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**How the Interpretation of the Rights of the Child at the United Nation is
Jeopardizing Parental Guidance and Authority**

When negotiating many documents in the UN, a few delegations are still struggling and fighting to defend some basic and fundamental principles and values such as sovereignty, respect for cultural and religious values, importance of the family and in relation with children, respect for parental guidance and authority, bearing in mind that all these principles are recognized by previous agreed documents and are contained in different international Treaties and Conventions.

The question is why is it becoming today so difficult to include agreed references? The answer is not that simple. There is now, at the United Nations a tendency to shape legal interpretation and to establish international standards and norms and to, even, invent new human rights that transcend culture, traditions, religion, and societal norms particularly by human rights treaty bodies (bodies that monitor the implementation of Treaties by states parties).

When examining reports of giving general recommendations, treaty bodies are either giving a new interpretation to the provisions set in the different human rights instruments or introducing concepts that create new human rights that will be binding to all nations and that were rejected through the normal process of negotiation and consensus.

Since today, the Forum is about to make a better and safer world for our children, my presentation will focus on this tendency through concrete examples from specific articles of the Convention of the rights of the child and their implementation by the Committee on the Rights of the Child.

The convention on the rights of the child, as you know, was adopted in November 1989 after ten (10) years of hard and difficult negotiations. The process started in 1979 with a draft submitted by Poland but this was not the first document that promotes the rights of the child. Indeed, the international community has discussed before those rights and the UN adopted two declarations, the first one in 1924 by the League of Nations and the second one in 1959. The latter Declaration, in my opinion is still very valid because it contains good principles and constitutes a moral framework for the protection of the rights of the child.

In September 1990, the Convention of the rights of the child entered into force (191 countries had ratified the Convention until now) and in the same month, the World Summit for children was held in New York, which adopted a Declaration and a Plan for action.

To monitor the implementation of the Convention, the Committee on the rights of the child was established under article 43 of the convention, ten (10) experts representing a variety of backgrounds are elected to form this committee and this number will be 18 when the amendment of paragraph 2 of article 43 enters force.

At its first session in 1991, the Committee adopted guidelines to help State-Parties writing and structuring their reports. States are requested to present a problem oriented and self critical report which specify implementation priorities and specific goals for the future as well as relevant legal text, data etc...

The Committee has emphasized, in examining all Initial reports, that an essential aspect of implementation is ensuring that all legislation is “fully compatible” with the provisions and principles of the Convention, requiring a comprehensive review of all legislation. The Committee paid special attention to necessary legal reforms and procedures of constant scrutiny of progress within the “spirit of the Convention.”

The Committee recommends to states parties that they set up a mechanism to ensure that all proposed and existing legislation and administrative measures are systematically reviewed to ensure compatibility with the Convention.

In 1993, a procedural innovation was introduced by the Committee when, it recommended to the General Assembly that it request to SG to undertake a study on the protection of children in armed conflict (Graca Machel Report). This was a result of general discussion and a precedent for other general discussions on different subjects such as the rights of the child in the family context, the girl child, economic exploitation of children etc... Such thematic discussions are held once a year and may lead to request a study but can also serve as a basis for work on interpreting the articles of the Convention.

In the commemorative meeting on the tenth anniversary of the Convention, the Committee stated “the Committee will continue to provide improved guidance and illustrations on the interpretation of the provisions of the convention, including in the general comments, and will attempt to do so in particular for the aspects that render provisions of the Convention justifiable.” The Committee is somehow recognized as the highest authority for the interpretation of the provisions contained in the Convention.

The new vision is that since the Convention is universal and has forward-looking principles (four general principles are enshrined in the Convention: non discrimination, best interest of the child, the right to life, survival and development, the views of the child), it has to have the same meaning for people in all parts of the world.

In this regard, while laying down common standards, is the Convention really taking into account the different cultural, religious, social particularities of states so that each state may seek its own mean and way to implement the rights of its children as stated in Paragraph Preambular 12 of the Convention and in paragraph 5 of the Vienna Declaration which provides explicit consideration for culture in human rights promotion and protection, stating “the significance of the national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind.”

