

# The Convention on the Rights of the Child: first call for Pacific children

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## Introduction

The Convention on the Rights of the Child (CRC), adopted by the United Nations (UN) General Assembly on 20 November 1989, came into force on 2<sup>nd</sup> September 1990, after being ratified by the required number of states. It has been referred to as "the most innovative and comprehensive human rights instrument to be drafted by the international community" or "the cornerstone of a new moral ethos for children." Certainly to date, and in the history of human rights treaties, it was the most universally ratified treaty within the shortest period of time, with 191 out of 193 sovereign nations being parties to it. Apart from Tokelau, which is in a state of constitutional transition, all the Pacific nations had ratified or acceded to it by the 6<sup>th</sup> June 1997 following Cook Islands' accession.

CRC is considered "innovative" and "comprehensive" because apart from bringing together civil, political, economic, social and cultural rights, and recognising each and everyone of them as inherent to the human dignity of the child and necessary for his or her full and harmonious development, it also prescribes the minimum basic standards for children's well being. CRC also sets the goals and indicates the approaches to children, and for action in their favour. In terms of a "new moral ethos for children" the CRC recognises the child, as a person with fundamental rights and freedoms, who is entitled to participate in decisions that affect his or her life and no longer just

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a passive recipient in society. Furthermore, the CRC is a binding instrument imposing various obligations on the state parties and the international community to ensure the participation of children in decisions that affect them; the protection of children against all forms of discrimination, abuse, neglect and exploitation; the prevention of harm to children; and the provision of services and assistance for their basic needs.

There are important features of the CRC that are worth noting. First, its four main principles. In Article 2, the principle of "non-discrimination" means that all the rights and privileges recognised by CRC must be accorded to all the children under the state party's jurisdiction, without exceptions. The principle of "the best interest of the child" as in Article 3, calls for children's needs to be provided for, and given the best consideration in each and every circumstance. The right to life, survival and development principle in Article 6 in self-explanatory. Meanwhile, the principle of respecting the views of the child in Article 12 provides for a child to express an opinion and be considered, depending on the age and maturity of the child.

Secondly, all the rights in the CRC are of equal importance; they are indivisible and inter-related and there is no inherent hierarchy in which attention should be paid to any particular right. However this does not mean that priorities for action can-

not be set, but that priorities be determined on a case-by-case basis taking into account all other rights.

Thirdly, CRC's holistic nature where no right can be considered alone; for example, the right to develop fully (Article 6) cannot be realised unless the child is adequately nourished and in good health (Articles 24, 27), provided with an education (Article 28), allowed to participate in decision making (Article 12), protected from harm, exploitation and abuse (Article 32, 33, 34), and allowed to rest, leisure and participate in cultural activities (Article 28).

Finally, CRC recognises the problem of resource constraints in terms of its implementation. Therefore, there is some flexibility when it includes such terms as "to the maximum extent of available resources" (Article 4) or "Subject to available resources" (Article 23), in its provisions. This

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flexibility does not imply that state parties become passive or complacent about its enforcement. Article 43 of the CRC establishes a Committee on the Rights of the Child, whose task is to examine and monitor progress of state parties in achieving their obligations.

## CRC implementation in the Pacific

In accordance with article 44 of the CRC, state parties are to produce and submit reports to the committee within two years of ratification/accession (referred to as the Initial Report) and thereafter every five years (progressive reports) on the progress made in effecting the rights of the child under the convention. There are guidelines provided by the committee to assist state parties with reporting. The committee stressed the need for clarity and openness by state parties, in reporting on the issues and actions taken to implement the convention. The participation of all civil society organisations including children in the reporting process is also important.

