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Closing the Gap between Rights and the Realities of Children's Lives

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Abstract

In this paper, the authors discuss recent advances and current challenges to the legitimation and implementation of children's rights nationally and internationally. Using the Convention on the Rights of the Child and related international laws as the basis for legally guaranteed rights, the authors illustrate the advances that have been made in legitimizing and implementing the rights of children and youth. In spite of considerable progress, there are major challenges that remain in making these rights a reality in the everyday lives of children. We will explore the tensions and contradictions between the idealized views of children as entitled to the full spectrum of human rights and the realities of how societies actually treat them. We argue that success in closing this gap does not lie in altering the language or the structure of the laws, but rather in addressing the political, social and economic contexts in which the laws operate.

Introduction

With the almost universal ratification of the Convention on the Rights of the Child, (CRC) the international community has acknowledged that children and youth are entitled to basic rights regardless of the country of their origin, nationality, or even that of their residence, permanent or temporary. In this paper we will explicate some of the most important content of international law that affects children and youth, discuss the usefulness as well as the limitations of this set of legal norms, and suggest some steps that we believe are important if legal rights are going to serve to help address the profound problems that face children and youth in their everyday lives.

The underlying assumption of most law on human rights is the dignity of the individual. Individuals are posited to have rights because they are human aside from their membership in any particular national group. When we speak of inalienable rights, we are acknowledging an understanding that rights are not coterminous with nationality.

One indication that this belief is fundamental is that when governments historically have deprived whole groups of people of their rights, they first deny their humanity and next deny them citizenship in the state.¹

Thus, one of the hurdles for the group we call children was the presumption in many cultures that children are less than fully human; children can be denied fundamental rights until they reach an age of maturity at which time they are considered fully human. The rejection of the notion that children lack human rights has been developing throughout the century most notably since the Declaration of the Rights of the Child in 1924. The 1989 Convention on the Rights of the Child lays aside any lingering idea that children are not entitled to human rights.²

The Convention covers the largest scope of any single human rights treaty and states take on extensive obligations for the survival, development, protection, and participation of children. The language includes all children and is in the form of binding obligations. "States shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status" (Article 2, paragraph 1). It is of interest that there was controversy about defining the age of the child, and the list of basis for non-discrimination does not include age. The Convention does allow discrimination based on age since certain rights are linked to the child's developmental capacity, such capacity being determined by adults.

There are a number of regional rights documents that reinforce the international claim that children have legal rights. The European Convention on Human Rights and Fundamental Freedoms (1950) uses "everyone" in Article 5 (liberty and security of person), Article 8 (respect for privacy, family life, home and correspondence) so one might assume that children are included. The European Social Charter (1961) most specifically in Article 7 (protection of children and young people at work), Article 10

¹ For example, Jews in Germany under the Third Reich and African slaves in the United States prior to 1860.

² The Convention was preceded by the non-binding United Nations Declaration on the Rights of the Child, 1959.

(right to vocational education), and Article 17 (social and economic protection for mothers and children) specifically include children as those having rights.

In the American Convention on Human Rights (1969) Article 16 is devoted entirely to the "Rights of children," which protects children's status as minors, states their right to be with their parents, and their right to free education. Under Article 19 the child is entitled to protection by the family, society and the state. The child's education rights are elaborated in Article 13 of a protocol to this convention focusing on economic, social and cultural rights (1988).

Africa is the only region that has a separate regional agreement on children's rights, the African Charter on the Rights and Welfare of the Child (1990) (ACRWC). This document covers the same rights domains as the CRC and has specific articles devoted to regional concerns such as Article 26 on protection against apartheid and discrimination and Article 30 on children of imprisoned mothers. The Charter also sets up a regional committee to monitor the rights of the child as set forth in the treaty.

The Role of International Law in Establishing Human Rights

One of the purposes of International Law is to lay out the common ground of understanding between two or more states and formulate that understanding into an agreement. Over time such agreements have come to be treated as creating binding obligations. Readers who are only familiar with international law through instances like the dramatic treaty breaking of Hitler's forces or the Iranian government's approval of the taking of the United States embassy mistakenly associate international law with pie in the sky idealism or paper promises cast into a void. But the fact remains that the representatives of sovereign states take international law seriously. They are very reluctant to enter into internationally binding agreements; they meticulously and painstakingly peruse each word and comma struggling to limit the nature and extent of the serious obligations they are accepting on a paper, which they know all too well they cannot cast aside without painful consequences. That some state leaders do in fact act contrary to the obligations they have voluntarily accepted in no way changes the seriousness of their obligation or the relative ease with which the rest of the world can then identify that the state has indeed committed a violation of law.

