in a vicious circle, alternating between institutions and the street. These children run a particularly high risk of being sexually assaulted.

Poverty, broken families, disabilities, illness, substance abuse and death in the family are the primary reasons why children and adolescents are placed in institutions. Failing support and help on the part of the community, many of these parents feel they have no other alternative. Phasing out institutional care for children in poor countries is therefore closely associated with poverty reduction.

Public education that is compulsory and free of charge helps to prevent children being placed in institutions. Many parents cannot afford to send their children to school. School fees are not the only deterrent; the costs of books and other school materials, and also of clothes, shoes and food, are obstacles to children's schooling.

There is still, in many countries, an attitude that institutional care is best for children with disabilities. Many of the children placed in institutions could have stayed in their families if there had been any means of relieving and supporting the parents.

Children of very young mothers are placed in institutions more often than other children. Every year, millions of young unmarried girls have babies. In most cases, they have not received information on how to prevent pregnancy or obtain contraceptives. One way of preventing children from being placed in institutions is to create better economic conditions for single mothers and to give young mothers support, help and education to enable them to keep their children. This support includes changing negative attitudes towards single mothers.

One alternative to placing a child in an institution is to develop and mobilise the network that exists around the child, composed of relatives or surrounding social structures if any, that can generate new forms of care as alternatives to institutions. Networks can also be developed as instruments in social work with various risk groups of children and families. Family councils have been tried in various parts of the world and helped to find good alternatives to institutional care.

Knowledge of which children grow up in various institutions, why they have been placed there, how long they have been there and what becomes of them later in life, is necessary. There is also a need for national statistics as a basis for planning and decisions on alternative measures and better care.

The institutional capacity that will be required in the future as well must be developed in such a way that the rights of the child are satisfied. The public agencies responsible must have access to information about activities and influence over them, based on clear regulations. The care of quality needs regular evaluation. The skills and training of staff are crucial factors, as are staff density, the content of activities, organisation and economics, and fulfilment of established norms regarding the physical and mental environment.

The risk of neglect and exploitation is high in institutions. Assaults are committed both by staff and by other children. Children with disabilities run a particularly high risk of being subjected to assault.

For this reason, there must be regulations governing who is allowed to run an institution, as well as rules concerning the grounds on which a child may be placed in an institution. There should be regular evaluations in which the reasons why institutional care stands out as better for the child than any other option are stated. Preparations for the child's readjustment to the family and an independent life in society are included in the plan.

Children and adolescents at institutions may not be cut off from society, any more than other children and adolescents. Institutions should collaborate with the healthcare services and education that are available to other citizens in the society.

As far as is compatible with the best interests of the child, children must be given help in establishing close and continuous contact with both their parents and the rest of their network. If their siblings are placed in the same institution, they must be kept together if this is possible and they themselves wish. There must be scope for children to express their feelings and thoughts. The older and more mature children are, the greater the participation in activities and influence on decision-making processes that they should have. An open, tolerant and compassionate

atmosphere at the institution allows the child to express, for example, sorrow and the sense of missing parents and siblings.

In order for a phase-out of children's homes to become a reality a conscious national plan, with support at top political level and clear, time-scheduled objectives, is needed. Work to phase out existing institutions must focus on children as individuals, their families and their networks.

An active family policy based on gender equality is a cornerstone of social and economic politics that enables families themselves to cope with supporting their own children, so that they do not need to place them in institutions.

Social workers need training that dispels an exaggerated trust in the value of institutional care and, instead, prompts them to make greater efforts to identify families in the risk zone and support them, so that they are better able to look after their own children and adolescents.

## 4 Implementation and follow-up

The CRC makes every individual government responsible for ensuring that these rights are respected in the country concerned, while the situation of children is simultaneously an international concern. Sweden's efforts will include working to make its support for application and follow-up of the CRC more effective, both in dialogue with our cooperation partners and in our work in international forums.

