**Advancing the Right to Development: A Child Rights-Based Approach**

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Today we are marking the 28th anniversary of the United Nations Declaration on the Right to Development. Two weeks ago, in the week of 20 November, I took part in what was almost a whole week of high profile events in the Netherlands, to celebrate the 25th birthday of another landmark document adopted within the United Nations: the UN Convention on the Rights of the Child (hereafter the CRC). All over the world many such ‘CRC@25’ events were organized.

Most of these CRC@25 events for sure will have underlined the tremendous achievements of this global UN human rights treaty, which is the most ratified of all.[[1]](#footnote-1) In the 25 years that the treaty exists the CRC has tremendously stimulated child-focussed development efforts, both nationally and internationally. Just one of the many possible success stories that could be told in this regard is that of reducing child mortality. According to the United Nations Children’s Fund (UNICEF), the number of children under the age of 5 that died as a result of measles has dropped by no less than 80 per cent between the years 2000 and 2012. This great result is partly due to large scale vaccination campaigns, which made immunization coverage go up from 16% in 1980 to 84% in 2012.[[2]](#footnote-2)

At the same time, most of the CRC@25 events will also have noted that there are still many gaps to be filled in terms of realizing children’s rights. For instance, again according to UNICEF figures, every day still some 17,000 children under the age of 5 die of health problems such as diarrhoea, malaria, pneumonia or lack of oxygen at birth. These are mostly easily preventable or easily curable problems. Thus, provided the required political will is present, it should not be too difficult to bring this number of avoidable deaths further down.[[3]](#footnote-3)

Being involved in events around both the birthdays of the UN Declaration on the Right to Development and the Convention on the Rights of the Child made me reflect on the relations between the two instruments and the goals they pursue. I asked myself whether it would be useful to combine child rights-based approaches and Right to Development approaches, as a way to advance both. And, are there lessons learnt from the CRC that could inform RTD efforts? The remainder of my presentation will illustrate that this is indeed a relevant perspective.

The links between the Right to Development, children and their rights are straightforward. The previous speaker, Mr. Tuncak already gave many compelling examples in his presentation on the effects of chemicals on children. In addition, it is a fact that, despite ongoing demographic changes, and ageing of populations in a growing number of societies, in most countries children make up roughly between one third and half of the population. By the way, when I say ‘children’ I refer to all persons up to the age of 18, which is the CRC’s definition of childhood. A second link is that children clearly are supposed to benefit from and to contribute to efforts to realize the Right to Development, both at present and in the future, as they represent both present and future generations. In fact I am convinced that, had the UN Declaration on the Right to Development been adopted after the Convention on the Rights of the Child, children would have been referred to explicitly (as is the case for women).[[4]](#footnote-4) A third link is that, according to the UN Declaration, realizing human rights is a core element of ‘development’.[[5]](#footnote-5) This means that the international human rights obligations of states, including their obligations in the realm of children’s rights, are an integral element of their development agendas and efforts (in any case in theory, and should be in practice as well).

What key lessons can be learnt from 25 years CRC experience, in relation to finding ways to boost the Right to Development? There might be many, but time allows me only to briefly highlight three: the importance of normative frameworks; the importance of participation; and the need for mobilizing the UN system (and even international and national societies) as a whole, instead of ‘just’ the parts of the system specifically charged with work relating to ‘children’ or for that matter ‘development’.

Firstly, on the importance of normative frameworks: one of the most tangible achievements of the CRC so far has been its ability to stimulate law reform. At the international level, the CRC itself has grown into a widely embraced basis for action to which both governments and civil society actors commit. At the national level, after having joined the CRC many states have reviewed their legislative and policy frameworks and have brought them in line with the Convention. This has given an immense boost to the concretization and enforceability of children’s rights all over the world. In the more general realm of the Right to Development we greatly miss a trend like this with seemingly unresolved debates about whether or not to create a binding instrument on the matter (the “big new treaty” referred to by Professor Oduwole already), and much uncertainty about the level of support that such an instrument would in the end come to enjoy. Creative ideas are very much needed here for taking the RTD forward.

Secondly, in their texts, the Declaration on the Right to Development and the CRC both place a great deal of emphasis on the importance of participation. 25 years of CRC experience have revealed that child participation is key for improving the quality and sustainability of development interventions, and for identifying innovative ways forward. Much more than adults tend to think, children are able to identify problems and to come up with creative solutions. All too often, however, child participation is still organized as a process parallel to the main ‘adult’ decision-making processes, instead of integrating it into the main process which would be needed for it to have maximum impact; or it is not organized at all. This has to change so that the world can come to benefit more from the ideas of children, and children can grow towards their full development potential partly on the basis of their experiences in participation processes. In this respect it is both wonderful and significant to have such active direct participation in this meeting from so many participants in the Change Makers (Youth) Summit held in Geneva today and tomorrow (1-2 December 2014). We will hear more about child and youth participation in the next contribution to this meeting by Ms. Ariel King and by a representative of the Change Makers.

