

Children's Well-Being: Indicators and Research 11

Brian Milne

# Rights of the Child

25 Years After the Adoption of the UN  
Convention

 Springer

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## Rights of the Child

# Children's Well-Being: Indicators and Research Series

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## Volume 11

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# Rights of the Child

25 Years After the Adoption  
of the UN Convention

Brian Milne  
Le Brande  
Calès, France

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## Preface

This book was first suggested and started in 2004. It has taken 10 years to put together the chapter abstracts and notes, a structure, to work through a vast number of files in which cited material have been stored, books, online sources updating apace fast moving media reporting. In the end it was written from the middle of October 2013 through early September 2014. That was for a good reason.

This work is a follow-up to a joint publication, *The Next Generation: Lives of Third World Children*, written in 1987 through 1988 and published by Zed Press in 1989. In that book we looked at the ten rights principles described by the 1959 UN *Declaration of the Rights of the Child*. We were fully aware of the forthcoming convention and as well informed and up to date as probably most other people as drafting drew to an end (Ennew and Milne 1988: 14 and 200–216). Drafting finished soon after we had completed our work. In part one it looked at the state of children's right through the ten principles; in the second part it examined 12 country case studies. It was not written to criticise, advocate or predict but simply to look at what we had and what we hoped the new convention would move on to.

In many respects it is an extremely naive book looking back through it now. Yet one of the reasons this book came about is because whilst it never sold in vast numbers, it was much used, cited and enquired after for at least a decade. During that time we were often asked whether we would revise or update it and a new edition would appear. It was always a consideration. The commissioning editors at Zed also suggested a follow-up book.

In the fullness of time, there were less and less comments, but until very recently, it has been cited. Judith still received remarks and requests, including high praise for it as the best book of its kind at the time and even since. Looking back over it shows a starting point in our real involvement in children's rights rather than through single issues such as street children or child labour. The option of bringing it up to date became less and less attractive, and the first 10 years after the adoption of the *United Nations Convention on the Rights of the Child* was a defining moment because the century and millennium were close to ending and like everybody else we were curious about the future. Thus, after having occasional thoughts for five years, we decided to begin work on a follow-up; something like this has now shaped out in time for the twentieth anniversary of the adoption in 2009.

Changes in our lives and work made that difficult; thus, we snatched time when we met once or twice a year and exchanged ideas and materials electronically until we had a skeletal book with short abstracts below each chapter title. The entire book is very different to the work we set out to reprise without letting it become a polemical repetition of our 1980s points of view projected into the present. During 2013 Judith was saying that she would retire very soon after her seventieth birthday early in 2014, and then one of her priorities would be that we would begin seriously writing later that year. That was not to be. On 4 October 2013 she died. Within days I had decided all of our preparatory work would be compiled, the skeletal structure and abstracts fleshed out and a book begin to be written. By the end of October, I was giving every spare hour to working on it. I wanted to still be able to write it with my sense of how she would have approached some topics and specific issues had we been able to write together. I have done so to the best of my ability. Those chapters that were entirely to be written by her were naturally the most difficult, but she had left enough to work with to make it possible without too much deviation from her points of view. She had critically assessed the chapters I was to write alone, so she knew what she had thought was right, wrong or necessary to write about. Our planned joint chapters, only two, were perhaps the most difficult because we would have debated, ‘juggled’ and thoroughly dissected then reconstructed them, possibly several times. It is not easy to do that with oneself.

Nonetheless, her death triggered the start of a sometimes difficult effort to complete this book. I had been quite seriously ill myself, I was still taking medicines that often affected my memory and thought processes but the stimulation of writing and often at first forcing myself to remember made a major contribution to my recovery. At the time of Judith’s death, I realised how low I was and find it almost ironic how somebody lived with diabetes which had been a serious problem for many years but had only begun to slow her down over the last two or so years of her life and had certainly brought about her end; it was exactly that which brought me back to where I am by showing me never to give up.

Thus, I wrote intending to be a co-author and at least a proxy. On the other hand, I learned that that is a great ideal but not a practicality. I can never write as she would have, nor can I devise a means of sharing thoughts that would have included hard debating. Therefore, I used what we had jointly prepared and injected what I could of her thoughts and way of thinking. I am satisfied with the outcome.

This book itself is not exactly a follow-up to the 1989 one. It bears it in mind and has been carefully reread for inspiration but does seriously allow for how naive we considered it had become since finishing writing in 1988. It was the age of the 1989 convention; we had great expectations but have been massively disappointed, irritated by narrow-mindedness, and yet we have retained great faith in what has happened. We saw the haste with which the first countries signed, that the first ratifications brought it into effect in 1990 and that, whilst vast political changes were going on worldwide, newly emergent and independent nations were signing and ratifying it faster than any other convention had ever seen. We saw what appeared to be extensive political goodwill. On reflection I can see how naive that was since despite ratification many nations have achieved only marginally more than nothing. That does not mean giving up on it as a failure but the incentive to find a solution. This book is

not a defining explication of how that might be; it would be absurd to even try that but to contribute just the tiniest bit to a worldwide incentive to find a solution is all.

