

Statement by Hon'ble Mr. C.P. Radhakrishnan Member of Parliament and Member of the Indian Delegation on Promotion and Protection of the Rights of Children (Agenda Item 113) at the Third Committee of the 58th Session of the UN General Assembly on October 21, 2003

Mr. Chairman,

We thank the Secretary General for his report on Agenda Item 113: "Promotion and Protection of the rights of children" and Mr. Bacre Waly Ndiaye, Director, Office of the High Commissioner for Human Rights, and Ms. Karin Sham Poo, Deputy Executive Director of the United Nations Children's Fund, for their introductory statements.

We thank Mr. Olara Otunnu, Special Representative of the Secretary General for Children and Armed Conflict, for his statement to the Third Committee and his comprehensive report containing assessment of the progress achieved in accomplishment of his mandate. We take note of his recommendations on the road ahead, including the campaign for an 'era of application'. The report demonstrates that significant progress has been made in the mandate of incorporating the impact of armed conflict on children in the international peace and security agenda.

The report of the Special Representative refers to the comprehensive body of instruments, norms and commitments that provide a basis for enforcement of the protection and rights of children exposed to armed conflict. While this may be relevant to situations where States are involved, the accountability of non-State actors, whether connected with religious or political ideology, economic interests or plain outmoded social structures, well-known for their gross, massive and systematic violations of the rights of children has not been adequately considered or documented. We would urge the Special Representative to pay greater attention to this aspect for this, in our view, is the 'root cause' of many of the problems in this area.

The Special Representative has given a series of recommendations in the section of the report entitled "The way forward: an agenda for action". My delegation will give careful consideration to the suggestions and recommendations outlined there. A few points could be made as our initial comments, however. For example, in the sub-section on monitoring and reporting, the Special Representative has concluded that a body of standards constitutes the basis for monitoring. The list consists of a number of instruments that do not command universal acceptance or adherence. How does the Special Representative expect to deal with monitoring the situation of a member state that is not Party to the Optional Protocol, or the Statute of the International Criminal Court or the ILO Convention no. 182? The member state in question, while otherwise committed to the norms and commitments concerning the promotion and protection of the rights of children, would be right in

maintaining that it would not be bound by any instrument to which it is not a Party. The Special Representative must recognise that he cannot seek to impose on the member state the standards derived from these non-universal instruments.

We would like to voice one more concern about the agenda for monitoring and reporting. There is well-established machinery for dealing with alleged violations of human rights by the government of a state which is Party to a specific human rights instrument. The procedures in this respect are well-known and time-honoured. The likely interface between this procedure and the monitoring-reporting mechanism that would come into existence as a result of the Special Representative's recommendations is not at all clear to us. Moreover, the treaty bodies have their own system of dealing with non-compliance by parties of their treaty-obligations. There is the ever-present danger of duplication and overlap.

Mr. Chairman,

The Convention on the Rights of the Child is close to universal ratification, having been ratified by 192 States. The Convention was opened for signature in January, 1990 and entered into force in September, 1990. At the same time, the World Summit for Children held in September, 1990 provided a forum for world leaders to come together to pledge their commitment to address children's issues in the "First Call for Children." In the 13 years that have since passed, Governments have made every effort to address the situation of children. Yet, while some progress is recognised, the overall verdict in UNICEF's "State of the World's Children 2002" is that of "largely unfulfilled promise to children." This is more explicitly reflected in some of the goals and targets set in 1990, which were to be achieved through concerted national action and international cooperation, and the achievements made in the decade 1990 - 2000:

- It was agreed to reduce **under 5 child mortality rates** by 33 percent. The achievement in this area has been a reduction by 14 percent.
- It was agreed to reduce **maternal mortality ratio** by 50 percent. The achievement has been that overall there has been no change in the situation. 515,000 women die of childbirth and pregnancy each year. While the chance of dying from pregnancy or childbirth is 1 in 4085 in industrialised countries, in least developed countries it is 1 in 16.
- It was agreed to reduce **under-5 children's malnutrition** by 50 percent. 17 percent reduction has been achieved in developing countries.
- Another goal was the universal **access to safe drinking water**. Only 3 percent increase from 79 to 82 percent of population having access to safe drinking water has been attained.
- It was agreed to achieve universal **access to basic education** and reduction of adult illiteracy rate by 50 percent. Here too, limited increase has been noted, from 78 to 82 percent now having access to basic education.

We attach considerable importance in this context to the work of UNICEF "to give better lives to our children." We recognise that the work of organisations such as that of UNICEF needs to be guided by the commitment to realisation of the rights as enshrined in the Convention on the Rights of the Child.

UNICEF's ten-year review of the goals set and targets achieved, as indicated above in the Report of 2002, points to the need for a balanced relationship between the rights-based approach and developmental aspects while addressing the situation of children. UNICEF's statement to the Third Committee, however, reflects a singular focus on rights, and gives little evidence of the developmental activities and achievements of the organisation. If UNICEF were to give itself entirely or even substantially to the task of monitoring the rights of the child, the developing

countries may well ask whether there is an international body to assist them, in particular the least developed countries, with the developmental needs of their children.

If the international community in its next review desires to have a more positive and robust result in regard to the situation of children, the efforts will clearly have to undergo massive and rapid change, as it is evident that the “rights” cannot be achieved in a developmental vacuum. Therefore, while we may strive for the ideal situation of “participation” by the children of the world, as the “State of the World’s Children, 2003” puts forth, the need of the hour is to focus on the real challenges of poverty, hunger, malnutrition, HIV/AIDS, illiteracy, exploitation, etc. being faced every day by millions children worldwide.

Thank you, Mr. Chairman.

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