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Human rights *and the child*

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The current celebration of the fiftieth anniversary of the founding of the United Nations is a suitable moment for reflection and analysis of the Organization's role in promoting, guaranteeing and defending human rights.

Although the promotion of human rights was already referred to in the Charter of the United Nations (1945), the real political commitment to this ideal was only expressed with the adoption and proclamation in December 1948 of the Universal Declaration of Human Rights, which recognizes the inherent dignity and equal and inalienable rights of all members of the human family.

The Universal Declaration was to be complemented with a text detailing the commitments to be assumed by States in order to effectively guarantee the basic principles of the Declaration. Eighteen long years of debates were to ensue in the United Nations, however, before those principles attained their desired concrete expression. Instead of adopting a single text, the States chose to differentiate between civil and political rights and economic, social and cultural rights, finally adopting in 1966, with an interval of three months between them, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.¹ These covenants

adopted in 1966 required a further ten years for their effective entry into force, and even now efforts are still being made to secure their ratification by all the Member States of the United Nations.²

In the course of those years, new human rights instruments have also been adopted for the detailed regulation of some of the principles and guarantees contained in the Universal Declaration and the Covenants, among them the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Convention on the Elimination of All Forms of Discrimination Against Women (1967), and the Convention on the Rights of the Child (1989).

1. The Convention on the Rights of the Child: an instrument of human rights

On 20 November 1959 the United Nations General Assembly proclaimed the value and dignity of the child as a human person and the need to give children the necessary protection for their growth and development. Exactly thirty years later, on 20 November 1989, the General Assembly adopted a new instrument to protect the human rights of children, but this time in the form of a legally binding convention that the ratifying States are obliged to fulfil.

¹ The "International Bill of Human Rights" is made up of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the latter.

² The International Covenant on Economic, Social and Cultural Rights has been ratified by 131 States, while 129 States have ratified the International Covenant on Civil and Political Rights.

Within less than five years of its adoption, this Convention became the most fully ratified human rights instrument in history. Within less than a year of its adoption it had already been ratified by over 130 countries (179 States by September 1995), and it is expected that –sooner rather than later– it will become the first truly universal law. No other agreement or convention on human rights has won so many adherents in such a short time, and some feel that this Convention is one of the greatest successes of the United Nations in its fifty years of existence. The Convention has received the support of famous world leaders, but perhaps one of the most important expressions of support has been that received from the Plenary of the World Conference on Human Rights held in Vienna in 1993, when, for the first time ever in a world declaration, an appeal was made for the universal ratification of a human rights instrument by a specific date: 1995.

Why has there been such unusual support for a human rights text which was the last to be adopted but which now enjoys the distinction of having obtained the highest number of ratifications?

The adoption of the Convention in 1989 and its astoundingly rapid ratification in its first year are intimately related with the international climate of the end of the Cold War, the assertion of democracy in countries which had been under the yoke of military dictatorships, and the greater understanding and support for struggles for the equality and dignity of all human beings, as represented, among others, by the efforts of Mandela in South Africa. It has also been a time in which some countries have belatedly become aware of the perverse effects of ruthless macroeconomic policies and cold-blooded structural adjustments.

These years have been characterized by the repeated reassertion of the importance of respecting human rights. During the first five years of this last decade of the century and also of the millennium, the leaders of the nations of the world, representing mankind as a whole, have met several times at great world conferences to express their concern over the serious problems that afflict humanity and to pledge their best efforts to guarantee the effective exercise of and respect for human rights. The declarations adopted at the World Conference on Education for All (Jomtien, 1990), the World Summit for Children (New York, 1990), the United Nations World Conference on Development and Environment (Rio de

Janeiro, 1992), the Conference on Population and Development (Cairo, 1994), the World Summit for Social Development (Copenhagen, 1995) and the Fourth World Women's Conference (Beijing, 1995) all single out respect for the human rights of all peoples as a basic condition for peace and development.

