



Volume 41 | Issue 5

Article 1

1996

The Cry of the Children

Gerald Abraham

Follow this and additional works at: <https://digitalcommons.law.villanova.edu/vlr>



Part of the [International Law Commons](#)

Recommended Citation

Gerald Abraham, *The Cry of the Children*, 41 Vill. L. Rev. 1345 (1996).

Available at: <https://digitalcommons.law.villanova.edu/vlr/vol41/iss5/1>

This Lecture is brought to you for free and open access by Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Villanova Law Review by an authorized editor of Villanova University Charles Widger School of Law Digital Repository.

VILLANOVA LAW REVIEW

VOLUME 41

1996

NUMBER 5

Giannella Lecture

THE CRY OF THE CHILDREN*

GERALD ABRAHAM**

I. INTRODUCTION

IT is a great honor for me to be asked to deliver the Twentieth Annual Donald A. Giannella Lecture. I first met Don Giannella when he and I were teaching fellows at the Harvard Law School in 1959. We became good friends, and he was instrumental in bringing me to Villanova School of Law to teach in 1962. Because my association with Don Giannella, as a colleague and friend, has played such an extraordinarily significant role in my life, I am pleased to honor him.

I take the title of my lecture, "The Cry of the Children," from a poem by Elizabeth Barrett Browning,¹ in which she lamented the plight of the young children who worked long hours in the horribly inhumane conditions of the mines and factories of mid-nineteenth century England.²

"Do ye hear the children weeping,"³ Browning asked us, and that same question could be asked today about the many millions of children of the world who fail to receive the bare minimum of what they need to survive and develop normally.

I will divide my discussion of the children of the world into three parts. In Part II, "The State of the World's Children," I will

* This Article is the text of the Twentieth Annual Donald A. Giannella Memorial Lecture at the Villanova University School of Law, given on September 26, 1996. The *Villanova Law Review* co-sponsors the Giannella Lecture.

** Professor of Law, Villanova University School of Law. B.A., New York University; J.D., New York University School of Law. I wish to thank Hientrinh Le for her invaluable assistance in the preparation of this Article.

1. Elizabeth Barrett Browning, *Cry of the Children*, in *SELECTED POEMS* 179-85 (M. Forster ed., 1988).

2. VIRGINIA L. RADLEY, *ELIZABETH BARRETT BROWNING* 62-63 (1972).

3. Browning, *supra* note 1, at 179.

look at the tragic condition of children around the world as measured by several key indicators.⁴ Next, in Part III, "The Promise to the Children," I will look at two major sets of promises made by the nations of the world to give their children a decent life.⁵ These promises appear in the United Nations Convention on the Rights of the Child and were made in connection with the World Summit on Children.⁶ Finally, in Part IV, "Keeping the Promise to the Children," I will look at some hopeful signs that these promises are being implemented and that the actual condition of children in the world is being improved.⁷ Increasingly, the nations of the world are learning that investment in children, aside from its moral component, pays off in greater prosperity and well-being for the entire society.

II. THE STATE OF THE WORLD'S CHILDREN

This year, the United Nations Children's Fund (UNICEF) is celebrating its fiftieth year of saving children of the world from the devastation of war, hunger and disease, and the burden of child labor and lack of education.⁸ On this anniversary, UNICEF has issued two important reports: *The State of the World's Children 1996*⁹ and *The Progress of Nations 1996*.¹⁰ These publications paint a very sad picture.

4. For a discussion of the condition of children in the world, see *infra* notes 8-91 and accompanying text.

5. For a discussion of the promises to children, see *infra* notes 92-146 and accompanying text.

6. For a discussion of the United Nations Convention on the Rights of the Child, see *infra* notes 94-136, 148-62 and accompanying text. For a discussion of the World Summit for Children, see *infra* notes 137-46, 163-82 and accompanying text.

7. For a discussion of the extent to which these promises are being kept, see *infra* notes 147-82 and accompanying text.

8. In *The State of the World's Children 1996*, the United Nations Children's Fund (UNICEF) summarizes its activities on behalf of children over the past 50 years. See UNICEF, *THE STATE OF THE WORLD'S CHILDREN 1996*, at 43-69 (1996) [hereinafter *WORLD'S CHILDREN*] (describing creation of UNICEF and its activities). This year's report, *The State of the World's Children 1997*, has now been published. See generally UNICEF, *THE STATE OF THE WORLD'S CHILDREN 1997* (1997) [hereinafter *WORLD'S CHILDREN 1997*].

9. *WORLD'S CHILDREN*, *supra* note 8.

10. UNICEF, *THE PROGRESS OF NATIONS 1996* (Peter Adamson ed., 1996) [hereinafter *PROGRESS OF NATIONS*].

A. *Childhood Death*

“True,’ say the children—‘it may happen that we die before our time.’”¹¹ The UNICEF child mortality statistics grimly support Browning’s line.¹² More than 34,000 children under age five die every day.¹³ In some countries, more than twenty-five percent of children die before they reach age five.¹⁴ The world was shocked and horrified at the 230 tragic deaths aboard TWA Flight 800 in July, and understandably, they received months of headline media coverage.¹⁵ Nevertheless, that same number of young children die every ten minutes.¹⁶ Yet, we barely seem to notice these silent twelve and one-half million childhood deaths a year.¹⁷ The greater tragedy is that almost all of these deaths are needless: war, preventable disease and malnutrition claim most of these innocent child victims every year.

B. *War*

Throughout history, war has slaughtered countless numbers of children—two million in the last decade¹⁸—and it continues to do

11. Browning, *supra* note 1, at 180.

12. See *WORLD’S CHILDREN*, *supra* note 8, at 95-97 tbl.9 (presenting under-five mortality rates for nations of world). The under-five mortality rate (U5MR) is the number of deaths of children under age five per 1,000 live births. *Id.* at 102. For a discussion of the child mortality data that is also included in the Statistical Profiles tables of *Progress of Nation*, see *supra* note 8, at 52-53.

13. See *WORLD’S CHILDREN*, *supra* note 8, at 10 (reporting that 12.5 million children under five die annually). The 12.5 million deaths of children under age five in 1996 represents a drop from the 25 million deaths of 50 years ago. *Id.* Child deaths are listed by country and region in *The State of the World’s Children 1996* and *The Progress of Nations 1996*. *WORLD’S CHILDREN*, *supra* note 8, at 80-81 tbl.1; *PROGRESS OF NATIONS*, *supra* note 10, at 52-53.

14. In Niger, for example, in 1994, the rate of death for children under age five was 320, or 32%. *WORLD’S CHILDREN*, *supra* note 8, at 80 tbl.1. The same year, the U5MR was 292 for Angola, 284 for Sierra Leone, 277 for Mozambique and 257 for Afghanistan. *Id.*

15. Matthew Purdy, *Explosion Aboard T.W.A. Flight 800: The Overview; Investigators Suspect Explosive Device as Likeliest Cause for Crash of Flight 800*, N.Y. TIMES, July 19, 1996, at A1.

16. For a similar comparison, see Robert F. Drinan, *Saving Our Children: Focusing the World’s Attention on the Abuse of Children*, 26 *LOV. U. CHI. L.J.* 137, 137-38 (1995).

17. See David Parker & Claudio Sepulveda, *Children’s Right to Survival and Healthy Development*, in *IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD* 69, 79-80 tbl.4.1 (J. Himes ed., 1995) (estimating that 12.9 million children under five years-old die each year).

18. *U.N. Report: Modern Wars Imperil Children*, UPI, Dec. 11, 1995, at 1, available in LEXIS, News Library, Wires File [hereinafter *U.N. Report*].

so in our time as war remains unbelievably prevalent in the world.¹⁹ In 1993, for example, there were forty-two countries that were in the throes of major military conflicts, some of which had been going on for a decade or more, and an additional thirty-seven countries were suffering from serious political violence.²⁰

War claims its child victims in many ways. Increasingly, children, some as young as six or seven, are used as soldiers in war, where casualties are high.²¹ Sometimes the children are recruited by force, and sometimes they enlist simply to survive.²² In the current, bloody Liberian conflict, for example, one-quarter of the combatants have been children.²³ Many of them fight in so-called "small boys units" that kill as efficiently with modern weapons as adults.²⁴ In some conflicts, children frequently serve as sacrificial lambs to draw enemy fire.²⁵ In the Iran-Iraq war, for example,

19. See, e.g., Nicholas Phythian, *War Kills 500,000 African Children Over Past Year*, Reuters, Nov. 8, 1995, at 1, available in LEXIS, News Library, Revwld File (noting that estimated 500,000 children died last year in Africa alone due to armed conflicts).

20. WORLD'S CHILDREN, *supra* note 8, at 24 (citing UNITED NATIONS DEVELOPMENT PROGRAM, HUMAN DEVELOPMENT REPORT 1994, at 47 box 3.1 (1994)). One-half of the armed conflicts under way in 1993 had been going on for more than a decade. *Id.* at 17. One expert appointed by the Secretary General has recently submitted to the General Assembly a report discussing the impact of armed conflict on children worldwide. See Report on the Impact of Armed Conflict, U.N. GAOR, 51st Sess., U.N. Doc. UN/A/51/306 (1996) (providing details on international conflicts and effects on children).

21. WORLD'S CHILDREN, *supra* note 8, at 17-18. In 25 countries, thousands of children under age 16 have fought in wars. *Id.* at 14 (citing EVERETT M. RESSLER ET AL., CHILDREN AT WAR: A GUIDE TO THE PROVISION OF SERVICES 117 (1993)). In 1988, such children numbered an estimated 200,000. *Id.*

22. *Id.* at 17-18. To many of these children, the army serves as a kind of surrogate family and a source of food and protection. *Id.* at 17 (citing Cole P. Dodge, *Child Soldiers of Uganda and Mozambique*, in REACHING CHILDREN IN WAR: SUDAN, UGANDA AND MOZAMBIQUE 54 (C.P. Dodge & M. Raundalen eds., 1991)). Governments have conscripted children, and rebel forces have kidnapped them. *Id.* at 17-18.

23. *Id.* at 17. In gross figures, about 20,000 of the soldiers were children. *Id.*

24. *Id.* The National Patriotic Front, for example, had a small boys unit which was made up of boys ranging in age from six to 20. *Id.* Soviet AK-47 or American M-16 automatic rifles are cheap, easy to use, widely distributed and extremely lethal. *Id.*

25. *Id.* at 18 (stating that in wartime, children are often considered most expendable of soldiers); see Parliamentary Assembly of the Council of Europe, Resolution 1011 (1993), reprinted in THE RIGHTS OF THE CHILD: A EUROPEAN PERSPECTIVE 61 (Council of Europe Publishing 1996) [hereinafter EUROPEAN PERSPECTIVE] (referring to "the barbaric practice in recent armed conflicts of using women and children as targets and human shields").

waves of child soldiers were sent over mine fields before the adult soldiers.²⁶

Nor have children who are civilians been spared the destruction of war. They have been killed, wounded, raped, tortured and psychologically damaged, often as a deliberate war strategy of the enemy.²⁷ In Sarajevo, for example, nearly one child in four has been killed or wounded.²⁸ In Rwanda, mass ethnic killings—one million in 1994 alone—intentionally targeted children.²⁹ The corpses of little children appear again and again in photographs of this appalling genocide. In some areas of Rwanda, every adolescent girl who survived a militia's attack was raped and, if she became pregnant, was forced to endure the ostracism of her own people.³⁰

Another large group of child victims of war are refugees. The violence and destruction of war causes millions of people to flee or to be expelled from their homes.³¹ Currently, there are 53 million uprooted people in the world, one-half of whom are children.³² These child refugees are crowded into horrible camps where survival is difficult,³³ or they wander about without parents or relatives.³⁴

26. *Id.* (citing Thomas Hammarberg, Presentation to the Regional Consultation on the Impact of Armed Conflict on Children in the Arab Region, in Cairo (1995)).

27. *Id.* at 18-19.

28. *Id.* at 18.

29. See *U.N. Report*, *supra* note 18, at 1 (discussing Hutu radio propaganda, which urged Rwandan Hutus to kill Rwandan Tutsi children). In 1994 alone, an estimated 300,000 children were killed in Rwanda as a result of ethnic conflict. *WORLD'S CHILDREN*, *supra* note 8, at 74 n.7.

30. *WORLD'S CHILDREN*, *supra* note 8, at 19. In Bosnia-Herzegovina and Croatia, it had been a deliberate tactic "to rape teenage girls and force them to bear 'the enemy's' child." *Id.* More than 20,000 Muslim women have been raped in Bosnia since 1992. *Id.* (citing United Nations Children's Fund/United Nations Development Fund for Women, *Women and Armed Conflict*, in *KIT ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 1* (UNICEF/UNIFEM 1995)).

31. *Id.* at 19 (citing Office of the United Nations High Commissioner on Refugees, *Refugees at a Glance: A Monthly Digest of UNHCR Activities* (July 1995)).

