

11

Children

George Kent with Rachel Kent

Worldwide, many children live in wretched conditions, suffering from malnutrition and disease, laboring in abusive work situations, and suffering exploitation of the most grotesque forms. The gravest problems are found in poorer countries, but many children are severely disadvantaged even in the richer countries. In the United States, for example, approximately one-fifth of the nation's children live below the official poverty line (NCCP 2012). The situation of children is not merely a series of unconnected localized and private problems, but a series of systemic problems of public policy requiring attention at the highest levels of national and international governance.

Increasing attention by policymakers has resulted in real progress in improving the quality of children's lives. The advances are documented every year in reports of the United Nations Children's Fund (UNICEF). However, satisfaction with such successes must be tempered with appreciation of the great distance still to be traveled if all children are to live a life of decency. Perhaps the clearest lesson learned in recent years is that significant gains in children's well-being do not result from economic growth alone. They also require progressive social policy based on a sustained commitment to improvements in the well-being of the poor in general and children in particular.

While many different kinds of programs have been developed over the years to address the situation of children, most have been inadequate to the task. There is now new hope in the rapidly advancing recognition of children's rights, based on the acknowledgment that every single child has the right to live in dignity. The legal obligation for the fulfillment of children's rights falls primarily on national governments, but for large-scale global issues, there are also global obligations that need to be clarified (Kent 2008).

Child Labor

Children work all over the world, in rich as well as poor countries. They do chores for their families, and many work in fields and factories to earn modest amounts of money. Children's work can be an important part of their education, and it can make an important contribution to their own and their families' sustenance. There can be no quarrel with that. The concern here, however, is with child *labor*. Child labor can be defined as children working in conditions that are abusive and exploitative. In some cases the excesses are plainly evident, as in reports of a scandal "that involves the kidnapping in central China of hundreds of children, and perhaps more, some reportedly as young as 8, who have been forced to work under brutal conditions—scantily clothed, unpaid and often fed little more than water and steamed buns—in the brick kilns of Shanxi Province" (French 2007). It is not clear where exactly the boundary between acceptable child work and unacceptable child labor should be located, but there are many situations that no doubt cross the line:

- Conditions of child labor range from that of four-year-olds tied to rug looms to keep them from running away, to seventeen-year-olds helping out on the family farm.
- Children who work long hours, often in dangerous and unhealthy conditions, are exposed to lasting physical and psychological harm. Working at looms, for example, has left children disabled with eye damage, lung disease, stunted growth, and a susceptibility to arthritis as they grow older.
- Denied an education and a normal childhood, some are confined and beaten, reduced to slavery. Some are denied freedom of movement—the right to leave the workplace and go home to their families. Some are even abducted and forced to work.
- Bonded labor takes place when a family receives an advance payment (sometimes as little as \$15) to hand a child—boy or girl—over to an employer. In most cases the child cannot work off the debt, nor can the family raise enough money to buy the child back. The workplace is often structured so that "expenses" and "interest" are deducted from a child's earnings in such amounts that it is almost impossible for a child to repay the debt. In some cases, the obligation spans many generations—that is, a child's grandfather or great-grandfather was promised to an employer many years earlier, with the understanding that each generation would provide the employer with a new worker—often with no pay at all.
- Millions of children work as bonded child laborers in countries around the world, with 20–50 million in India alone (Child Labor 2008).
- Children might be forced to work for eight hours at a stretch with no break for meals. The meals they do get are meager, and the children are undernourished. Oftentimes, the child laborer will sleep at their place of work (Child Labor 2008).

The International Labour Organization (ILO) explains how bonded labor works:

The employer typically entraps a “bonded” labourer by offering an advance which she or he has to pay off from future earnings. But since the employer generally pays very low wages, may charge the worker for tools or accommodation, and will often levy fines for unsatisfactory work, the debt can never be repaid; indeed it commonly increases. Even the death of the original debtor offers no escape; the employer may insist that the debt be passed from parent to child, or grandchild. Cases have been found of people slaving to pay off debts eight generations old. (ILO 1993: 11)

Paradoxically, the acceptance of child labor tends to be higher where there are higher surpluses of adult labor. The addition of children to the labor force brings down wage rates, which in turn makes it more necessary to have all family members employed. The widespread employment of children keeps them out of school and thus prevents the buildup of human capital that is required if poor nations are to develop.

In India there is active trafficking in child laborers, which has become an endemic problem in the poorest villages: “Children, who are cheaper than animals, are sold by their families to work as domestic labourers, in the carpet industry, on farms or as sex workers. In fact, whilst buffaloes may cost up to Rs 15,000 [US\$360], children are sold at prices between Rs 500 [US\$12] and Rs 2,000 [US\$48]” (*Asia News* 2007). A recent study showed that currently there are hundreds of thousands of children under the age of eighteen working in cotton and vegetable seed production in India, many of them as bonded laborers (ICN 2010).

