

The Rights of the Child in Development Cooperation

**FPS Foreign Affairs, Foreign Trade and Development Cooperation
Directorate-General for Development Cooperation**

Table of Contents

1. Children in the World

The context

A paradox

The International Convention on the Rights of the Child

2. The Rights of the Child in Belgian Development Cooperation

The Rights of the Child as a fourth cross-cutting theme in our cooperation

The Rights of the Child in international fora and in the political dialogue between Belgium and its partner countries

The Rights of the Child in the field

The Rights of the Child in Belgian non-governmental cooperation

1. The World's Children

The Context

Half the population of developing countries consists of children under 18 years of age. Unfortunately, the stark reality is that most of them do not have the opportunity or even the right to have a proper childhood because they are living in poverty (40% of them, that is half a billion children, have less than one euro per day to survive). Their rights will only become reality through a complete, thorough and long term fight against poverty.

Children are in fact the first victims of poverty, which has irreversible effects on them, both physical and psychological. Children become undernourished, do not attend school and are not given basic medical care. Children who suffer from poverty only have a small chance of becoming productive adults within society. Moreover, once they reach adulthood, they generally pass on their poverty to their children who in turn get trapped in this vicious circle of poverty and ignorance.

Some disconcerting figures:

- Every year, some 3.3 million babies die at birth. Four million children never reach the age of one month and 9.7 million never reach their fifth birthday.
- The number of out-of-school children has risen to more than 80 million.
- Seventy million mothers and children do not have access to the health care to which they are entitled.
- 150 million young girls and 73 million young boys are victims of sexual violence, through, inter alia, early and enforced sexual contact and marriage.
- Every year, about 1.2 million children are being trafficked, and 3 million young girls become victims of genital mutilation.

Too often, children are considered a passive element in the process of their country's development. Yet, they are important actors, especially when they can play a conscious role (participation). Encouraging the participation of children will eventually lead to added democracy value in the future. If children are able to form and express their own opinion they will learn the principles of democratic management without special effort, which takes into account the needs and the rights of the population. Once adults, they will be able to contribute to the development of society.

We cannot just sit and wait for a country to do well, and only then guarantee children access to basic services. The reasoning should be the reverse: if children receive education, protection and good health care, this will be the foundation of sustainable growth and progress.

The World Bank calculated that every euro invested in children offers a return of seven euro to society. One cannot imagine a better investment in the fight against poverty.

A paradox

Within the international community, there is a broad consensus to devote more interest to the rights of the child and offering children better opportunities to develop fully. First, the **International Convention on the Rights of the Child (ICRC)**, adopted in 1989 by the United Nations and today ratified by 193 countries, has become the most ratified human rights convention in history. This Convention contains all the rights that should be guaranteed to children. In other words, every country in the world (with the exception of two) confirms that the rights of the child, as described in the ICRC, are equally recognised in their countries, and are or will be included in their national legislation.

Next, the **Millennium Objectives for Development** adopted in 2000. At the United Nations Millennium summit, 190 UN member States pledged to bring an end to extreme poverty by 2015. This aim has been translated in eight concrete objectives since then adopted, by both governments and NGOs, as guiding principles in their international cooperation. What's more, six of the eight objectives refer directly to children.

Nevertheless, these two great steps forward have not stopped countless violations of the rights of the child. Millions of children continue to die from malnutrition and from diseases which could have been prevented. Hundreds of thousands of children are victims of prostitution and armed conflict. In some areas, abuse of children has never been so atrocious. On the other hand, more vigilance and interest is noted now than before.

There is a paradox: the rights of the child are recognised with difficulty precisely in those countries where they are violated most frequently. The countries which in general respect the rights of the child also offer better measures of protection. Economic inequality, socio-cultural limitations due to historical and cultural developments, a democracy where good governance is not as yet secured, are often at the root of this paradox.

The International Convention on the Rights of the Child

The ICRC does not distinguish between the various rights, and does not classify them in order of priority. Moreover, the Convention goes beyond the approach which focuses on the problems or the needs of the child in favour of an approach which sees the child as the bearer of fundamental human rights.

To this end, the ICRC relies on four basic principles:

- Non-discrimination (art. 2)
- The best interests of the child (art. 3)
- The right to life and development (art. 6)
- The right to participation (art. 12)

These four basic principles connected to other rights provided in the ICRC can be further classified into three categories, which we call the 3Ps: *Provision, Protection and Participation*.

Provision (guarantees children access to various services and facilities): The ICRC recognises that children have a right to certain services. These are the right to life (with a certain quality of life) and the right to development (the right of children to be able to develop fully).

Protection (protecting children): Children enjoy a specific right to legal protection, protection of their physical and moral integrity and protection against all forms of exploitation.