32. *Id.*

33. *Id.* (noting that refugee camps often breed disease and death because of squalid conditions). Cholera and other micronutrient diseases combine with malnutrition to exact a deadly toll on refugees. *Id.*

34. See *id.* ("Unaccompanied minors' typically account for up to 5% of a refugee population." (quoting EVERETT M. RESSLER ET AL., *CHILDREN IN WAR: A GUIDE TO THE PROVISION OF SERVICES* 142 (1993))).

In Rwanda, 114,000 children had been separated from their families. *Id.* (citing UNICEF, *OVERVIEW OF RECENT UNICEF ACTIVITIES Update No. 4* (Oct. 1994)).

In the Sudan, 20,000 "lost boys" fled their homes and wandered in the wilderness. *Id.* at 20; see also *id.* at 21 (describing plight of "lost boys" in Sudan).

Famine and disease are also frequent companions of war.³⁵ Food and water production and distribution, and health care often are deliberately disrupted.³⁶ In Somalia, where war raged in 1992, one-half of the children under age five on January 1 were dead by December 31—ninety percent of them from malnutrition and disease.³⁷

Land mines are a particularly pernicious weapon of war. They are especially lethal to the small bodies of children, whom they kill and maim even decades after the conflict has ended.³⁸ To make matters worse, they are inexpensive weapons that are extremely difficult and costly to clear.³⁹ An estimated 110 million land-mines remain in the ground in sixty-four countries, and millions more are being laid throughout the world every year.⁴⁰

Finally, war takes its toll in the form of lost opportunity. War and preparations for war drain off huge quantities of resources that could be used for food, health care, education and economic development.⁴¹ From 1960 to 1991, military spending by developing countries rose from 27 billion to 121 billion dollars, with the steepest increases in some of the poorest countries, where military

35. *See id.* at 20 (noting relation between war and disease). In Africa, 20 times more victims of conflict have died as a result of insufficient food and health care than from armaments. *Id.* A 1980 Ugandan study indicated that only 2% of casualties occurring in a war zone were caused by violence; in striking contrast, 20% of the deaths in that area were caused by disease and 78% by hunger. *Id.* (citing RESSLER ET AL., CHILDREN IN WAR: A GUIDE TO THE PROVISION OF SERVICES 97 (1993)).

36. *Id.* at 20, 23.

37. *Id.* at 20 (citing Reginald Herbold Green, *The Course of the Four Horsemen: The Costs of War and Its Aftermath in Sub-Saharan Africa: An Overview*, in WAR AND HUNGER 38 (J. Macrae & A. Zwi eds., 1994)).

38. *Id.* at 26; *see* Parliamentary Assembly of the Council of Europe, Resolution 1011 (1993), in EUROPEAN PERSPECTIVE, *supra* note 25, at 61 (referring to “the widespread use of antipersonnel mines, particularly those resembling toys, of which the main victims are children”).

39. *See* WORLD’S CHILDREN, *supra* note 8, at 28 (noting that individual land mine costs less than \$3 (U.S. dollars) to manufacture but up to \$1,000 (U.S. dollars) to clear). Moreover, even trained workers can clear only 20 to 50 square meters a day. *Id.*

40. *Id.* at 26, 28 (citing *Assistance in Mine Clearance: Report of the Secretary General*, U.N. GAOR, 49th Sess., at 7, U.N. Doc. A/49/357 (1994)). In 1993, two million additional land mines were laid, resulting in an additional \$1.4 billion (U.S. dollars) to the future cost of clearance. *Id.* at 28. At a 1996 international conference in Ottawa, Canada, nearly 50 nations endorsed a ban on land mines, and work is progressing towards a treaty. Craig Turner, *Canada Floats Land-Mine Ban*, PHILA. INQUIRER, Oct. 6, 1996, at A12. “The Clinton administration has issued a moratorium on the export of [land] mines, has begun destroying three million mines in the U.S. stockpile, and is sponsoring a U.N. resolution calling for a world wide ban.” *Id.*

41. WORLD’S CHILDREN, *supra* note 8, at 24.

spending almost equaled health and educational spending combined.⁴²

To summarize, the devastation of war hits hardest those in society who are most vulnerable and in most need: our children. But even where there is no war, the great majority of the world's children live in such severe poverty that they are not able to get the essentials for survival and development. Let me illustrate by looking at nutrition, health care, child labor and education.

C. Nutrition

Millions of children in many developing countries do not have access to adequate food and clean water.⁴³ They die from starvation and famine caused by devastating drought and other natural disasters.⁴⁴ In addition, 165 million children under age five suffer from the dangerously low body weight and stunted growth that is characteristic of malnutrition.⁴⁵ Moreover, this malnutrition causes

42. *Id.* at 25 (citing RUTH LEGER SIVARD, *WORLD MILITARY AND SOCIAL EXPENDITURES* 1993, at 42 (1993)). "Angola, Ethiopia, Mozambique, Myanmar, Somalia and Yemen have for many years spent more on their military than they have on their people's education and health." *Id.* Arms sales from industrial countries to developing countries amounted to \$25.4 billion in 1994. *Id.* Sub-Saharan Africa now spends \$8 billion annually on the military, despite the fact that 216 million people in the region live in poverty; South Asia, with 562 million in poverty, spends \$14 billion annually on the military. *WORLD'S CHILDREN* 1997, *supra* note 8, at 28.

43. For a further discussion of malnutrition in developing and least developed countries, see *infra* note 45 and accompanying text. See also *WORLD'S CHILDREN*, *supra* note 8, at 98 tbl.10. In the least developed countries, 48% of children lack access to safe water and 68% do not have access to adequate sanitation. *Id.* The condition in developing countries is only marginally better; there, 30% of children do not have access to safe water and 61% lack access to adequate sanitation. *Id.*

44. The 1989 World Food Conference Cairo Declaration and the 1992 International Conference on Nutrition Declaration referred to the problem of famine and famine-related deaths and pledged to eliminate them. See Urban Jonsson, *Children's Right to Nutrition: Food, Care and a Healthy Environment*, in *IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD*, *supra* note 17, at 107, 119-20 (setting goal of preventing famine-related deaths).

45. *A Tale of Two Statistics*, in *PROGRESS OF NATIONS*, *supra* note 10, at 19; see also *WORLD'S CHILDREN*, *supra* note 8, at 82 tbl.2 (providing various nutritional assessment statistics for children of world). This total represents 31% of the world's children. *A Tale of Two Statistics*, *supra*, at 19.

In Asia, over 50% of children suffer from malnutrition, and in India the figure is 53%. Vulimiri Ramalingaswami et al., *Nutrition Commentary: The Asian Enigma*, in *PROGRESS OF NATIONS*, *supra* note 10, at 10, 11; *A Tale of Two Statistics*, *supra*, at 19 (providing League Table of Malnutrition); see also *Plan of Action for Implementing the World Declaration on the Survival, Protection, and Development of Children*, U.N. GAOR, 45th Sess., Annex, ¶ 13, U.N. Doc. A/45/625/Annex (1990), reprinted in *INTERNATIONAL DOCUMENTS ON CHILDREN* 330-33 (Geraldine Van Bueren ed., 1993) [hereinafter *Plan of Action*] (estimating that hunger and malnutrition "contribute to about half [of] the deaths [of] young children").

many otherwise easily preventable illnesses. Deficiencies in iodine, iron and vitamin A among children, for example, are very widespread and cause fetal damage, mental retardation, apathy, blindness, infections and anemia.⁴⁶

D. Health Care

Millions of children in the developing world have little or no access to even the most rudimentary preventive or curative health care.⁴⁷ This is particularly true in the rural areas of some countries, where fewer than twenty percent of children have access to health care.⁴⁸ As a result, preventable and curable diseases take a deadly toll: 4.3 million children die each year from acute respiratory infections (mostly pneumonia); 3.8 million children die from neo-natal or peri-natal causes, and 600,000 women die in childbirth; diarrhea causes 3.2 million child deaths (most of which could be prevented by oral rehydration therapy); and, despite encouraging increases in vaccinations, 2.1 million vaccine-preventable child deaths occur

A projected increase in world population by three billion within the next 25 years, combined with a leveling off in food production, is expected to create a new hunger crisis in developing countries and was the topic of discussion at the World Food Summit in Rome in November 1996. Rick Nichols, *Can Crop Miracle Be Repeated?*, PHILA. INQUIRER, Nov. 10, 1996, at A1.

46. *18 Nations Fortify Foods*, in PROGRESS OF NATIONS, *supra* note 10, at 21; Jonsson, *supra* note 44, at 124; *Kenya and Nigeria Iodize Most Salt*, in PROGRESS OF NATIONS, *supra* note 10, at 20; *Plan of Action*, *supra* note 45, ¶ 13.

47. See WORLD'S CHILDREN, *supra* note 8, at 84-85 tbl.3 (showing levels of access to adequate health care). One-fifth of children in developing countries have no access to health care. *Id.* at 98 tbl.10. Moreover, nearly one-half of children in least developed countries have no access to health care. *Id.*

48. See, e.g., *id.* at 84 tbl.10 (indicating that only 17% of children in rural Afghanistan have access to health care). In rural Zaire, the figure is 17% and in Côte d'Ivoire, it is 11%. *Id.*

(mostly from measles).⁴⁹ The effect of disease is exacerbated by malnutrition and low birth weight.⁵⁰

An additional problem is that health care and nutrition often are provided on a discriminatory basis. There is discrimination against the poor, against minority groups, against females and, above all, against children.⁵¹ When resources are scarce, children usually are at the end of the line for a share, especially in societies where women are relatively powerless and cannot fight for their children.⁵²

49. Parker & Sepulveda, *supra* note 17, at 79-80 tbl.4.1. Estimates from 1995 indicate that eight million children are killed each year by measles, diarrhea, malaria, pneumonia and malnutrition. Monica Sharma & James Tulloch, *Health Commentary: Unfinished Business*, in PROGRESS OF NATIONS, *supra* note 10, at 22, 23; *see also What Kills Children*, in PROGRESS OF NATIONS, *supra* note 10, at 24 (providing most common causes of death to children under age five). These deaths account for two-thirds of all under-five deaths. Sharma & Tulloch, *supra*, at 22.

UNICEF also estimates that 600,000 women die each year in childbirth. Peter Adamson, *Women Commentary: A Failure of Imagination*, in PROGRESS OF NATIONS, *supra* note 10, at 2, 3. Sierra Leone, for example, has 1,800 maternal deaths for every 100,000 live births, as compared with six per 100,000 in Norway. *League Table of Maternal Death*, in PROGRESS OF NATIONS, *supra* note 10, at 8-9. A 1996 report of the U.S. Department of Health and Human Services sets the figure at 23.5 per 100,000. Laura Meckler, *Pregnancy Deaths Are Found Higher*, PHILA. INQUIRER, July 31, 1996, at A13. This appalling death toll also results in at least one million motherless children. *The Impact on Children*, in PROGRESS OF NATIONS, *supra* note 10, at 6.

50. Parker & Sepulveda, *supra* note 17, at 81.

51. *See id.* (demonstrating that poor children suffer much more than rich children). For example, the life expectancy of a child living in an industrialized country increases after the first month of life, but the life expectancy of a child living in a developing country actually decreases. *Id.* Poverty and its companions, ignorance, malnutrition and poor living conditions, exacerbate a child's vulnerability to disease. *Id.*

In many countries, the disparity between rich and poor is readily apparent. The United States spends approximately 14% of its GNP on health care, but large segments of the population nonetheless have no insurance. James R. Himes & Diana Saltarelli, *Conclusion to IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD*, *supra* note 17, at 223, 233. In Indonesia, the government spends three times more on health for the richest 10% of the population than on the poorest 10%. *Id.*

In addition, women and female children suffer from such gender-related health risks as infanticide, reduced nursing and feeding, limited access to health knowledge and genital mutilation. Parker & Sepulveda, *supra* note 17, at 81. Two million girls from ages four to twelve are genitally mutilated each year, mostly in Egypt, Ethiopia, Kenya, Nigeria, Somalia and the Sudan. *2 Million Girls a Year Mutilated*, in PROGRESS OF NATIONS, *supra* note 10, at 7.

52. *See* James R. Himes, *Introduction to IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD*, *supra* note 17, at 1, 10 (citing J.R. Himes et al., *Women, Work and Child Care*, in INNOCENTI GLOBAL SEMINAR, SUMMARY REPORT (1992)) (suggesting that in many cultures, low and weak decision-making role of women and female children obstructs full realization of both women's and children's rights). Women usually are responsible for child-rearing, yet they often do so without control of family resources. *Id.*; *see also* Jonsson, *supra* note 44, at 117 (noting mother's lack of control over available resources as one cause of inadequate child care).

