

Human Rights Brief

Volume 12 | Issue 2

Article 9

2005

United Nations Update

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Recommended Citation

Trudeau, Nicole, and Christian De Vos. "United Nations Update." *Human Rights Brief* 12, no. 2 (2005): 31-32.

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UNITED NATIONS UPDATE

TOWARD GREATER IMPLEMENTATION OF THE GLOBAL STANDARDS ON THE RIGHTS OF THE CHILD

ON DECEMBER 23, 2004, THE UNITED Nations General Assembly (General Assembly) adopted a resolution concerning the “Rights of the Child” (Resolution) to urge states that have not yet signed or ratified the Convention on the Rights of the Child (Convention) and its Optional Protocols (Protocols) to do so as a matter of priority. Concerned about the situation of children in many parts of the world, particularly the persistence of poverty and social, economic, and gender inequality, the General Assembly passed the Resolution to call for urgent national and international action to eradicate poverty, discrimination, violence, sexual abuse, the sale of children, child prostitution, child pornography, and the use of children in armed conflict. The Resolution reaffirms the Convention’s global standard for the promotion and protection of children’s rights and calls upon states to fully implement the Convention and its Protocols by passing legislation at the national level in accordance with the Convention’s guidelines.

BACKGROUND

The Convention on the Rights of the Child, adopted by the General Assembly on November 20, 1989, and entered into force on September 2, 1990, has since been ratified by 192 countries, making it the most widely adopted international human rights treaty in history. It is the first legally binding international document to incorporate the full spectrum of human rights, including social, political, civil, economic, and cultural rights. The Convention provides a set of duties that states must adopt to meet the basic human rights standards for children and relies on four basic principles: non-discrimination; the best interests of the child; the child’s rights to life, survival, and development; and respect for the views of the child.

To protect children’s rights, the Convention outlines standards in healthcare,

education, and legal and social services, which act as benchmarks by which states are measured. Upon ratifying the Convention, States assume a legal obligation to implement the rights of the treaty and to submit regular reports to the Committee on the Rights of the Child (Committee) showing how the rights are being implemented. States initially report two years after joining the Convention, and every five years thereafter.

In addition, the Convention contains two Optional Protocols designed to strengthen the Convention in two areas. The first, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, entered into force on January 18, 2002, and has been signed by 110 countries and ratified by 87. This optional protocol seeks to eradicate the sale of children, child pornography, and child prostitution by criminalizing all forms of sexual exploitation and child abuse. The second, the Optional Protocol on the Involvement of Children in Armed Conflict, entered into force on February 12, 2002, and has been signed by 117 countries and ratified by 88. The second optional protocol seeks to eradicate the use of children in armed conflict by condemning the recruitment and use of children in armed conflict. Upon ratification of this protocol, the ratifying party must raise the minimum age of voluntary recruitment into the armed forces to age 18.

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

By passing the Resolution, the General Assembly seeks to strengthen the protection and promotion of the rights of children. The General Assembly urges states to implement the rights of children to birth registration, preservation of identity (including nationality), and family relations, and to promote awareness regarding the importance of these rights. Strengthening these rights would contribute to the prevention of illegal adoptions and the international abduction of children.

The General Assembly further urges States to provide the highest attainable stan-

dard of health and develop sustainable health systems and social services, which should be provided without discrimination to children. Particular attention should be paid to the prevention of disease, malnutrition and drug abuse, the special needs of adolescents, and to reproductive and sexual health. States should give support to children and families affected by HIV/AIDS by providing access to healthcare and stressing the importance of prevention through adequate HIV/AIDS awareness.

Education should be recognized by states as a fundamental right and should be compulsory and freely available to all children. Social services should be implemented to support adolescent mothers to enable them to complete their education. Discriminatory, racist, and xenophobic attitudes and behaviors should be prevented through education and awareness. Measures should be taken to protect schoolchildren from violence, injury, and abuse, as well as to establish complaint mechanisms accessible and age-appropriate for children to allow prompt investigations for acts of violence and discrimination. Further, states should have concrete action plans to eliminate child labor that is likely to be hazardous to the child or interfere with the child’s education. The Resolution emphasizes that free, compulsory education is the key to eliminating child labor.

The Resolution calls for states to complete and follow a national action plan incorporating the commitments outlined in both the Resolution and the Convention. The Resolution also requests the Secretary-General to submit to the General Assembly a report on the status of the Convention at its next session and to prepare an updated report on the progress achieved with an eye toward identifying new challenges and recommending actions necessary to achieve further progress. The General Assembly plans to focus general debate on the promotion of the rights of the child at future sessions, while paying particular attention to specific challenges.