For the sakes of clarity and full explanation, there are appendices. They are lengthy but without comment, simply giving full texts of conventions, charters and treaties that are pertinent. They are intended to be used as required but not as 'obligatory' reading.

From the outset, we, Ennew and Milne, set out not to be judge and jury, thus condemning either the state of children's rights or any human contribution to its advancement or lack of progress. From the Introduction and eight chapters, we originally chose three each and shared two. I have closely adhered to Judith's notes for the three I wrote instead of her but had to entirely take on the two shared ones beyond the briefest abstracts we wrote together. Rather than becoming entangled in sometimes futile arguments, it was often far more useful to observe, consider and then take note of things. Of course there have been critical comments and disagreements on issues and with individuals or organisations but never heated nor enduring. It always seemed far better to draw the key observations together in this way. These are by no means all of them nor indeed is any individual or organisation being criticised. That names and titles are referred to in what appear to be critical contexts is inevitability that does not thrust blame or any other negative value on those named. They may, in fact, be critical only because some readers who feel implicated read them as being so. That was never intended. Nonetheless, many topics are approached in a critical manner in order to emphasise observations about them. Chapter five on the (mis)appropriation of language as a children's rights terminology is probably the most significant. Having acknowledged that, it is extremely difficult to do so otherwise although it is, as all else, simply a set of observations which are opinions about a particular phenomenon we recognised and wished to point out explicitly. Try as I may, I find no gentler way of taking a metaphorical bull by the horns.

It was always an attempt to keep our integrity by being honest about what we saw post-1989 and hoped would and could be done with our views. I found it very hard going since I do not like hurting anybody's feelings. Even so, I am quite certain that some people and perhaps a few organisations will feel attacked and expect some kind of apology or climb down on those matters. Since there are no attacks of this kind intended, I simply request people who may feel any kind of offence when reading to take it or leave it and not develop it into a debate which would be a distraction from the task actually in hand. It is this entire work that is intended to be read and not just parts with which people or organisations immediately identify. Disagreement and critique are as welcomed as positive reception in order to contribute to sustaining the advance of children's rights. Thus, there is no objective setting out a future, making plans and setting agendas for the future of that task here. It is a review of roughly a quarter of a century until the present, at least the most recent past, that does not set out criteria. It does, however, suggest that the present convention and all of the apparatus around it may need to be improved, given more powers to enforce and lead, but does not set out how that might possibly be. That is left to those who are willing to take in what they read here and the opinions of others with similar views.



It is, therefore, clearly a tribute to Judith Ennew, but it also pays homage to all of the people who have contributed so much to children's rights over the years and wishes to encourage others to take up the cause. Some years ago Judith suggested that we do not show other people this work until it is in the hands of publishers and at least at the stage of final edits. In fact her rationale was that we could eternally take in what other people said and develop it further but thus never finish. As with the first book it is also written from very personal perspectives. Nevertheless, I wish to thank some people for inspiration or at least support. Antonella Invernizzi listened, made suggestions and debated some ideas, Nigel Cantwell has always been an enormous inspiration, Henk van Beers and Manfred Liebel both consistently continue to work for children's rights in an opened-minded manner, Jasmin Lim represents a new generation that has much to offer and then there are far too many who shall remain unnamed because the list would be long. Rather than make omissions I have not attempted to write that list, but I know who they are.

Those named and myself were able to come together with several other friends and colleagues at the *Children Out-of-Place and Human Rights: International Symposium in Memory of Judith Ennew*, at the Freie Universität Berlin on 27 and 28 October 2014, thanks to the efforts of Manfred Liebel. We said 'goodbye' to her, but not her work and its influence which we wish to see developed and grow in the hands of a new generation of children's rights researchers and practitioners. I was able to gather some thoughts to round this book off from Alejandro Cussiánovich, Per Miljeteig, Michael Bourdillon, Sharon Bessell, Roxana Waterson and Bill Meyers who was too ill to attend but with whom I had been exchanging ideas, all of whom had a close working relationship with her.

Although earlier it was mentioned this book was finished in October 2014, in fact the Berlin Symposium and other important matters such as Somalia ratifying the *Convention on the Rights of the Child* in January 2015 have meant that up until submission of the manuscript, this was always a work in progress.

Thus, this is not a book by or about Judith, as much as a tribute to her as the original shared ideas, the discussions and disagreements en route to reaching what we had to say were as much hers as mine. Judith was an outstanding academic who only ever kept one foot in that world but commanded more respect than most other people who worked in the field of the human rights of children. It is a hard task to live up to her demanding standards. Nevertheless, the burden fell on me to assemble and write it; I have now done so; thus, as she and I would always wish, we now place the burden of taking it forward in the hands of the next generation.

Calès, France

Brian Milne

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## Reference

Ennew, J., & Milne, B. (1989). *The next generation: Lives of third world children*. London/Philadelphia: Zed Books/New Society Publishers.