E. *Child Labor*

It is estimated that well over 100 million children under the age of fifteen are working around the world.⁵³ Accurate statistics are not available, but it is generally agreed that the problem is enormous.⁵⁴ While child labor is found everywhere, including in the United States,⁵⁵ it is most prevalent in the developing world, where

In South Asia, for example, women and children must often eat after men in the family have eaten. Ramalingaswami, *supra* note 45, at 12. Even then, a woman will feed her sons the best remaining food, leaving the rest for herself and her daughters. *Id.* The inferior status of women and girl children in South Asia accounts in large part for the high levels of child malnutrition in the region. *Id.* at 16.

53. *Governing Body Document on Child Labor*, Committee on Employment and Social Policy, 264th Sess., at *2, U.N. Doc. GB.264/ESP/1 (1995) [hereinafter *Child Labor*]. The International Labour Organization (ILO) conducted a survey of 124 countries in 1990 which indicated that 78.5 million children were economically active. *Id.* The ILO believes, however, that the actual number of child laborers could well be in the hundreds of millions because the survey figures were obtained from countries' own data or from countries which do not keep accurate child labor statistics. *Id.* At the World Summit for Children ("Summit"), for example, the nations of the world acknowledged that "more than 100 million children are engaged in employment." *See Plan of Action*, *supra* note 45, ¶ 23. Some scholars estimate the figure to be between 200 and 400 million children. Senthil Ratnasabapathy, *Children-Human Rights: Situation Is Not Improving, Say Experts*, Inter Press Service, Nov. 2, 1994, at 1, available in LEXIS, News Library, Inpres File; see also *WORLD'S CHILDREN 1997*, *supra* note 8, at 26 (discussing inaccuracies in tabulating child labor figures). Child labor is the primary focus of this year's *The State of the World's Children 1997*. The ILO published a document in preparation for an international labor conference in 1998. *See Child Labor: Targeting the Intolerable* (visited Feb. 20, 1997) <<http://www.ilo.org/english/90ipe/chlabour/clrep96.htm>> *International Labour Organization: Child Labour* <<http://www.ilo.org/english/90ipe/chlabour/index.htm>>.

54. *See, e.g.*, Jo Boyden & Victoria Rialp, *Children's Right to Protection from Economic Exploitation*, in *IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD*, *supra* note 17, at 183, 184-85 (noting that child labor statistics underestimate actual child labor workforce because much of child labor is done in informal or illegal arrangements); Christiaan Grootaert & Ravi Kanbur, *Child Labour: An Economic Perspective*, 134 INT'L LAB. REV. 187, 189 (1995) (stating that, despite problems with child labor definitions and statistics, child labor rates are high enough to cause concern).

To highlight the inaccuracy of available data, consider that 128 million children of primary school age are not receiving any education. *Child Labor*, *supra*, note 53, at *2-3. In addition, half of children ages 12 to 14 are not enrolled in secondary education. *Id.* at *3. Most of these children presumably are working, and some are even working and attending school at the same time. *Id.*

55. *See CHILDREN'S DEFENSE FUND, AMERICA'S CHILDREN FALLING BEHIND: THE U.S. AND THE CONVENTION ON THE RIGHTS OF THE CHILD 37* (1992) [hereinafter *AMERICA'S CHILDREN*] (stating that experts estimate that there are between five and seven million child workers in U.S.; two million are working illegally); see also Ron Nixon, *Working in Harm's Way*, SOUTHERN EXPOSURE 16 (Fall/Winter 1995), reprinted in *Project Censored's Top Ten Censored Stories of 1995* (visited Jan. 29, 1997) <<http://zippy.sonoma.edu/ProjectCensored/Stories1995.html>> (discussing injuries suffered by child laborers). This rate is the highest among the developed nations. *AMERICA'S CHILDREN*, *supra*, at 37. While U.S. labor laws prohibit work for

often the survival of the family depends on the income derived from child labor.⁵⁶ In Africa, for example, one-third of the children under age fifteen work.⁵⁷ While most working children in the world are between ten and fourteen years of age, there are substantial numbers of working children under age ten.⁵⁸ Child labor is common in a variety of industries.⁵⁹ Many young children could say today, as they did in Browning's poem:

For, all day, we drag our burden tiring
Through the coal-dark underground—
Or, all day, we drive the wheels of iron
In the factories round and round.⁶⁰

They also work in family enterprises, in agriculture and domestic service, in carpet and fabric weaving with their so-called "nimble fingers," and in peddling and begging.⁶¹ Increasingly, young children, both girls and boys, work in prostitution.⁶²

The conditions in which these child laborers work are frequently very harmful. They work long hours, sometimes sixty hours or more per week, and are subject to chronic fatigue, which results in accidents and retarded intellectual and emotional develop-

children under age 14, with exceptions, the laws do not appear to be well enforced. In 1993, for example, the U.S. Department of Labor had only 833 investigators for the entire country. Brian Dumaine, *Illegal Child Labor Comes Back*, FORTUNE, Apr. 5, 1993, at 86. At that rate, a business could expect a visit by a federal inspector once every 50 years. *Id.*; see also Nixon, *supra*, at 16 (noting poor enforcement of child labor laws). Moreover, even if violations are found, violators are rarely penalized. Nixon, *supra*, at 16. This crisis has led one children's rights advocate to condemn the U.S. child labor situation as the worst since the 1930s. *Id.* A U.S. General Accounting Office study showed a 250% increase in child labor violations between 1983 and 1990. WORLD'S CHILDREN 1997, *supra* note 8, at 20. A majority of U.S. child workers are employed in agriculture, and a high proportion of them are from immigrant or ethnic minority families. *Id.*

56. *Child Labor*, *supra* note 53, at *3.

57. *Id.*; see also WORLD'S CHILDREN 1997, *supra* note 8, at 26 (citing *Report of the ILO Governing Body, 265th Sess.*, at 4 (Mar. 1996)).

58. *Id.* at *4 (referring to ILO's experimental statistical survey). The proportion of child workers under age 10 was 14% in Turkey and 20% in Ghana and Senegal. *Id.*

59. *Id.* at *3.

60. Browning, *supra* note 1, at 181.

61. *Child Labor*, *supra* note 53, at *5-6; see also Boyden & Rialp, *supra* note 54, at 186 (discussing exploitation of child labor).

62. See *Child Labor*, *supra* note 53, at *20 (reporting that many younger girls and boys have been recruited into sex industry in several Asian countries due to AIDS epidemic); Committee of Ministers of the Council of Europe, Recommendation No. R(91) 11, in EUROPEAN PERSPECTIVE, *supra* note 25, at 127 (noting that "sexual exploitation of children and young adults for profit-making purposes in the form of pornography, prostitution and traffic of human beings has assumed new and alarming dimensions at national and international levels").

ment.⁶³ The nature and environment of their work can be extremely unhealthy and hazardous.⁶⁴ Often, their work prevents them from attending school.⁶⁵

As if all of that were not enough, child slavery is an amazingly widespread problem, even in this modern age where slavery officially has been abolished everywhere.⁶⁶ Tens of millions of working children are literally slaves or in debt bondage.⁶⁷ An international traffic in the sale of these children has developed and continues to grow.⁶⁸ Moreover, these child slaves often are physically, mentally or sexually abused by their owners.⁶⁹

Finally, street children are noticeably common in many of the world's cities. An estimated 100 million children, often without any family whatsoever, eke out a precarious existence living and working on city streets,⁷⁰ where they are subject to exploitation, violence and even systematic murder.⁷¹

63. *Child Labor*, *supra* note 53, at *4-5; *see also Plan of Action*, *supra* note 45, ¶ 23 (stating that children are often involved in employment that is harmful to their health and full development).

64. *Child Labor*, *supra* note 53, at *5.

65. *Id.* at *4; *see also Plan of Action*, *supra* note 45, ¶ 23 (noting that child labor often interferes with child education).

66. *Child Labor*, *supra* note 53, at *5.

67. *Id.* The ILO describes child slavery as the situation where an employer exercises rights of ownership, whether temporary or permanent, over a child. *Id.* Child slaves may be used by the employer or hired out to third parties. *Id.* Child slavery is particularly prevalent in agriculture, domestic service, the sex industry, carpet and textile industries, quarrying and brick-making. *Id.* at *5-6.

68. *Sale of Children: Report Submitted by Mr. Vitit Muntarhorn, Special Rapporteur*, U.N. ESCOR, Commission on Human Rights, 49th Sess., Agenda Item 24, ¶ 161, U.N. Doc. E/CN.4/1993/67 (1993) (describing sale of children into prostitution as particular area of concern). A 1993 Special Report on the sale of children noted that cross-frontier trafficking of women and children was becoming more apparent and that countries which had not previously been known for child prostitution were becoming so. *Id.*

69. *Child Labor*, *supra* note 53, at *5. Girl domestic servants, for example, are extremely vulnerable because they often work long hours and live away from home, in almost total isolation from family and friends. *Id.* As a result, the psychosocial health of these children is often at great risk, and many children display symptoms of withdrawal, regression, premature aging, depression and low self-esteem. *Id.*

70. Ratnasabapathy, *supra* note 53, at 1.

71. *See WORLD'S CHILDREN*, *supra* note 8, at 28-29 (explaining that in parts of Latin America, businesspeople have hired off-duty police, security guards or professional killers to kill street children); *see also WORLD'S CHILDREN 1997*, *supra* note 8, at 40.

F. *Education*

More than 100 million school-age children have no access to any kind of basic primary education.⁷² Additional millions fail to use or complete such education.⁷³ As a result, there are 960 million illiterate adults in the world.⁷⁴ The lack of education of these children severely stunts their chances for a decent life in the future.⁷⁵ It also perpetuates a vicious circle because illiteracy is linked directly to serious problems affecting a nation's economic development, productivity, health, nutrition and population control.⁷⁶

There also is a particular problem in education with respect to gender disparity.⁷⁷ Among children not attending school, twice as

72. WORLD'S CHILDREN, *supra* note 8, at 80-81 tbl.1; *id.*, at 86-87 tbl.4 (listing literacy rate and primary school enrollment ratio); Frank P. Dall, *Children's Right to Education: Reaching the Unreached*, in IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD, *supra* note 17, at 143.

73. Dall, *supra* note 72, at 143. In many developing countries, substantially fewer than half of the children reach grade five. For example, in Somalia, the figure is a mere 3%, in Ethiopia, it is 15%, and in Burkina Faso, it is 23%. *Statistical Profiles*, in PROGRESS OF NATIONS, *supra* note 10, at 52-53. Often, mandatory school fees, school uniform requirements and other costs effectively exclude poor children from publicly funded education. See David Parker, *Resources and Child Rights: An Economic Perspective*, in IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD, *supra* note 17, at 33, 48-49 (noting government role in school financing). One reason for the failure to use or complete education that is available is the child labor problem, discussed above in *supra* notes 54, 65 and accompanying text. Other reasons for incomplete education include overcrowded classrooms, lack of equipment, abysmal quality of teaching and violent disciplinary measures. See WORLD'S CHILDREN 1997, *supra* note 8, at 29.

74. Dall, *supra* note 72, at 143.

75. *Id.* at 153 (citing Thomas Owen Eisemon, *The Consequences of Schooling: A Review of Research on the Outcomes of Primary Schooling in Developing Countries*, in *Education Development Discussion Paper*, No. 3 (1991)) (stating that studies have suggested that children who have access to good primary education have better chance in life).

76. *Id.* at 144, 146, 150-53. Social returns from investment in primary education are about 27% higher than from other social investment. *Id.* at 151. Dall suggests that an increase in one year in the average years of education could result in a 3% increase in the real gross domestic product (GDP). *Id.*

77. See *id.* at 155 (discussing gender disparity).

many are girls,⁷⁸ and a large proportion of illiterates are women.⁷⁹ This has serious social consequences. Women with no primary education are likely to marry at an earlier age and have more children who are less likely to survive.⁸⁰ In India, for example, the infant mortality rate of babies whose mothers received a primary education is one-half that of the children of uneducated mothers.⁸¹

G. *The Industrial World*

Thus far, I have been looking at the state of children in the developing world. In the wealthy industrial nations, aggregate world statistics are very favorable.⁸² But even in these nations, some children live in extreme poverty and are subject to many of the same problems that children in the developing world face.⁸³ For

78. WORLD'S CHILDREN, *supra* note 8, at 71; *see also League Table of Girls Out of School*, in PROGRESS OF NATIONS, *supra* note 10, at 30-31 (providing percentage of primary school age girls who are not attending school). In 1990, 70% of the 300 million children without access to primary or secondary education were girls. Dall, *supra* note 72, at 155. In some individual countries, the figure is extremely high; 94% of girls in Somalia are not enrolled in primary school. *League Table of Girls out of School*, *supra*, at 30.

Causes for this disparity in school enrollment include: cultural tradition, limited future economic opportunities for women, cost of education, domestic chores for girls, gender bias, sexual harassment in schools, and risk of rape and injury as they walk to school. Patricia Leone, *Educational Commentary: Keeping Girls in School*, in PROGRESS OF NATIONS, *supra* note 10, at 28, 29.