As of the 31<sup>st</sup> December, 1997, the twelve countries that the Unicef Pacific office supports, apart from Cook Islands, should have reported to the committee. However only four countries had produced their reports, while the rest had their reports in draft forms or were in the process of compiling them. To facilitate and support the countries with CRC monitoring and reporting, Unicef with the support of Child Rights ASIANET and the Pacific Regional Rights Resource Team (RRRT) convened a Pacific Regional Consultation on Monitoring and Reporting on the CRC. During the consultations the following observations regarding CRC implementation emerged:

- a) most of the state parties had established national focal points for CRC (known as Committees, Councils etc) but they lacked resources, or had limited or no authority to influence policies, legislations or allocation of resources;
- b) six countries have undertaken legislative reviews and/or proposed legal reforms in conformity with the CRC provisions; e.g. Fiji had amended its Juvenile Act to include prohibition of pornographic activity involving juveniles in 1997, and the Federated States of Micronesia has legislation pending before Congress that specifically address CRC Articles 34, 35, and 36 on sexual exploitation, trafficking and other forms of exploitation of children;
- c) most countries had (draft) national plans of action for children (NPAs) but these were not being actively implemented and/or constrained by inadequate resources;
- d) awareness raising, and to a certain extent training, on the CRC have been undertaken in all countries at various levels, but any positive changes in attitudes and behaviours towards the realisation of children's rights remained as undetermined variables; furthermore key people such

as judges, doctors, teachers, planners etc. were not aware or well informed about the CRC;

- e) mechanisms for monitoring and reporting on the CRC were weak and needed strengthening; and
- f) significant progress has been made towards the realisation of the children's survival and development rights (the right to health and education in particular) whilst little progress, if any, has been made with regard to children's participation and protection rights.

The main constraints to CRC implementation identified were economic, social and political in nature. It was pointed out that all countries had inadequate resources, and the relatively high cost per capita of delivery of basic services such as education and health in the Pacific, as compared to other parts of the world, remained a constant challenge. Political commitment to CRC implementation had been lukewarm in terms of resource allocation. In most cases the budgetary resources allocated to the social sectors had actually decreased in real terms over the years.

## Economic reforms and impact on children

Serious concerns have been raised at the regional CRC consultations, that structural and economic reforms being undertaken in most of the Pacific Island countries, in view of economic crises or reduced external financial aid packages, had or will impact negatively on social services, with the seriously affected people being women and children. These concerns are very genuine and state parties to the CRC should ensure that such negative impacts of economic reforms on the welfare of their people, particularly women and children, are prevented or minimised. Both the World Bank and the International Monetary Fund (IMF) required that many states, in order to secure financial support from them, had to lower the percentage spending on development and social services and increased spending on revenue earning initiatives – strategies pursued involve a reduction in public expenditures, a devaluation of the currency, removal of subsidies on essential items such as food, fuel etc. Some studies had indicated that as a result of economic recession and government indebtedness, in the 1980s the health and nutritional status of the world's children deteriorated. According to Unicef approximately 500,000 children died as a result of indebtedness, in the 1980s for example. On the 5<sup>th</sup> February, 1998, Unicef Executive Director, Carol Bellamy expressed serious concerns that the Asia Rescue packages of the IMF and World Bank, do not contain any explicit safeguards for social programmes, hence children would suffer in the process.

## Principle of "First Call for Children"

The world summit declaration and plan of action, 1990 and the CRC constitute the basis for concerted international and national commitments and efforts to enhance the well being of children by the year 2000 and beyond. The countries which had committed themselves to these noble causes had agreed that both can be accomplished if the principle of "First Call for Children" is used and adhered to, in their efforts. The principle of "First Call" as referred to, both in world summit declaration and the CRC, entails that the essential needs of children should be given high priority in the allocation of resources, in bad times as well as in good times, at the family, national and international levels.

What is "First Call" in the Pacific context? In the 1992 communique of the South Pacific Forum on children and development, Pacific leaders endorsed the principle of first call for children as articulated at the World Summit for Children and the CRC, and further developed and redefined it. Thus "First Call for Pacific Children" means:

- establishing in each country a policy framework to support the survival, development and protection of children;

minating preventable deaths, illnesses and disabilities among children;

ensuring that all children receive the appropriate food, in adequate quantities, at the right times;

recognising the importance of the early years of life for physical, mental, emotional and social development of children;

ensuring the inherent rights of children to basic education and life skills training; and

protecting children from unhealthy or developmentally destructive influences.