### 4.1 Development of knowledge and methods

**The Swedish Government intends to adopt the following priorities for development of knowledge and methods:**

- Clarifying the child-rights perspective in the dialogue with our cooperation partners.
- Educational inputs to boost knowledge and awareness of the rights of the child.
- Exchange of experience concerning the reports on, and analysis of, economic resources required for application of the CRC.
- Support for drafting of national child strategies and the development of statistical data.
- Inputs to increase the breadth and depth of research on children. Promotion of feedback for children and adolescents as well.
- Measures to increase awareness of the rights of the child, e.g. through education and curriculum development.

In the partnerships involved in development cooperation, it is a reciprocal task for the two parties to create the requisite awareness, structures and mechanisms, and to mobilise resources and knowledge to make children

and adolescents visible and integrate them into the individual cooperating country's struggle against poverty. The purpose is to safeguard the rights of the child, and to strengthen families' ability to provide good and secure conditions for children and also community support. The observations of the UN Committee on the Rights of the Child help the state to make the need for various measures more visible.

#### **4.1.1 Dialogue with our development partners**

The child-rights perspective must figure prominently in Sweden's dialogue with its development partners. We emphasise the risks of all inputs, including those not directed at children, being inferior by definition if they contravene or disregard the rights of the child.

The objective is for our development partners to develop, present and apply their own national child-rights strategies at the same level as other strategies and action plans in their efforts to reduce poverty and promote peace and development.

The child-rights perspective, like intensified efforts to reduce poverty, requires coordination of national and international actions at all levels. The child-rights perspective must permeate countries' strategies for reducing poverty (Poverty Reduction Strategy Papers, PRSPs), ensuring food security and promoting gender equality, for example.

The CRC's follow-up mechanisms offer a clear system for the state's obligation to report on progress regarding the rights of the child. These reports also reflect what has been done on the basis of other joint international objectives for social development.

The Swedish Government's view is that our cooperation partners' reports and the observations of the UN Committee on the Rights of the Child are underutilised in political dialogue.

Educational measures to enhance knowledge and awareness should be developed further in cooperation with our partners, and in harmony with their culture and situation. It is an advantage for this to take place in close cooperation with the UN Committee on the Rights of the Child and UNICEF, and also with expert assistance from Sweden's own administration and research, and the relevant organisations of civil society. At local level in many of the countries that are Sweden's cooperation partners, there is also a great need for knowledge development, especially where administration of a programme such as 'Education for All' is decentralised.

Sida's task of continuously developing methods to implement its own share of our commitments under the CRC must continue. Sida must continue to help give prominence to children and adolescents and their rights, in such areas as general economic policy as in others.

#### **4.1.2 Government budget**

The government budget must contain information on the distribution of spending in areas with a bearing on the situation of children and adolescents and their rights as individuals. The report, which is to be submitted to the UN Committee on the Rights of the Child every five years by the states affiliated to the CRC, must specify which changes in public spending and allocation of grants affect children.

The requirements imposed on accounting in the national budget and the information submitted by nations to the UN Committee on the Rights of the Child must be consistently used in the dialogue with our cooperation partners to emphasise children and adolescents, and their rights.

Here, Sweden's contribution can be the experience we have gained from our work of developing such accounts in budgetary contexts. There is also a sound knowledge base in Sweden of how to use statistics and analyses to provide relevant documentation for budget work and for drawing conclusions on the attainment of political objectives.

### **4.1.3 Child strategies**

Small and often isolated units in the bureaucracy, with individual part-time or full-time positions have proved to be of little use in gaining support for and following up strategic work in the political leadership and at the implementation stage.

A child-rights strategy is more relevant and effective if it is worked out from the bottom up, in close cooperation not only with public agencies and research, but also with relevant voluntary organisations, parents' associations and especially the children and adolescents concerned. This process itself is a key precondition for making reforms a reality.