In spite of the threats posed to these rights by the outbreak of ethnic and religious confrontations within rather than between countries, many sectors of society have clearly expressed their interest in reaffirming the idea of the equality of all human beings and the need for equity in political and economic affairs.

It is in these same years that organizations such as the World Bank and other multilateral and bilateral cooperation agencies have been showing greater interest in this subject. Good government and the need for the introduction of structural changes to improve the living standards of the poor, satisfy basic needs and ensure respect for human rights in their broadest sense of both civil and political and economic, social and cultural rights are beginning to form a sort of obligatory condition for gaining access to cooperation. It is thus becoming clear that respect for human rights is now considered the basis for peaceful coexistence, security and peace and an essential condition for development and economic and social progress.

Some may perhaps feel that there is something of empty rhetoric and even of hypocrisy in these new expressions of interest in human rights. Partly responsible for this attitude are the erratic policies and odious differentiations that some countries –including some of the most powerful ones– apply in their relations with nations where there is gross contempt for and violation of human rights. These differences of treatment have nothing to do with the seriousness of the violations of human rights, but are dictated by the powerful economic interests of investors and traders who fear that their market access will be restricted and are concerned over the possible advantages of their competitors.

In spite of all these criticisms, valid though they may be, it must be acknowledged that there is now a high level of attention and awareness by national and international public opinion regarding the seriousness of occasional or systematic violations of human rights. The governments of the world feel that they are under the scrutiny not only of the United Nations bodies responsible for overseeing human rights but also of a considerable number of non-governmental

organizations which seek out and denounce violations. The way States treat their own nationals has ceased to be a matter of the exclusive concern of sovereign States and has now become a legitimate concern of the whole international community.

In most countries, and even at the international level too, there is still a tendency to consider that violation of human rights only means the violation of the civil and political rights of adults. To some extent, this position has also been shared by some United Nations bodies and non-governmental organizations. However, this tendency is weakening because of the considerable importance increasingly attached to the awareness that in practice it is almost impossible to secure a climate of respect for the basic freedoms of the individual (his traditional civil and political rights) unless his basic economic, social and cultural rights are also respected.

Just as today the term "development" covers the dual aspects of economic growth and social development, in spite of the stubborn but outmoded resistance of those who still hold that high economic growth rates automatically bring social development with them, so the expression "human rights" covers not only civil and political but also economic, social and cultural rights and places the human person at the centre-point of the development process (UNDP, 1995). The international community already clearly understood this in 1966, when it adopted the International Covenant on Economic, Social and Cultural Rights, the Preamble of which states that the ideal of a human race free from fear and misery cannot become a reality unless suitable conditions are created to allow human beings to enjoy their economic, social and cultural as well as their civil and political rights.

It was precisely in this international climate of the rethinking of political priorities and keen interest in respect for human rights and their effective exercise that the World Summit for Children was held in New York in October 1990, attended by 71 Heads of State or Government who undertook to promote the ratification of the Convention on the Rights of the Child in order to turn it into a legally valid instrument in their countries and to formulate national action plans for children so as to achieve a set of specific agreed objectives, fundamentally in the areas of health, nutrition and child education.

The Declaration of Heads of State of the World Summit had a very big impact which was reflected

not only in the ratification of the Convention but also, and especially, in the formulation of national action plans which, by determining specific actions to be carried out within set time-limits to meet the quantitative and qualitative targets which had been agreed on, would constitute a strategy for the rapid achievement of some of the rights set forth in the Convention. Thus it was that the promises of governments to reach specific targets as regards the reduction of avoidable deaths, the reduction of preventable diseases, malnutrition and illiteracy, and increased coverage of primary education became the most efficient strategy for fulfilling the obligation to guarantee the right to life, to health, to adequate nutrition and to education which the States had assumed with their ratification of the Convention on the Rights of the Child.