Before highlighting the new legal interpretation of some specific articles (5, 12, 13, 14, 15, 16, 18 and 24), I want to speak a little bit about article 1, “definition of a child” which defines a child as every human being below the age of 18. This wording leaves the starting point of childhood open.

According to the Committee, the intention was to avoid taking position on abortion and other pre-birth issues, which would have threatened the Convention’s universal acceptance. In this context, the manual of human rights reporting in 1997, stated “by avoiding a clear reference to either birth or the moment of conception, the Convention endorses a flexible and open solution, leaving national legislation the specification of the moment when life begins.” You will see that for other issues, there won’t be any margin of flexibility given to national legislation.

The Committee is omitting to mention that the preambular paragraph 9 of the Convention draws attention to the statement in the 1959 Declaration “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including legal protection, before as well as after birth.”

During the drafting process, this reference caused difficulties and with the view to reach consensus, there was a statement to the effect that “in adopting the preambular paragraph 9, the working group does not intend to prejudice the interpretation of article 1, or any other disposition of the Convention by states parties.” (E/CN.4/1989/48) The aim of this statement is that most of the articles of the Convention apply to the child only after birth, for these reason, many countries have found it necessary to lodge declaration or reservations underlining their own legislation to the unborn child.

Also, in relation with article 1, there is, now in many UN documents, a tendency to replace the word children by either adolescents or by young people, particularly when tackling health issues.

Another matter linked to this article is defining specific minimum age in legislation, for example, the Committee noted that there is a need to consider seriously the question relating to the legal definition of the child, in particular the minimum age of marriage, employment, military service and testimony before the court. It appears that these provisions do not sufficiently take into consideration the principles of the best interest of the child and non discrimination.” (Sudan Report)

The Committee has frequently expressed concern if a State has a lower minimum age for the marriage of girls than boys. According to the Committee, marriage age is for particular significance (not because they want to increase the marriage rate) because they believe that upon marriage, children in many countries are assumed to acquire a majority and therefore will lose their protective rights under the Convention.

In the same line, the Committee has noted that the physical development is not a reliable guide to the transition from childhood to adulthood, and has recommended that certain protective minimum age should be raised.

However, in relation to children's acquisition of autonomous rights such as to obtain legal and medical counseling and to consent to medical treatment or surgery without parental consent, the Committee's view is that, the convention does not provide direction on specific age at which children should acquire such rights, using article 12 (respect of the views of the Child) and article 5 (concept of evolving capacities).

This concept of evolving capacities of the child is often used now in negotiations to undermine parental guidance and responsibilities, especially in relation to children making decisions for themselves on health, education or religion's issues.

As we have seen during many negotiations (Beijing, Cairo and their review and lately in the Document of the Special Session on children), they are pushing hard to give minors and adolescents free access to reproductive health services (to be supplied with contraceptive, to be tested and treated for sexually transmitted diseases free of charge and anonymously etc.) without parental consent.

While for marriage, the Committee emphasized that the age of marriage for both girls and boys must be the same (to conform with article 2), and that the general principles of the Convention should override the cultural and religious background. In 1993, the CEDAW, in its general recommendation on "equality in marriage and family relations" has proposed 18 for the minimum age for both men and women.

According to the WHO, when minors particularly girls, marry and have children, their health is adversely affected and their education is impeded. If we analyzed these different comments, they are pleading to raise the age of marriage but paradoxically, they want to give adolescents free access to reproductive health services and family planning.

I will begin by article 5, which is about parental guidance but also contains the concept of the child's evolving capacities. While, in the 1959 Declaration on the rights of the child, principle 6 underlines that the child "shall wherever possible, grow up in the care and the responsibility of his parents" and paragraph 5 of the Convention on the rights of the child stated that the family, as the fundamental group of society and the natural environment for the growth and well being of all its members and particularly children...

Article 5 of the same Convention is interpreted by the Committee as a new relationship between the child and his parents where the child is seen as the active subject of rights, and the parents are seen as responsible to only support the exercise of these rights by the child. The committee wants to see the parents responsibilities defined in the law using the framework of the Convention. Some countries have begun to do so.