### **4.1.4 Statistics**

The UN Committee on the Rights of the Child has repeatedly noted the impossibility, without sufficient statistical documentation, of knowing how far or whether the rights of the child are promoted and safeguarded. An analysis of comprehensive documentation permits sophisticated measures, depending on the age group at which they are addressed and whether the target group is girls or boys of pre-school or school age, in disadvantaged or entirely normal situations.

By means of legislation, decentralisation of registers and mobilisation of civil society, progress has been achieved in several countries when it comes to introducing general registration of children. One measure that has proved crucial is abolishing registration charges and removing legal and administrative obstacles, such as the stipulation that children's parents must be present when they are registered, and/or that the parents, in turn, must show identity documents — which they have often never received.

Guidelines drawn up by the UN Committee on the Rights of the Child contain a detailed description, one article at a time, of the statistical information required in reports on children's conditions, situation and opportunities. Statistics broken down by age and gender are a necessary basis for developing programmes to safeguard the rights of the child. Statistical data must reflect the situation of small, as well as almost adult, girls and boys, local conditions, and various social groups of disadvantaged children and adolescents.

Naturally, it is not just a matter of obtaining data. The crucial requirement is to convey knowledge and commitment to use statistics and

the factors underlying all the figures in the political dialogue, the media, education and programming statistics.

It is important to ensure that the actors in development cooperation do not all develop their own statistics but, rather, focus their efforts on jointly supporting the cooperating country. Over the past 15 years, Sweden has supported the central statistical offices of its cooperation partners and, jointly with the UN system, developed methods of analysis, budgeting and reporting for clarification of gender roles and gender equality. This is a constructive way of making all citizens visible, to enable the poor, the powerless and women who are disadvantaged, and also the measures that can empower them, to be identified. The Swedish Government perceives a pressing need to increase research and boost capacity and skills in these areas, so that methods are developed to clarify the situation of children and adolescents as well as adults.

#### **4.1.5 Research**

The Swedish Government seeks to bring about more wide-ranging and profound research connected with children and adolescents. Particularly important areas are schools and teaching methods, social work, social planning and conflict prevention.

It is important to discern opportunities for research collaboration with more actors in Sweden and internationally. One joint resource that should be utilised better, for example, is UNICEF's research centre in Florence. Here, too, joint training courses for international, national and local players at country level can be arranged.

It is vital for both the Government Offices and Sida, in their work, to participate more systematically in, and study, the knowledge accumulating in the multilateral organisations. Financial contributions to specific research measures are not always what are needed. Rather, it is more a question of disseminating and making use of existing knowledge and information in Sweden's partnerships for development.

#### **4.1.6 Feedback to the youngest citizens**

National children's commissioners or ombudsmen with responsibility for monitoring child welfare and the application of the CRC have been appointed in many countries, but far from all. These officers must be independent in relation to public agencies and national governments. Very often, reporting structures do not function in as independent a manner as objectivity requires. Reports provide an incomplete or misleading picture of problems and progress. Information is not disseminated, and there is a risk of feedback suffering as a result of inadequate commitment or resources, or of political disunity.

NGOs can assist in producing the national report, or issue a special report to the UN Committee on the Rights of the Child. In the Committee's deliberations on the national reports, representatives of the country in question are always present. The Committee presents a summary of its observations to each country's government.

It is essential for information and knowledge to be disseminated through some of the channels — schools, theatre, song, magazines, radio, TV, film and the Internet — that are popular with children and

adolescents. Here, there is great unused scope for mobilising children and young people themselves.

#### **4.1.7 Enhanced awareness**

Measures that enhance awareness of the rights of the child and that create general support for the principles of children's status in society are also necessary to ensure that a country's national legislation has an impact on reality. There are several examples of countries that have adapted their legislation to the CRC's provisions but where traditions, customs and attitudes rule out compliance with the laws. Creating legitimacy for and compliance with, for example, regulations concerning child marriage, genital mutilation or child labour calls for a general consensus on the values represented by the regulations. Bringing about this kind of social legitimacy requires, in many countries, enhancement of children's human rights at all levels.