2. The Convention on the Rights of the Child: the true rights involved

This Convention, which was adopted by the United Nations General Assembly only a few days after the fall of the Berlin Wall, is a true expression of the spirit of conciliation prevailing in international circles. After ten years of negotiations and consultations, the final text is the result of the agreement reached between the different conceptions with regard to life, childhood, needs, rights and obligations held by the various countries and their peoples, as represented by their governments, in line with their traditions, culture and religion, political and legal systems, and level of development. This means that the Convention establishes the minimum that all societies must guarantee to all children, and the text of the Convention itself therefore very wisely laid down that the application of its provisions must be subordinate to any other legal provision which better ensures the effective exercise of the rights of the child, whether such provision be contained in the domestic legislation of member States or in any other instrument of international law which is valid in the country in question.

The Convention reaffirms once again the legitimacy of the human rights of children. This reaffirmation might appear to be redundant, but in reality it is not so, for it was only after twenty years of this century had elapsed that children began to be recognized as human beings, with the same dignity as adults, thanks to the initiatives of Eglantyne Jebb, an

English children's rights activist. Up till then, children had been a "private matter" coming under the exclusive jurisdiction of the family. Children were not subjects of human rights, nor were they a matter of interest to the international community.

Although children were already recognized as subjects of law in the legislation of many countries, fundamentally in terms of the right to be protected against exploitation and abuse, the recognition of children as subjects of human rights is a recent development. We have now advanced past the stage of considering children as incomplete human beings or potential adults and childhood as a period of "training" for adulthood. Children are now recognized as values *per se*, with just as much dignity as adults, so that as well as enjoying the fundamental guarantees and freedoms of all human beings they also deserve special protection while their bodies and minds grow and mature.

The Universal Declaration of Human Rights had already established the rights of children to special care and assistance and to education, but as members of the human family children also have the rights which the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights recognize as the birthright of all persons: the right to life; the right not to be subjected to torture, slavery or exploitation; the rights to health, to education, to have a name and nationality, and the protection which they must be given as minors.

The Convention united all these principles in a single text which is now considered to be one of the most advanced human rights instruments in existence and which incorporates the most progressive tendencies in this field. The Convention rises above the academic discussion on the priority of civil and political rights (the basic or fundamental freedoms) over economic, social and cultural rights, integrating them into an harmonious whole, and provides an indisputable platform for the promotion, defence and guarantee of the effective exercise of all rights for all children.

The Convention has had a strong influence in strengthening the consideration of children as holders of legal rights, thus not only guaranteeing them their rights but also ensuring the legitimacy of demands that those rights be satisfied. This represents a very important step forward, since it means that the satisfaction of their basic needs will no longer be the

result of the mere bounty or voluntary paternalistic well-doing of a generous State, but rather the fulfillment of the State's obligation to ensure that both parents and society as whole do their respective duty. In short, the existence of children's rights will no longer depend on the exercise of legal actions or on the skillfulness of the claimants in demanding their fulfillment, or on the capacity of those bound to fulfill those rights.

The Convention departs from the traditional concept whereby the child is seen as a passive subject who is the recipient of protective measures, although it fully recognizes the need for those measures. Taking a realistic and progressive view, it sees the child as an active subject with the right to express himself and make himself heard, in line with his age and degree of maturity, on the matters which concern and affect him. This is particularly important in administrative and judicial procedures concerning the parental custody of the child or the infringement of penal regulations.

The Convention does not establish an order of priority of rights, because all of them are important. There is no such thing as a minor right. The drafters of the Convention chose to assemble in a single legal instrument all the relevant rights, extending from civil rights (such as the right to a name; to a nationality; to the preservation of the child's identity; to freedom of opinion, information, conscience and religion; to prohibition of torture, capital punishment and life imprisonment; to segregation from adults in places of detention, etc.) to economic, social and cultural rights (such as the right to survival and development; to protection from economic and sexual exploitation; to the highest possible levels of health; to education; to an adequate standard of living; to social security; to rest, recreation and the use of his own language, etc.).