The fact that human rights treaties have been drafted and ratified in substantial numbers and with substantive content in an age when sovereignty and nationalism are thriving, is itself a phenomenon worth investigating. Not only do the treaties define serious substantive obligations, but most lay out as well, a system of monitoring and implementation and some form of dispute resolution. We are surprised by this international legal development because human rights have until the second half of this century been, for the most part, a subject of purely national consideration. Human rights issues in fact appeared to the drafters of the United Nations Charter, towards the close of the first half of this century, to be perfect examples of the need for Article 2 paragraph 7 which retained to the member states the right to cite national law in order to limit the international organization's jurisdiction.

The Charter and Judgment at Nuremberg and the Universal Declaration of Human Rights signaled a fundamental change in the conceptualization of the legal status of the individual, but the seriousness with which states have enlarged and expanded the domain of human rights has signaled as well a fundamental change in the conceptualization of the state. For to take internationally defined human rights seriously is to acknowledge that the idea of the state as the sole arbiter of those rights is an anachronism.

What this means is that a new set of global norms has been emerging, the very existence of which challenges our thinking about national/international dichotomies. If a state cannot claim exclusive jurisdiction over its own citizens within its own borders, to what extent is the concept of sovereignty useful? If we consider the large number of human rights treaties, the extensive ratification of these treaties with relatively few limiting attachments or conditions, it is impossible to deny that the formal apparatus of the state system has embraced a set of fairly consistent obligations which represents a new level of consensus on moral and ethical norms. Along with these treaties, we find an even larger number of declarations from international conferences, United Nations resolutions, regional international organization resolutions, unilateral supportive statements by official representatives of governments, and individual state constitutional and statutory action which testify to the global governmental acknowledgment of the obligatory nature of international human rights norms.

Even when representatives of states publicly agree to statements of norms which they may not intend to implement fully or speedily, they are giving added force to the legitimation of the norms they adopt. And although the International Court of Justice stands symbolically as the ultimate arbiter of international law, it is in the national courts, national legislatures, national administrations, and national public policy debates that the impact of these norms will be most strongly felt. Government officials, members of legislatures, national judges often find themselves caught up in rhetoric about human rights standards which although initially accepted with a view to applying them to foreign strangers have been forced to see their application to familiar constituents.

Using International Law to Address Problems in Children's Everyday Lives

Even at the level of the national state, law cannot transform society over night. It can, however, set forth an expectation of governmental as well as non-governmental behavior and these expectations can in turn legitimize policies and programs which contribute to changing attitudes and actions. Normally, some attitudes have changed in order to bring about a change in law and the law can then provide a basis for moving forward that particular set of values. In any participatory political system some important groups, and under normal circumstances, some important coalition of elites, have created the climate and preconditions for the emergence of sufficient consensus to move to change stated values and expectations. The same can be said for global efforts to improve the lives of children. International legal norms can become powerful tools in advocating by national, as well as international, organizations on behalf of children.

Respect for the Dignity of the Child

To exemplify the globalization of human rights norms for children, we can look first at the concept of the dignity of the person which is essential to the very definition of what it means to have rights, and finds a central place in the CRC. One example of a norm that has been newly developed in the second half of this century is that of the right of the child to protection from abuse. Here is an issue which is still controversial within states, basically in tension with the right of the family to privacy, and in line with longstanding attitudes that the child is the property of the parents. As Van Bueren (1995:

87) has pointed out, the lack of reservations to the CRC articles on abuse and neglect are a positive sign that states are willing to entertain the idea that children have the right to live in families without being subject to emotional or physical abuse (Article 19, paragraph 1).

One good example of what it would mean to respect the dignity of the child is the even more controversial emergent norm prohibiting corporal punishment as degrading and humiliating. The Riyadh Guidelines aimed at the prevention of juvenile delinquency, for example, recommend the avoidance of harsh disciplinary measures, particularly corporal punishment" (Section IV paragraph 21 (h)). An example of this changing norm is effort in Scandinavian to prohibit parental corporal punishment. The European Commission on Human Rights upheld a Swedish law prohibiting parental corporal punishment, when it was challenged by Swedish parents, on the grounds of the vulnerability of children. The decision means that states that have ratified the European Convention are not required to abolish parental corporal punishment, but that if they choose to do so, they are not violating the rights of parents. One may hope that as research on the damage of corporal punishment and its conflict with the dignity of the child is more widely promulgated, a potential limitation on parental abuse may gain international status.