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This is an introduction I never wanted to write. At least I never wanted to write it alone. On the one hand, part of the overall work is a continuation of my work completed in 2012 (Milne 2013) and on the other of a work completed at the end of 1988 (Ennew and Milne 1989). Why I never wanted to write this is that rather than write alone, Judith Ennew had recently suggested that a planned revisit of our 1989 work was now very overdue and that some of what I would be writing in a follow-up to my 2013 publication should be included in it. She had just read my book.<sup>1</sup> We had, needless to say, been slowly but surely building up a set of notes for this book. Fortunately we kept our notes together as a single file, and it has been these notes I worked out of to write this book.

We both felt that the spirit of the years leading up to and particularly 1989 itself when the United Nations presented the world with the *Convention on the Rights of the Child* (UNCRC, henceforth CRC) had been lost. By 1 July 2014, the CRC had been ratified or acceded to by 195 states; at the time I am writing, only South Sudan and the USA have yet to ratify. The South Sudan National Legislative Assembly passed a bill during 2013 agreeing to ratify the treaty. Ratification has since remained pending during the ongoing armed conflict. Progress has been slow in the USA despite signing in 1995.<sup>2</sup> There are three optional protocols: the *Optional Protocol on the Involvement of Children in Armed Conflict*; the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*; and the *Optional Protocol to the Convention on the Rights of the Child on a Communications*

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<sup>1</sup>That was part of a discussion with her during her final visit in the early summer of 2013 as to how we would proceed with this book after her retirement planned to follow her 70th birthday early in 2014. It was one of her priorities. However, fate decided otherwise. She died on 4 October 2013.

<sup>2</sup>Opposition has been concentrated among politically conservative and some religious groups who claim it conflicts with the constitution. Ironically, the USA played a very active role in drafting and commented on nearly all articles, even proposing the original draft of seven of them. If South Sudan ratifies, the USA would be the only member of the UN not to have done so.

*Procedure.* The first has 158 state parties to the protocol and 129 other states have signed but have not ratified, the second has 168 state parties and 121 others that have signed, whereas the third opened for signature on 28 February 2012, entered into force 14 April 2014 with the tenth ratification and currently (June 2014) has 46 signatures and 11 ratifications.<sup>3</sup> Given the number of signatories and ratifications of the CRC and its optional protocols, the CRC would appear to be one of, if not the most, successful international human rights instruments ever.

Both of us had been highly privileged to meet Professor Adam Łopatka (1928–2003), sometimes referred to as the ‘Father of the Convention’, who had served as the President of the Working Group on the CRC, and James P. ‘Jim’ Grant (1922–1995), a children’s advocate who served for 15 years as the third Executive Director of UNICEF from 1980 onwards, thus was very actively involved in bringing the CRC to life. These people inspired us and infected us with their great hopes.

We were also interested in people who had been influential in children’s rights becoming a reality. At the very beginning of the twentieth century, two sisters had the vision to realise the rights of children and offer them greater protection than hitherto at the end of the First World War. Thus, Eglantyne Jebb (1876–1928) and her sister Dorothy Buxton (1881–1963) decided to begin direct action and campaigning. The *Save the Children Fund* was launched at a public meeting in London’s Royal Albert Hall in May 1919. Jebb wanted to make the rights and welfare of children a worldwide issue. Her *Declaration of the Rights of the Child*, also known as the Declaration of Geneva, was drafted by her in 1923 (Appendix 2). It was adopted along with some parts inspired by Janusz Korczak’s version<sup>4</sup> (Appendix 1) by the League of Nations in 1924. The original document, which is now archived in Geneva, carries the signatures of a number of international delegates that include Jebb herself, Korczak and Gustave Ador, a former President of the Swiss Confederation. In 1959 the United Nations General Assembly adopted an expanded version as its own *Declaration of the Rights of the Child* (Appendix 3), which had ten principles in place of the original five. The Declaration in turn inspired the present CRC.

Adam Łopatka had been inspired by his countryman Janusz Korczak, the child welfare pioneer who died with orphans from the Warsaw Ghetto children in his care in 1942. Korczak was the penname of Henryk Goldszmit (1878/1879–1942), a Polish-Jewish educator, children’s author and paediatrician also known by those in his care as *Pan Doktor* (‘Mr. Doctor’). The importance of respecting children and their opinions was his main message and was to be an inspiration in the drafting and some of the articles of the CRC on the Rights of the Child. In his orphanage in the Warsaw Ghetto during the Second World War, Korczak, his colleagues and the children practised their rights in their daily lives. In the midst of the horrors of war

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<sup>3</sup>Signatories and state parties to each optional protocol increase in number year-on-year; this was the situation in the third quarter of 2014.

<sup>4</sup>It is earlier than Jebb’s version, but there is no exact date for when it was written. It is also far broader ranging and less practical, secular or legally and politically viable than her declaration.

in Europe, their small community in the ghetto developed a small democracy with an assembly and established rules of behaviour and a court.

Early in August 1942, German soldiers went to collect a handful less than 200 orphans and about a dozen staff members to be transported to the Treblinka extermination camp. Korczak had been offered safe haven on the 'Aryan side' by Żegota, also known as the 'Konrad Żegota Committee', the Council to Aid Jews (Polish: *Rada Pomocy Żydom*), an underground organisation of the Polish resistance in German occupied Poland that was active from 1942 to 1945. Korczak turned the offer down repeatedly, saying that he would not abandon the children in his care. On 5 August, he once again refused an offer of refuge, insisting that he would go with his children. When they went, the children were dressed in their best clothes, each carrying a blue knapsack and a favourite book or toy. They were marched to an *Umschlagplatz* (deportation point to the death camps). He boarded a train with the children and was never heard of again. It is highly probable that Korczak and the children were executed in a gas chamber immediately on arrival at Treblinka.