One feature of development cooperation should therefore be that it gives priority to measures to change attitudes and values that result in discrimination against children and violation of their rights, and also to measures that change attitudes and values so as to reduce all discrimination against children.

Moreover, support should be provided for education, in-service training and supplementary training concerning children and the rights of the child for politicians, decision-makers and occupational groups who, in their work, come into contact with children. Development of curricula, textbooks and teaching methods to integrate the intentions of the CRC into school education should also be supported.

## **4.2 Stakeholders, actors and arenas**

Children and adolescents must be regarded as actors and resources in social development. They, their families and their local communities are the immediate stakeholders in the child-rights perspective being reflected in social development. The Swedish Government is working for children and adolescents, in accordance with the CRC, to be given a hearing and for their opinions to be respected. This can be done through measures to strengthen pupils' councils in schools, or through their being included in the design and dissemination of information about health hazards.

New arenas and networks for and with children and adolescents are arising all the time. This is very much a matter of youth globalisation, which is reaching previously isolated communities. Information and communication technology finds some of its foremost proponents and most skilful users in children and adolescents. The new technology offers new arenas for learning and communication, but also has an adverse impact if used in an exaggerated and uncritical way.

### *Sweden*

Sida is an actor that has won respect and a hearing for its long-term, methodical efforts to incorporate the child-rights perspective into its work. Sida now needs to bolster its role further in the multilateral arenas



and, jointly with the UN system and the Bretton Woods institutions, work to make a comprehensive child-rights perspective a practical reality in all development cooperation. Sida and the Ministry for Foreign Affairs are already jointly drawing up strategies for development cooperation with, and through, multilateral organisations.

The emphasis in NGOs' development cooperation is on efforts for social development, democracy and human rights, and humanitarian aid. Swedish Save the Children is among the most experienced central actors in Swedish efforts to develop the child-rights perspective further in international cooperation. Several other NGOs' international activities are crucial in terms of influencing attitudes and providing broad experience and knowledge of children, adolescents and international development cooperation. What they have in common is that their actions are implemented in cooperation with local partners in the recipient countries.

Companies and media in the private sector are playing a growing part in the current debate on development funding and support for innovative inputs. This is thanks, in particular, to their power to mobilise resources and mould opinion. For child labourers, it is essential for businesses to assume their social responsibility and apply a child-rights perspective in their operations.

#### *The European Union*

Altogether, the EU is the world's second-largest source of development funding. The Community's development cooperation has been criticised for shortcomings in terms of efficiency and quality. Large-scale reform has been in progress for a couple of years. As part of this reform, in November 2000 the EU adopted a new development policy. Under this policy, the aim is that Community aid should develop and consolidate respect for human rights. Child and child-rights issues are among the theme issues that are to be monitored and addressed.

Issues that the EU is now actively addressing relate to children in armed conflicts, child labour, discrimination against girls and sexual exploitation of children. When the International Criminal Court was established in 1998, it was very much the EU's efforts that made it possible to classify conscription and use of child soldiers as war crimes. The Swedish EU Presidency brought about close European cooperation to combat trafficking in human beings and sexual exploitation of children.

The European Council and the Organization for Security and Cooperation in Europe (OSCE) are regional actors for children's and adolescents' rights and development.

#### *The UN system*

In the United Nations, child-rights issues have been given more emphasis thanks to the Secretary-General's active personal involvement, his special representatives, and panels and rapporteurs dealing with various child-rights issues. Both the General Assembly and the Security Council have come to serve as increasingly important arenas for the child-rights perspective in social development for peace, security and prosperity.