79. *See* Dall, *supra* note 72, at 155 (noting that 700 of 960 million illiterate adults are women). For example, the adult literacy rate in 1990 in South Asia was 59% for men and 32% for women. WORLD'S CHILDREN, *supra* note 8, at 98 tbl.10.

80. *Girls' Education: A Lifeline to Development*, *supra* note 78, at 71; *see also* Dall, *supra* note 72, at 151 (noting relationship between survival of child and level of mother's education).

81. Dall, *supra* note 72, at 151. In India, the adult literacy rate in 1990 was 62% for men and 34% for women. WORLD'S CHILDREN, *supra* note 8, at 86 tbl.4.

82. *See, e.g., Statistical Profiles*, in PROGRESS OF NATIONS, *supra* note 10, at 52, 53 (providing birth rate statistics for regions of the world). For example, the United States's under-five mortality rate (U5MR) of 10 per 100,000 is comparable to that of nations like France, Denmark, Italy and the United Kingdom, and much lower than the U5MR of a majority of countries in Asia and Africa. *Id.*

83. For the first time, UNICEF's *The Progress of Nations 1996* report had a separate chapter to mark the progress of the industrial world. *See* Peter Adamson, *The Industrial World Commentary: Beyond Basics*, in PROGRESS OF NATIONS *supra* note 10, at 42-49 (noting well-being of children in economically advanced countries). The report pointed out that, while the most obvious needs have been met for the great majority of an industrial nation's children, perhaps as many as 80-90%, a minority of children in the industrialized nation still need our attention. *Id.* at 43. Other scholars have discussed more fully, in separate works, the problems of implementing the Convention in specific industrial countries. *See, e.g.,* Coby de Graaf, *The Relevance of the Convention on the Rights of the Child in Holland*, in CHILDREN'S RIGHTS: A COMPARATIVE PERSPECTIVE 33, 33-64 (Michael Freeman ed., 1996) [hereinafter CHILDREN'S RIGHTS] (discussing implementation of Convention in the Netherlands); Stephen J. Toope, *The Convention on the Rights of the Child: Implications for*

example, in the wealthiest country in the world, the United States, twenty-two percent of the children live below the poverty line;⁸⁴ that figure represents roughly sixteen million children.⁸⁵ This statistic places the United States, by far, at the bottom of the list of industrial nations, most of whom have succeeded in keeping child poverty rates well below five percent.⁸⁶ In the major cities of the United States, rates are much higher, often over fifty percent.⁸⁷ Children in single mother families, who represent one-half of the poor children, also have poverty rates exceeding fifty percent.⁸⁸ Unfortunately, the situation in the United States has been deteriorating for quite some time; in 1969, thirteen percent of the children lived in poverty.⁸⁹ With the recent substantial erosion of our

Canada, in CHILDREN'S RIGHTS, *supra*, at 113, 113-23 (discussing implementation of Convention in Canada).

In addition, new criteria for measuring progress are suggested for industrial nations. Adamson, *supra*, at 43. These new indicators include the proportion of children living below national poverty lines, illiteracy, teenage fertility rates, teenage tobacco use, youth suicide rates, injury death rates and fatherless families. *Id.*

84. ANNIE E. CASEY FOUNDATION, SEVENTH ANNUAL KIDS COUNT DATA BOOK (1996) [hereinafter KIDS COUNT DATA BOOK]; *Safety Nets for Children Are Weakest in U.S.*, in PROGRESS OF NATIONS, *supra* note 10, at 45 (citing Luxembourg Income Study survey). Each day in the United States, 2,556 babies are born into poverty. Children's Defense Fund, *Facts and Figures* (visited Jan. 29, 1997) <<http://www.tmn.com/cdf/facts.html#uschildren>>.

85. Children Now, *Our Nation's Children* (visited Jan. 29, 1997) <<http://www.dnai.com:80/~children/nation/nation.html>> [hereinafter *Our Nation's Children*]. See generally KIDS COUNT DATA BOOK, *supra* note 84.

86. See *Safety Nets for Children Are Weakest in U.S.*, *supra* note 84, at 45 (noting that Austria, Belgium, Denmark, Finland, Luxembourg, Norway, Sweden and Switzerland have child poverty rates below 5%). Only Australia, Canada, Ireland and Israel have poverty rates of more than 10%, and these are all substantially lower than the U.S. rates. *Id.* In addition, all other industrial nations do more to lift their children out of poverty than the United States does. *Id.* (citing Luxembourg Income Study survey). Sixty-eight percent of people receiving welfare in the United States are children. *Our Nation's Children*, *supra* note 85. Nevertheless, in dollar amounts, poor children in the U.S. are one-third worse off than the average low-income child in 17 other industrialized countries. *Only Ireland and Israel Have Poorer Children than U.S.*, in PROGRESS OF NATIONS, *supra* note 10, at 45.

87. Craig R. McCoy, *Poverty Falls Nationwide; Rises in Philadelphia*, PHILA. INQUIRER, Apr. 14, 1995, at A1.

88. *Half of Solo Mothers in Poverty in Australia, Canada and U.S.*, in PROGRESS OF NATIONS, *supra* note 10, at 44 [hereinafter *Solo Mothers*]; see also Nat'l Ctr. for Educ. Studies, U.S. Dep't of Educ., *Youth Indicators 1996/Indicator 21.Poverty* (visited Jan. 29, 1997) <<http://www.ed.gov/NCES/pubs/yi/y9621a.html>> (stating that, in 1994, 57.7% of children under 18 in families with female head were in poverty).

The United States has the highest percentage of children in single-mother families living in poverty: 59.5%. *Solo Mothers*, *supra*, at 44. At 21.2%, the United States also has more children living in single-mother families than any other industrial nation. *Absent Fathers Linked to Economic Pressures*, in PROGRESS OF NATIONS, *supra* note 10, at 44.

89. *Safety Nets for Children Are Weakest in U.S.*, *supra* note 84, at 45.

child welfare programs, the number of poverty-stricken children is sure to climb much higher than the present rate in the near future.⁹⁰ In comparison, most of the other industrial countries have been much more successful in protecting their poor children from the consequences of poverty, such as lack of health care, substandard housing, homelessness and violence.⁹¹

To summarize, in the developing world there are serious problems for children with respect to mortality, war, lack of adequate nutrition, health care, education and protection from oppressive labor. Even in the wealthy industrial nations, there is often a very poor child population that shares some of these problems. Is the world doing anything to change the desperate condition of its children?

III. THE PROMISE TO THE CHILDREN

Increasingly, the nations of the world have heard the "cry of the children" and have made formal promises to protect and care for them. I will examine two important sets of promises made at the beginning of this decade: (1) those contained in the U.N. Convention on the Rights of the Child⁹² and (2) those made in connection with the World Summit on Children.⁹³

90. *Id.* See generally Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (effective with exceptions, July 1, 1997) (revising child welfare statute, 42 U.S.C. §§ 601-603a (1994)).

91. See Rachel L. Jones, *Health Plans Cover Fewer U.S. Children*, PHILA. INQUIRER, July 31, 1996, at A1 (citing 1996 U.S. General Accounting Office Report) (noting that in 1994, 14.2% of U.S. children (10 million) had no health insurance and no coverage under any welfare health program). That figure is only marginally better than the 17% of children who went without health insurance in 1993. *Our Nation's Children*, *supra* note 85. Furthermore, many poor children live in terrible slum conditions. See *Youth Indicators 1996/Indicator 13: Housing Condition of Children* (visited Jan. 29, 1997) <<http://www.ed.gov/NCES/pubs/yi/y9613a.html>> (providing housing status of children).

Violence, too, takes its toll on children in the United States. In 1991, 5,356 children died from gun-inflicted wounds—15 per day. *Our Nation's Children*, *supra* note 85.

92. For a discussion of the implementation of the promises made in the U.N. Convention on the Rights of the Child, see *infra* notes 94-136 and accompanying text.

93. For a discussion of the implementation of the promises made in connection with the World Summit for Children, see *infra* notes 137-46 and accompanying text.

A. *U.N. Convention on the Rights of the Child*

The U.N. Convention on the Rights of the Child ("Convention")⁹⁴ is an international human rights treaty containing an unprecedentedly large and comprehensive body of promises to children by the nations of the world.⁹⁵ The Convention, ten years in the drafting, was approved unanimously by the U.N. General Assembly in 1989 and received a phenomenal response.⁹⁶ It went into force in 1990 and was ratified by more nations in a shorter period of time than any other international convention in history.⁹⁷ Today, 189 countries are parties to the Convention.⁹⁸ This is almost universal ratification. Only four nations have not yet ratified.⁹⁹ Although the United States was active in the drafting of the Convention and has signed it, it is among the very few countries that have not ratified the Convention.¹⁰⁰

The Convention recognizes two kinds of children's rights. There are rights based on the assumption that children are a particularly vulnerable population that needs special protection and care.¹⁰¹ These rights are positive economic, social and cultural rights of children to survival, protection and development.¹⁰² Be-

94. United Nations Convention on the Rights of the Child, *adopted by the U.N. General Assembly, Nov. 20, 1989, G.A. Res. 44/25, 28 I.L.M. 1448* (entered into force Sept. 2, 1990), *reprinted in INTERNATIONAL DOCUMENTS ON CHILDREN, supra* note 45, at 7, 9-29 [hereinafter *Convention*].

95. Himes, *supra* note 52, at 1 (paraphrasing U.N. Centre for Human Rights).

96. LAWRENCE J. LEBLANC, *THE CONVENTION ON THE RIGHTS OF THE CHILD*, at xi (1995).

97. The Convention entered into force a mere 10 months after its adoption by the General Assembly. *Id.* It "has become the most rapidly [and widely] accepted human rights treaty in history." *The Convention: From Acceptance to Observance, in PROGRESS OF NATIONS, supra* note 10, at 38 [hereinafter *Convention Acceptance*]; *see also Committee on the Rights of the Child Concludes Eleventh Session at Geneva, 8-26 January, U.N. Doc. HR/4289* (press release) [hereinafter *Press Release*] (discussing how Convention has been widely accepted).

98. *Multilateral Treaties Deposited with the Secretary General, U.N. Doc. ST/LEG/SERE/13/IV.11* (visited Feb. 20, 1997) <http://www.un.org/Dept/Treaty/final/ts2/newsfiles/part_boo/iv_boo/iv_11.htm> [hereinafter *Multilateral Treaties*].

99. *Multilateral Treaties, supra* note 98. The nations that have not yet signed the treaty are the Cook Islands and Somalia. *See id.* (listing accession of Oman and United Arab Emirates to Convention in 1996). Switzerland and the United States have signed but not ratified the Convention. *Id.*

100. *Id.*

101. The Preamble cites statements of this need for special protection and care in the Universal Declaration of Human Rights and the Declaration of the Rights of the Child. *Convention, supra* note 94, pmbl.

102. For a further discussion of the positive economic, social and cultural rights of children to survival, protection and development, *see infra* notes 106-18 and accompanying text.

The Progress of Nations 1996 sets forth the distinction between positive and negative rights. *See Partha Dasgupta, Commentary: National Performance Gaps, in PRO-*

cause these rights are particularly relevant to the problems of the world's children that I have outlined, these rights will be the focus of my discussion.¹⁰³

Despite its focus on children's rights, the Convention basically is a pro-family document. It recognizes the family as the natural environment for child development and makes clear that parents have the primary right and responsibility to raise their own children, without interference from their government or by the U.N.¹⁰⁴ Moreover, it contains many provisions that are designed to preserve the integrity of the family.¹⁰⁵

The economic, social and cultural, as opposed to civil and political, rights recognized by the Convention can be grouped into two categories:

1. *Protection from harm.* This includes protection from: physical, mental and sexual abuse and neglect;¹⁰⁶ economic, sexual and other exploitation;¹⁰⁷ harmful labor;¹⁰⁸ armed conflict;¹⁰⁹ torture or cruel treatment;¹¹⁰ abduction, trafficking and illicit transfer abroad;¹¹¹ harmful drugs;¹¹² traditional practices harmful to health (such as female genital mutilation);¹¹³ and separation from parents.¹¹⁴

GRESS OF NATIONS, *supra* note 10, at 32, 33 (defining "negative rights" as "rights not to be wronged in some specific way" and defining "positive rights" as "rights to goods and benefits that are produced").

103. The Convention also recognizes children as autonomous human beings with extensive civil and political rights and freedoms that I will not examine here. These include fundamental freedoms and rights possessed by adults as well as children, including the right to life (art. 6); the right to a name, nationality and identity (arts. 7, 8); the right to be heard in all matters affecting the child (art. 12); freedom of expression (art. 13); freedom of thought, conscience and religion (art. 14); freedom of association and assembly (art. 15); the right to privacy (art. 16); the right of access to information (art. 17); and freedom from discrimination (art. 2). Convention, *supra* note 94, at 11-12.