The idea is what they call the democratization of the family, where the parental responsibilities and guidance will be substituted by dialogue, negotiation, and participation of children in family matters which clearly means, that parents no longer have absolute rights over their children (these rights are traditional and have to be changed).

The Committee noted that insufficient attention has been paid to the principles of the best interest and the views of the child both in legislation and practice since the prospect of the civil rights and freedoms of the child are still to be exercised subject to parental consent or discipline. In this context, the Committee raised doubts as to the compatibility of this practice with these two principles of the Convention.

In its general discussion on “the role of the family in the promotion of the rights of the child” (1994), the Committee stated: “the basic institution in society for the survival, protection of the child is the family. When considering the family environment, the convention reflects different family structures arising from various cultural patterns and emerging familial relationships. In this regard, the Convention refers to the extended family, and the community and applies in situation of nuclear family, separated parents, single-parent family, common law family and adoptive family.”

In the same line, the Human Rights Committee (HRC), in its general recommendation 17 (1989), emphasized the flexible definition of the family, which is interpreted broadly to include all persons comprising it in the society of the state party concerned. And in its general comment 19 (1990), the HRC noted “that the concept of the family may differ in some respect from state to state, and from region to region, within a state, and that is therefore not possible to the concept a standard definition.”

However, the Committee emphasized that, when a group of persons is regarded as a family under the legislation and practice of state, it must be given protection. In view of the existence of various forms of family, such as unmarried couples and their children or single parents and their children, states parties should also indicate whether and to what extent such types of family and their members are recognized and protected by domestic law and practice.

Many countries, when ratifying the Convention on the rights of the child interpreted the articles of the Convention in a way, which safeguards the primary rights of parents in particular when it relates to education. They insisted that the rights of the child should be exercised with respect of parental authority and in accordance with their customs, values and religion.

In all cases, the Committee expressed concern about reservations in particular with respect to the full recognition of the child as a subject of rights and that the rights and prerogatives of the parents may undermine the child's rights as recognized by the Convention. Is the new interpretation of article 5 seeking child power versus parental responsibility and authority? The manual of human rights reporting 1997 stated "with the convention, children's rights are given autonomy—not with the intention of affirming them in opposition to the rights of adults or as an alternative to the rights of parents—but in order to bring into the scene a new dimension: the consideration of the perspective of the child within the framework of the essential value of the family, the child is therefore recognized in his or her fundamental dignity and individuality, with the right to be different and diverge in his or her assessment of reality."

At the end of the general discussion on the role of family in the promotion of the rights of the child mentioned previously, the Committee reached some conclusions: "traditionally, the child has been seen as a dependent, invisible and passive family member. Only recently has he or she become seen and, furthermore, the movement is growing to give him or her the space to be heard and respected. Dialogue, negotiation, participation, have come to the forefront of common action for children."

The family becoming in turn the ideal framework for the first stage of democratic experience for each and all individuals, including children, is this only a dream or should it also be envisaged as a precise and challenging task?

When we carefully examine these comments, we see that the idea behind is to change the nature of the parental direction and guidance. It becomes limited and must be appropriate and consistent with the evolving capacities of the child.

Since there is a big debate now about parental guidance and corporal punishment, the Committee when examining reports stated "there is no place for corporal punishment with in the margin of discretion accorded in article 5 to parents in the exercise of their responsibilities." (UK report) The Committee is pushing states to incorporate a provision to prohibit corporal punishment including within the family in their civil law.

The concept of "evolving capacities" is often used to avoid to set age limits or any definition of maturity and to allow different interpretations depending on the articles. For example, when it relates to marriage, the Committee requests states to set an age limit in their legislation but when it's related to access to health services and all kind of information, it shouldn't be any age limit.

The manual of Human Rights reporting in 1997 stated, "children will become an active partner, with appropriate skills to participate, rather than a passive reflection of parents wishes."