Haiti, the poorest nation in the Western Hemisphere, is estimated to have 300,000 restavecs (Thomson 2010). A restavec is “a child who stays with a person other than their biological parent; a domestic servant or slave” (Restavec Freedom 2011). Stories from current and former restavecs are disturbing and violent, with children working under the threat of physical, psychological, and sexual abuse. There have been reports of owners using cowhide whips, cheese graters, or electric cables to beat their child slaves (Thomson 2010). Restavecs are often sold willingly by their parents, who cannot afford to feed or keep all their children because of the extreme poverty in Haiti.

Children work in rich countries as well. In 2010 the US government reported that 500,000 youth under the age of eighteen (300,000 youths aged fifteen to seventeen) were working in agriculture. This is not surprising, given that full-time farmworkers make only around \$7,500 a year (AFT 2010). In the United States, just as in poor countries, when adults cannot earn a living wage, their children often work. Enforcement of child labor laws has been weak in many states, apparently due to the greater concern with protecting the interests of employers. The federal rules regarding teen labor in the United States are readily available (USDOL 2010).

214 *Development*

Human Rights Watch, a nongovernmental organization, has an active program on the elimination of child labor, as does the International Labour Organization. Since 2003 the ILO has designated June 12 of every year as “World Day Against Child Labour.” Despite the ILO’s optimism regarding the prospects for ending child labor, much work remains to be done: “On average, one child in every seven can be classified as a child labourer. In 2008, there were approximately 215 million child labourers, aged 5–17, in the world. Among them, 115 million children were in hazardous work (a term which is often used as a proxy for the worst forms of child labour). Most child laborers are working in agriculture (60%)” (UN 2010a). Even with extensive efforts to control child labor, there are still nearly 160 million children under the age of fourteen who work as laborers, many under grossly exploitative conditions (UNICEF 2011).

Child Prostitution

Child prostitution refers to situations in which children engage in regularized sexual activity for material benefits for themselves or others. These are institutionalized arrangements—sustained, patterned social structures—in which children are used sexually for profit. Prostitution is an extreme form of sexual abuse of children and an especially intense form of exploitative child labor. Most prostitution is exploitative, but for mature men and women there may be some element of volition, some consent. The assumption here is that young children do not have the capacity to give valid, informed consent on such matters.

In some places, such as India and Thailand, child prostitution was deeply ingrained as part of the culture well before foreign soldiers or tourists appeared in large numbers. There are many local customers. Some Japanese and other tourists may use the child prostitutes in the “tea houses” in the Yaowarat district of Bangkok, but traditionally most of their customers have been locals, especially local Chinese. Similarly, in the sex trade near the US military bases in the Philippines before they closed down, more than half the customers were locals. There is big money associated with the foreign child sex trade, but there are more people in the local trade.

According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. . . . There can be no exceptions and no cultural or socioeconomic rationalizations preventing the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death. (USDS 2011c)

Armed Conflict

Armed conflicts hurt children in many ways. Wars kill and maim children through direct violence. Children are killed in attacks on civilian populations, as in Hiroshima and Nagasaki during World War II. In Nicaragua, many children were maimed or killed by mines during the revolutions in that country. The wars in Afghanistan in the 1980s and in Bosnia in 1993 were especially lethal to children. Many children were brutally killed during the genocide in Darfur, Sudan. In September 2004, a siege by Chechnyan rebels at a school in Beslan, Russia, led to the killing of several hundred children. Wars now kill more civilians than soldiers, and many of these civilians are children. Children have been counted among the casualties of warfare at a steadily increasing rate over the past century. Historically, conflicts involving set-piece battles in war zones away from major population centers killed very few children. However, wars are changing form, moving out of the classic theaters of combat and into residential areas, where civilians are more exposed.

A great deal of violence is also perpetrated against children under repressive conditions short of active warfare. Death squads in Latin American countries have killed thousands of street children with impunity. As well, children are frequently hurt in the aftermath of warfare by landmines. Given current technology, clearing these mines would take many years, and it may be impossible to clear them completely.

Often children are pressed to participate directly in armed combat, which harms them psychologically as well as physically. Children can be the agents as well as the victims of violence. Increasingly, older children (ten to eighteen years old) are engaged not simply as innocent bystanders but as active participants in warfare.