104. *See id.* pmb. ¶ 5, arts. 3, 5, 18 (discussing obligations and rights of parents).

105. *Id.* arts. 7-10.

106. *Id.* art. 19.

107. *Id.* arts. 32, 34, 36.

108. *Id.* art. 32.

109. *Id.* art. 38.

110. *Id.* art. 37.

111. *Id.* arts. 11, 35.

112. *Id.* art. 33.

113. *Id.* art. 24.

114. *Id.* art. 9.

2. *Special care.* This includes the right of the child to an adequate standard of living,¹¹⁵ health care,¹¹⁶ nutrition¹¹⁷ and education.¹¹⁸

Unlike prior declarations on the rights of the children,¹¹⁹ the Convention imposes binding obligations on all of the nations that have ratified it.¹²⁰ The Convention recognizes, however, that economic, social and cultural rights, particularly those involving special care, such as the standard of living, health care, nutrition and education, may require substantial resources to implement.¹²¹ Poor countries, therefore, are obligated to provide this protection and care only “to the maximum extent of their available resources and, where needed, within the framework of international cooperation.”¹²² Thus, such countries may be able to implement some of

115. *Id.* art. 27 (“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 . . .”).

116. *Id.* art. 24 (establishing “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”).

117. *See id.* art. 24(2)(c), (e) (requiring “provision of adequate nutritious foods and clean drinking-water” in addition to making available “basic knowledge of child health and nutrition [and] the advantages of breast-feeding”).

118. *See id.* art. 28 (ensuring “right of the child to education,” including compulsory primary education free for all children and secondary and higher education accessible to all children). In addition, the Convention provides children with the right to rest and leisure as well as the right to enjoy cultural activities. *Id.* arts. 30-31.

119. *See, e.g.,* Declaration on the Rights of the Child, G.A. Res. 1386, U.N. GAOR, 14th Sess., Supp. No. 16, at 1, U.N. Doc. A/4354 (1959) (calling for nations to “recognize” child rights and “strive for their observance”), *reprinted in* LEBLANC, *supra* note 96, at 290, 290-92; The Geneva Declaration of the Rights of the Children (1924), *reprinted in* LEBLANC, *supra* note 96, at 289 (declaring that it is “duty” of mankind to give children “the best that it has to give”). These Declarations were brief, nonbinding documents that stated only general principles regarding the care and protection of children.

120. *See* Convention, *supra* note 94, arts. 2, 4 (indicating that nations who are parties to Convention commit themselves to respect and implement all rights included in it). In addition, most of the substantive provisions of the Convention impose obligations on parties through such mandatory language as: “shall respect and ensure,” “shall ensure,” “shall undertake,” “shall undertake to respect” and “shall take all appropriate measures.” *Id.* arts. 2-4, 8, 19. Very few provisions appear to provide for children’s rights directly. For example, “the child shall have the right to freedom of expression.” *Id.* art. 13.

121. *Id.* arts. 4, 24, 27(3).

122. *Id.* art. 4. Similar language also is contained in articles creating rights to specific care. For example, Article 6 ensures survival and development of the child “to the maximum extent possible.” *Id.* art. 6. Article 23(2) permits care for disabled children to be implemented “subject to available resources.” *Id.* art. 23(2). Article 24 provides for the “highest attainable standard of health,” and Article 27(3) provides that countries will attempt to provide an adequate standard of living “in accordance with national conditions and within their means.” *Id.* arts. 24,

these rights only “progressively” over a period of time.¹²³ But, in the effort to comply, they are required to devote “maximum” resources to children and to give them priority in the allocation of resources.¹²⁴

Although the Convention imposes binding obligations, it contains no enforcement mechanism. It does not provide that another nation or an aggrieved individual may call a ratifying country to account before any international tribunal for violating the Convention.¹²⁵ Nor is there any provision for making the Convention di-

27; see also Himes, *supra* note 52, at 23-29 (noting that countries' ability to provide protection is subject to resource-related constraints).

123. See, e.g., *id.* art. 28(1) (requiring that countries provide children with education, but realistically aims at “achieving this right progressively”). Similarly, the Convention allows countries to “achiev[e] progressively the full realization of” health care. *Id.* art. 24(4).

124. See *id.* art. 4 (implying priority for children in phrase, “to the maximum extent of their available resources”); see also Dasgupta, *supra* note 102, at 33 (recognizing that certain countries may not have sufficient resources to ensure children's rights); Thomas Hammarberg, *Foreword to IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD*, *supra* note 17, at viii (noting that all countries should “give priority” to children); Toope, *supra* note 83, at 36 (noting that Convention requires states to “reassess their spending priorities” to provide protection to children). In fact, two proponents interpret Article 4's language to mean that “minimum core obligations” should be fulfilled immediately. See Himes & Saltarelli, *supra* note 51, at 240-41 (interpreting that states should provide minimum level of essential social services as well as “respect, protect, facilitate and fulfill children's rights” regardless of resource constraints). Additionally, “available resources” should be broadly defined to include not only finances, but also “human, economic and organizational” resources at all levels, “from the family to the nation to the international [community].” Himes, *supra* note 52, at 4-9, 29; see Parker, *supra* note 73, at 35-36 (reiterating that adoption of principle of children's rights gives rise to “obligations . . . at all levels of society”).

125. See Sanford J. Fox, *Report on the United Nations Convention on the Rights of the Child*, 15 CHILDREN'S LEGAL RTS. J. 15, 17 (1995) (“The possibility of international adjudication under the Convention is remote at best.”).

While such enforcement by the International Court of Justice (ICJ) may be theoretically possible, in practice the ICJ has “remained a relatively marginal actor in terms of the U.N.'s overall human rights endeavors.” Philip Alston, *Appraising the United Nations Human Rights Regime*, in *THE UNITED NATIONS AND HUMAN RIGHTS* 1, 8 (Philip Alston ed., 1992). To the extent that Convention provisions have been incorporated into regional and specialized human rights instruments, international enforcement is more likely. See Cynthia P. Cohen, *The Developing Jurisprudence on the Rights of the Child*, 6 ST. THOMAS L. REV. 1, 92 (1993) (recognizing that while U.N. cannot impose direct sanctions for failure to comply with Convention, national legislation can apply sanctions for disregard of Convention standards). The European Human Rights Commission and the European Court, for example, have played an important role in the enforcement of human rights. See BARRY E. CARTER & PHILLIP R. TRIMBLE, *INTERNATIONAL LAW* 958-62 (2d ed. 1995) (summarizing courts' protection of human rights in member states). Children have successfully brought cases for enforcement of their rights under the European Convention on Human Rights. See HENRY J. STEINER & PHILIP ALSTON, *INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS & MORALS* 588-89 (1996) (describing courts' impact on protection of illegitimate children); GERALDINE VAN

rectly enforceable in the courts of a ratifying country. Whether there is such direct enforceability is left to the domestic law of each nation.¹²⁶

BUEREN, THE INTERNATIONAL LAW ON THE RIGHTS OF THE CHILD 72 (1995) (discussing treatment of children's rights by European Commission of Human Rights and European Court of Human Rights). *But see* Cohen, *supra*, at 59-71 (noting that Convention appears to bestow upon children right to "use legal means to enforce" their legally-granted rights).

126. *See* Albert Bleckmann, *Self-Executing Treaty Provisions*, in 7 ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW 414 (Rudolf Bernhardt ed., 1984) (noting that direct applicability presupposes that treaty can take effect within domestic law). A treaty that becomes directly enforceable in the courts of a nation upon its ratification by that nation is often known as a self-executing treaty. *Id.*

The international community disagrees about whether a treaty is generally "self-executing" in the sense that it may be enforced directly in the courts of a party to the treaty without domestic implementing legislation. *See* BENEDETTO CONFORTI, INTERNATIONAL LAW AND THE ROLE OF DOMESTIC LEGAL SYSTEMS 26 (1993) (recognizing "reluctance of domestic legal operators to implement an international agreement" in absence of general or specific domestic rule). This conflict is illustrated with the Convention. In a review of the reports of 43 countries to the Committee on the Rights of the Child, UNICEF found 16 countries which said the Convention may be invoked directly in their courts. *See Translating Principles into Law*, in PROGRESS OF NATIONS, *supra* note 10, at 39 (citing Australia and France as countries in which Convention actually has been invoked in court); *see also* Minister of State v. Teoh (1995) 183 C.L.R. 273 (Austl.) (deciding that refusal of Teoh's application for temporary entry permit without consideration of effects on Teoh's Australian-born children was inconsistent with Convention).

On the other hand, other nations have taken the opposite approach and stated that the Convention is not self-executing, either because their view is that treaties generally are not self-executing or because the language of the Convention indicates that it should not be self-executing. *See* Bleckmann, *supra*, at 414 (noting that leading theory of treaty interpretation asserts that there are no self-executing treaties because domestic execution of international law is reserved to national law). For a discussion of how the Convention primarily creates state obligations rather than individual rights, *see supra* note 120.

One nation, Germany, entered a nonself-executing reservation upon ratification. *See Multilateral Treaties, supra* note 98 (Germany's reservation) (declaring that Convention does not apply directly to German domestic law, but "establishes state obligations under international law that the Federal Republic of Germany fulfills in accordance with its national law"). The U.S. government has expressed a "strong preference," particularly as to human rights treaties, that treaties be nonself-executing so as "not to use the unicameral treaty power of the United States Constitution to effect direct changes in the domestic law of the United States." Marian Nash (Leich), *Contemporary Practice of the United States Relating to International Laws*, 89 AM. J. INT'L L. 589, 590 (1995) (citing Conrad K. Harper, Legal Adviser, Department of State, Address to Human Rights Committee of United Nations (Mar. 29, 1995)). For a further discussion of the U.S. position on nonself-executing treaties, *see generally* Carlos Manuel Vasquez, *The Four Doctrines of Self-Executing Treaties*, 89 AM. J. INT'L L. 695 (1995).

Even if the Convention is not self-executing, provisions of it theoretically might be recognized in a domestic court as part of customary international law or viewed as an aid to the interpretation of domestic law. *See generally* Fox, *supra* note 125, at 17 (noting that Convention may play interpretive role in applying customary international law). A court of appeals judge in New Zealand, for example, has held that "principles of the Treaty" could be used in interpreting statutes which do not even mention the Convention. *See* Mark Henaghan, *New Zealand and the United*

The Convention created the Committee on the Rights of the Child ("Committee") to monitor implementation.¹²⁷ But the Committee has no power to enforce.¹²⁸ It is not a prosecutorial or adjudicatory body;¹²⁹ instead, it tries to obtain compliance by persuasion, suggestion and assistance, rather than by confrontation.¹³⁰ The monitoring system centers on periodic reports that the Convention requires each nation to submit to the Committee.¹³¹ The reports should describe the implementing measures that have been taken and the status of children's rights in the reporting nation.¹³²

Nations Convention on the Rights of the Child: A Lack of Balance, in CHILDREN'S RIGHTS, supra note 83, at 170 (citing New Zealand Maori Council v. Attorney-General [1987] 1 N.Z.L.R. 641; Huakina Dev. Trust v. Waikato Valley Auth. [1987] 12 N.Z.T.P.A. 129).

127. Convention, *supra* note 94, art. 43. The Committee is established "[f]or the purpose of examining the progress made by States Parties in achieving the realisation of the obligations undertaken in the present Convention" and consists of ten experts who serve in their personal capacities, not as representatives of their governments. *Id.* The Convention requires that the Committee "shall consist of ten experts of high moral standing and recognised competence in the field covered by this Convention." *Id.* At present, Committee members come from Burkina Faso (Chair), Barbados, Brazil, Egypt, Israel, the Philippines, Portugal and Zimbabwe. *See Press Release, supra* note 97 (reporting results of January 1996 election). For a further discussion of the Committee, see LEBLANC, *supra* note 96, at 185-272 (discussing Committee's function and structure) and Cohen, *supra* note 125, at 24-45 (same).

128. *See Fox, supra* note 125, at 20 (noting, however, that publication of Committee's report within "state party" can fuel domestic opinion in favor of further implementing Convention's protected rights).

129. The Committee's function mirrors the function of similar human rights monitoring bodies, such as the Human Rights Committee established under the International Covenant on Civil and Political Rights. *See Cohen, supra* note 125, at 20 (stating that Articles 43 and 44 "follow the usual format" for creating "United Nations human rights treaty monitoring body"); Torkel Opsahl, *The Human Rights Committee, in THE UNITED NATIONS AND HUMAN RIGHTS, supra* note 125, at 369-70 (describing functions of Human Rights Committee). Generally, these committees receive and review "state party" reports, and publish conclusions based upon the reports. *See Cohen, supra* note 125, at 20-21 (explaining that some committees may have power to conduct further inquiry into "state party conditions").