The rights of children to the free expression of their opinions on matters concerning them; to seek and receive information; to enjoy freedom of thought, conscience and religion in line with their age and maturity; to associate and hold meetings, and to have their private life represent a set of rights never before recognized as belonging to children. Although the laws of many countries do recognize some of these rights, the comprehensive set of rights provided for in the Convention is undoubtedly a novel element in international law.

Although the adoption of the final text of the Convention was achieved with the consensus of all

the country representatives, who had for ten years discussed each of its articles in detail, and although in many cases positions and aspirations which had been defended with passion and conviction were sacrificed in the interest of that consensus, we now clearly see that it is precisely the rights that could be placed in the category of rights of participation which are being questioned by traditionalist and fundamentalist sectors in both East and West, in both industrialized and developing countries. An example of this is the position taken by the delegation of the Vatican and by Moslem fundamentalist groups at the 1994 Cairo Conference on Population and Development and the preparatory discussions on the platform to be adopted at the United Nations Women's Conference (Beijing, 1995), questioning the right of adolescents to have access to health information and services, including those on family planning, thereby restricting their exercise of their right to enjoy the highest possible level of health. These groups have been insisting that in all circumstances the exercise of this right must be subject to the right and obligation of parents to give guidance to their children. It is important to note that the text of the Convention makes it clear that the responsibility of parents is not to give authoritarian guidance, but a form of guidance which is appropriate to and in keeping with the evolution of the faculties of their children, in this case adolescents.

It must be acknowledged that this is a field where conflicts may occur between the authority of the parents and the exercise of their rights by their children. The Convention clearly took the view that the capacity and maturity of children are not static but evolve with time, thus meaning that they should have varying degrees of freedom. At all events, it is necessary to act responsibly to establish a suitable balance between the rights of the parents—which consist much more of obligations and responsibilities—and the right of their children to participate and choose.

3. The responsibility of the signatory States

The parties bound by a human rights convention such as the Convention on the Rights of the Child are the States which have ratified it in keeping with their own constitutional and legal systems. Article 2 of that Convention makes it clear that it is the responsibility of the State to ensure the application of the rights laid down therein to all children within its

jurisdiction, without discrimination of any kind. In establishing this responsibility of the State, it thus also lays down one of the fundamental principles of the Convention: non-discrimination. To this end, States undertake to adopt all appropriate legislative, administrative and other measures to ensure the effective exercise of the rights laid down in the Convention. This obligation is a clear mandate for the State to adopt and carry out actions involving the study of the prevailing legislation and proposals for its adaptation to the principles of the Convention, together with the execution of administrative, economic, financial and fiscal actions and measures to guarantee the effective exercise of the rights in question.

With regard to economic, social and cultural rights, article 4 of the Convention states that States shall undertake the foregoing measures to the maximum extent of their available resources. Some have seen this as an inclination of the drafters of the Convention to use the language of the International Covenant on Economic, Social and Cultural Rights, in the sense that these rights should be fulfilled in a gradual manner, as required and as a function of the availability of resources. The immediate satisfaction of civil rights would be an obligation if it did not involve any cost and would not affect anyone's wealth or interests. The enjoyment of economic, social and cultural rights—also referred to as positive rights—, however, undoubtedly raises the need for the State to make transfers to cover the cost of the services to which the population is entitled, and this would affect the property, income and general wealth of many people through various administrative and fiscal means.

When the Convention speaks of the maximum extent of the available resources, it does not mean surplus resources, as some circles have assumed, but rather the existing resources as a whole, in respect of whose use and allocation the State must establish orders of priority and importance in order to fulfill the duties it assumed when it ratified the Convention. The State will always be responsible, and the article must not be interpreted as a kind of loophole clause that would allow the State to evade its obligations by claiming that resources are limited or non-existent. The State's responsibility of guaranteeing those rights cannot be side-stepped or delegated.