In 1984, Dorothea Woods, associated with the Quaker United Nations Office in Geneva, dedicated herself to chronicling the plight of child soldiers in a monthly survey of world press reports titled *Children Bearing Military Arms*. She cited these cases:

- *Afghanistan*: “Hundreds of thousands of youth . . . were being raised to hate and fight a ‘holy war.’ . . . Many of those children are now with the Taliban army.”
- *Burma/Myanmar*: “A Shan boy . . . had been a porter-slave to carry heavy things to the place of fighting. . . . He fell down and was kicked by a Burmese soldier . . . until his leg broke like a stick in three places.”
- *Chechnya*: “Government security forces have often detained young males between the ages of 14 and 18 as potential combatants in order to prevent them from joining the rebel forces.”
- *Guatemala*: “Forcing the under 18’s from the indigenous communities to enroll in the army practically severs and destroys the future of these communities.”

216 *Development*

- *Liberia*: “Because of the socio-economic crisis a part of the youth population is inclined to join one of the factions. The possession of a Kalachnikov gives the means to live by pillage and racketeering if necessary. . . . Various estimates have put the total number of Liberian soldiers below the age of 15 at around 6,000.”
- *Mozambique*: “For the 10,000 children who took part in the civil war, the war is not over; it has been replaced by a multitude of small wars in their heads.”
- *Sierra Leone*: “After the outbreak of the civil war in 1991 some five thousand youngsters joined either the governmental army or the rebel Revolutionary United Front.”
- *Uganda*: “Some 3,000 children have been kidnapped in the northern part of Uganda in the last four years according to UNICEF. The guerrillas who took these children have enrolled the boys in their army and have forced the girls to ‘marry’ the soldiers.”

More recently, Amnesty International reported that children as young as eight years old have been recruited as soldiers in Somalia. Both al-Shabaab (an extremist Islamic group) and the transitional government have children in their ranks. Recruitment techniques range from promising children money and cell phones to abductions or raiding schools. Along with fighting on the front lines, Amnesty International also reported that young boys have been forced to flog women and girls who do not adhere to the dress code (Wooldridge 2011).

Wars sometimes harm children indirectly, through their interference with normal patterns of food supply and healthcare. Many children died of starvation during the wars under the Lon Nol and Pol Pot regimes in Kampuchea (Cambodia) in the 1970s. From 1980 to 1986 in Angola and Mozambique, about half a million more children under age five died than would have in the absence of warfare. In 1986 alone, 84,000 child deaths in Mozambique were attributed to warfare and to South Africa’s destabilization efforts. The famines in Ethiopia in the mid-1980s and again later in that decade would not have been so devastating had it not been for the civil wars involving Tigre, Eritrea, and other provinces of Ethiopia. Civil war has also helped to create and sustain famine in Sudan.

The interference with food supplies and health services is often an unintended byproduct of warfare, but in many cases it has been very deliberate. In some cases, the disruption of infrastructure can have deadly effects well beyond the conclusion of war. One example is the trade sanctions imposed on Iraq after the Gulf War of 1991. That war led to more deaths *after* the war than during it. In July 2000, UNICEF estimated that if trends of the 1980s had not been interrupted by the war and the subsequent sanctions, there would have been half a million fewer deaths of children under age five in Iraq in the 1990s (Hijah 2003).



Children also suffer serious psychological stress as a result of their exposure to warfare, as has been the case in Iraq during the ongoing conflict there:

Parents, teachers and doctors . . . cite a litany of distress signals sent out by young people in their care—from nightmares and bedwetting to withdrawal, muteness, panic attacks and violence toward other children, sometimes even to their own parents.

Amid the statistical haze that enshrouds civilian casualties, no one is sure how many children have been killed or maimed in Iraq. But psychologists and aid organisations warn that while the physical scars of the conflict are all too visible—in hospitals and mortuaries and on television screens—the mental and emotional turmoil experienced by Iraq's young is going largely unmonitored and untreated. (French 2007)

In its annual 2011 report on the promotion and protection of the rights of children, the United Nations Security Council added two new countries (Iraq and Yemen) to the list of states that either abuse or recruit children during armed conflict, bringing the number to twenty-two (*BBC News* 2011b).

Malnutrition

There are many different kinds of malnutrition. One of the most important, protein-energy malnutrition, is usually indicated in children by growth retardation. It is widely accepted that a malnourished child is one whose weight is more than two standard deviations (about 20 percent) below the normal reference weight for his or her age. By this standard, an enormous number of the world's children are malnourished. The number is decreasing, but much too slowly, and progress has been uneven.