All of this is deeply relevant for efforts to pursue the Right to Development as well. After all, according to article 2(3) of the UN Declaration, states should “formulate appropriate national development policies … on the basis of [the] *active, free and meaningful participation*” (emphasis added) of the population, that is adults and children. A recent international good practice example in this regard in my view is the 2015 *State of the World’s Children* report, published by UNICEF. Children and youth feature in it, alongside many adults, and directly bring up their ideas for innovative action. The report uses multi-media, it is fully digital (for the first time ever) and even has some interactive features.[[6]](#footnote-6)

Finally, 25 years of CRC experience have shown that to reach the level of structural change that is required, it was important to go beyond the CRC Committee and UNICEF (two bodies exclusively charged with work concerning children) and to mobilize the UN system as whole, but also regional organizations, national governments and civil society. For instance, it was an important step for the Security Council to start monitoring actively the use of child soldiers. Likewise, the role of an organisation such as the World Trade Organization is crucial for realizing the Right to Development and full integration of development concerns into WTO decision-making is crucial. Both Professor Gosh and Mr. Montes already spoke about this aspect. The deep commitment of civil society organizations to the CRC, many of whom even incorporated the Convention into their mission statements, has also had great influence in practice. The question is whether, perhaps via the post 2015 Sustainable Development Goals (SDGs), this experience could be replicated for the Right to Development?

Obviously, the SDGs are a golden opportunity to take action on all of this. In that light it is heartening to note that the General Assembly’s Open Working Group seems already to have acted on some of the lessons learnt that I mentioned earlier. Their proposed SDG 1.2, for example, seeks at least to halve “the proportion of men, women *and children* of all ages living in poverty”.[[7]](#footnote-7) From both a Right to Development and a human rights (including children’s rights) point of view this is still insufficient – as these would advocate complete eradication of poverty for all rather than halving it. Professor Gosh already pointed at the overall narrowness of such a goal and at the need to take a process approach. While I share this criticism, I also underline the importance in itself of recognizing, explicitly and separately, the poverty of men, women *and children*. In my view it is also crucial to maintain proposed SDG 16 which presents a number of key preconditions for development which have not yet been addressed at this level before. These preconditions include:

* the reduction of violence, and more specifically ending all violence against children;
* promoting the rule of law and ensuring equal access to justice for all; and
* ensuring the “responsive, inclusive, participatory and representative decision-making at all levels” about which I talked before.[[8]](#footnote-8)

Therefore, if these goals were indeed embraced and then acted upon, the future of the Right to Development would look significantly brighter than it does today.

1. All states in the world ratified the CRC, except Somalia, south Sudan and the USA. For detailed underpinnings of the ideas presented here on the CRC, see K. Arts, ’Twenty-Five Years of the United Nations Convention on the Rights of the Child: Achievements and Challenges’, 61(3) *Netherlands International Law Review*, 2014, pp. 269-305. [↑](#footnote-ref-1)
2. *The State of the World’s Children 2014: In Numbers – Every Child Counts: Revealing Disparities, Advancing Children’s Rights*, UNICEF, January 2014, p. 3. Whereas 482,000 children died of measles in 2000, in 2012 that number was reduced to 86,000. [↑](#footnote-ref-2)
3. Ibid, p. 5; see also http://www.childmortality.org/files\_v17/download/unicef-2013-child-mortality-report-LR-10\_31\_14\_195.pdf . It is important that the proposed Sustainable Development Goal 3.2 seeks to end these preventable deaths by 2030. See

   http://sustainabledevelopment.un.org/content/documents/1579SDGs%20Proposal.pdf. [↑](#footnote-ref-3)
4. UN Declaration on the Right to Development, art. 8(1): “effective measures should be taken to ensure that women have an active role in the development process.” [↑](#footnote-ref-4)
5. Ibid., e.g. preamble and articles 5 and 6. [↑](#footnote-ref-5)
6. *The State of the World’s Children 2015: Reimagine the Future – Innovation for Every Child*, UNICEF, November 2014, containing a combination of “interactive, multimedia and traditional content”. [↑](#footnote-ref-6)
7. Emphasis added. See http://sustainabledevelopment.un.org/content/documents/1579SDGs%20Proposal.pdf. [↑](#footnote-ref-7)
8. Ibid. [↑](#footnote-ref-8)