This is why in the 1980s, although the Convention had not yet been adopted but on the basis of the

principles set forth in the International Covenant on Economic, Social and Cultural Rights, UNICEF called for "adjustment with a human face" that would make it possible to set up defence systems and compensatory mechanisms which could guarantee to the population as a whole, and especially to children, the enjoyment of their basic economic and social rights in the face of the non-deliberate but none the less perverse aggression represented by the macroeconomic measures being taken and the structural adjustment of the economy. Several years later, the serious deterioration noted in some countries in such sensitive indicators as infant mortality, low weight at birth, malnutrition among pre-school and school children, iron deficiencies, etc., showed that "in order to balance their economies, some States were unbalancing human lives", adversely affecting the satisfaction of the basic needs of children which were moral rights although they were not yet formally considered as such (UNDP, 1995).

Popular discontent and social protests are now connected much more with the non-enjoyment of basic economic, social and cultural rights than with the deprivation of civil and political rights. The full enjoyment of the fundamental human guarantees—civil and political rights—depends to a large extent on the satisfaction of the other human rights, to such a point that the non-enjoyment of the latter may at a given moment endanger the exercise of the basic freedoms, social and political stability, and even the democratic system itself.

4. Developments between 1990 and 1995

Most of the countries in the world have now ratified the Convention on the Rights of the Child.³ The real challenge has been and still is how to progress from massive ratification to massive implementation. Skeptics note that in many countries which have ratified the Convention, the life of children remains unchanged and situations such as the economic exploitation of children in work or prostitution still persist; children continue to fall sick and die from perfectly preventable diseases; malnutrition saps their physical and mental potential, and school attendance is either a far-off, inaccessible dream or a transitory stage through which they once passed with little or nothing to show for it.

³ As of September 1995, 179 States had ratified the Convention on the Rights of the Child.

All this is quite true, but it would be wrong to conclude that the fault lies in the instrument rather than in those who have the obligation and responsibility to put it into effect. Recognition of the equality of children with other human beings, their dignity and their legal rights is only a recent development. In the past, the silent death of children from avoidable causes was always seen as the result of fate. Seeking to control those causes, using the resources of modern technology, has been a long-standing concern, but it only became a matter of urgency after the crusade to improve children's survival undertaken by James Grant. Exploitation of child labour, the elimination of female babies and the exclusion of children from the benefits of health and education have for many, many years been accepted as expressions of traditions and local cultures. There will always be some tension between the aspirations for universal respect for human rights and the position of those who resist universal rules of behaviour—based on the idea that human nature is the same the world over—which can surmount deep-rooted beliefs and ancient traditions and practices.

It is also true, however, that many nations have indeed reacted to the discrimination, exclusion and infamous criminal practices committed against children (and especially girls), although regrettably such abuses continue. There is now a greater awareness of these problems, like that which existed just before the abolition of slavery and the eradication of apartheid. The awareness that a child is a human being who is entitled to his rights and represents the future of society is gradually gaining weight. The application of the principle of the "best interests of the child"—another of the great pillars of the Convention—has sufficient potential to be invoked against all practices which are incompatible with the human rights of children.

Ratification of the Convention expresses the State's determination to respect, defend, promote and ensure the application of the rights of the child. Regardless of the international pressure exerted by various forums (the World Summit for Children, the World Conference on Human Rights, etc.), ratification is a sovereign act of the country in question; no-one can oblige it to sign, but everyone has the right to call on it to fulfill its obligations. No State can evade its fulfillment by adducing "international pressures". Ratification of the Convention represents the starting point: the beginning of a process which

will have important consequences for the ratifying State and especially for its government and public authorities.

The first of these consequences is the open acceptance of responsibility for the Convention's implementation. From the moment of ratification, a watch begins to be kept on all the signatory State's movements and actions to guarantee children's rights within its country, by its own citizens, by political groups and non-governmental organizations, and by communications media with great power to influence national public opinion. The extent of this work of vigilance and supervision varies from country to country and will depend on the maturity and level of development of the citizens and non-governmental organizations and on the degree of political freedom and freedom to openly express judgements on the way the State is implementing the Convention.