Janusz Korczak had demanded there be a 'Declaration of the Rights of the Child' considerably earlier than Eglantyne Jebb's version was drawn up and adopted by the League of Nations. His version had envisaged a demand for action rather than a plea for goodwill. It was left incomplete at the time of his death.

Jebb and Korczak were inspirations, in the former's case for her commitment and vision and in the latter's case for his courage and prototype model of children's participation in daily life as equals of their adult carers. We learned from these pioneers but never made the error, as we both believed, of 'canonising' them and holding them up as some kind of saints.

In the middle of 1987, the first words of *The Next Generation: Lives of Third World Children* were written in Selbu, Norway. That day was a deceitful reflection of the times we were living in: around us was a beautiful piece of the world, the sun was mostly shining and the temperature pleasantly warm, but there were a few rain showers. Those first words were written as one of us took part in a meeting while the other sat out in the sun and showers. There were several very young children investigating the stranger in the garden with a notepad. Writing began with their laughter within hearing distance. We were optimistic that the world would get even better than we thought it was just then. The world for children at that same time somehow reflected that day—sun and showers—often too many of the latter and too little of the former metaphorically speaking. Many things were improving; for instance, it was a world moving towards creating programmes to protect street children and child workers, child abuse in all forms was no longer a 'taboo' topic, the sexual exploitation of children had been acknowledged and there were plans to safeguard the lives of children in situations of armed conflict. Better still, there was a UN convention at a fairly advanced state of drafting. It would be the 'shining sun' in a previously overcast sky. We were optimistic.

In 1989 the book was published and the CRC was adopted by the UN. Since then many things have changed, some for the better and others for the worse, including us. Perhaps we were never swept headlong in the wave of euphoria that came with the CRC but held on to our reservations and room for doubts. We would hesitate to

say that we could see what was coming, but at least never set our expectations too high. Both of us changed a great deal and have, perhaps, seen more than many other people would wish to see. If we did not see things ourselves, then one or both of us know people who have. It is implausible that we would ever have become cynical or disillusioned; however, more than a few individuals and organisations we had higher hopes for have let us down.

Since 1989 all UN member nations<sup>5</sup> except two in the world have signed and ratified or acceded to the CRC. However, the USA, who we are generally led to believe is the most democratic nation in the world, appears to have no intention of signing, let alone ratifying it in the immediate future. South Sudan is the newest recognised independent nation in the world and requires time to end internal conflicts before it can ratify. There have been three optional protocols to the CRC, one of them a somewhat 'diluted' version of what many of us had hoped to see that is specifically about child soldiers rather than all children in situations of conflict. The ILO has presented us with a convention on the worst forms of child labour and breathed new life into an earlier and originally unsuccessful one. Ironically the ILO's efforts come at a time when many of us who were once committed 'eliminationists' have thought again.

More nation states exist than back in the 1980s, and there are also many more national laws to protect children against a greater array of acknowledged tribulations than ever before. In general we were both more open about the situation of children and more concerned about their protection. There is a veneer of concern about children's rights. On the ground little has changed except that poverty appears to be hurting more children than ever before, and it would be callous to overlook the effect of, for example, HIV and AIDS on them. In many western countries, an almost obsessive fear of 'stranger danger' has consigned children to a life indoors where, ironically, most abuse and neglect occur anyway. That *angst* is gradually permeating other parts of our small world. Children's rights are becoming less and less realisable as children become less visible.

The analogy began with the sun rising and providing warmth and happiness. At present there is a cloud cast over that world, but as with the greyest weather in time, it should pass and better things come to pass. We hoped. Every child who survived the intervening years between beginning to write in 1987 and again in 2013 is now 26 years or more old. They are adults, that is to say, if they survived into adulthood rather than assuming some might have remained children like Peter Pan. One of the hopes of many people waiting to see the new CRC then anticipated that it would be a truly universal instrument of human rights that would serve us well by instructing children in ideals for a more equitable and peaceful world. For some of us, it was the convention that most adults did not and would probably never have but that bore universal ideals that transcended age. Today many of us would probably admit disappointment in the intention of universal knowledge of this wonderful instrument

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<sup>5</sup>When UN observer, partly and non-recognised states are included, there are 201 countries worldwide as against 196 UN member states.

of law that would give access to its promises to all children. In all probability, we would admit, very few children know about it, let alone are real beneficiaries. We have seen cracks appearing in what is as patently fragile as fine porcelain through the CRC's imperfections and weaknesses. It was a starting point. Whilst discussing this book, we still shared hope. To be otherwise would have left us with nothing.

Thus, in and around 2007–2008, we already felt that the spirit that came with the adoption of the CRC in 1989 had faded and was perhaps all but dead in the case of many of the ratifying nations. We therefore began to think about what we had hoped in the 1980s and were seeing now in the 2010s and how we could speak out about that view.