In passing a resolution 16 years after the adoption of the Convention, the General Assembly has shown its commitment to the rights of the child and its intent to improve enforcement of the Convention's mandates. The General Assembly's strategies to monitor continually the progress of the Convention and the reports of each State regarding their compliance with the Convention, as well as choosing to continue a dialogue on the situation of the rights of the child, places the necessary emphasis on children's rights and creates an environment in which challenges will be met with awareness.

TSUNAMI TRAGEDY

THE DEVASTATION WROUGHT by the tsunami of December 26, 2004, has launched what UN Undersecretary General for Humanitarian Affairs Jan Egeland called one of the United Nation's "biggest relief operations ever" to assist countries throughout South and South-East Asia. Egeland stressed that the UN's initial appeal of \$1 billion in aid would need to be delivered within the next six months to meet the basic humanitarian needs of an estimated five million people affected by the disaster. While praising global generosity in responding to the crisis, Egeland warned that, as with the 2003 Bam earthquake in Iran, similar pledges have not always been honored in the past. Speaking at the UN World Conference on Disaster Reduction in Kobe, Japan, he noted that, with nearly half of the world's population living in disaster-prone areas, mapping tsunami relief efforts onto the UN's Millennium Development Goals (an effort to halve the number of people living in poverty and suffering from hunger by 2015) would be an especially important task for the organization in the months ahead.

Addressing a January 5 aid conference in Jakarta, UN Secretary General Kofi Annan asserted that the UN was in a "race against time" to prevent another rise in the death toll. While urging that the pledges made thus far be translated into available funds as soon as possible, Annan noted that "We have a duty to the survivor. . .to treat the wounded, to prevent further suffering as a result of polluted drinking water, destroyed infrastructure, lack of food, clothing and shelter." Participants in the aid conference

also discussed temporary relief from international debt repayment for countries affected by the tsunami. Canada remains the only donor to declare a unilateral moratorium on such payments.

As part of the priorities outlined in Jakarta, the United Nations Children's Fund has targeted four priorities to support the "tsunami generation" of children orphaned by the tragedy: keeping children alive, caring for separated children, protecting them from exploitation (the risk of trafficking is particularly high), and returning children to school as quickly as possible. The UN Population Fund has focused its activities on addressing the specific vulnerabilities of women and children, launching a \$28 million appeal to cover projects over the next six months in Indonesia, Maldives, and Thailand, including the provision and distribution of equipment, medicines, and supplies to ensure safe childbirth and emergency obstetric care. In addition, the UN Food and Agriculture Organization's Fisheries Department has embarked on a concerted effort to assist the hard-hit fisheries and aquaculture sectors through rehabilitation measures and projects.

IIC REVEALS MISMANAGEMENT OF OIL-FOR-FOOD PROGRAMME

THE INDEPENDENT INQUIRY COMMITTEE (IIC), appointed by UN Secretary-General Kofi Annan in April 2004 to investigate the UN Oil-for-Food Programme in Iraq, released what it described as a "provisional assessment" in January 2005. This assessment chronicled a variety of shortcomings in the financial management and oversight of the \$60 billion-plus program. The Oil-for-Food Programme was established in 1996 to allow Iraq to sell oil in exchange for food and other humanitarian goods after it was placed under a comprehensive trade embargo in the wake of the first Gulf War. Accompanied by the public release of 58 internal audits of the Programme undertaken between 1999 and 2004, the provisional assessment indicated that internal auditors at the UN failed to investigate allegations that Iraq siphoned billions of dollars in illicit profits from companies that bought more than \$64 billion in oil and humanitarian goods.

Paul Volcker, former chairman of the U.S. Federal Reserve Bank and chair of the

IIC, noted that the Programme suffered from a "chronic shortage" of auditors. Programme managers were found to be slow in responding to criticism and often unable or unwilling to address issues raised by the auditors. The IIC highlighted that UN auditors should have evaluated procedures for approving oil contracts and oil prices and for the processing of humanitarian goods contracts in the Programme's executive offices. UN auditors told the IIC that auditors did not review the contracts because they fell under the mandate of the Security Council's Sanctions Committee.

A spokeswoman for Secretary-General Annan indicated that, while Annan accepted the committee's findings, the inquiry is not yet complete. The IIC plans to release an interim report on the Programme, available at www.iic-offp.org. HRB

Nicole Trudeau and Christian De Vos, J.D. candidates at the Washington College of Law, cover the United Nations for the Human Rights Brief.