Although the CRC does not specifically prohibit parental corporal punishment, it is increasingly difficult to reconcile such practice with the convention's emphasis on the dignity of the child. The convention does provide a basis for eliminating corporal punishment in schools in one of the articles on education. Article 28, paragraph 2 requires states to "ensure that school discipline is administered in a manner consistent with the child's human dignity....". For children in the juvenile justice system, an especially vulnerable population, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (1985) clearly states that "juveniles shall not be subject to corporal punishment" (Article 17.3).

International Cooperation to Improve the Lives of Children

As the world has grown smaller through communications and technological advances, awareness has increased of problems and progress. Globalization has

made it easier to bring about cooperative ventures to collectively address the challenges that face children and youth (Kaufman and Rizzini 2002). There are many treaties aimed at closing gaps between and among national systems in both law and implementation that are exploited by violators of children's rights. One example is traffic in children.

Governments for over a century have joined together to address the international dimensions of slavery. Although there have for decades been agreements outlawing traffic in women, and later children, the CRC contains the most universally ratified and broadly defined treaty provision outlawing this crime. States have accepted an obligation to "take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form" (Article 35). Clearly in matters of this kind it is essential to maximize the number of cooperating states since national laws are ineffective for preventing and punishing criminals if violators are free to move without penalty across state borders. The African Children's Charter also prohibits traffic in children (Article 29) and prohibits, as well, the use of children in begging. Most recently, this issue has been addressed in the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography that entered into force on January 18, 2002.

Unfortunately individuals also take children across state borders when they are unhappy with custody arrangements. Again, multilateral agreements are necessary to provide for prevention as well effective and safe return of children. States are obligated under the CRC to help prevent the illegal removal of children from the state and to enter into agreements including already existing ones aimed at ending such activity (Article 11). The Convention on the Civil Aspects of International Child Abduction (1980) states as its purpose ensuring "that right of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States" (Article 1).

Several regional treaties were specifically drafted for the purpose of promoting international cooperation for the return of children illegally taken across national borders. The European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (1980) lays out legal and

technical arrangements aimed at uniformly and systematically applying one another's custody agreements within Europe. And the Inter-American Convention on the International Return of Children (1989) makes similar arrangements for the Americas.

Obstacles to Bringing Legal Rights to Bear on the Everyday Lives of Children

Even though international and national law has been used effectively to improve children's lives, it is clear from the state of the world's children as reported each year by the United Nations Children's Fund (UNICEF), that many children are living lives that appear to be untouched by the obligations that their governments assumed in ratifying the CRC and other related treaties. Some of the forces preventing full implementation of the law are themselves of a legal nature; others, the most important ones, are in fact the result of the social, economic, and political context in which the law is expected to operate. We will discuss both types of obstacles below.

First, human rights treaties, including the CRC, have also been challenged on the grounds that they often reflect western law and values and neglect the rich legal and cultural traditions of non-western societies. Although there is some merit in this accusation, it is important to note that multilateral human rights treaties were drafted by representatives of all the governments of the world and large numbers of non-governmental organizations. The normal drafting process allows as well for numerous opportunities for input from those not in attendance at the drafting conferences. Following adoption of the treaty there is, of course, a national process of ratification, which is in the minds of each delegation during the drafting process. Finally, most countries have a process of national legislation that they use to incorporate the treaty provisions into their domestic constitutional system. Thus, a careful analysis of the drafting process of most human rights treaties reveals a very thoughtful and necessarily slow deliberation about each word and phrase primarily because the drafters aim for universality with respect for flexibility within maximally perceived allowable limits.

"Tradition" alone should not be a basis for setting aside widely accepted human rights norms. Often those who are the primary victims of human rights abuses have by these same "traditions" been without voice or power. To use a painful example from the southern states of the United States, many slave owners claimed that slavery was an

important southern "tradition;" the application of "outside" legal and moral standards were necessary to challenge the "tradition" on behalf of the slaves who were allowed no voice. Infant betrothal, infanticide, rape and other ritualized mistreatment of children should not be removed from the application of international standards on the grounds that they are "traditional." One positive dimension of globalization is the ease of promulgation of human rights standards. A crucial source of opposition to arguments that "tradition" should take precedence over human rights standards is the active support for human rights norms by indigenous groups of formerly powerless citizens who are challenging the traditional system.