Participation (giving children the opportunity to have their opinions heard): The most innovative feature of the ICRC is found in the recognition of a certain number of rights to self-determination for children; these rights guarantee at the same time their participation in social life. Article 12 is here of key interest. It defines the right of children to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity. Full participation involves the possibility, for children, to participate in the initiatives that concern them. They should, to this end, receive the appropriate information and support.

It is (also) always surprising to note that the ICRC is still too often considered as just an ethical declaration, a moral code. This is why it must be emphasised that the Convention is an international treaty. This means it has legal binding force and moreover a concrete impact on national policies.

2. The Rights of the Child in Belgian Development Cooperation

The Rights of the Child as fourth cross-cutting theme

Respect for the rights of the child should play a role in all fields of Belgian development cooperation.

The Belgian Law of 25 May 1999 on international cooperation specifies that Belgian development cooperation covers **5 major sectors**:

- Basic health care, including reproductive health;
- Agriculture and food security;
- Education and training;
- Basic infrastructure;
- Community building (including human rights)

The Belgian Law of 25 May 1999 on international cooperation refers to 4 cross-cutting themes which should be taken into account in all areas of Belgian development cooperation:

- Equal opportunities and rights for men and women (gender)
- Respect for the environment
- Promotion of the social economy
- Children's rights (since 2005)

Integrating the rights of the child into the Law of 1999 was one of the main recommendations of the International Conference on "Children's Rights and International Cooperation" organised in 2004 in collaboration with ECPAT Belgium, Plan Belgium and UNICEF.

Because of this amendment to the law, respect for children's rights is taken into account in the policy and actions of the Belgian Development Cooperation.

The priority of the Belgian Development Cooperation: **Achieve sustainable human development by means of the fight against poverty!**

This objective is not only endorsed in the field of bilateral **governmental cooperation** (between Belgium and its partner countries); it is also promoted in the **multilateral cooperation** (international organisations, like the United Nations) and **non-governmental cooperation** (with non-State partners, like NGOs and research organisations).

A strategy paper, with directives that apply to Belgian policy, has been drawn up for every cross-cutting theme. The **strategy paper** on respect for the rights of the child was drafted by the DGDC at the request of the minister for Development Cooperation, in collaboration with the Belgian Technical Cooperation, academics and NGOs.

This paper is a very practical tool for people responsible for carrying out our policy, in Belgium, in the international fora or in the field, in short, by all those who support the implementation of children's rights. The strategy paper "Respecting the Rights of the Child" presents a range of strategic options.

The Rights of the Child in International Fora and in the Political Dialogue between Belgium and its Partner Countries

The strategy paper "Respecting the Rights of the Child" stresses that children's rights should be promoted and implemented in all sectors of Belgian development cooperation. A rights based approach presupposes the **reinforcement of structures** and mechanisms to promote and protect children's rights, as well as **raising the awareness of society as a whole**: policy decision-makers, professionals who work with and for children, the media, the private sector, NGOs and the general public. For this purpose, the Belgian government takes many concrete measures, for example, in the international fora or in the political dialogue it holds with the partner countries.

International Fora

Belgium participated in the drafting of the European Union (EU) directives on children in armed conflicts, and is interested in the forthcoming EU directive on children's rights. Our country is also working on **the eradication of the most degrading forms of child labour**. It intends to play a pioneering role in drafting a **treaty on the arms trade**. This would allow for tighter control over light and small calibre arms. Such a treaty should contain effective clauses prohibiting the export and transport of arms to countries which still employ child soldiers. This prohibition is already rule of law in Belgium.

Political Dialogue with Partner Countries

The continuous process of political dialogue established between the Belgian government and the partner countries offers a special opportunity to address the theme of children's rights. Thus, Belgium encourages partner countries to **incorporate without reserve the ICRC and other instruments to defend human rights in their national legislation**. In this respect, the "Concluding Observations" of the Committee on the Rights of the Child of the partner country is a concrete tool. The "General Observations" of the Committee also provide practical guidelines (see frame below).

Belgium, therefore, lends support to its partner countries – from the project stage to that of evaluation – so that they will include **children's rights in their policy and their action plans**.

Special attention goes to the precarious situation of young girls and children in other **vulnerable groups**, such as children engaged in armed conflicts or refugee children, street children, children in institutions, children with a handicap, inter alia.

The United Nations Committee on the Rights of the Child (www.ohchr.org)

Control of the respect of the rights of the child is an essential condition for their implementation. The Committee on the Rights of the Child, comprising eighteen independent experts from around the world, holds three sessions per year in Geneva.

Every five years, States which have ratified the ICRC must report to the Committee on the respect of the rights of the child in their jurisdiction. The Committee organises a dialogue with the authorities and the NGOs on the basis of which it establishes "**Concluding Observations**". This document, which contains many positive elements as well as elements which need to be improved, formulates concrete recommendations aiming to help the authorities to improve respect for the rights of the child.