An estimated 129 million children under 5 years old in the developing world are underweight—nearly one in four. Ten per cent of children in the developing world are severely underweight. The prevalence of underweight among children is higher in Asia than in Africa, with rates of 27 per cent and 21 per cent, respectively. . . . Some countries have low underweight prevalence but unacceptably high stunting rates. For example, in Albania, Egypt, Iraq, Mongolia, Peru and Swaziland . . . underweight prevalence is 6 per cent or less. . . . Progress towards the reduction of underweight prevalence has been limited in Africa, with 28 per cent of children under 5 years old being underweight around 1990, compared with 25 per cent around 2008. Progress has been slightly better in Asia, with 37 per cent underweight prevalence around 1990 and 31 per cent around 2008. (UNICEF 2009a: 17–18)

Throughout the developing world, one out of every four children—roughly 143 million children—under the age of five is underweight (ChildInfo 2011). Among developing regions, child undernutrition is most severe in South Asia, where 42 percent of children are underweight, and, to a lesser extent, sub-

218 *Development*

Saharan Africa, where 22 percent of children are underweight (UNICEF 2011). For children whose nutritional status is deficient, common childhood ailments such as diarrhea and respiratory infections can be fatal. Undernourished children who survive the early years of childhood often have low levels of iodine, iron, protein, and energy, which can contribute to chronic sickness, stunting or reduced height for age, and impaired social and cognitive development (UNICEF 2007b). Though there isn't a part of the globe totally untouched by child malnutrition, 90 percent of all undernourished children live in thirty-six nations dubbed as "high-burden countries" by the World Bank (Doctors Without Borders n.d.). Of the 8 million annual child deaths each year, at least one-third of them will be due to malnutrition (ChildInfo 2011).

Child Mortality

Nothing conveys the plight of children worldwide as clearly as their massive mortality rates. Estimates of the number of global under-five deaths for 1960 to 2010 are shown in Table 11.1. In 2006 the number fell below 10 million for the first time, to 9.7 million (McNeil 2007). The continuing decline is even more impressive given the steadily increasing world population. However, critics point out that this number is still far too high and that the progress is far too slow (Murray et al. 2007).

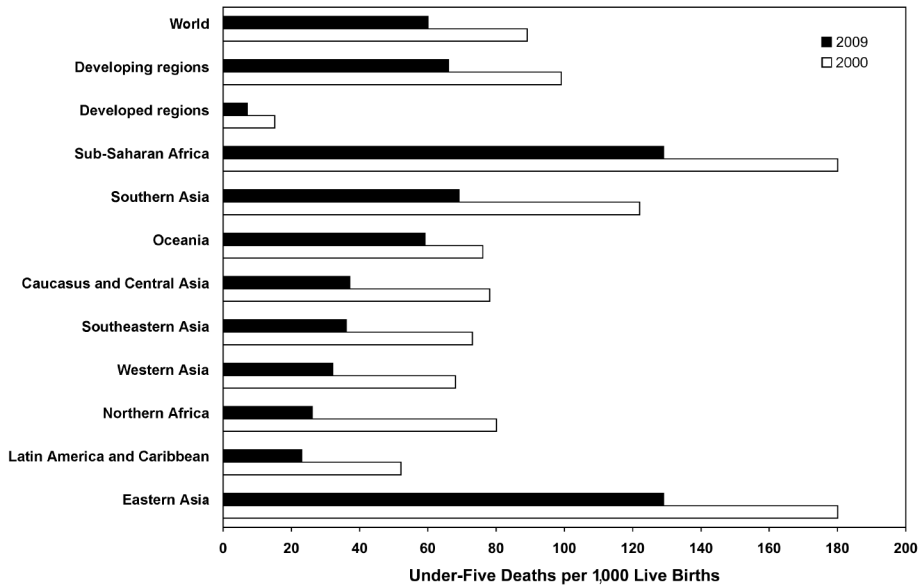
Children's deaths account for about one-third of all deaths worldwide. In northern Europe and in the United States, children account for only 2–3 percent of all deaths. But in many less-developed countries, more than half of all deaths are deaths of children. The child mortality rate for any given region is the number of children who die before their fifth birthday for every thousand born. As indicated in Figure 11.1, the rate at which children are dying each year has been declining. However, the numbers are still enormous.

The number of children who die each year, currently about 8 million, can be made more meaningful by comparing it with mortality due to warfare, which results in a long-term average of about 300,000–400,000 fatalities per year (Kent

Table 11.1 Global Annual Child Deaths, 1960–2010

	Under-Five Deaths (millions)
1960	18.9
1970	17.4
1980	14.7
1990	12.7
2000	10.9
2010	7.6

Source: UNICEF (2011).

Figure 11.1 Under-Five Mortality Rate, 2000 vs. 2009

Source: UN (2011d).

1995). The most lethal war in all of human history was World War II, which resulted in about 15 million battle deaths. If civilian deaths are added to this total, including deaths due to genocide and other forms of mass murder, then World War II resulted in about 51 million deaths, or about 8.6 million deaths a year over six years—compared to under-five child deaths of well over 20 million per year. Thus the most lethal war in history resulted in a lower death rate, over a very limited period, than results from children's mortality year in and year out.