The Committee in the tenth anniversary meeting stated that "child rights must be viewed as the human rights of children. The experience of general human rights activities over recent decades should be analyzed and used to promote respect for the

rights of child, and to avoid the perseverance of the charity mentality and paternalistic approaches to children's issues.”

Now, I will tackle article 18 after article 5 because this article also addresses parent's joint responsibility and the assistance by the State. (See also article 10 of ICESCR) Although this article supports clearly parent's primary responsibility for the child and the appropriate assistance that state shall render to the parents, the current interpretation is that the child's rights under the Convention circumscribe the parent's responsibility.

According to the Committee, the Convention requires that the current legal principles of parental rights be translated into principles of parental responsibilities.

Some are going further by asking how can the state secure that the best interest of the child is the parents basic concern? The states should change laws on parent's rights because in many nations there are laws and customs that assume parental “ownership” of children.

Article 18 makes it clear that both parents have common responsibilities for the upbringing and the development of the child, but many children, as you know, are no living with one parent.

In this connection, the Committee expressed concern not in relation of the state of marriage but to the need for children to have both parents involved in their upbringing and development and even when the Committee recognized that growing up in a single parent family can have a direct impact on the development of the child, they recommend only raising awareness of the equal responsibility of parents instead of raising awareness about the strengthening of the family to avoid divorce or encourage the increase of marriage rate.

Islam and many other religions recognize the inherent bonds of love that exist between parents and children. However, there are certain guidelines, which explicitly describe the rights and obligations of both parents and children.

Turning to article 12 (respect of the views of the child), this article is divided in two paragraphs, the first requires states to assure the child, who is capable of forming his or her views, the rights to express them in all matters affecting the child but this has to be done in accordance with the age and maturity of the child. The second paragraph highlights that the child, in particular, be provided the opportunity to be heard in any judicial and administrative proceeding affecting him or her directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

For the manual on HR reporting 1997, “this article sets one of the fundamental values of the Convention and probably also one of its challenges.”

In reality, this article is used now to mean particularly the involvement and participation of children in decision making at all levels, and in matters such as education, health, family planning, etc. The latest example is the insistence to see children participating in the special session of the General Assembly on children particularly in the round tables with head of states and governments.

To push for this new interpretation, they refer to article 19 (1) of the UDHR “everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to see, receive and impart information and ideas through any media and regardless of frontiers.” Well, I have doubts that when drafting the UDHR, everyone meant the child.

Many countries consider that the child’s rights as defined in the Convention in particular articles 12 and 16 shall be exercised with respect for parental authority in accordance with religion, values, customs, and traditions.

Declarations and reservations are recognized by the Vienna Convention on the Law of treaties and it is sovereign right of a State, yet the Committee expressed concern that declarations and reservations appear to challenge the full recognition of the cold as a subject of right and about the fact that traditional attitudes still prevailing in many countries may not be conducive to the realization of the general principles of the Convention. In this regard, the Committee has stated, in the tenth anniversary meeting, “the committee has a decisive role to play in the assessment of the validity an impact of reservations made by States parties, and will continue to systematically raise this issue with them.”

The Committee will request that a detailed study be carried out on existing reservations, including on the experience of the Committee, follow up given to its recommendations for withdrawal, comparison with reservations entered by the same Sates parties to other human rights treaties, and potential implications of the alternative approaches the Committee could adopt.

Even though forming views and expressing them by the child is closely linked with the age and maturity of the child, the argument used here is that the convention doesn’t set any lower age limit in children’s rights to express views freely and that children can and do form views from a very early age. In this case, why opposing early marriage if the child himself or herself decide so?

Referring again to the manual on HR reporting 1997, “pursuant to the provision of this article, States parties have a clear and precise obligation to assure to the child the right to have a say in situations that may affect him or her. The child should therefore not be envisaged as a passive human being or allowed to be deprived of such right of intervention.”

Some countries had set a minimum age on the right of the child to be heard (custody); however the Committee is of the view that the Convention provides no support

for this, and states cannot quote the best interest principle to avoid fulfilling their obligations under article 12. Once again, we see a double standard when using the principle of the best interest for the child. The aim is to weaken the “traditional” parental authority; furthermore the reference to “all matters” in this article is used to mean that participatory rights are not limited to matters dealt with under the convention but all matters affecting the child.