We were pre-concerned with how the four influential figures, Łopatka, Grant, Jebb and Korczak, would have seen children's rights develop, become a universal principle and then begin to decline. Would they be disappointed or would they say that it was predestined to the state in which it is now? In the last decades of the twentieth century, a number of goals were set within the United Nations context, goals to be met by the year 2000: *Health for All* (1981), *Shelter for All* (1987) and the goals of the 1990 *World Summit for Children*, which were directly linked (by UNICEF at least) to the adoption of the CRC by the General Assembly of the United Nations in 1989. These goals have clearly not been met, even though we have the resources, especially research facilities and the technology which monitors and promotes the goals. And in any case, goals are not rights.

Goals are used to measure development, including the delivery of rights. There are eight *Millennium Development Goals* (MDGs) that include cutting extreme poverty by half, halting the spread of HIV/AIDS and the provision of universal primary education. The aim is to achieve all MDGs by 2015 that will be used as a blueprint that was agreed to by all the world's countries and foremost development institutions. They have stimulated extraordinary efforts to meet the needs of the poorest people worldwide. They were established subsequent to the *Millennium Summit of the United Nations* in 2000 that was followed by the adoption of the *UN Millennium Declaration*. All of the then 189 UN member states and over 20 international organisations committed themselves to making it a priority to achieve these goals by the year 2015. They are:

1. To eradicate extreme poverty and hunger
2. To realising universal primary education
3. To promoting gender equality and means by which to empower women
4. To significantly reduce child mortality rates
5. To raise the standard of maternal health worldwide
6. To combat HIV/AIDS, malaria and other diseases
7. To ensure environmental sustainability
8. To develop a global partnership for development

The subsequent set of development goals will be applicable to all countries and will be based on the principles of human rights, gender equality and rule of law. UN member states have agreed that the next set of goals will contain targets

and indicators they will be required to work towards. The present UN Secretary General, Ban Ki-moon, has said that post-2015 development goals should above all focus on improving the lives of marginalised groups and empowering women. The framework ‘must be bold in ambition yet simple in design, supported by a new partnership for development’. It must be universal in nature yet responsive to the complexities, needs and capacities of individual countries. Those goals should promote peace and security, democratic governance, rule of law, gender equality and human rights for all. The *Rio + 20 Conference* in 2012 set up an open working group that would report back to the UN in September 2014, whereupon intergovernmental negotiations on future targets would begin. A new set of goals would be presented to the General Assembly for adoption in September 2015. The high-level panel set up by Ban in 2012 that is chaired by Indonesia, Liberia and the UK devised 12 draft goals that include targets on health, education, the environment and women’s empowerment, as well as access to justice, peace and security. The Beyond 2015 campaign of civil society groups has said that despite positive movements in the outcome document on human rights, peace and democratic government, it lacked real ambition necessary for bringing about change. Their co-chair, Neva Frecheville, said: ‘Governments need to start listening to the people and to raise the level of ambition in order to ensure that no one is left behind. Civil society around the world will not accept a framework which does not deal with the structural causes of poverty and injustice. The global community gets one chance for deep thought every 20 years—and this is it’.<sup>6</sup>

Thus, it may be said that whilst the MDGs and the next set of goals include rights as a central target of their programme to achieve each of the goals, they are neither rights nor described as such. Now, in 2015, it would be very difficult to claim that the eight original goals have been achieved or will be by the end of this year. In that respect, it is difficult to claim that children universally have improved or more rights.

Therefore, this work sets out to be a realistic but not always critical review of two and a half decades of intensive activity in the field of children’s rights worldwide, including not only failures but also examples of good practice and positive experiences. It is also a review of progress and lack of progress in child rights and welfare in the twelve countries used as case studies in *The Next Generation*. Finally, it considers the impact of current geopolitical and economic realities on children’s rights in the early years of the twenty-first century.

It acknowledges that the world has changed a great deal since 1979. That is catalogued through children’s involvement in each of the following topic areas.

Firstly, we saw changes in geopolitics: especially the Gulf and Balkan wars and how those countries have been reconstructed. The Gulf War was the first ‘live broadcast’ war ever. During the war the emphasis was very much on the weapons and ‘sensational’ coverage of actions such as air raids and hits by cruise missiles. There were some ‘scandals’ when civilians were killed or wounded, although those

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<sup>6</sup>From the *Beyond 2015* press release of 25 September 2013 on <http://www.beyond2015.org/news/beyond-2015-reaction-special-events-outcome-document-press-release>



victims were also seen to be used as political collateral. It was no longer far away, since at the click of a key, we had live television coverage at our fingertips. When it came to the dispute with Iraq, children were occasionally presented as victims of Iraqi aggression when best media and political advantage could be gained. It was only once the war was over that the increasingly poor state of children in Iraq became news. They became 'pawns' in the negotiations with the international community: their health and welfare were a major reason for Iraq being able to trade some of its oil.

The Balkans took us through a similar passage in bringing the alien into our homes. As Bosnia moved on to be replaced by Kosova, weaponry diminished as a focus for newsmaking to be replaced by ethnic cleansing. Again children were news of the last resort, for instance, when children were amongst the victims of a bombing by other former Yugoslavians, it was important news; as victims of friendly fire, they tended to be less well presented.