The second consequence is similar to the first, but takes place at the international level. One of the obligations assumed by a State which is a party to the Convention is to present a report to the Committee on the Rights of the Child, through the United Nations Secretary-General, two years after the date of ratification. This report must give details of the measures that the State has taken to ensure the effective and progressive fulfillment of the rights laid down in the Convention.

The effectiveness of such reports depends largely on the truthfulness and clarity of the information given and on the Committee's capacity to obtain data and indications on the application of the Convention from other sources (United Nations bodies and other competent organizations, among which the drafters wished to include non-governmental organizations, although they did not mention them expressly).

Since 1993 up to the present, the Committee on the Rights of the Child has studied 38 country reports.⁴ Some of them have reflected the age-old tendency to be rather flattering about their own actions but not very clear or informative about the real situation of children and the status of their rights. On various occasions the Committee has asked the State whose report is under consideration, in public session

and in the presence of that State's representatives, to provide fuller information or even, in some cases, to submit a new report that really answers the Committee's questions. The time limit given for the submission of such a new report is normally quite short.

This is a new practice which has not been usual in bodies responsible for following up compliance with covenants or conventions on human rights.

It is well known that the international machinery for following up and checking the application of such instruments has been and continues to be the weakest aspect of the whole question of human rights; consequently, the example being established by the Committee on the Rights of the Child is very important not only for the effective supervision of children's rights but also, in general, for the observance and effective exercise of human rights laid down in other instruments. As the Convention was the last of the great human rights instruments to be adopted, its drafters took the fullest account of the experience of other pacts and conventions whose follow-up bodies have extremely limited capacity for action.

Possibly one of the most important consequences of the ratification of a human rights instrument is the fact that it submits the State to the scrutiny of international public opinion, not only of the Press but also of many non-governmental organizations which keep a very close and efficient watch on the observance of the rights in question. There are no countries in the world of today, whatever their size, power or resources, which can afford to completely ignore international opinion on the human rights situation in their territory or which can avoid being affected in terms of their image, credibility and internal and external political and economic relations when world public opinion brands them as countries where human rights are violated. The drafters of the Convention, fully aware of the importance of the verdict of public opinion, laid down in their text the obligation for the signatory State to give wide circulation to the reports presented by it and the final conclusions or observations adopted by the Committee after their study and discussion.

Although the machinery for public denunciation and criticism has indeed been important and effective in inducing States to initiate and implement actions to correct violations of human rights, the United Nations system must nevertheless review and define mechanisms to make possible more comminatory action whereby States are forced to take action to solve

⁴ As of September 1995, sixty States had submitted their reports to the Committee on the Rights of the Child, while 87 States Parties are behind with the submission of their reports.

situations of violation of human rights, publicly announcing the actions they propose to take for this purpose, and whereby they are prevented from taking shelter behind outmoded concepts of sovereignty. This matter was dealt with very fully by the United Nations Secretary-General, Boutros Boutros-Ghali, in his address to the World Conference on Human Rights in Vienna, in which he said that there should be provision for international intervention when States prove to be incapable of guaranteeing human rights, when they violate the fundamental principles of the United Nations Charter, and when instead of protecting the individual they become his oppressor (United Nations, 1993).

Many States all over the world which have ratified the Convention have taken very significant steps to put its principles into effect or at least gradually come closer to satisfying the rights of the largest possible number of children. The experience of the past few years has shown how substantial the process of the adaptation of national legislation has been. In many countries, the absence of relevant laws or the existence of laws which ran counter to the principles of the Convention did not permit their effective observance or application by the competent bodies. This has made it necessary to set up working groups to revise and adapt the legislation, with the broad participation of various sectors of society. A matter of special interest has been the review of national legislation on civil rights with the aim of eliminating provisions which still discriminate among children on the basis of the type of union existing between their parents when they were born and of correcting the law as it applies to young people, in order to give minors proper administrative and judicial guarantees. In view of the great importance of this task, it would be a mistake if the State felt that it had done its duty as soon as it had placed the duly considered reform projects in the hands of the competent authorities, parliaments, congresses or legislative assemblies.