The global recognition of human rights is one of the most significant dimensions of an emerging system of globally shared values. The extension of human rights regimes to encompass the least powerful citizens--ethnic, racial, and religious minorities, women and children-- means that even the most vulnerable are now entitled to equal protection of the law. The creation of a High Commissioner for Human Rights is a more recent development that highlights the importance nations are attaching to the monitoring and implementation in this one area of global values consensus.

However, there are still many challenges to be faced until those laws are truly enforced. In the sphere of children's rights, for example, the gap between theories that talk about the "defense and guarantee of children's rights" and their implementation is enormous. The most basic rights of children are violated on a daily basis throughout the world. Equally problematic is the premise of equality enshrined in the idea of rights, all children have equal rights and rights should be the same for all. But, massive discrimination, hostility and injustice against certain groups continue to exist today and in some places seem to be getting worse. The gap between the privileged and the under-privileged is not diminishing. See, for example, the case of countries with progressive child rights laws that have not been widely implemented. Brazil, for example, passed its Statute of the Child and Adolescent in 1990 and it has been making very slow progress in improving actual children's lives³.

³ . Brazil is a southern tier country with a very high percent of low-income people. It is considered one of the ten largest economies in the world and at the same time one of the four most unequal countries.

Secondly, some have argued (Kaufman & Lindquist 1995) that since the validity of international law partially depends on overt or tacit consent to the obligations set forth in the law, a process of law making or ratification which excludes significant groups may not be globally valid. For example, children and youth or those who genuinely claim to speak on their behalf, are rarely included in the formal governmental delegations that draft international law and may be absent, as well, from the governmental level ratification process. An important exception to the normal process, however, was the very active involvement of non-governmental organizations in the drafting of the children's convention, including several child advocacy groups. Hopefully this example and the involvement of these groups, as well, in the monitoring process, augurs well for future international law codification. In addition to the participation of particular organizations, since children are not monolithic groups, it is especially important to seek diverse input into the interpretation and implementation of human rights treaties if they are to achieve the level of consent that would give them maximum validity.

It is difficult to imagine a definition of democracy that does not rest on fundamental civil and political rights. The CRC guarantees rights to freedom of speech (Article 12, ACRWC Article 7), assembly and association (Article 15, ACRWC Article 11). Also, children have the right to privacy and the right to be protected by law from any interference with their privacy (Articles 16, 40, ACRWC Article 10). Basic legal protections are spelled out for children in the legal system, among them: the presumption of innocence, the right to be informed of charges, to not be forced to testify against oneself, to legal assistance, to an interpreter, and to a hearing by an independent and impartial authority (Article 40; ACRWC Article 40).

The Beijing Rules also provide extensive protections including "presumption of innocence, the right to be notified of the charges, the rights to remain silent, the right to counsel, ...the right to confront and cross-examine witnesses and the right to appeal to a higher authority shall be guaranteed at all stages of proceedings" (Article 7 paragraph 1). Yet the most crucial link between human rights and democracy is the prevention of unjust exercises of authority by participation in the life of one's society.

The nature of civic life is changing in the late twentieth century. With increased

democratization more people than ever before are eligible to participate in the public life of their countries. Also, as barriers to participation such as gender, minority group membership, property ownership, and age, among others, are eliminated, formerly disenfranchised groups not only have access to voting and holding public office, but also to more active participation throughout public life, in their communities and in national policy debates.

Some have argued that the strength of a democracy is best measured by how well it treats its weakest members. Children's awareness of democratic processes and their participation in them are required on the basis of the dignity of the child and the experience of childhood as a stage in itself. But it is, of course, also necessary for the growth of a healthy democratic future for the society. Therefore, we are not surprised that human rights instruments place a heavy emphasis on the participation of the child in decision making, not only in public life, but also in private life.

The idea of children's participation has been gaining a broader international acceptance. Several authors have been highlighting the importance of cultural constructs of the notion of childhood in historically situated ways (Flekkoy and Kaufman 1997, James 2004, Limber and Kaufman 2002, Morrow 1999, Reddy 1997, Smith 2005, Weis & Fine 2000). In order to increase opportunities for truly meaningful participation in culturally responsive ways, it is important to know more about how particular cultures and societies and the children who live in them understand and exercise these rights of participation (Rizzini and Thapliyal 2006).

