

WELCOME ADDRESS BY AMB. DR. WAFIK ZAHER KAMIL, SECRETARY-GENERAL, AALCO AT THE INAUGURAL SESSION OF THE ONE-DAY SEMINAR ON “THE LEGAL PROTECTION OF CHILDREN UNDER INTERNATIONAL LAW” ORGANIZED JOINTLY BY THE ASIAN AFRICAN LEGAL CONSULTATIVE ORGANIZATION (AALCO) AND THE UNITED NATIONS CHILDREN’S FUND (UNICEF) ON 21ST JANUARY 2003 AT NEW DELHI

1. First of all I would like to thank Dr. R.V.V. Ayyar Secretary, Department of Women and Child Development, Ministry of Human Resource Development, Government of India for chairing this Meeting in place of the President of AALCO. Your Excellencies, ladies and gentlemen, it is indeed my pleasure to welcome you very warmly on this chilly morning to attend this seminar on “The Legal Protection of Children under International Law” being organized jointly by the AALCO and the UNICEF. It is indeed an honour to have amongst us the legal luminaries whose presence symbolizes how deeply interested they are in the subject. I also welcome the galaxy of other experts in the audience.

2. Protection of children is the protection of the future and by protecting the future we save and fulfill the hopes of human kind. Today’s children will be the masters of the 21st century. Children’s survival, protection and development, which are the basis for improving the quality of the population and prerequisite conditions for the advance of humankind directly, concern a country’s future and destiny and consequently the quality of the world we live in. besides that, it is imperative to note that this protection is an obligation according to the Convention on the Rights of the Child, since the paragraph 9 of its Preamble stipulates that ‘the child, by reason of his physical and mental immaturity needs special safeguards and care including appropriate legal protection, before as well as after birth’.

3. Every child – regardless of place of birth, the race or ethnic group they belong to, whether a boy or girl, rich or poor-must have a full opportunity to become a productive member of society and must enjoy all human rights without any discrimination. History is full of examples of children who were born in poor or very simple surroundings and became, later on, either political leaders, scientists, inventors or great artists etc. However the fact remains that each day countless children around the world are exposed to manifold dangers. They are the victims of casualties of war and violence, racial discrimination, apartheid, aggression, sexual exploitation, trafficking foreign occupation and annexation. Poverty and economic crisis are the root causes of many problems, which result in hunger, homelessness, epidemics, illiteracy and external indebtedness. Children are the most vulnerable to these problems and it is more so in the case of developing countries particularly the least developed ones.

4. Nevertheless, international community in its awareness of this imminent danger has spared no efforts to face it and to find the way to protect these blossoms. As a result of the concerted efforts and under the United Nations system, Convention on the Rights of the Child 1989 was adopted under the auspices of the United Nations and it is the most

universally embraced human rights treaty in history as 191 countries have ratified it. There are also two Optional Protocols – Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – and both these instruments have also entered into force. This convention has transformed the platform for children. Each of its 54 articles is well thought and written, and it has made a dramatic effect for children in all parts of the world.

5. The entering into force of the Convention on the Rights of Child paved the way, just one month's later, to the holding of the World Summit for children organized by the United Nations in 1990. The World leaders at this session established 27 specific goals related to children's survival, health, nutrition, education and protection, which was to be met by the year 2000. The summit also adopted the "World Declaration on the Survival, Protection and Development of Children on 30 September 1990. Though it is true that many goals were left unachieved, but it is also true that much progress has been made. Millions of young lives have been saved; more children than ever are in school and more children are actively involved in decisions concerning their lives.

6. International law regarding children has been further strengthened over a period of time. The 1997 convention on the Prohibition of the Use, Stockpiling, production and Transfer of Anti-personnel Mines and on Their Destruction (the Ottawa mine ban treaty), the 1999 International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the 1999 African Charter on the Rights and Welfare of the Child, have all entered in to force. It may also be mentioned that the UNHCR is very much concerned with the protection of refugee and displaced children. Moreover, a significant initiative taken in 1999 was the United Nations Convention against transnational Organized Crime and its Protocols, which inter alia aim at preventing trafficking in children.