130. *Cohen, supra* note 125, at 21 (noting that because Committee has no adjudicatory powers, its "main mechanism" for assuring compliance is "threat of negative publicity and exposure to international scorn"). In addition, the Committee makes suggestions in its concluding observations and provides technical assistance, if necessary. *See id.* at 32, 33-39 (explaining measures Committee may invoke to monitor treaty compliance and illustrating Committee's response to Egyptian report in 1992).

131. Convention, *supra* note 94, arts. 43, 44.

132. *Id.* art. 44, ¶¶ 1, 2. The Committee has established guidelines for the contents of the reports, which ask the country to state implementing measures in force, difficulties encountered and progress achieved regarding eight areas of concern. *See General Guidelines Regarding the Form and Content of Initial Reports to Be Submitted by States Parties*, Comm. Rts. Child, 1st Sess., 22d Mtg., U.N. Doc. CRC/C/5 (1991) [hereinafter *General Guidelines*] (emphasizing that process of preparing

The Committee reviews each report at a public meeting with representatives of the reporting nation.¹³³ After the meeting, the Committee prepares written Concluding Observations, which con-

report "should be one that encourages and facilitates popular participation and public scrutiny of government policies"). For a further discussion of reports to be submitted to the Committee, see LEBLANC, *supra* note 96, at 228-55 and Cohen, *supra* note 125, at 29-32. Copies of each country's report are available as a separate U.N. document. See, e.g., U.N. Doc. CRC/C/3/Add.6 (1992) (Egypt); U.N. Doc. CRC/C/3/Add.4 (1992) (Vietnam).

133. See LE BLANC, *supra* note 96, at 256-58 (noting that Committee prefers to meet with "high-level government officials" who are responsible for implementing Convention's provisions). The Convention makes no express provision for the procedure of reviewing reports but does provide for annual Committee meetings. See Convention, *supra* note 94, art. 43 ("The Committee shall normally meet annually."). Meetings now convene three times a year, with each session lasting weeks. Sandra Mason, Committee Member, Address at Conference on U.N. Convention on the Rights of the Child: Prospects for the Year 2000 (New Orleans, Feb. 13-15, 1997) [hereinafter Convention Conference]. For three weeks, the Committee meets with representatives of reporting nations to discuss their reports. *Id.* The fourth week is spent on pre-session review of reports to be discussed at the next session. *Id.* Seventy reports have been reviewed in this manner, although 100 have been submitted. Yuri Kolosov, Committee Member, Address at Convention Conference, *supra*. Six or seven reports are reviewed at each session—18 to 20 each year. *Id.*; see also UNICEF, *Concluding Observations of the Committee* (last modified June 1996) <<http://www.unicef.org/crc/observ.htm>>.

The Rules of Procedure provide for the review process at Committee meetings. *Rules of Procedure, supra*, at Rules 66-74. A working group of the Committee works with the government of the reporting nation to prepare for the meeting, drawing up a list of questions which the nation is requested to answer and which will serve as the basis for discussion. See LEBLANC, *supra* note 96, at 257-58 (noting that Committee informs governments that list of questions is not exhaustive but is intended to facilitate constructive dialogue); Cohen, *supra* note 125, at 32 ("These periods of spontaneous questions and answers can be lively and informative."). The Committee may also obtain additional information about that country from sources such as specialized U.N. agencies, UNICEF, other human rights committees and non-governmental organizations (NGOs). Convention, *supra* note 94, art. 45; *Rules of Procedure, supra*, at Rule 70. An NGO group representing 30 organizations actively participates in the work of the Committee, and often, national NGOs of the country under review will submit reports. LEBLANC, *supra* note 96, at 263-64; Cohen, *supra* note 125, at 56-58.

At the meeting, individual Committee members pose precise and detailed questions to the representatives of the country under review. See Cohen, *supra* note 125, at 32, 36 (illustrating, for example, in Committee's 1992 meeting with Egypt, how Committee members asked specific questions about "family identity card[s]" and "socially acceptable name[s]" required for children under Egyptian law). Summary records of the meetings are available as a separate U.N. document for each country reviewed. It usually takes three half-day sessions to review a report. See, e.g., *id.* at 37 (noting that Committee reviewed Egyptian report for three half-day sessions). Because of limited Committee membership and meeting days and inadequate resources of the U.N. Centre for Human Rights, which acts as a secretariat for the Committee, a backlog of unreviewed reports is building up. *Id.* at 28-29. A proposal to increase Committee membership to 18 members has been adopted by the General Assembly and is awaiting approval by two-thirds of the member nations. See *Promotion and Protection of the Rights of Children: Conference of States Parties to the Convention on the Rights of the Child*, G.A. Res. 155, U.N. GAOR, 50th Sess., Agenda Item 110, at 1, U.N. Doc. A/50/L.61/Rev.1 (1995) (urging

tain concerns, suggestions and recommendations.¹³⁴ The Committee submits the Concluding Observations, along with a transcript of the meeting, to the reporting nation and to several U.N. bodies and makes them available to the public.¹³⁵ From time to time, the Committee also may make general comments interpreting the Convention.¹³⁶

B. *World Summit for Children*

In 1990, the heads of state or government and other high level representatives from most of the nations of the world, including the

“states parties to take appropriate measures” to reach two-thirds majority as soon as possible).

134. See *LEBLANC*, *supra* note 96, at 266-68 (observing that Committee strictly adheres to common pattern developed by U.N. Human Rights Committee in issuing its Concluding Observations); see also Convention, *supra* note 94, art. 45(d) (“[T]he Committee may make suggestions and general recommendations based on information received pursuant to [the report and meeting].”). Copies of the Committee’s Concluding Observations for each country reviewed are available as separate U.N. documents. The Committee may also request additional information from a reporting country and schedule discussion of that information at a future meeting. See Convention, *supra* note 94, art. 44(4) (conferring upon Committee discretionary authority to request additional information); *Rules of Procedure*, *supra* note 133, at Rules 68-69 (providing that Committee may also designate time limit for receipt of additional information).

135. Convention, *supra* note 94, art. 45(b), (d); see also Cohen, *supra* note 125, at 32 (noting that formal report providing Committee’s conclusions is provided to reporting nation and submitted to General Assembly). The Committee believes that it is important for the report, a summary record of the meeting and the Concluding Observations to be widely disseminated in the reporting country and to be available internationally. See *Rules of Procedure*, *supra* note 133, at Rules 36-37 (noting that records of public meetings and all official documents “shall be documents for general distribution”); see also *Overview of the Reporting Procedures*, Comm. Rts. Child, 7th Sess., ¶¶ 21-22, 28, U.N. Doc. CRC/C/33 (1994) (summarizing procedures for Concluding Observations). The Convention provided that “States Parties shall make their reports widely available to the public in their own Countries.” Convention, *supra* note 94, art. 44, ¶ 6.

136. See *Rules of Procedure*, *supra* note 133, at Rule 75 (providing that in addition to reviewing reports at meetings, Committee occasionally may devote a meeting “to a general discussion of one specific article of the Convention or related subject”). The Convention states that the Committee, at such meetings, may invite specialized agencies to participate in the discussion and to provide “expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates.” Convention, *supra* note 94, art. 45(a). After the meeting, the Committee may make general observations about the topic discussed. See generally *Rules of Procedure*, *supra* note 133, at Rule 75 (providing for general discussion “[i]n order to enhance a deeper understanding of the content and implications of the Convention”). The Committee, for example, has had general discussions on children in armed conflict, economic exploitation of the child, juvenile justice as well as family and child relationships. See Cohen, *supra* note 125, at 41-43 (discussing Committee’s first general discussion day in October 1992). To aid in such general discussions, “the Committee may recommend to the General Assembly to request the Secretary General to undertake studies on specific issues.” Convention, *supra* note 94, art. 45(c); *Rules of Procedure*, *supra* note 133, at Rule 76.

United States, gathered for an historic World Summit for Children ("Summit").¹³⁷ They issued a World Declaration on the Survival, Protection and Development of Children ("World Declaration") and a Plan of Action ("Plan") for implementing the World Declaration by the year 2000¹³⁸ and, in some instances, set intermediate targets for the year 1995.¹³⁹ The Plan contained a number of detailed numerical goals for children, particularly those related to health, nutrition, water, sanitation, the environment, education, the status of girls, women and children in especially difficult circumstances and armed conflict.¹⁴⁰ For example, a goal of ninety percent immunization coverage was set for the year 2000.¹⁴¹

At the Summit, each nation agreed to prepare a National Program of Action (NPA) to achieve these goals.¹⁴² The vast majority

137. WORLD'S CHILDREN, *supra* note 8, at 63; *Progress Report on the Follow-Up to the World Summit for Children*, UNICEF, Executive Board, Annual Sess., Agenda Item 4, ¶ 1, U.N. Doc. E/ICEF/1995/15 (1995) [hereinafter *Progress Report 1995*]. Held on September 29 and 30, 1990 at the United Nations in New York, the World Summit for Children drew together 71 heads of state and foreign ministers as well as ambassadors from 88 other countries. *Id.* The high attendance made the Summit the "largest gathering of heads of state [ever]." Roger J.R. Levesque, *The Internationalization of Children's Human Rights: Too Radical for American Adolescents?*, 9 CONN. J. INT'L L. 237, 237 (1994).

138. *Plan of Action*, *supra* note 45, at 330; *World Declaration on the Survival, Protection and Development of Children*, U.N. GAOR, 45th Sess., Annex, U.N. Doc. A/45/625 (1990), reprinted in INTERNATIONAL DOCUMENTS ON CHILDREN, *supra* note 45, at 326-29 [hereinafter *World Declaration*].

139. *Progress Report 1995*, *supra* note 137, ¶ 1; see also *Plan of Action*, *supra* note 45 (providing guide for "ensuring the implementation of the World Summit for Children"); *World Declaration*, *supra* note 138, at 326-29 (outlining goals advanced by World Summit for Children).

Following the Summit, the General Assembly passed a resolution welcoming the adoption of the World Summit Declaration on the Survival, Protection and Development of Children ("World Declaration") and the Plan of Action and encouraged all countries to strive to achieve and uphold the goals set forth therein. *Progress Report 1995*, *supra* note 137, ¶ 2; see also *World Summit for Children*, G.A. Res. 217, U.N. GAOR, 45th Sess., 71st Plen. Mtg., U.N. Doc. A/RES/45/217 (1990).

In 1994, the World Declaration had been signed by 156 countries. *Progress Report on the Follow-Up to the World Summit for Children*, UNICEF, Executive Board, Annual Sess., ¶ 3, U.N. Doc. E/ICEF/1994/12 (1994) [hereinafter *Progress Report 1994*]. Mid-decade targets were adopted at several regional conferences in 1992. *Progress Report 1995*, *supra* note 137, ¶ 4. In addition, UNICEF and the World Health Organization (WHO) endorsed similar targets in 1993. *Id.*

140. See *Plan of Action*, *supra* note 45, ¶ 5(a)-(g) & app. (listing goals for children in 1990s).

141. *Id.* at app. (II)(C)(iv); see also WORLD'S CHILDREN, *supra* note 8, at 72 (listing "90 per cent immunization among under-ones" as goal for year 2000). A mid-decade goal of 80% immunization against six major vaccine-preventable childhood diseases was set for all countries. *Id.*

142. *Progress Report 1994*, *supra* note 139, ¶ 12. The Plan of Action urges nations to prepare national programs of action to implement the commitments outlined in the World Declaration. *Id.*; see also *Plan of Action*, *supra* note 45, ¶ 34(i). In addition, the Plan of Action encourages each country, in the context of its NPA, to

of developing countries and a substantial number of industrial countries, including the United States, now have completed their NPAs.¹⁴³ Many NPAs are quite detailed, containing specific strategies, programs and projects for achieving the goals and estimates of the resources needed.¹⁴⁴ But some NPAs are much briefer and more general.¹⁴⁵

To summarize, the promises that the nations of the world made in the Convention and in connection with the Summit are extremely wide-ranging—they cover every aspect of a child's well-being.¹⁴⁶ The promises demonstrate a world-wide commitment in this decade to the welfare of the child that is unprecedented in history. Thus, we have an unparalleled opportunity to make a vast improvement in the condition of our children. Are we doing it?

IV. KEEPING THE PROMISE TO THE CHILDREN

To what extent are the Convention, World Declaration and NPAs actually being implemented? We have a long way to go, but there are hopeful signs that the world, including many very poor

re-examine its plans, programs and budget. *Id.* ¶ 34(ii). "Families, communities, local governments, NGOs, [and] social, cultural, religious, business and other institutions, including the mass media, are encouraged to play an active role." *Id.* ¶ 34(iv). For a discussion of National Programs of Action, see Robert J. Ledogar, *Realizing Rights Through National Programmes of Action for Children*, in IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD, *supra* note 17, at 55-68.