The Swedish Government emphasises that it is important to see the connection between these actors and our own work. Sweden must join in exerting influence on the UN system and continue itself to apply what we have agreed on with other member states in the UN.

Thomas Hammarberg, the Swedish human-rights expert, has received several assignments from the Secretary-General in various issues relating to human rights and children. He was also a member of the first UN Committee on the Rights of the Child, which developed routines and practice for monitoring compliance with the CRC.

The world's member countries place extensive resources at the disposal of the UN system's funds, programmes and specialist bodies in order that these should, in a coordinated and efficient manner and in close dialogue with the cooperation partners concerned, contribute to long-term sustainable development. Over a third of Sweden's aid is channelled through multilateral organisations.

The Swedish Government deems it essential to bring about broader and more predictable financing to strengthen the long-termism, sustainability and efficiency of the UN funds, programmes and specialist bodies. In addition, mobilisation of national resources is required.

Although the various UN bodies vary in their knowledge of children, adolescents and child-rights issues, and understanding of how these issues relate to their own work, the UN system as a whole is a pool of key actors and offers central arenas for clarified, specific development efforts based on the CRC. These organisations possess a large volume of analysed statistics. This information is, in principle, just as easily accessible to us as to our cooperation partners in development, and a key resource in our bilateral and multilateral development cooperation.

#### *The international development banks*

Efforts are under way to strengthen and intensify the World Bank's and the regional development banks' cooperation with the UN funds, programmes and specialist bodies both at headquarters and at country level. It is essential for Sweden, as a member country, to apply a rights perspective in its cooperation and also for the international financial institutions' information, analysis and experience to be used to strengthen the child-rights perspective in macroeconomic decisions.

The development banks lend over USD 40 billion annually. The banks' foremost aim is to combat poverty and raise living standards in the countries concerned. It is essential for investments in children's health and education to be given priority in the poor countries' strategies for reducing poverty (Poverty Reduction Strategy Papers, PRSPs), and also in programme cooperation within the framework of the World Bank's Comprehensive Development Framework (CDF).

## Annex 1

### The Convention on the Rights of the Child

#### Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International

Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

## Part I

### Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

### Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

#### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### Article 4

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.

#### Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

#### Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own and to enter their own country. The right to leave any country shall be subject only to such restrictions as

are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

#### Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

#### Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

#### Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

#### Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

#### Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

#### Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

#### Article 17

States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.



3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

#### Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

#### Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

#### Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

## Article 28

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
  - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
  - (d) Make educational and vocational information and guidance available and accessible to all children;
  - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

## Article 29

1. States Parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

#### Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article.

To this end and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

#### Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties and to prevent the use of children in the illicit production and trafficking of such substances.

#### Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

#### Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

#### Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

#### Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

#### Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties

shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Govt. Comm.  
2001/02:186

#### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

#### Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
  - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
  - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
    - (i) To be presumed innocent until proven guilty according to law;
    - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
    - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
    - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
    - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
    - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
    - (vii) To have his or her privacy fully respected at all stages of the proceedings.



3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

#### Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

#### Part II

#### Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

#### Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in

alphabetical order of all persons thus nominated, indicating States Parties which have nominated them and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

#### Article 45

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

- (a) The specialized agencies, the United Nations Children's Fund 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. The Committee may invite the specialized 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 specialized agencies, the United Nations Children's Fund and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized 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 suggestions, if any, on these requests or indications;
- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

### Part III

#### Article 46

The present Convention shall be open for signature by all States.

#### Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

#### Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

## Annex 2

### Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000

entered into force on 12 February 2002

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child, Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals,

Noting the adoption of the Rome Statute of the International Criminal Court, in particular, the inclusion therein as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention that raises the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children below the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,  
Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,  
Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,  
Stressing that the present Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,  
Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,  
Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to the present Protocol owing to their economic or social status or gender,  
Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,  
Convinced of the need to strengthen international cooperation in the implementation of the present Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,  
Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,  
Have agreed as follows:

#### Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

#### Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

#### Article 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:

(a) Such recruitment is genuinely voluntary;

(b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;

(c) Such persons are fully informed of the duties involved in such military service;

(d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

#### Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

3. The application of the present article shall not affect the legal status of any party to an armed conflict.

#### Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

#### Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.