Since then, the escalation of violence in Indonesia, beginning with East Timor, was similarly treated. Where children were part of forced migrations or victims of atrocities (especially when the elderly or Christian priests and nuns were also caught up in them), they made news in order to put an edge on the degree of violence. As I write, although it is no longer headline news every day, the same applies to Syria, Kurdish Iraq and the Gaza Strip.

Genocide, rape and torture are key themes, but what do we really know about the children? In stark contrast we are beginning to be informed about places and their regimes in greater detail than ever before. Where children do become central to these areas is in the aftermath when reconstruction draws in 'child savers' who busy themselves with the renovation of institutions full of neglected orphans, who are often in reality the physically and mentally disadvantaged ones who have been placed in institutions prior to the conflicts. However, they provide a very precise humanitarian face of aid and reconstruction.

Changes in global economics are a key topic. At present they preoccupy many of us in the wake of the events of the beginning of this century. The 2000s recession was a decline in economic activity that mainly occurred in developed countries. The global financial crisis of 2007–2008 has become a global recession. It has been the poorest of the poor who have been hardest hit and naturally include children.

There have also been changes in global environment: El Niño, global warming, pollution and HIV. In general, environmental problems have been viewed more in terms of other living species than as human problems. They have been expressed as damage done by our species or through our contribution to climatic change such as global warming brought on by pollution, deforestation, CFCs, etc. There has been some concern expressed about where people live in lowlands such as on the Maldives and in Bangladesh, although little of it categorically referred to how that may affect children's futures.

Health has been affected by such pollutants as lead and mercury, where different forms of radiation occur and where chemicals such as those used in agribusiness have raised questions about deformity, cancer and other physical effects on children. These have been contentious in virtually every instance, whereby governments and

corporations have very quickly had scientific research carried out to disprove or at the very least discredit the independent research. Where neither government nor business has succeeded has been in the wake of the direct outcome of climatic change as it has been manifested by heavy and long-lasting rains caused by El Niño; so that flooding in East Africa and even in the Bay of Bengal and the Yangtze Basin have been quickly explained away by describing the weather as simply 'extraordinary' or 'untypical'.

There is tacit denial of the possibility of a correlation between environmental change and the appearance and diffusion of HIV/AIDS. AIDS had, however, been used to good effect by media happy to exploit the suffering of AIDS orphans in much the same way as drought and famine provide pathos. Thus, it is the deprived, starving, hungry child, often with bloated belly and thin limbs, who calls for sympathy rather than the possibility that all children in the world may be affected by what is happening. What do people actually remember about events where children were severely affected such as Bhopal, Chernobyl, etc.?

There were also inevitable changes at 'the top' in the UN and its specialised agencies that had or are having consequences for children and children's rights. The people in those positions where any influence was imaginable, let alone possible, have more or less all moved on to be replaced by people with other important agendas. There is a UN *Committee on the Rights of the Child*. At first the Committee had a somewhat higher profile than at present. There have been some notable chairs, but it is sometimes slightly difficult to see why some of the members are there. Ironically, in some respects, one might argue that it is in fact the UN that has moved emphasis away from the human rights focus of the CRC towards it being an instrument used to justify and support an increasing number of protections. Those protections sometimes conflict with the notion of 'the best interests of the child' since they are imposed on children, usually with consultation with children, and may well have detrimental effects on their lives. Arguably, since a protection is essentially based on a benign concept, it must be in one sense or another 'enabling' for children, whilst in reality it may be 'prohibiting' from the point of view of children and their families. Also, in common with goals, protections are not rights which they are frequently misrepresented as being.

Changes in global information have had an enormous effect on children's lives. The Internet and media have moved forward at an ever-increasing rate since the generation we were looking at in *The Next Generation*.

Western politicians have occasionally proposed that every child in the world should have access to the Internet, World Wide Web and all other aspects of modern electronic communication and information.<sup>7</sup> It appears to be a high and worthy ideal but is actually mere rhetoric. It makes no account of resources such as the provision

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<sup>7</sup>Bill Clinton's Vice-President Al Gore discussed his concerns with computer technology and levels of access in his 1994 article, *No More Information Have and Have Nots*, in *Billboard*, 22 October 1994. He was particularly interested in implementing measures, which would grant all children access to the Internet.

of hardware (the computers themselves), even electricity supplies and telephone connections. It also skates over the question of literacy—not only computer literacy but also the ability to read and write without which computers are virtually useless. Of course there are known to be Internet cafés in the remotest places which may be said to be leading the world in that direction, but that is the exception rather than the rule since it requires money to be able to use them. It is likewise a resource for the few who have time, money and the ability to use it.

Media, on the other hand, has expanded exponentially since the advent of satellite television transmission. Children and youth have been targeted through channels given over to their interests, hence Disney Channel, Cartoon Network, MTV and so on. The latter has particularly worked towards a globalisation of media and music, having begun at the time the vinyl record was being almost universally replaced by the tape cassette, very quickly by the CD, then minidisks and DVD and now download and digital technologies.