143. See *Progress Report 1995*, *supra* note 137, ¶ 27 (reporting that smallest proportion of completed National Programs of Action (NPAs) was from Central and Eastern Europe and countries of former Soviet Union). As of 1996, 105 countries have finalized NPAs, covering 88% of the world's children. WORLD'S CHILDREN, *supra* note 8, at 64.

144. See Ledogar, *supra* note 142, at 56 (detailing what NPAs are to contain). The Plan of Action, among other goals, suggests that countries preparing NPAs include information about making children a priority, allocating or reallocating national resources effectively to benefit children, establishing monitoring and data-collecting mechanisms, and increasing social and political mobilization. *Plan of Action*, *supra* note 45, ¶¶ 33, 34.

Often, the NPAs were prepared after extensive consultation at all levels of government and with NGOs. WORLD'S CHILDREN, *supra* note 8, at 64. The preparation of NPAs offered many countries a means of coordinating efforts by both governmental and nongovernmental actors. *Id.* Some countries—Brazil and India, for example—even prepared state and local NPAs. *Id.*

145. See Ledogar, *supra* note 142, at 56 ("Some NPAs are rather broad general statements of goals, policies and strategies . . .").

146. For a discussion of the U.N. Convention on the Rights of the Child, see *supra* notes 94-136 and *infra* notes 148-62 and accompanying text. For a discussion of the World Summit for Children, see *supra* notes 137-45 and *infra* notes 163-82 and accompanying text.

countries, is making substantial progress towards keeping its promise to children.¹⁴⁷

A. *U.N. Convention on the Rights of the Child*

Although the U.N. cannot interfere with the sovereignty of a nation to enforce children's rights, the Convention is more than an abstract statement of rights. It is designed to improve the actual state of the world's children in a number of ways.

First, the process by which the Convention is ratified in a particular nation, and the discussion, publicity and activity of non-governmental organizations (NGOs) associated with it, creates an atmosphere of increased sensitivity to children's rights and to the needs and public pressure for change.¹⁴⁸

Second, the Convention is more than a declaration of concern for children. It consists of binding obligations, and, therefore, nations that take their treaty obligations seriously will exercise their best efforts to implement the Convention.¹⁴⁹ In addition, some countries have actually incorporated the entire Convention into domestic law.¹⁵⁰

Third, the monitoring activities of the Committee on the Rights of the Child, even though they are noncoercive and nonconfrontational, have the effect of influencing ratifying countries to implement the Convention for several reasons.¹⁵¹ First, the preparation and publication of the report itself focus the attention of government leaders and the public in the reporting nation on the detailed condition of its children and the deficiencies that

147. "The Convention has produced a profound change that is already beginning to have substantive effects on the world's attitudes towards its children." *WORLD'S CHILDREN 1997*, *supra* note 8, at 9. For a discussion of the substantial progress that has been made throughout the world with respect to the condition of children, see *infra* notes 148-82 and accompanying text.

148. As noted earlier, neither the Convention nor the Committee on the Rights of the Child can directly enforce the obligations imposed by the Convention. For a further discussion of the Convention's enforcement, see *supra* notes 125-32 and accompanying text.

149. For a further discussion of the obligations imposed by the Convention, see *supra* note 120 and accompanying text.

150. For a further discussion of the incorporation of the Convention into domestic law, see *supra* note 126 and *infra* note 159 and accompanying text.

151. See generally *Convention Acceptance*, *supra* note 97, at 38 (discussing purpose of Committee). Hoda Badran, the former chair of the Committee describes the operation of the Committee as "an unspectacular, even bureaucratic process, but it is aimed at bringing change inside national establishments—in national institutions, national plans, national legal systems, national policies—and we have seen enough in five years to know that it works." *Id.*

should be remedied.¹⁵² In addition, the Committee review process highlights deficiencies, makes suggestions for remedies and periodically examines what progress has been made since the last report.¹⁵³ The Committee also can make arrangements for technical advice and assistance, and bring to light the nation's need for international aid.¹⁵⁴ Finally, the record of the Committee review is made public in the reporting nation and internationally.¹⁵⁵ This creates internal political pressure on the government to remedy the deficiencies disclosed by the process and, at the same time, pressure to avoid a negative public image in the world.¹⁵⁶

Lastly, the Convention has inspired other international agreements relating to children's rights.¹⁵⁷

Reports to the Committee contain evidence that many nations have taken concrete steps to implement the Convention and actu-

152. For a further discussion of the preparation and publication of the report, see *supra* notes 131-35 and accompanying text. Article 44 of the Convention requires that the report be made "widely available to the public." Convention, *supra* note 94, art. 44, ¶ 6. The Guidelines require the reports to include information about "the measures undertaken or foreseen [by States Parties and] . . . to make their reports widely available to the public at large in their own countries." *General Guidelines*, *supra* note 132, ¶ 11.

153. For a further discussion of the Committee review process, see *supra* notes 133-35 and accompanying text.

154. See Convention, *supra* note 94, arts. 44, 45 (establishing and detailing Committee review process). Information from NGOs and other specialized agencies may sometimes provide more detail on topics which countries, exercising their powers of discretion, may not disclose fully. See Karen A. McSweeney, *The Potential for Enforcement of the United Nations Convention on the Rights of the Child: The Need to Improve the Information Base*, 16 B.C. INT'L & COMP. L. REV. 467, 484 (1993) (explaining that Convention includes specific role for NGOs in monitoring process).

155. See Convention, *supra* note 94, art. 45(d) (requiring that Committee's "suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the [U.N.] General Assembly").

156. See Cohen, *supra* note 125, at 21 (concluding that "main mechanism" for assuring compliance with Convention's standards is "threat of negative publicity and exposure to international scorn").

157. See, e.g., *id.* at 60 (discussing Organization of African Unity's adoption of Charter on Rights and Welfare of African Child, July 11, 1990, OAU Doc. CAB/LEG/153/Rev.2, 3 AFR. J.I.C.L. 173). In 1992, the Hague Conference on Private International Law adopted the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. See Cohen, *supra* note 125, at 72-75 (discussing draft of Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 32 I.L.M. 1134 (1993)). In 1996, the European Convention on the Exercise of Children's Rights was opened for signature, *reprinted in* EUROPEAN PERSPECTIVE, *supra* note 25 at 533-42. Inspired by the adoption of the Convention, the Council of Europe established the Childhood Policies Project, which culminated in a European strategy for children adopted by the Assembly of the Council of Europe in 1996. Recommendation 1286 (1996), *reprinted in* EUROPEAN PERSPECTIVE, *supra* note 25, at 9-12.

ally improve the state of their children.¹⁵⁸ An analysis by UNICEF of the forty-three reports that had been reviewed by the Committee through the end of 1995 concluded that a great majority of governments had reported amending their constitutions and/or legislation to harmonize their national law with the provisions of the Convention.¹⁵⁹ In addition, many nations reported that they had established administrative structures to coordinate and monitor the implementation of the Convention at national and local levels.¹⁶⁰ Moreover, a variety of educational programs about the Convention were reported, including the training of officials and judges, and

158. For a discussion of these reports, see *infra* notes 159-62 and accompanying text.

159. *Convention Acceptance*, *supra* note 97, at 38; *Progress Report 1995*, *supra* note 137, ¶ 34. UNICEF also reports that 14 countries have incorporated the Convention into their constitutions, and 35 have passed new laws or amended existing laws to conform with the Convention. *Convention Acceptance*, *supra* note 97, at 38. Honduras, for example, effective 1996, enacted a detailed children's rights code based on the Convention, after a three-year drafting process participated in by government ministries and NGOs. *WORLD'S CHILDREN 1997*, *supra* note 8, at 12. Tunisia, for example, completed a two-year process in which national legislation was brought into line with the Convention. *Translating Principles into Law*, *supra* note 126, at 38. Brazil has incorporated children's rights into the national constitution. See *WORLD'S CHILDREN*, *supra* note 8, at 65 (noting that children's rights proposal became chapter in Brazil's constitution). Subsequently, the Brazilian National Congress adopted a statute which defines children as citizens and explicitly sets forth their right to respect, dignity, freedom, health, education, sports and leisure. *Id.* In Argentina, the Convention's principles were incorporated into the Argentine Constitution in 1994 because international treaties are incorporated into national law. Cecilia P. Grosman, *Argentina—Children's Rights in Family Relationships: The Gulf Between Law and Social Reality*, in *CHILDREN'S RIGHTS: A COMPARATIVE PERSPECTIVE*, *supra* note 83, at 8. The Parliamentary Assembly of the Council of Europe in the European strategy for children, Recommendation 1286 (1996), has recommended that the Committee of Ministers strongly urge Council states "to guarantee, through explicit recognition in their constitutional texts or domestic law, children's civil and political rights, as well as their economic, social and cultural rights as enshrined in the United Nations Convention on the Rights of the Child." *EUROPEAN PERSPECTIVE*, *supra* note 25, at 10.

Russia stands in marked contrast; the Russian Constitution, adopted in 1993 after ratification of the Convention, makes no mention of children's rights. See Olga Khazova, *The U.N. Convention on the Rights of the Child and Russian Family Law*, in *CHILDREN'S RIGHTS: A COMPARATIVE PERSPECTIVE*, *supra* note 83, at 213 ("The new Russian Constitution, in particular, not only says nothing on children's rights, but hardly separates children as subjects of law.").

160. *Progress Report 1995*, *supra* note 137, ¶ 34. Some countries have chosen to establish ombudsmen for children to monitor compliance with the Convention. See *Convention Watch Begins*, in *PROGRESS OF NATIONS*, *supra* note 10, at 41 (reporting that since Convention came into force, Austria, Colombia, Costa Rica and Spain have designated ombudsmen). Other countries have set up municipal and local councils to monitor children's rights. See *id.* (listing different types of councils set up in Brazil, El Salvador, Nepal, Tunisia and Vietnam). Altogether, 25 countries have established some form of monitoring mechanism. *Id.*

teaching about the Convention in schools.¹⁶¹ Finally, the reports often highlight the importance of the work of non-governmental child advocacy organizations in promoting public awareness of the Convention and in helping to achieve implementation and monitoring.¹⁶²

B. *World Summit for Children*

Simultaneously with the Convention, the World Summit for Children appears to have been significant in improving the actual state of the world's children. Because the Summit was attended by leaders of most of the nations of the world, it dramatically focused attention on the rights and needs of children.¹⁶³ Moreover, the commitments to specific goals and targets in the Plan of Action and National Programs of Action have made national obligations concrete and have become important tools in the planning process for achieving implementation of the Convention.¹⁶⁴

Thus, for example, in addition to the general recognition of the right of the child to adequate health care in the Convention,¹⁶⁵ the Plan of Action commits nations to specific health goals and has

161. See, e.g., *A Treaty Goes to War . . . and to School*, in PROGRESS OF NATIONS, *supra* note 10, at 40 (providing examples of 13 countries including human rights in their school curricula); *Justice for Juveniles*, in PROGRESS OF NATIONS, *supra* note 10, at 39 (reporting that some nations are reforming their juvenile justice systems and training judges and law enforcement officials as part of reform).

Other nations are educating teachers and social workers about the rights embodied in the Convention as well as conducting national publicity campaigns to educate the public. See *The Right to Know About Rights*, in PROGRESS OF NATIONS, *supra* note 10, at 41 (providing several examples of nations' efforts to educate their citizens about Convention). The Parliamentary Assembly of the Council of Europe in the European strategy for children, Recommendation 1286 (1996), has recommended that the Committee of Ministers strongly urge Council states to inform children and their parents of children's rights, inform children of the means and remedies available to them in the event of violation of their rights, and provide training in children's rights to all professionals who come into contact with children. EUROPEAN PERSPECTIVE, *supra* note 25, at 11.

162. The annual UNICEF reports, *The Progress of Nations* and *The State of the World's Children*, perform an invaluable service in this regard. In addition, NGOs throughout the world are assisting to reform legislation, establish programs to protect children and their rights, draft alternative country reports, and monitor and expose violations of children's rights. See *NGOs Submit Alternative Reports*, in PROGRESS OF NATIONS, *supra* note 10, at 41 (citing several examples of involvement of NGOs in drafting legislation and disseminating Convention's principles).

163. For a further discussion of the Summit's attendance, see *supra* note 137 and accompanying text.

164. See generally Legogar, *supra* note 142, at 57-63 (discussing different nations' NPA goals, strategies, organizational structures and finances).

165. See Convention, *supra* note 94, art. 24, ¶ 2(a) (requiring nations to "ensure the provision of necessary medical assistance and health care to all children").

caused them to mobilize resources to achieve these goals.¹⁶⁶ UNICEF, in its *The Progress of Nations 1996* report, gives a scorecard for world achievement of the mid-decade targets.¹⁶⁷ The report concluded that most nations of the world, including the very poor ones, have reached the targets or made substantial progress.¹⁶⁸ For example, from a base of twenty-five percent immunization for major childhood diseases in 1980, 108 countries have reached the 1995 target of eighty percent coverage, and forty-five nations have achieved the year 2000 goal of ninety percent.¹⁶⁹ This revolution in immunization is preventing more than three million deaths a year.¹⁷⁰ Most nations of the world, therefore, have improved the condition of their children significantly since 1990 and even more dramatically since 1980.