7. Despite of all these very exhaustive international instruments and declarations, there are many critical aspects, which need to be tackled. More than 10 million children die each year although most of those deaths could be prevented. There are 100 million children who are still out of school, 60 percent of them girls and 150 million children suffer from malnutrition. HIV/AIDS, the dreaded disease is spreading with catastrophic speed. The care of children orphaned by HIV/AIDS must have a high priority. Their numbers are rapidly increasing, most dramatically in Africa. Not only are they at additional risk of malnutrition, illness, abuse, child labour and sexual exploitation, but also they are too often likely to experience discrimination. Many are even denied schooling. The persistent poverty in developing and in the least developed countries is resulting in the hazardous and exploitable labour, the sale and trafficking of children and other forms of abuse. The vulnerability of children in situations of conflict is clear, but we all have a duty to ensure the safety, welfare and rights of children in all contexts. It is worth mentioning in this context that the ICRC is focusing, with special emphasis, on the protection of children in situations of armed conflicts.

8. Trafficking in children is gaining considerable ground in West Africa and South East Asia and is an abomination against humanity. The inhuman conditions under which they work and the treatment meted out to such persons by their captors requires that those who violate the right of others with impunity should be punished severely when arrested. It poses a serious threat to the safety of children. It requires a concerted effort to tackle this issue. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children is the First international instrument to define what 'trafficking in persons' means. These instruments are designed to prevent trafficking and sexual exploitation of children. They seek to ensure that the safety of trafficked persons who assist in the prosecution of traffickers is assured, and that adults involved in the exploitation of children are punished. It is hoped that this instrument would serve the purpose of establishing legal mechanism in addressing the problems in its various manifestations. I am of the opinion that the deficiencies in the international conventions can best be filled by domestic legislations.

9. It is significant to mention that at the recent Special Session on Children held between 8-10 May 2002 under the auspices of the United Nations, an extraordinary array of leading world leaders have expressed their determination to complete the unfinished agenda of the World Summit for children 1990. It has also been recognized in the "Plan of Action" that the goals and strategies agreed upon at recent major United Nations Conferences and their follow-ups, in particular the Millennium Summit provide a helpful international framework for national strategies for poverty reduction to fulfill and protect the rights and promote the well being of children.

10. Our responsibility is to provide the coming generations with hope and perspective for life in the environment of greater understanding, mutual respect and the right to be loved, which in turn would help us to develop into a stronger world. The lesson that we need to remember is that the world must protect its children far better than it does at present, even as it opens the door for their participation. If we are to meet the goals of "A world fit for Children" and attain the 'Millennium Development Goals', if we are to change this divided, damaged, conflict-ridden world by advancing the practice of democracy, if we are to make the world truly fit for all people- we will only do so with the full participation of children and young people.

11. All these goals cannot be attained without a political will, respect for human rights and the rule of law at all levels and by all States, implementation of the internationally agreed instruments regulating the global problems of children. But again, to solve these problems, the use of force and terror, which prevails now everywhere to the detriment of peaceful settlement of regional as well as international conflicts, should diminish to leave the place to more security, more peace and more tolerance. It is only within this atmosphere that rule of law could prevail and a positive dialogue could start among nations in order to solve the crucial problems of our planet paving the way to new horizons of security and hope to the coming generations.

12. It is with this view that we are organizing this one-day seminar, as it is always true that collective planning and collective action would result in better outcome. I take

this opportunity to express our great appreciation to Ms Maria Calivis, Representative, UNICEF office in New Delhi for supporting my initiative to hold this seminar and for rendering technical and financial assistance for its success. The very fact that today we have four distinguished speakers to lead the discussion would not have been possible without the efforts of the UNICEF team headed by Ms. Calivis. I will fail in my duty if I do not thank and welcome very warmly our panelists for enriching, by their presence, our deliberations and I leave to Ms. Calivis the pleasure and honour of introducing them to all of you.

13. Once again I welcome you all and thank you all for being with us on this occasion, and I sincerely hope that at the end of this one-day seminar we could arrive at some conclusions for providing better legal protection to our children as even one right step ahead in this direction today will make a difference tomorrow.