There are about 58,000 names on the Vietnam Veterans Memorial in Washington, DC. Significant to be sure, but this is less than the number of children under the age of five who die every two days throughout the world. For a memorial to list the names of all the children who die worldwide each year, it would need to be more than 250 times as long as the Vietnam Veterans Memorial, and a new such memorial would be needed every year.

Children in the United States

On the whole, children in the United States are far better off than most children in the rest of the world. However, there is a dark side that many in the United States never experience directly, one that is rarely reported by the US

220 *Development*

government or media. Although the Chinese may not be any more objective than Americans themselves about the situation of children in the United States, their views may provide a helpful corrective to the usual complacency of Americans. The following excerpt from a report by the government of China is based entirely on data from US sources:

On March 24, Chad Holley, 15, was brutally beaten by eight police officers in Houston. The teen claimed he was face down on the ground while officers punched him in the face and kneed him in the back. After a two-month-long investigation, four officers were indicted and fired. . . . In a New Beginnings facility for the worst juvenile offenders in Washington DC, only 60 beds are for 550 youths who in 2009 were charged with the most violent crimes. . . . In 2009, there were more than 30,000 black children living in poverty in the nation's capital, almost 7,000 more than two years before.

Life expectancy was lower and infant mortality higher than average. Mortality of African-American children was two to three times higher than that of their white counterparts. African-American children represented 71 percent of all pediatric HIV/AIDS cases. . . .

Children in the US live in poverty. The *Washington Post* reported on Nov 21, 2010, that nearly one in four children struggles with hunger, citing the US Department of Agriculture. More than 60 percent of public school teachers identify hunger as a problem in the classroom. . . . According to figures released on Sept 16, 2010 by the US Census Bureau, the poverty rate increased for children younger than 18 to 20.7 percent in 2009, up 1.7 percentage points from that in 2008. Statistics show that at least 17 million children in the United States lived in food insecure households in 2009. . . .

Violence against children is very severe . . . every year over 3 million children are victims of violence reportedly. . . . Almost 1.8 million are abducted and nearly 600,000 children live in foster care. Children's physical and mental health is not ensured. More than 93,000 children are currently incarcerated in the United States, and between 75 and 93 percent of children have experienced at least one traumatic experience, including sexual abuse and neglect. . . . [B]etween 2001 and 2008, injury-related deaths among children aged one to 12 years old in the United States was 8.9 deaths per 100,000 . . . [and] about half of American teens aged between 13 and 19 met the criteria for a mental disorder.

Pornographic content is rampant on the Internet and severely harms American children. Statistics show that seven in 10 children have accidentally accessed pornography on the Internet and one in three has done so intentionally. (*China Daily USA* 2011)

In addition to reports from outside sources on the status of children in the United States, there are reports from US organizations that show the unique and different circumstances that children living in the United States face today:

Every year, the Forum on Child and Family Statistics publishes a report detailing what the different indicators mean about the general status of children in the United States. There are seven main fields which the report collects data on: family and social environment, economic circumstances, health

care, physical environment and safety, behavior, education and health. The latest report, published in 2010, showed that the US had improved in some areas and had faltered in others.

More kids have health insurance, but more live in poverty and/or food insecure households, or have at least one parent who is foreign born. Children in the United States are also more likely to be born to unmarried women or to grow up in single-parent or non-married households. The general population of children in the United States is diversifying, with more Hispanics and other non-whites taking up an increasing proportion of the total population.

However, children are facing unique circumstances today. While there were more children in 2009 compared to 2000 (74.5 million and 72.5 million, respectively), they make up a lesser percentage of the total population. In 1964, at the end of the Baby Boom, children constituted 36 percent of the total population. In 2009, that percentage had decreased to 24 percent. This proportion of children in the total population is expected to remain steady for the next few decades, even though there are estimates that there will be about 101 million children in the United States by 2050. (FCFS 2011)

Children's Rights

Many different kinds of service programs are offered by both governmental and nongovernmental agencies to address children's concerns, and many of them have been very effective. However, the coverage is uneven, largely a matter of charity and chance. There is now an evolving understanding that if children everywhere are to be treated well, it must be recognized that they have specific rights to good treatment. Thus there is now a vigorous movement to recognize and ensure the realization of children's rights.

Children's rights have been addressed in many different international instruments. On February 23, 1923, the General Council of the Union for Child Welfare adopted the Declaration of Geneva on the Rights of the Child, which on September 26, 1924, was also adopted by the League of Nations. It was then revised and became the basis of the Declaration of the Rights of the Child, which was adopted without dissent by the UN General Assembly in 1959. The declaration enumerates ten principles regarding the rights of the child. As a nonbinding declaration, it does not provide any basis for implementation of those principles.

The UN General Assembly approved the Universal Declaration of Human Rights without opposition in 1948. It was given effect in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. The two covenants were adopted in 1966 and entered into force in 1976. The covenants include specific references to children's rights.