In addition, the Committee also publishes "**General Observations**" which examine in detail a specific aspect of the ICRC. This allows to clarify which obligations the States need to fulfil.

The Committee's declarations set the tone for the governments, the judges and all other actors concerned. **The guidelines to interpret the ICRC** should be disseminated as broadly as possible.

The Rights of the Child in the Field

The ICRC promotes three dimensions of the rights of the child which should be taken into account jointly: protect children (**Protection**), guarantee children access to various services and facilities (**Provision**) and give children the opportunity to voice their views (**Participation**). If we wish the ICRC to become a reality for all children and the rights of each child to be respected, measures must be taken in the framework of each of the 3Ps and in the 5 areas of Belgian development cooperation.

Below are a few examples of how respect for children's rights can be translated within the different areas of development cooperation:

Protection

- Education: support campaigns to prevent violence
- Health care: take part in the fight against female genital mutilation
- Agriculture and food security: fight the worst forms of child labour in agriculture
- Basic infrastructure: help to adapt the infrastructure of refugee camps by focusing on the specific needs of women and children
- Community building: fight against trafficking of children and young girls

Provision

- Education: help improve the quality of education and promote the access of girls and children from minority groups to school
- Health care: support vaccination campaigns
- Agriculture and food security: give children priority to food reserves during conflicts.

- Basic infrastructure: provide access to safe drinking water and to health infrastructures by guaranteeing water supply to schools
- Community building: provide psychosocial aid for demobilised child soldiers

Participation

- Education: support the creation of student councils
- Health care: support the dissemination of magazines for young people on HIV/AIDS and support education by peers
- Agriculture and food security: teach children new agricultural techniques through maintaining school gardens
- Basic infrastructure: have young people formulate comments and advice on the construction of infrastructures
- Community building: support groups of young people who participate in activities in their own community.

The Rights of the Child in Belgian non-governmental cooperation

Belgium subsidises development projects and programmes of NGOs, universities, scientific establishments, educational non-profit organisations, trade unions, towns and local councils. Government support can reach up to 85% of the programme budget.

It is important to incorporate the rights of the child into non-governmental cooperation, since it has a great impact on the field.

NGOs receive financial support from the Belgian government if, once recognised as an NGO, they fulfil certain conditions. The 1999 Law on Belgian International Cooperation and additional executive decisions, contains the main provisions to this effect. In other words, not only the official development cooperation, but non-governmental cooperation as well should take into account the 4 cross-cutting themes including the rights of the child.

Many NGOs set up specific projects and programmes for children. An approach that focuses on the rights of child and that accounts for "the 3 P's" is essential. Building schools, for example, is only a step towards the right to education: the quality of the education should be ensured, and the children should be able to express their opinions through, for example, student councils.

All the other NGOs also have an impact that affects children directly with their projects and programmes: building a well always has repercussions on the children in a community. It is often they who go to collect water and who help to build the well. It is absolutely necessary to promote "the 3 P's" in such projects even if they do not always focus on children.

The Platform “Rights of the Child in Development Cooperation”

This platform, created in 2007 on the initiative of ECPAT Belgium, Plan Belgium and UNICEF Belgium, is an organisation whose objective is to gather existing expertise on the themes of the rights of the child and of development cooperation.

The platform organises various activities aimed at creating **a support as broad as possible** in Belgium. It intends to develop the interest for the rights of the child in international cooperation. The platform thus aims to check the correct application of the Law of 25 May 1999 on Belgian Development Cooperation in the field of children’s rights. In this context, it provides advice to the authorities and training for authorities and NGOs.

In addition to ECPAT Belgium, Plan Belgium and UNICEF Belgium, 11.11.11, the *Vlaams Internationaal Centrum* (VIC) and the Belgian Red Cross are also active members of the platform , as well as research centers and independent experts with experience in the field and/or specific expertise on the rights of the child and/or on development cooperation.

For more information, contact: *Plate-forme Droits de l'enfant dans la coopération au développement* – Secretariat Plan Belgium, Galerie Ravenstein 3 B5, 1000 Brussels
Tel. 32/2/504.60.00.

**Federal Public Service Foreign Affairs, Foreign Trade and Development
Cooperation**

Communications Department
Rue des Petits Carmes 15
1000 Brussels
Tel.: +32 2 501 81 11

www.diplomatie.be
www.dgdc.be

Editorial office: Plan Belgium and UNICEF Belgium

Photos: Plan Belgium

Editor in chief: Dirk Achten, Rue des Petits Carmes 15, 1000 Brussels

Legal deposit: 0218/2007/35

The data in this publication are provided for information only and in no way bind the legal responsibility of the SPF.

October 2007