Furthermore, the leaders concurred that "The family, being the fundamental social group in Pacific settings, which ensures the health, development and protection of children should be supported and empowered to meet children's needs/right as an essential strategy of 'First Call for Pacific Children'."

Conference Resolution on the State of the Pacific Region: A Document "First Call for Pacific Children" in the development and national policies and plans of action for the region. The Agenda for Action

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resources at the "grass-roots" level (individual/family/household level) have been neglected. Yet, that is the level at which, by far, most of the relevant resources exist, including time and energy for child care, and where critical decisions about resource allocation are being taken. These decisions, however, could be in favour of or against the interests of children. This is the level that child rights advocates and workers need to focus more on, and tapping/harnessing these resources for

included child survival, development, protection and participation strategies.

The principal of "First Call" for children in terms of resources allocation under the convention, is reflected particularly in Article 4, where it states "with regard to economic, social and cultural rights, state parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation." Now what do we mean by "resources"? In the context of the CRC, and within Unicef, resources are being classified into three broad categories, as follows:

- **human resources.** Physical and mental health, knowledge, creativity, self-confidence, time availability, and skills (include important abilities such as child-rearing, teaching, leadership, managerial and political skills);
- **economic resources.** Income (in kind or cash, of individuals or enterprises), assets, natural resources (especially land and water), credit, government revenues and expenditures;
- **organisational resources.** Family and household structure, extended family or clan relationships, community structure and organisations, trade unions, religious groupings, governmental and non-governmental organisation etc.

This is an arbitrary classification and there is considerable overlap and interaction among and within these categories.

### First call for children on resources

When we talk about resource availability, we should not forget the fact that resources are available at all points of society, public and private, from the individual or household level to the national and international levels. In order to (*the how*) mobilise resources for the benefit of children and their well being, an analysis of *what* resources are needed, their sources (*where* they are) and *who* controls them is often necessary. Past experiences with developing and implementing strategies for work on children's rights, showed that

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The 33<sup>rd</sup> South Pacific Conference of Pacific Children, called on countries to adopt the principle of first call as outlined in the document "First Call for Pacific Children: An Agenda for Action" for the implementation of their national policies and plans of action for children, based on the convention.



## Partnership in action

Implementing the convention is no small task, as the state parties have found out, and the convention itself recognises that fact. Thus, the formation or building of partnership between all the civil society organisations within the state itself and the external partners is crucial. It is not clear, from the CRC reports that have been produced by at least four of the Pacific countries, which authority is responsible for this task. It is often left to the co-ordinating bodies that have been established, but these often lack adequate resources or the authority to form partnerships and allocate resources. Ultimately the government should take the lead in this, as the party to the convention.

What role does UNCIEF have in all this? Advocacy (defined as the organisation of information into justifications which can be used to persuade people to take actions beneficial to children) for children at the level of political leaders and policy

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to ensure children's needs and rights are met, and providing support for the social sectors that serve children, is a ongoing commitment for Unicef. Secondly, the Unicef programmes of co-operation with state parties, beginning in 1997, are centred around the goals and objectives of the convention, and the attainment of the world summit goals for children. In the Pacific, Unicef provides modest support to state parties in areas considered to be of priority, and where maximum benefits could be achieved with the support provided. So far, the areas supported include water, sanitation, nutrition, primary education and mobilising awareness of the convention at national and regional levels. In relation to the CRC, the Pacific office is monitoring and reporting to the Committee on the Rights of the Child, on its implementation and assist the state parties where possible.

Unicef views professional associations and institutions as playing important roles to play in the implementation of the convention. Indeed, the Pacific Basin Medical Association's members as individuals, are better placed to advocate the Convention to become "alive" for the sake of the children, the future of any nation.

Our hope, that delegates to this conference, will do what they can in their own way, to ensure that children do have a "First Call" in the services that they are providing and the resources they have.

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