On November 20, 1989, after ten years of hard negotiations, the UN General Assembly adopted the Convention on the Rights of the Child. It came into

222 *Development*

force on September 2, 1990, when it was ratified by the twentieth nation. Weaving together the scattered threads of earlier international statements of the rights of children, the convention's articles cover civil, political, economic, social, and cultural rights, including not only rights to basic survival requirements such as food, clean water, and healthcare, but also rights of protection against abuse, neglect, and exploitation, and the rights to education and to participation in social, religious, political, and economic activities.

The convention is a comprehensive legal instrument, legally binding on all nations that accept it. The articles specify the actions that states are obligated to take under different conditions. National governments that agree to be bound by the convention have the major responsibility for its implementation. To provide added international pressure for responsible implementation, Article 43 calls for the creation of a Committee on the Rights of the Child, to comprise experts whose main functions are to receive and transmit reports on the status of children's rights. Article 44 requires states to submit "reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights." Article 46 entitles UNICEF and other agencies to work with the committee within the scope of their mandates.

All countries except Somalia and the United States have ratified or otherwise acceded to the Convention on the Rights of the Child. Somalia has not ratified because it does not have a functional government. The reasons for the US failure to ratify are not so clear. Both Bill and Hillary Clinton were known as strong advocates of children's rights, so it was a serious disappointment when the convention was not quickly signed and ratified following Bill Clinton's accession to office in 1993. The United States finally did sign the convention in February 1995. That signing, handled very quietly, apparently was done to fulfill a deathbed promise to James Grant, who had been executive director of UNICEF. However, the convention does not become binding on the United States until it is ratified through the advice and consent of the Senate. The convention still has not been forwarded to the Senate. In 2009, the State Department started an interagency review of the convention, but never took any further action (HRW 2009).

The US government has never offered any official explanation for its reluctance to ratify the Convention on the Rights of the Child. However, three major concerns have been voiced. The first relates to states' rights. Because the historical struggle to find an appropriate balance between the powers of the states and the powers of the national government has not been fully resolved, there is a fear that the US government, through its power to make international agreements, might federalize issues that previously had been addressed only in state law.

The second concern relates to capital punishment. Article 37 of the convention states that "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons

below eighteen years of age.” Until recently, the United States (along with Pakistan, Iran, Iraq, and Bangladesh) was among the few countries that still executed people for crimes committed before their eighteenth birthday. This argument was tied in with the argument that capital punishment should be a matter of state rather than federal policy. However, in March 2005, the US Supreme Court ruled this practice unconstitutional. This Supreme Court decision brought the United States into line with international law that prohibits such executions for crimes committed under the age of eighteen. According to Amnesty International (2006), twenty-two child offenders were executed in the United States between 1977 and 2005.

The third concern relates to abortion. The preamble of the convention states, in reference to the Declaration of the Rights of the Child, 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.” The last six words conform to the pro-life, anti-abortion position. However, because of the divisiveness of the abortion issue, the drafters of the convention chose not to elaborate the theme. For pro-life activists, the convention is not explicit enough regarding safeguards before birth and thus is not acceptable.

Despite these various objections, the United States could ratify the convention with reservations regarding the provisions it finds unacceptable in order to support the many other provisions that it does favor. So perhaps the most serious obstacle to US ratification is ideological. The United States tends to support civil and political rights but not economic and social rights. The Convention on the Rights of the Child asserts economic rights such as “enjoyment of the highest attainable standard of health,” including universal provision of adequate food and medical care. Economic rights of this sort trouble many officials in the US government. The government is willing to provide a broad array of social service programs, but it balks at the idea that people have a right, an entitlement, to them (Kent 2005).

Conservative elements in the United States have organized systematic campaigns of opposition to the Convention on the Rights of the Child based on the unfounded argument that ratification would undermine the family and take away parents’ rights to raise their own children as they see fit.

International Obligations

The rights enumerated in the Convention on the Rights of the Child were further clarified with the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, which entered into force on January 18, 2002, and by the Optional Protocol on the Involvement of Children in Armed Conflict, which entered into force on February 12, 2002. With few exceptions, children also have all other human rights.

224 *Development*

In some cases, other agreements give explicit attention to children. For example, the Convention on the Elimination of All Forms of Discrimination Against Women makes frequent reference to children. Several of the agreements developed through the International Labour Organization refer to children and particularly to the need to limit child labor. On June 17, 1999, the ILO adopted the Convention on the Worst Forms of Child Labor, which entered into force in November 2000.