In Latin America and the Caribbean, almost all the countries have embarked with great enthusiasm and celerity on the review of the existing legislation in order to bring it in line with the principles of the Convention. In various countries it has been necessary to propose new legal texts or even to codify the highly dispersed laws already existing in the legislation.

Indonesia, for example, which entered reservations in respect of seven articles of the Convention

when it ratified it, took account of the observations made by the Committee when it considered its report, and it has announced that it will withdraw four of those reservations in areas where the State could be taken to have given priority to domestic rules reflecting the prevailing traditions and cultural values. This action is highly significant, and if confirmed it would reflect the considerable weight that many countries have given to this instrument, to the recommendations of the Committee on the Rights of the Child, and to the priority that needs to be given to the principles expressing the human rights of children.

Another important consequence of the implementation of the Convention has been the establishment of new structures and mechanisms at the national level for watching over the application of the rules on children's rights and identifying cases of lack of respect or outright violation of those rights. Some countries have bodies which are independent of the government, such as the Citizens' Defender in Costa Rica, or the Defender of the People in Colombia, and the competence of these bodies has been widened to include supervision of respect for children's rights. In other countries, such as Austria, offices of the Federal Defender of Children and Young People have been set up in all ten provinces.

5. Poverty and human rights

Poverty is the greatest enemy of human rights. Thus, the Declaration of the World Conference on Human Rights (Vienna, 1993) states that extreme poverty and social exclusion are violations of human dignity and that generalized extreme poverty inhibits the full and effective exercise of human rights (United Nations, 1993, paragraphs 14 and 25).

The Declaration of the World Summit for Social Development (Copenhagen, 1995), for its part, establishes a commitment to provide a legal framework which includes and promotes full respect for all human rights and fundamental freedoms (United Nations, 1995). Likewise, the first pledge of that Declaration is to reassert and promote the rights set forth in such international instruments and declarations as the Universal Declaration of Human Rights, the Covenant on Economic, Social and Cultural Rights, and the Declaration on the Right to Development, including those relating to education, nutrition, housing, employment, health and information, in order to help in particular those living in poverty, to which

end the signatories pledge to fight for those rights (United Nations, 1995).

Mankind's hope today is that the economic and social marginalization of the growing number of people who are affected by poverty and silently excluded from the exercise of their basic rights will indeed be seen as a serious violation of human rights. Those most seriously affected by this process of exclusion are of course the poor, but especially children, and through them society itself, which thus suffers the diminution of its possibilities of development and progress. This is why it is so important to give a leading place to children in political action to secure the timely and effective satisfaction of poor people's needs, which are now seen as rights. As James Grant, the recently deceased Executive Director of UNICEF pointed out, a boy or girl has only one chance to develop normally, and the protection of that one chance therefore calls for a commitment which must never be overtaken by other priorities:

there will always be something more urgent, but there will never be anything more important (Grant, 1995).

James Grant's words are a call to reflection for all of us and very specially to the leaders of Latin America and the Caribbean, where 200 million people live in poverty, most of them children and young people. In this region where, in the words of Carlos Fuentes, "our efforts to generate wealth have constantly been impaired by our inability to achieve equality" (Fuentes, 1995), the eradication of poverty is an endeavour which should take on the same characteristics as the struggles to abolish slavery, colonialism or racial or sexual discrimination. Keeping a people, including its children, in a situation where its basic needs are not satisfied is also a form of discrimination, a violation of human rights, and just as ethically unacceptable as any of the other types of discrimination (Albáñez, 1993).

(Original: Spanish)

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