In this regard, if we take example of judicial or administrative proceedings as highlighted by article 12, the child directly or through a representative shall be provided an opportunity to be heard in accordance with the procedural rules of national law.

However, the Committee sees the provision of effective complaints procedures, as part of the implementation of this article and that child needs access to complaints procedures in all aspects of their lives (in the family, in alternative care, and in services and facilities relevant to them).

The Committee is concerned that since are able to lodge complaints only through the parents or legal guardians, the right to adequate recourse and complaint procedures of children for abuse, including sexual abuse, neglect or ill treatment within their families does not seem to be secured. The Committee recommends that a system of complaints aimed at children victim of any form of violence, abuse, even while in the care of their parents be established, as a means to ensure protection of and respect for their rights (Ethiopia IRC). Access to an effective complaints procedure is and essential element of child protection, and because of the extent of parental violence and abuse of children, children require access independent of their parents.

The Committee encourages Non-Governmental Organizations, and legal professionals to make increased use of the convention in bringing cases to national and international courts.

In this context, the reporting guidelines paragraph asks information about minimum legal age defined in national legislation for lodging complaints and seeking redress before a court or other relevant authority without parental consent. Here too the argument is that the Convention doesn’t support the setting of a minimum age for such purposes.

The committee stated while examining reports that there is a need to adapt courts and formal decision-making to enable children to participate. The next step is the introduction of complaints by children as victims. In this regard, the move will certainly be to push for the third optional protocol to the convention that will allow children to introduce complaints before the committee as it was done for the CEDAW.

In this regard, the Committee stated in the tenth anniversary meeting “the Committee will consider initiating discussions on an optional protocol to the convention providing a mechanism for individual communications, to ensure the availability of legal

remedies at the international level with regard to the Convention on the rights of the child. The Committee encourages states parties to support its efforts in this respect.”

The implementation of this article, as mentioned previously, should be consistent with procedural rules of national law. However, the Committee is interpreting this last portion to mean the inclusion of specific procedures to allow for the implementation of the rights of the child as recognized by article 12.

The Committee has underlined that article 12 should be incorporated into national laws and procedures but, at the same time, recognized that legal framework alone will not achieve the necessary changes in attitudes and practice within families, schools or communities.

The Committee was concerned that some traditional and cultural attitudes toward children may hamper the full enjoyment of rights embodied in the Convention by children.

For the implementation of the “participatory rights,” many strategies are proposed such as the inclusion of the convention in the school curriculum and the establishment of mechanisms where children can experience and enhance their capacities for participation—either through an ongoing process of consultation and exchange within family life, by intervening in schools councils for matters relating to their education, or by influencing life at community level through their participation in the local community.

In relation with the family life, the Committee highlights, in its general discussion on the role of the family that the civil rights and freedom of the child within the family has to be addressed in a sense that the views of the child have to be heard and respected and that dialogue negotiation and participation are the solution (the child, as he or she currently is considered a passive member of the family.)

In relation with schools, the participation means intervening in matters affecting all aspects of school life and decision-making about schooling and consultation with school students as a group and also as individuals.

The committee was concerned that insufficient attention has been given to the right of the child to express his or her opinion, including in cases where parents in England and Wales have the possibility of withdrawing their children from part of sex education programs in schools. In this as in other decisions including exclusion from school, the child is not systematically invited to express his/her opinion and those opinions may not be given due weight, as required under article 12. (UK, IRCO ADD 34)

It seems here that the Committee is ignoring what is clearly stated in the UDHR article 26 (3) that parents have a prior right to choose the kind of education that shall be given to their children. In the same line, article 13 (3) of the ICESCR stated that “the states parties to the present covenant undertake to have respect for the liberty of parents and , when applicable legal guardians to choose for their children schools, other than

those established by public authorities, which conform to such minimum educational standards as may be laid down or approved by the state and to ensure the religious and moral education of their children in conformity with their own conviction.”