The articulation of these human rights in international instruments represents an important advance, but there is still much more to be done to ensure that these rights are fully realized. Although technically binding on the states that ratify these international agreements, the human rights claims therein are not precisely specified. Latitude for interpretation is provided, because it is left to the national governments, representing the states that are party to the agreements, to concretize them in ways appropriate to their particular circumstances. As well, there remains the question of the international community's obligations, especially where national governments are unwilling or unable to do what needs to be done to ensure that children's human rights are fully realized.

There are many international organizations, governmental and nongovernmental, that work to alleviate suffering, and development and foreign aid programs do a good deal to improve quality of life. But these efforts are largely matters of politics and charity. There may be a sense of moral responsibility, but there is no sense of legal obligation, no sense that those who receive assistance are entitled to it and that those who provide it owe it. Historically, the idea of a duty to provide social services and to look after the weakest elements in society has been understood as something undertaken at the national and local levels, not as something that ought to be undertaken globally. Indeed, the only major market economy in which there is no clearly acknowledged responsibility of the strong with respect to the weak is the global economy.

Within nations, citizens may grumble when they are taxed to pay for food stamps for their poor, but they pay. Globally, there is nothing like a regular tax obligation through which the rich provide sustenance to the poor in other nations. The humanitarian instinct and sense of responsibility is extending worldwide, but there is still little clarity as to where duties lie. There is no firm sense of sustained obligation at the global level.

Most current discussions of global governance focus on security issues, the major preoccupation of the powerful, and give too little attention to the need to ensure the well-being of ordinary people. Just as there should be clear legal obligations to assist the weak in society at the local and national levels, those sorts of obligations should be recognized at the global level as well. Discussion of this idea has begun in the United Nations, but just barely.

There is much discussion of international protection of human rights, but what does this mean? If one party has a right to something, some other party must have the duty to provide it. Children's rights would really be international only if,

upon failure of a national government to do what was necessary to fulfill those rights, the international community was obligated to step in to do what needed to be done—with no excuses. There is now no mechanism, nor any commitment, to do this. The international community provides humanitarian assistance in many different circumstances, but it is not required to do so. International law does not now require any nation to respond to requests for assistance.

There should be clear global obligations, codified in explicit law, to sustain and protect those who are most in need. The exact nature of those obligations and their magnitude and form will have to be debated, but the debate must begin with the principle that international humanitarian assistance should be regularized through the systematic articulation of international rights and obligations regarding assistance. Regularization can begin with the formulation of guidelines and basic principles and then perhaps codes of conduct. These can be viewed as possible precursors of law.

The nations of the world could collectively agree that certain kinds of international assistance programs *must* be provided, say, to children in nations where their mortality rates exceed a certain level. This international obligation to provide assistance should stand unconditionally where national governments or, more generally, those in power, consent to receiving the assistance. The obligation must be mitigated, however, where those in power refuse the assistance or where delivering the assistance would require facing extraordinary risks.

Part of the effort could focus on helping nations ensure that their children's nutrition rights are realized. The most prominent intergovernmental organizations concerned with nutrition are the Food and Agriculture Organization of the United Nations, the World Food Programme, the International Fund for Agricultural Development, the World Health Organization, and the United Nations Children's Fund. They are governed by boards composed of UN member states. Responsibility for coordinating nutrition activities among these and other intergovernmental organizations within the UN system rests with the United Nations System Standing Committee on Nutrition. Representatives of bilateral donor agencies, such as the Swedish International Development Agency and the US Agency for International Development, also participate in activities of the Standing Committee on Nutrition, as do numerous international nongovernmental organizations.

The main role of intergovernmental organizations is not to feed people directly, but to help nations use their own resources more effectively. A new regime of international nutrition rights would not involve massive international transfers of food. Its main function would be to press and help national governments address the problem of malnutrition among their own peoples, using domestically available food, care, and health resources. There may always be a need for a global food facility to help in emergency situations that are beyond the capacity of individual nations, but a different kind of design is needed for dealing with chronic malnutrition. Moreover, if chronic malnutri-

tion were addressed more effectively, nations would increase their capacity for dealing with emergency situations on their own. Over time, the need for emergency assistance from the outside would decline.

Intergovernmental organizations could be especially generous in providing assistance to those nations that create effective national laws and national agencies devoted to implementing nutrition rights. Poor nations that are relieved of some of the burden of providing material resources would be more willing to create programs for recognizing nutrition rights. Such pledges by international agencies could be viewed as a precursor to recognition of a genuine international duty to effectively implement rights to adequate nutrition.

Of course, the objective of ending children's malnutrition in the world by establishing a regime of hard international nutrition rights is idealistic. Nevertheless, the idea can be useful in setting the direction of action. We can think of the intergovernmental organizations as having specific duties with regard to the fulfillment of nutrition rights. We can move progressively toward the ideal by inviting these organizations to establish clear rules and procedures that they would follow *as if* they were firm duties.