Some of the Summit goals can be achieved relatively inexpensively. Oral rehydration therapy kits, for example, can be distributed at low cost and make a very significant difference in preventing the devastating toll of diarrhea.¹⁷¹

166. See, e.g., *Plan of Action*, *supra* note 45, at app. II(C)(i)-(iv). The Plan of Action calls for:

- (i) Global eradication of poliomyelitis by the year 2000;
- (ii) Elimination of neonatal tetanus by 1995;
- (iii) Reduction by 95 per cent in measles deaths and reduction by 90 per cent in measles cases compared to pre-immunization levels by 1995, as a major step to the global eradication of measles in the longer run;
- (iv) Maintenance of a high level of immunization coverage (at least 90 per cent of children under one year of age by the year 2000) against diphtheria, pertussis, tetanus, measles, poliomyelitis, tuberculosis and against tetanus for women of child-bearing age.

Id.

167. *1995 Goals—A Scorecard*, in *PROGRESS OF NATIONS*, *supra* note 10, at 51; see also *Statistical Profiles*, *supra* note 73, at 52-53 (providing social indicators for numerous countries).

168. See *1995 Goals—A Scorecard*, *supra* note 167, at 51 (listing goals of World Summit for Children and progress through 1995); see also Carol Bellamy, *Resources and Results*, in *PROGRESS OF NATIONS*, *supra* note 10, at 1 (noting that countries have achieved varying levels of success in aiding children); Boutros Boutros-Ghali, *Foreword* to *PROGRESS OF NATIONS*, *supra* note 10, at ii (observing that there has been "sustained progress" in health, nutrition and education of children within global community).

169. *1995 Goals—A Scorecard*, *supra* note 167, at 51.

170. See Sharma & Tulloch, *supra* note 49, at 23 (reporting that immunization is preventing more than three million deaths per year from diphtheria, measles, whooping cough and tetanus). Smallpox has been eradicated by vaccines, saving five million lives a year, and polio has been reduced from 400,000 cases each year in 1980 to 90,000. *Vaccines Bring 7 Diseases Under Control*, in *PROGRESS OF NATIONS*, *supra* note 10, at 26.

171. See *WORLD'S CHILDREN*, *supra* note 8, at 58 (stressing that oral rehydration therapy costs approximately ten times less money to use than traditional means of treating diarrhea and has been called "potentially the most important medical advance of this century").

Of course, the achievement of some of the goals requires substantial resources—financial, human and organizational.¹⁷² This presents a formidable challenge to poor developing countries. In some of these countries, where the political will exists, far more progress appears to have been made than in other poor countries simply by better utilization and reallocation of existing resources.¹⁷³ In other developing countries, however, the key to continued progress must be increased international development assistance.¹⁷⁴ At the Summit, the international community committed itself to provide the developing countries with development assistance for children's programs in the form of transfer of resources, trade concessions and debt relief.¹⁷⁵ Instead of an increase in foreign aid, however, there has been a significant decrease in recent years

172. See Himes & Saltarelli, *supra* note 51, at 4-7, 226-28 (discussing economic, human and organizational resources needed to secure children's rights).

173. See Bellamy, *supra* note 168, at 1. Carol Bellamy, Executive Director of UNICEF, stated in *Progress of Nations* that:

If there is a common theme running through each issue of *The Progress of Nations* it is that the relationship between economic growth and social progress is not fixed. Some nations are regularly achieving far more for their children—in health, nutrition, and education—than other nations with considerably higher levels of income.

Id.

UNICEF's National Performance Gaps tables also demonstrate the reality that countries with similar per capita GNPs can have widely different performances on the key measures of the state of children. See *National Performance Gaps*, in *PROGRESS OF NATIONS*, *supra* note 10, at 36-37 (comparing actual results in each country with results expected based on GNP).

Scholars have discussed various ways of making more resources available for children, most notably by: (1) creating a broader definition of available resources to include economic, human and organizational resources, both government and private, at every level of society; (2) increasing revenues; (3) restructuring budgets; (4) using less expensive and more efficient technologies and processes; and (5) controlling critical inputs that constrain outputs. See Himes, *supra* note 52, at 29-30 (supporting more expansive definition of "available resources"); Himes & Saltarelli, *supra* note 51, at 226-38 (suggesting that countries increase revenue, restructure their budgets and increase efficiency in order to make more resources available to children); Parker, *supra* note 73, at 35-36 (noting that greater emphasis should be placed on human and organizational resources).

174. See *Plan of Action*, *supra* note 45, ¶ 35 (recognizing that "many developing countries, particularly the least developed and the most indebted ones, will need substantial international cooperation to enable them to participate effectively in the world-wide effort for child survival, protection and development"); see also *Resources for Rights*, in *PROGRESS OF NATIONS*, *supra* note 10, at 35 (noting that Convention calls for more economically advanced nations to support children's rights wherever resources are lacking).

175. See *Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development*, adopted Mar. 12, 1995, ¶ 10, U.N. Doc. A/Conf. 166/9/Annex I (1995) [hereinafter *Copenhagen Declaration*] (committing assistance to developing nations). The World Summit for Children recognized the need for such development assistance and a commitment to provide it in the form of "transfers of appropriate additional resources to developing countries as well as

in the amount of development assistance given by the wealthy countries of the world to the developing countries.¹⁷⁶ Even though the end of the cold war brought a “peaceful dividend” in the form of a \$250 billion per year drop in military spending, such development assistance has dropped to 0.3% of the combined GNP of donor countries, the lowest point in twenty years.¹⁷⁷ Moreover, only a small proportion of aid is targeted to children or to basic social programs.¹⁷⁸ Without such earmarking, importation of armaments now absorbs a large percentage of all foreign aid received by developing countries.¹⁷⁹ In addition, aid often is accompanied by requirements that the recipient country make structural adjustments,

improved terms of trade, further trade liberalization and measures for debt relief.” *World Declaration*, *supra* note 138, ¶ 20(10).

At the World Summit for Social Development 1995, this commitment was renewed. *Copenhagen Declaration*, *supra*, ¶ 10. The obligations of wealthier nations to the children of poorer nations also is implicit in the Convention. See Convention, *supra* note 94, art. 4 (stating that countries shall implement rights recognized by Convention “within the framework of international co-operation”).

176. See *Progress Report 1995*, *supra* note 137, ¶ 82 (reporting that international aid to developing countries dropped from \$60.8 billion in 1992 to \$54.8 billion in 1993). Part of the decrease in aid can be attributed to the increased demands for assistance in Central and Eastern Europe, emergency aid and peacekeeping. *Id.*

177. *Aid Now at Lowest Level for 20 Years*, in PROGRESS OF NATIONS, *supra* note 10, at 48. The United States is far behind this average, giving a mere 0.15% of its GNP. See *id.* at 49 (comparing 21 donor nations’ development assistance as percentage of GNP). The Development Assistance Commission, consisting of 21 donor nations, and the U.N. General Assembly have endorsed a target of 0.7% of a nation’s GNP for donor aid. *Id.* In absolute dollars, the U.S. gave \$9.9 billion in 1994, second only to Japan, which gave \$13.2 billion. *Id.*

178. See *Aid Now at Lowest Level for 20 Years*, *supra* note 177, at 49 (noting that recent estimates indicate that only 10% of international aid is allocated to such obvious and necessary basics as adequate nutrition, safe water and sanitation, basic health care, primary education and family planning); Parker, *supra* note 73, at 41 (same). Five U.N. agencies—United Nations Development Program (UNDP), United National Educational, Scientific and Cultural Organization (UNESCO), United Nations Population Fund (UNFPA), United Nations Children’s Fund (UNICEF) and the World Health Organization (WHO)—have urged that the proportion of aid spent on basic needs be increased to 20%. See *Aid Now at Lowest Level for 20 Years*, *supra* note 177, at 49 (adding that most NGOs argue that even greater percentage of international aid should be earmarked for these needs). Similarly, the Parliamentary Assembly of the Council of Europe has recommended that Council states increase aid to developing countries to at least 0.7% of GNP and devote 20% of the aid to basic social services which are indispensable to human development. Recommendation 1286 (1996), *reprinted in EUROPEAN PERSPECTIVE*, *supra* note 25, at 11.

179. See Himes & Saltarelli, *supra* note 51, at 233 (stating that military spending in developing world almost equaled education and health spending combined). “[F]or the cost of one nuclear submarine, Africa’s primary school system could be revitalized.” *Id.* Moreover, even the aid spent on development often is allocated to higher levels of education and health care and costly water supply and sanitation systems that cater to the elite. See *id.* (arguing that such disparate treatment is derived from short term cost/benefit analysis of elected policy-makers).

such as severe cutbacks in welfare programs, that cause children to be even worse off than they were before.¹⁸⁰

There have been some notable exceptions to this dismal trend. Several northern European countries, for example, give substantially higher percentages of their GNPs for development assistance.¹⁸¹ In addition, some of the international lending institutions have changed their policies to lend more for basic social needs ("development with a human face") and have become aware of the harmful effects of structural adjustment.¹⁸²

V. CONCLUSION

We have seen that although the state of the world's children is better today than it was a few years ago, a crisis for children still exists in the developing world with respect to childhood deaths, the effects of war, deficiencies in nutrition and basic health care, child labor, street children and lack of basic primary education.¹⁸³ Even many children in wealthy nations, such as the United States, have serious problems.¹⁸⁴

Traditionally, children have been given the lowest priority in the allocation of the world's resources. It has not been until this decade that the nations of the world have made binding promises to their children to relieve their misery. These promises have been

180. See Hammarberg, *supra* note 124, at x-xi (concluding that world does have resources to address needs of children). The international community recognized the negative potential of such structural re-adjustments and urged, in the Plan of Action, that women and children should be protected during economic reform. *Plan of Action*, *supra* note 45, ¶ 31.

181. See *Aid Now at Lowest Level for 20 Years*, *supra* note 177, at 48 (reporting that Denmark, Netherlands, Norway, and Sweden have surpassed aid target of 0.7%). Norway has the highest ratio, giving 1.05% of its GNP, and Denmark gives the most per capita—\$278 in 1994—as compared with the average of \$73 for industrial countries and \$38 for the United States. *Id.* The NPAs of the Netherlands, Norway and Sweden provide for re-examination of their development assistance budgets to promote the goals of the World Summit and the Convention. *Progress Report 1994*, *supra* note 139, ¶ 42.

182. See, e.g., *Progress Report 1995*, *supra* note 137, ¶ 68 (stating that since the early 1980s, World Bank lending for education has increased three-fold while its lending for population control, health and nutrition has increased twenty-fold). The World Bank 1993 Development Report is devoted to the subject of investing in health and calls for reforms congruent with the World Summit. See *Progress Report 1994*, *supra* note 139, ¶ 53 (citing World Development Report 1993). "The International Development Bank has pledged to increase its social sector lending to 25 per cent of [its] total lending." *Id.* ¶ 62.

183. For a discussion of the crisis that exists for children living in the developing world, see *supra* notes 11-81 and accompanying text.

184. For a discussion of the serious problems that the children of wealthy nations face, see *supra* notes 82-91 and accompanying text.

expressed, among other ways, in the almost universal ratification of the U.N. Convention on the Rights of the Child and in the actions taken in connection with the World Summit for Children.¹⁸⁵ Do these promises amount to more than a collection of empty, pious declarations?

There are many hopeful signs that substantial progress is being made towards keeping these promises. Numerous legal changes have been reported to bring national law into conformity with the Convention.¹⁸⁶ National Programs of Action to achieve the specific Summit goals for children exist in many countries and have been incorporated into national planning.¹⁸⁷ UNICEF monitoring indicates substantial improvement in the crucial statistics relevant to these goals.¹⁸⁸ There also is encouraging evidence of the reallocation of resources in a number of nations to favor programs for children and, despite a general decline in development assistance, of the targeting of more aid by some donor nations and international institutions to such programs.¹⁸⁹

185. For a discussion of the U.N. Convention on the Rights of the Child, see *supra* notes 94-136 and accompanying text. For a discussion of the World Summit for Children, see *supra* notes 137-46 and accompanying text.

186. For a discussion of the numerous legal changes that have brought national laws into conformity with the Convention, see *supra* notes 148-62 and accompanying text.

187. For a discussion of national programs created to achieve the World Summit goals, see *supra* notes 163-82 and accompanying text.

188. For a discussion of UNICEF's analysis, see *supra* notes 167-70 and accompanying text.

189. For a discussion of the reallocation of resources in various nations to favor children's programs and the targeting of more aid to such programs, see *supra* notes 173-82 and accompanying text.