The CRC lays down strong bases for the child's participation in public life. First, children have the right to the knowledge about the system and information for decision making that are the prerequisites to meaningful participation. In defining the right to education, the CRC emphasizes the development of the child's personality, respect for human rights, and the preparation of the child for "responsible life in a free society" (Article 29). Similar language appears in the ACRWC in Article 11 and in the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (1988) in Article 13.

As important, research indicates that children need the experience with participation in decisions affecting them if they are to feel efficacious as participants during their

childhood and also as adults. In fact, in some ways children's rights documents present a model for participation that might be instructional for enhancing adult participation. The CRC encourages attention to the child's environment in promoting the child's developing capacities for participation.

A good example of this approach is found in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). In setting forth the "Fundamental perspectives," Article 1.2 calls upon states to "endeavor to develop conditions that will ensure for the juvenile a meaningful life in the community, which during that period in life when she or he is most susceptible to deviant behavior, will foster a process of personal development and education that is as free from crime and delinquency as possible". Finally, Article 1.3 asks that states focus on positive measures that mobilize family, community groups, and schools to promote the young person's well-being.

Creating an environment conducive to the child's well being would require increasing opportunities and incentives for child participation. For example, the environmental approach to participation is found more clearly elaborated in the UNESCO Recommendation on Education (1974) which devotes an entire section (V) to civic education. There is a call for civic education which appeals to children's "creative imagination" in helping them to learn about their rights and how to actively exercise their rights and freedoms (paragraph 12). Furthermore, the recommendation promotes "active civic training" aimed at helping young people to learn about how public institutions operate, how to solve problems, and should "increasingly link education and action to solve problems at the local, national, and international levels" (paragraph 13).

The Riyadh Guidelines (1990) recommend a similar approach, emphasizing the importance of developing active rather than passive roles for children. One of the Fundamental Principles in the Guidelines is that "young people should have an active role and partnership within society and should not be considered as mere objects of socialization or control" (1.3).

Third, economic conditions frequently are responsible for the failure of governments to move more rapidly and more effectively to implement their legal obligations to improve children's lives. There are at least two levels to the economic

obstacles. One is the lack of government funds; the other is the lack of economic power of the children themselves. Both result in serious deprivations to children and youth.

One good example of the way in which economic conditions mitigate against the implementation of the State's legal obligations towards children is in the area of child labor. The CRC reveals the drafters' serious concern about child labor and exploitation. There is proactive language that states recognize the child's right to "rest and leisure," to time for play and recreation. (Article 31, para.1). There is also prohibition on the economic exploitation of the child and affirmation of a prohibition on children performing work which is hazardous to the child's health, would interfere with the child's education, or be harmful to the child's "physical, mental, spiritual, moral or social development" (Article 32 para. 1). Provision is made for minimum age for employment, regulation of hours and working conditions, and enforcement sanctions for child labor matters (Article 32 para. 2).

The regional treaties also address issues of child labor and exploitation. The ACRWC covers the same ground as the CRC (Article 15). The drafters of the European Social Charter devoted an article to "The right of children and young persons to protection" which covers among other concerns: a minimum age for work, with special attention to the potential hazards to the young person in setting the age, the need to ensure that work not interfere with education, the number of working hours and the right to fair wages and fair benefits (Article 9).

The International Labor Organization has also overseen the development of a number of treaties on child labor, including the Convention Concerning Minimum Age for Admission to Employment, 1973, Medical Examination of Young Persons (Industry) Convention, 1946, and a treaty that supplements the slave trade convention and bans practices in which children are bound over for labor when they reach maturity.

Treaty provisions may also reflect an understanding of the impact of the economics of the family environment on the child. The CRC obligates states to assist families in providing a standard of living adequate for the physical, mental, spiritual, moral and social development of the child, thus linking economic conditions to child development. As with so many economic rights, the treaty's provision is primarily important in indicating that the family is the appropriate conduit for economic aid to the

child, and also that an inadequate standard of living is directly connected to so many dimensions of the child's development. Given the widespread poverty in the world, we may conclude that most governments have failed to take their obligations seriously, either to redistribute wealth within their countries, or to contribute to international efforts to financially aid those countries whose children are most in need. There is also an awareness of the potential negative impact on children's lives of instability and unpredictability of family economic situations. The Riyadh Guidelines, in discussing Socialization Processes (Section IV), draw attention to the need for special attention to "children of families affected by problems brought about by rapid and uneven economic, social and cultural change" (Article 15).