Efforts are under way to clarify and concretize global obligations with regard to human rights (Kent 2008). The core premise here is that a child may be born into a poor country, but that child is not born into a poor world. That child has claims not only on its own country and its own people, but also on the entire world. If human rights are meaningful, they must be seen as universal, and not merely local. Neither rights nor obligations end at national borders. While national governments have primary responsibility for ensuring realization of the right to food for people under their jurisdiction, all of us are responsible for all of us, in some measure. The task is to work out the nature and the depth of those global obligations.

Conclusion

Within nations, through democratic processes managed by the state, some moral responsibilities become legal obligations. A similar process is needed at the global level. Internationally recognized and implemented rights and obligations should not, and realistically cannot, be imposed. They should be established democratically, through agreement among the nations of the world. Reaching such agreement would be an action not against sovereignty but against global anarchy. It is important to move toward a global rule of law.

Regularized assistance to the needy under the law is a mark of civilization *within* nations. If we are to civilize relations *among* nations, international humanitarian assistance also should be governed by the rule of law. Looking after our children internationally could become the leading edge of the project of civilizing the world order.

The 1990 World Summit for Children produced ringing declarations and a promising plan of action to improve the conditions of children worldwide. In May 2002, a special session of the UN General Assembly was held to review the progress that had been made in the intervening decade and to make new plans and new commitments for the future. The Secretary-General's review, prepared for the special session, showed that substantial progress had been made on many of the issues of concern (UNICEF 2001). It also showed that much more remained to be done.

Like the 1990 summit, the May 2002 special session concluded with impressive declarations and plans of action. Some will say that we can only wait and see if these commitments will be taken seriously. They are mistaken. It is important for people everywhere, in all walks of life, to actively and persistently insist that governments and international agencies at every level honor their commitments to the children of the world.

Discussion Questions

1. Should countries be concerned with the treatment of children within other countries? Should the United Nations be concerned? Why or why not?
2. Do you see many children (under eighteen) working in your community? Are they working in violation of state or federal labor laws?
3. Should corporations be allowed to benefit from exploitative child labor in other countries? Why or why not?
4. Under what conditions do you think it is acceptable for children to work?
5. Should the United States ratify the Convention on the Rights of the Child? Why or why not?
6. Do you think that the international community should be obligated to uphold children's rights?

Suggested Readings

- American Federation of Teachers (2010) "In Our Own Backyard: The Hidden Problem of Farmworkers in America." www.ourownbackyard.org.
- China Daily USA* (2011) "Human Rights Record of United States in 2010." http://usa.chinadaily.com.cn/us/2011-04/11/content_12303177.htm.
- Freeman, Michael, and Philip Veerman, eds. (1992) *The Ideologies of Children's Rights*. Dordrecht: Martinus Nijhoff.
- Human Rights Watch (2007) "Child Labor." www.hrw.org/about/projects/crd/child-labor.htm.
- India Committee of the Netherlands (2010) "More Than Half a Million Child Labourers in Indian Seed Production; Situation Improved Where Government, NGOs, and Companies Intervened." www.indianet.nl/pb100610e.html.

228 *Development*

- International Journal of Children's Rights* (quarterly).
- Kent, George (1991) *The Politics of Children's Survival*. New York: Praeger.
- (1995) *Children in the International Political Economy*. London: Macmillan.
- (2005) *Freedom from Want: The Human Right to Adequate Food*. Washington, DC: Georgetown University Press.
- (2008) *Global Obligations for the Right to Food*. Lanham: Rowman and Littlefield.
- LeBlanc, Lawrence J. (1995) *The Convention on the Rights of the Child: United Nations Lawmaking on Human Rights*. Lincoln: University of Nebraska Press.
- Sawyer, Roger (1988) *Children Enslaved*. London: Routledge.
- United Nations (1992) *Child Mortality Since the 1960s: A Database for Developing Countries*. New York.
- (2010) "Child Labour: Vital Statistics," www.un.org/en/globalissues/briefingpapers/childlabour/vitalstats.shtml.
- United Nations Children's Fund (annual) *The Progress of Nations*. New York.
- (annual) *The State of the World's Children*. New York: Oxford University Press. (For 2011, see www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf.)
- (1993) "Food, Health, and Care: The UNICEF Vision and Strategy for a World Free from Hunger and Malnutrition." New York.
- (2009) "Tracking Progress on Child and Maternal Nutrition." www.childinfo.org/files/Tracking_Progress_on_Child_and_Maternal_Nutrition_EN.pdf.
- (2010) "Child Protection from Violence, Exploitation, and Abuse: Child Labour." www.unicef.org/protection/index_childlabour.html.
- US Department of State (2011) "Trafficking in Persons Report." www.state.gov/documents/organization/164452.pdf.