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978-0-521-87513-4 - Protecting the World's Children: Impact of the Convention on the Rights of the Child in Diverse Legal Systems

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PROTECTING THE WORLD'S CHILDREN

Protecting the World's Children: Impact of the Convention on the Rights of the Child in Diverse Legal Systems is a review of the ways in which the Convention on the Rights of the Child (CRC) has been incorporated into national legislation around the world. It comprises four studies that compare experiences from countries with different types of legal traditions, highlighting common characteristics, developments and trends as a basis for the work of practitioners in this area. The book provides examples of ways in which the CRC has been successfully incorporated into diverse legal systems and derives from that experience a framework for improved alignment of national legislation with human rights instruments and with the CRC in particular, taking into account not only the provisions of the CRC but also its underlying principles, such as indivisibility of rights and the importance of partnership in realizing children's rights. As such it provides practitioners with a tool for supporting the legal aspects of implementation of the CRC as a foundation for implementation overall.

UNICEF has brought together leading jurists with expertise in different legal systems to produce *Protecting the World's Children: Impact of the Convention on the Rights of the Child in Diverse Legal Systems*. UNICEF works in 191 countries through country programmes and national committees to uphold the Convention on the Rights of the Child and the achievement of the Millennium Development Goals.

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Acknowledgements

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Foreword

In 2000, with the adoption of the Millennium Declaration, nearly 200 nations pledged to promote respect for human rights and to endeavour to protect and promote the full spectrum of rights in their territories.

As then Secretary-General Kofi Annan notes in a foreword to UNICEF's *State of the World's Children Report 2005*, "Only as we move closer to realizing the rights of all children will countries move closer to their goals of development and peace."

The Millennium Development Goals (MDGs) – which include eradicating extreme poverty and hunger, achieving universal primary education, promoting gender equality and reducing child mortality – provide a solid foundation upon which countries can build an environment that stimulates social justice, equity, liberty, development and good governance. Among those committed to advancing the best interests of children in the context of the MDGs, legislative reforms have been of particular interest.

Legislative reform not only advances progress toward the MDGs, but it is also needed to support their achievement. Both the adoption and the effective implementation of laws and policies to protect children; promote their survival, education and development; eliminate inequalities and promote gender equality and the empowerment of women are critical to help meet the MDGs.

Indeed, there are clear signs in many parts of the world that governments are paying serious attention to the structural and legal barriers that threaten children's well-being. Laws and regulations are being reviewed and amended; constitutions are being changed. Evidence has confirmed that legislative reform is critical to addressing discrimination and alleviating poverty. Improved legal and policy frameworks are improving education rates and maternal health, reducing child mortality, combating diseases and promoting environmental sustainability. Legislative reform is helping to establish the accessible, competent and effective institutions necessary for achieving good governance and results for children.

This is not to say that there is not still work to be done. In order for legislative change to pass from rhetoric into practice, we must significantly change our approach for children. Otherwise, we will not fully realize measurable improvements in their lives. For example, as we lead the fight against under-five mortality and HIV/AIDS, or ensure access to education, we also

must support the establishment of appropriate legal frameworks. At the same time, we should be advocating for the institutions, budget allocations and economic and social policies that also are needed.

All of these elements work together to advance the survival, development and protection of the world's children. And all of them are necessary to achieve meaningful results and move closer to reaching our shared ambition of a world that is truly fit for children.

Ann M. Veneman
Executive Director of UNICEF

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Professor Goonesekere acts regularly as a consultant for a range of international bodies and as an advisor to several UN agencies and to the Commonwealth Secretariat in London on areas of human rights, including women's and children's rights, and law and development. Professor Goonesekere has represented Sri Lanka at a number of international forums. She was a member of the UN Committee on the Elimination of All Forms of Discrimination against Women (1999–2001) and Chairperson of the Asian Development Bank External Forum on Gender (2003–2005).

Rebeca Rios-Kohn, a national of Uruguay, was educated in the United States, where she received a Juris Doctor from T.C. Williams Law School, University of Richmond, Virginia (1981). Admitted to practice law in Virginia and New York, she began her career as an attorney. In light of her deep interest in human development, in 1983 she joined International Planned Parenthood Federation (WHR), concentrating on population policy issues in the Latin American and Caribbean region. Beginning in 1989, she worked for

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UNICEF, where she held several positions that focused on promoting the implementation of the Convention on the Rights of the Child and providing policy advice on human rights. Ms. Rios-Kohn joined UNDP in 1998 as Principal Adviser on Human Rights, where she engaged in a wide range of activities that aimed to integrate human rights with human development. She has written a number of articles on the rights of the child that were published in US law journals.

More recently, she has carried out a number of case studies for UNICEF and UNDP, including *Peru Case Study: A Human Rights Approach* (UNICEF, 2002), *Human Rights-Based Programming in Mali* (UNICEF, 2002), and *Human Rights-Based Programming in Jordan* (UNICEF, 2003). Ms. Rios-Kohn currently works as an international consultant on human rights and human development for a range of organizations.

Emilio García Méndez, a national of Argentina, is the Chair of Criminology University of Buenos Aires. He has a law degree from the University of Buenos Aires (1974). Professor García Méndez obtained his Ph.D. in law at the University of Saarland, Germany (1984). He was a researcher in the field of criminology and juvenile delinquency at the United Nations Inter-regional Crime and Justice Research Institute (UNSDRI) in Rome (1985–1990), and worked for UNICEF in Brazil (1990–1993). Professor García Méndez was UNICEF's Regional Advisor on Child Rights for Latin American and the Caribbean from 1993 to 1999. His main field of work is child rights with special reference to juvenile justice. His main publications include *Infancia, Ley y Democracia en América Latina*, *Derecho de la Infancia Adolescencia en América Latina*, and *Adolescents and Penal Responsibility* (Ad-Hoc, 2001).

Professor García Méndez is a Guest Professor at the Faculty of Law, University of Buenos Aires. Professor García Méndez consults, independently, for different national and international organizations, namely, UNICEF, ILO, the Inter-American Institute for Human Rights, San Jose de Costa Rica, the Inter-American Institute for Children, and the Organization of Inter-American States – Montevideo, Uruguay. He is currently the President of the Sur-Argentina Foundation – Child Rights and Human Rights.

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include two monographs: *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* (Kluwer Law International, 2000) and *Indigenous Peoples and Ethnic Minorities of Pakistan* (NIAS/Curzon Press, 2002, with J. Rehman).

Professor Ali regularly acts as a consultant for a range of international bodies and has represented Pakistan at a number of international forums. She was a member of the National Commission of Inquiry on Women as well as the Prime Minister's Consultative Committee on Women in Pakistan. Professor Ali also has served as Minister for Health, Population Welfare and Women's Development in the Government of the North West Frontier Province (Pakistan), and chaired the National Commission on the Status of Women of Pakistan. She is one of the founding members and coordinator of the South Asian Research Network on Gender, Law and Governance (ARG).