Principle 7 of 1959 Declaration on the Rights of the Child also stated “the best interests of the child shall be the guiding principle of those responsible for his education and guidance, that responsibility lies in the first place with his parents.”

This article is used in relation with health decision, family planning and access to health services to uphold children’s rights to participate in decisions about their health and also in the planning and provision of health services relevant to them.

When presenting their reports, states parties are requested to give information on the minimum age at which a child can receive medical counseling, medical treatment or surgery without parental consent (paragraph 12 of the guidelines for periodic reports).

In Beijing, Cairo documents as well as in their review, this kind of program was included; however, a few delegations managed to mention the parental guidance and to include a reference to cultural, religious, and social values.

Article 13 (freedom of expression) sets out, in its first part, the right to freedom of expression which includes freedom to seek, receive and impart information and ideas of all kind...but, in the second one certain restrictions are included in the exercise of these rights. Article 13 is closely linked to article 12 (the right to information is a prerequisite for participation) and also to articles 14 and 15 (freedom of thought, conscience and religion and freedom of association) as well as to article 17 (the child’s access to appropriate information and material).

The committee has often emphasized that the child is the subject of rights, the possessor of rights, and that the civil rights of children should be recognized explicitly in the law. Here also, they refer to UDHR (article 19) which states that “everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart ideas through any media and regardless of frontiers.”

During the drafting of the convention, the notion to confirm explicitly that civil and political rights accorded to everyone in the UDHR and in the ICCPR do apply to children met opposition particularly to the role of parents in relation to the children’s civil rights. As you see, what was difficult to get through the normal process of negotiation and consensus is pushed years after through new interpretation.

The Committee has also emphasized that in the case of children, it is not enough that these principles should be reflected in the constitutions as applying to “everyone” because constitutions, themselves, often explicitly uphold parent’s rights to bring up and educate their children as they see fit, without any reference to the child’s own rights.

In paragraph 48 of the guidelines for periodic reports, the committee requests information on measures adopted to ensure that civil rights and freedoms of children set forth in the convention, including article 13, are recognized by law specifically in relation to children and how they are implemented in practice. The committee is, in this context, expecting to see the child freedom of expression guaranteed in national legislation and its implementation further developed. (Freedom of expression is meaningless for a starving or an illiterate child).

The Committee has proposed monitoring and research to determine to what extent children's civil rights are respected, within and outside the family. In the general discussion on "the role of the family in the promotion of the rights of the child", the Committee commented: "the civil rights of the child begin within the family...

The family is an essential agent for creating awareness and preservation of human rights, and respect for human values, cultural identity and heritage, and other civilization. There is a need to consider appropriate ways of ensuring balance between parental authority and the realization of the rights of the child, including the right to freedom of expression. Corresponding measures to prevent abrogation of these rights of the child within the family should be discussed."

The issue of the role of the parents in the relation to children's civil rights, including the right to freedom of expression was raised during the drafting of the Convention as well as in reservations and declarations made by states parties. (Algeria made an interpretative declaration on articles 13, 14, and 17).

The implementation of this article raises, also, the problem of the access and uses of the new technology such as the Internet. In this regard and as a parent, I strongly believe that parents have the rights and duties to protect their children from any harmful materials on the Internet including the monitoring of chat lines.

Article 14 (child's right to freedom of thought, conscience and religion) is divided in three paragraphs; the second one is clearly echoing article 5, which requires respect to the rights and duties of parents or guardians to provide direction to the child in the exercise of his or her right in a manner consistent with evolving capacities of the child. This concept of evolving capacities, as mentioned previously, is often used in negotiations to undermine the rights and duties of parents.

The ICCPR article 18 (4) and ICESCR article 13 (3), both stated that States-Parties shall respect the liberty of the parents and, when applicable, legal guardians to ensure the religious and moral education for their children in conformity with their own convictions. However, the current interpretation is that the parents provide only direction to the child in the exercise of his or her right and it is up to him or her to exercise this right and that the direction provided by the parents can not involve, "any form of physical or mental violence" and must be consistent with the evolving capacities of the child.