Popular music has itself shared the lead to a ‘global villagisation’ wherein fashion and language are led by dominant forces so that, for instance, North American black ‘street language’ has become the *lingua franca* of the young and designer trainers, baggy jeans and other clothes are becoming universal. It is what David Hesmondhalgh (1999 and 2007) calls a form of cultural imperialism, arguing that English is the predominant language of pop music and, as has been the case for many years, that industry is one of capitalism’s most successful enterprises. Through this ‘world bazaar’, ethnic identity and popular culture are becoming intermingled. Thus, to use a simple example, in Brazil some Bahian black youth have abandoned samba in favour of reggae, rap, hip-hop and other black ghetto music, often adopting the dress of Rastafarians, US rappers and so on. When Bob Geldof put on the *Live Aid* concert in 1985, it fell almost immediately into place in the global aid arena and a little later when many people ‘Ran the World’ (*Sport Aid*, May 25 1986);<sup>8</sup> the interaction took from and fed such events into the so-called ‘world bazaar’. It has been this interaction that has often fuelled the ambitions of western entrepreneurs to take the boundaries of media penetration even further.

Other things have happened that have shaped and reshaped the situation of children. For instance, in 1996 the United Nations General Assembly received a ground-breaking report on the ‘Impact of armed conflict on children’, written by Graça Machel. There were optional protocols to the CRC on sexual exploitation and child soldiers. Other actions such as *Comic Relief* in the UK have had significant influence to the manner and style of actions. Thus, we see a world in which children have, in some ways, become more visible.

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<sup>8</sup>Sport Aid was the sporting event with the most participants in history and raised \$37 m to support famine relief in Africa. It was organised by Chris Long, Bob Geldof, Simon Dring and John Anderson. Paul Willies was coordinator for events in North America, also wrote the manual for the 10 k road race and help bring in UNICEF as the overall underwriter of the project. Sport Aid was supported by Band Aid and UNICEF. Sport Aid took place in 89 countries simultaneously.

Despite this visibility, whilst Judith and I talked about what we would be examining, each of the themes discussed above provided us with food for thought and consistently raised questions. We wanted to know whether or not these things were contributing to making the world better for children, not really making any change or might they even be making some things worse? Our first book included twelve country case studies that will be briefly revisited in this work; however, it also reminds that the full title of that book was *The Next Generation: Lives of Third World Children*. This work does not only examine ‘third world’ children, since too many of the changes we have seen affect all children; thus, I am at the least morally obliged to make it global.

Both of us profoundly disliked the way single issues are so often pursued. Not only that, but in general we found that within the single issues, only a single perspective was considered. Therefore, to take an example, we looked at research into child labour and saw that much of it use a few sketchy examples of what children were doing, but the main thrust of the research was to look for ways of eliminating it. Only a minority of researchers were examining how to improve children’s working conditions, pay and all other aspects of employment. Fewer still were researching the legitimacy of work in order to support children’s demands that they be allowed to work in the southern hemisphere. Everything appeared to be governed by people in the northern hemisphere whose goal was the elimination of all child labour. We recognised the folly of separating child and adult workers whose problems were frequently shared, but the people ‘pulling the strings’ in Geneva would not have it.

We also saw the ‘discovery’ of children’s participation. In fact both of us already knew children’s movements in Asia and South America. The people who believed they had discovered participation meant something else entirely. They created an environment in which children were hived off from adults in order to somehow sort the world out for children. Whilst they were mildly political in that most of them were encouraged to be anti-war and pro-environmentalist, the politicisation was discouraged from going further. They neither demanded the right to work nor did they overtly support or even acknowledge their counterparts in the South in any way. What was even more alarming for us was that children’s participation in the North was proposing the agenda for the rest of the world to follow without any apparent acknowledgement of the experience of well-established children’s movements in the South. Furthermore, participatory activities for young people were exclusively for them, usually set up and with an agenda created by adults, that had little and sometimes no linkage whatsoever with adults, therefore the rest of the world. We had both hoped that with the CRC and new concepts it offered, both single dimensions and age-related separatism would end.

We looked at the first 10 years with open minds. Then as the years increased, we saw more and more immovable positions developing. We were concerned that the recognition of children’s rights that came with the CRC had become entrenched rather than move things forward. Rather than bring children into the mainstream of human rights, it had cut them off in a symbolically separate world, that of children as if they were not yet fully human beings. We recognised in that separation

what Brennan and Noggle (1997) described as an *unequal treatment thesis* whereby children from specific age groups are legitimately excluded from doing many things adults are allowed to do. When combined with a single view of any observable aspect of being a child, rather than examining a whole picture, we realised how easy it is to naively accept childhood as a malleable mass rather than see children as individuals with unique identities, personal histories and futures who are social actors rather than merely would-be bearers of rights. Our expectation had been that with the basic structure on which to build the CRC would move things forward.