Fourth, social conditions also account for shortcomings in implementing the rights of children and youth. For example, although governments for over a century have joined together to address international slave trade, including the traffic in children, there continues to be gross violations of these laws. There have for decades been agreements outlawing traffic in women, and later children, and the CRC contains the most universally ratified and broadly defined treaty provision outlawing this crime. States have accepted an obligation to "take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form" (Article 35) Clearly in matters of this kind it is essential to maximize the number of cooperating states since national laws are ineffective for preventing and punishing criminals if violators are free to move without penalty across state borders. As mentioned, the African Children's Charter also prohibits traffic in children (Article 29) and prohibits, as well, the use of children in begging. There is as well the relatively recent Optional Protocol focused on traffic in children. Yet, we are far from eliminating this practice, and in fact, there has been a dramatic increase in moving young girls across borders for sex work. Here as in other areas, poverty and powerlessness combine to create social conditions, which limit governments' attention to the weakest members of its society.

Conclusions

The Convention on the Rights of the Child is the leading global legal agreement that international and domestic groups rely upon as the basis for their claims that children are the holders of fundamental human rights, - rights to which they are entitled independent of their nationality. This treaty and many regional and special topic agreements establish a broad and deep understanding of what is necessary for children to grow up in families and communities that respect their dignity, foster their well-being and honor their contributions. If we now have a shared global understanding of the importance of taking children's rights seriously, why are we still failing to make these rights a reality in their everyday lives?

What we have argued here is that the international law and the national law aimed at increasing its impact can only achieve success if all those involved in the lives of children acknowledge the crucial role of social, economic, and political forces in constraining the usefulness of legal efforts. Children and youth are not equal participants in the governmental and non-governmental decision making processes. They do not hold substantial economic assets and have little influence in private and public economic planning. They have little if any role to play in the administrative and judicial deliberations that result in interpretations and judgments about the meaning and implementation of the law. As we have learned from the history of non-represented groups, those in power are often able to ignore the interests of those who are absent from the table. For all these reasons, increased attention needs to be paid to how to address the context in which the laws are expected to operate and to openly acknowledge the limited capacity of children and youth to make their own case and to gain access to the financial and other resources necessary to bring the goals represented by the law into fruition.

This work will take planning, organization, policy formation and implementation, as well as, measuring and monitoring the success of policies through constant evaluation of children's well-being. Many organizations, national and international, public and private, are engaged in various stages of this work. One leading one is the Committee on the Rights of the Child. The Committee reviews the required reports from member States and receives, as well, shadow reports from national child advocacy groups which usually raise issues of weaknesses in the government's programs. These reports enable the Committee to raise significant questions with governmental representatives and puts them

in a position to make useful and well designed recommendations for improved compliance with the States' obligations under the Convention.

Though there is still much to be done, there are several initiatives that have been established that identify and begin to address the main challenges. The annual publication of State of the World's Children (UNICEF) presents significant data on the strengths and deficiencies of the situation for children in particular countries and regions on specific topics of central concern. Non-governmental organizations like Childwatch International Research Network and Save the Children focus on research and services that increase our ability to see what programs are actually working and why. They also help develop standardized interpretations of the provisions of the CRC and have developed guidelines to enable governments to more easily produce competent and useful national reports to the Committee. One important example of a variety of efforts that are being made to monitor children's well being and changes in their well being over time is the work of a study group on Measuring and Monitoring Children's Well Being Beyond Survival. Their initial findings are reported in Measuring and Monitoring Children's Well-Being (Ben-Arieh et al.) and their work continues to promote the use and refinement of such indicators as a part of the policy planning and implementation process, nationally and internationally.

All that we have observed does not mean that there are not significant and even powerful groups attempting to introduce into these deliberations some attention to childhood and children's lives. Similarly children and child advocates are themselves part of the process of globalization and may make critical and powerful use of international legal arrangements designed to promote the rights and interests of children and youth. Probably most of us, at least some of the time, feel like children in the sense of wonder and helplessness that the world is changing in ways that seriously affect us but offer us minimal opportunities for participation. These are times in which thinking globally and acting locally invites personal strategizing for ourselves and with "our" children. The international legal arrangements that have been forged by representatives of governmental and non-governmental organizations offer a child-centered philosophy, practical steps for action, legitimacy for our undertakings, and reason to hope that we may even succeed.

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