2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.

3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the



present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

#### Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

#### Article 8

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

#### Article 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 3.

#### Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

#### Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

#### Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

#### Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

## Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

### Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

### Article 2

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

### Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

- (a) In the context of sale of children as defined in article 2:
    - (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:
      - a. Sexual exploitation of the child;
      - b. Transfer of organs of the child for profit;
      - c. Engagement of the child in forced labour;
    - (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
  - (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
  - (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.
2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.
3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.
4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the

legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

#### Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

(a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;

(b) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the aforementioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. The present Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### Article 5

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties.

2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the present Protocol to be a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.

3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.

5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

## Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

## Article 7

States Parties shall, subject to the provisions of their national law:

(a) Take measures to provide for the seizure and confiscation, as appropriate, of:

(i) Goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;

(ii) Proceeds derived from such offences;

(b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a) (i) and (ii);

(c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

## Article 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;

(b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;

(c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;

(d) Providing appropriate support services to child victims throughout the legal process;

(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;

(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.
3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.
4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.
5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.
6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

#### Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.
2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.
3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.
4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.
5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

#### Article 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their

authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

#### Article 11

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

#### Article 12

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the present Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

#### Article 13

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State that is a party to the Convention or has signed it.

Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

#### Article 14

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

#### Article 15

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

#### Article 16

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall there upon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

#### Article 17

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.



## Annex 4

### Publications

Current publications from the Government Offices

*Children with Disabilities* (Article No. UD 01.032)

*Children in Institutions* (Article No. UD 01.030)

*The Rights of the Child as a Perspective in Development Cooperation*  
(Article No. UD 01.047)

*Children Affected by HIV and AIDS* (Article No. UD 01.031)

*Commercial Sexual Exploitation of Children* (Article No. UD 01.062)

*Child Impact Assessments* (Article No. S 2001.014)

*Children as Participants* (Article No. S 2001.028)

*Ending Corporal Punishment* (Article No. S 2001.015)

All the above publications are available on the Ministry for Foreign  
Affairs' web site

## List of reports containing statistical information

*State of the World's Children 2000*, issued by the UN Children's Fund (UNICEF) in 2000.

*We the Children — Meeting the Promises of the World Summit for Children*, report by the UN Secretary-General, issued in 2001.

*The State of the World Population*, issued by UNFPA in 1997.

*Statistics on Working Children and Hazardous Child Labour in Brief* by Kebebew Ashagrie, revised edition, issued by the International Labour Organization (ILO), Geneva in April 1998.

*Sexual Exploitation of Children and Youth*, issued by the UN Economic and Social Commission for Asia and the Pacific (ESCAP) in 1998.

*State of the World Refugees 2001*, issued by the UN High Commissioner for Refugees (UNHCR) in 2001.

*A Future without Child Labour — Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2002*, International Labour Conference 90th Session, 2002. Report I (B).

Conclusions by the Presidency: EU seminar on Children Affected by Armed Conflict and Forced Displacement — a Child-Rights Perspective in Development Cooperation and Migration Policies, Norrköping, Sweden, 1–2 March 2001.

# Swedish Ministry for Foreign Affairs

Govt. Comm.  
2001/02:186

Extract from the minutes of the government meeting of 23 May 2002

Present: Prime Minister Persson, Chairman, and Cabinet Ministers  
Thalén, Winberg, Lindh, Sahlin, von Sydow, Pagrotsky, Östros,  
Engqvist, Rosengren, Larsson, Lejon, Lövdén, Ringholm, Bodström,  
Karlsson and Sommestad

Rapporteur: Cabinet Minister Karlsson

---

The Swedish Government adopts this Communication, 2001/2002:186,  
*The Rights of the Child as a Perspective in International Development  
Cooperation.*