Our hopes were not exactly what we would define as unfulfilled but more like unreasonably slow in finding acceptance. We recognised fully the many differences there are in the world that would mean different stages of development and change at very different paces and beginning at numerous different times. However, we were not seeing a precedent that offered a broad-ranging example, more like a relatively few examples of parts of the comprehensive set of rights the CRC describes, often only one particularly, anywhere. It was not a case of children's rights not happening; it was beyond giving them a chance to become established and therefore find their own place or that despite concerted attempts nothing much was happening. It seemed more the case that recognition of children's rights justifies the unequal treatment of them by accepting them as separable. The world was therefore able to move on, leaving children with a set of rights in a niche of their own.

That niche was of different quality and size in each country and often within nations, in some almost indiscernible and in others at least visible but never too evident, although sometimes what there is appears to be rather ostentatious. Too many nations have ratified the CRC without reservations, yet there is no mechanism beyond the critical examination of the Committee on the Rights of the Child to take this to task. Indeed, the Committee's strong censure of the Holy See early in 2014 is proving the CRC to be a fantastically well-designed instrument but with no means of fixing what needs to be established as a priority. It is, in short, toothless. That, we felt, is where it falls at the first fence and why the commitment to fully adopt the CRC into national laws that comes with ratification is too high an ideal.

To cap it all, children's rights do not really exist in isolation as some people appear to think they do. They are part of all of human rights except that they focus on people under age 18 years. What we mutually questioned is the ability of those who work in the children's rights world who might appear to allow young people to fall into some kind of abyss called adulthood on reaching that birthday. Since life is a continuum, there is no legitimate reason to do that. Therefore, although our work looks at people below 18 years of age, we treated it as a stage in a whole life that had particular events and experiences in it that are carried over into adulthood. Children are born male or female; able or disabled; of many cultures, religions and language backgrounds; rich or poor; and in between. It is a far longer list in fact, but the basic point intended is that birth is the starting point of a life that may last moments or over a century; thus, those most recently born will also include the progenitors of the next generation and they, in turn, will do the same. Childhood is simply the preparatory phase for the rest of life, and those who have enjoyed delivery and observance of their rights are almost certainly in a better position than

those who do not. Optimistically, one would see those who are aware of their rights as a child grows to be aware of their rights throughout their entire life and impart the message and ensure delivery of rights to following generations.

This book neither includes the word ‘conclusion’ in its final chapter nor attempts to reach conclusions. Since it is an examination of the progress of a human rights instrument and like all the others is part of an ongoing and perpetual process, there can be no conclusions. The past, present and all future generations will benefit or even suffer as part of that process, but those cannot be predicted; therefore, it does not project into the unknown. The emphasis is on reviewing the period after 1988 and commenting on what has happened.

Thus, our analysis was simply that we take a step or two back and look at what we have again, but do so objectively and thus accept it as imperfect and then think about how to take it forward. This book is our attempt to do so that I have accepted to write alone. It places Judith’s share of the responsibility for what we had to say in my hands. However, I know she was willing to have borne her share of that responsibility herself and had she lived to see this work finished would have proudly said so.

This book is written primarily for academics working in human rights or specialising in the field of children’s rights, or a related area, and, so often is the case, has a more active role such as occasionally working with UN agencies and NGOs. It is also for students, postgraduates particularly, and children’s rights professionals. It is a work written neither for activists nor campaigners. Those people have their own ways of using information and acting on it and my own point of view is that I do not always agree with what they do and how and why they do it, and therefore, I would need to suggest on how they can change. I am not doing so here. I am writing a serious and principally scholarly work that, I hope, will inform towards critique and change that includes work by other authors, some taking these ideas forward and others proposing alternative or critical views. The basic principle is that even perhaps 2 weeks before she died, Judith and I had exchanged views on the changes worldwide and what we considered stagnation since we last wrote together. To follow up those discussions, I wished only to write openly and honestly about them.

Finally, the choice of title fell to me. Whilst there were still the two of us, we had thought of obvious ideas such as ‘The Next Generation Revisited’ or ‘Beyond the First Generation’. We rejected our titles one after the other; thus, ‘Changing Generations: The First Quarter Century of New Hope for Children’ came out of notes on tentative sub-titles. Eventually with guidance from editors, the simpler *Rights of the Child: 25 Years after the Adoption of the UN Convention* was chosen. It says all that needs to be said, and the content of the book says the rest.

Finding the linkage between the quarter of a century since writing the first book and the present was the most important. We knew that the way in which the 1980s work was written reflected where we were then and also a pre-CRC picture. Case studies then served a purpose, but the world has changed and a global overview is far more important. Rather simply deserting our 12-country case studies, it was clear we would at least need to acknowledge them in the wider context of change.

Nonetheless, our then shared vision was that this would be a work that firstly linked the two works; secondly described change as we had observed it; thirdly included some kind of narrative that mapped the changes since, which if not at first apparent can be found; and finally would ideally require reading both books if at all possible but still be able to stand alone for those who cannot do so. In that respect we wished to put a great deal of seeing what this work merely outlines in the hands of the readers to expand on rather than claiming to be absolute, definitive or actually at all right. Taking on the flaws as well as what might be accepted without question became a hard task for a single author attempting to think for two, wishing to email her almost every day of writing to ask an opinion or how she would phrase something. It is nonetheless the best possible attempt at what was largely a shared vision and can also be considered to be part of a far wider set of tributes to Judith Ennew.

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