The argument used here is that article 14 highlights the rights and duties of the parents and not their liberty to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child, and that the views of the child must be given due weight. In this connection, children will not automatically follow their parent's religion until the age of majority although other articles (8, 20, and 30) support children's right to acquire their parent's religion.

Many States made declarations or reservations to article 14 several of which related to parents and their right to choose religion for their children. Algeria made a declaration about paragraphs 1 and 2 of this article (in compliance with the constitution article 2 and the Family Code).

In the case when parents disagree over the child's religion and the matter goes to court, the matter, according to the Committee, should be decided on the basis of the child's right under article 14.

In relation to education and religion, the new tendency is that the arrangements for moral and religions education be reviewed to ensure respect for the child's right to freedom of religion, with parental direction provided in a manner consistent with the child's evolving capacities.

The Committee has stressed that the limitations set out in article 14 (3) of the Convention are the only ones that may be applied. In this regard, many Muslim countries indicated that they don't consider themselves bound by article 14 which grant the child the right to freedom of choice of religion.

With articles 12 and 13, article 15 (child's right to freedom of association and peaceful assembly) promotes the active participation of the child in a society. As for the previous articles, Reporting guidelines ask whether any minimum age has been defined in legislation concerning the child's right to create or form associations and on measures adopted to ensure that law specifically in relation to children recognizes these rights.

In many countries, Constitutions uphold those rights to everyone as also reflected in article 20 of UDHR and in ICCPR article 21 and 22, but not explicitly to the child. In this context, the Committee has requested the inclusion of the child's freedom of association and peaceful assembly in national legislation through legal amendments.

In almost all the negotiated UN documents, we see this request to States to enact or take measures to adapt national legislation to international Human Rights instruments, (to the new interpretation by Treaty bodies). The Committee has, also, suggested that States should encourage membership of children in associations so they may make their views known and has them taken into account.

For many countries, this creates a real problem because of the age of majority and also the age of legal capacity and raises the issue of children engaging in political

activities. The Committee stressed that the only restrictions that may apply to article 15 are the ones in accordance with paragraph 2 on this article.

I left article 24 (child's right to health) to the end because this article is unfortunately becoming "le cheval de bataille" in all negotiations at the U.N. Normally, this article shouldn't pose any major problem if the real aim is the child enjoyment of the highest attainable standard of health. However, the current tendency is to link article 24 with article 12 and also with article 16, which deals with children's right to privacy.

This link will lead to participation of children particularly adolescents in planning, delivering, and monitoring of health services relevant to them and access to health services including family planning and medical counseling without parental consent.

Many countries made reservations with reference to subparagraph F of article 24 in relation with family planning (in accordance with ethical and moral principles).

When negotiating many documents relating to children, the tendency is that adolescents should have free access to health services including reproductive health services, yet one of the objectives of Cairo is to substantially reduce all adolescents' pregnancies.

The Cairo Report urges for "integral sexual education and services for young people, with the support and guidance of their parent. There was a big battle to include this last portion.

Everyone is expressing concern at high rates of teenage pregnancy. But, the solutions proposed are counseling for adolescents, family planning and sexual education instead of expressing concern about early sex and encouraging abstinence. (One western report affirms that the decrease of the teenage abortion is the result of the increase in the use of contraceptives.)

Some countries are now advocating with the help of radical NGO's for adolescents "sexual freedom as well for 'reproductive Human Rights'." The recent Lisbon Youth Conference decried "limits" on adolescent sexuality. (Early marriage is considered as a traditional practice that is harmful for the health of women, and in the near future, they will advocate for the rights of adolescent to control their sexuality. They are, even, saying that adolescence should begin at age of 10).

To conclude, a safe world for children is a world where children can live without fear or need, a world where they enjoy playing and learning. The promotion and the protection of the rights of the child are first and foremost loving, cherishing, and protecting a child, making his or her safety our priority as parents and as a society. We have to let a child being a child, enjoying his or her childhood without the burden of all the adult concern.

The children are inherently good but at the same time, they are malleable. They need understanding but also education and a firm moral guidance. The family is and will

always be the most important institution for the well being of children and parents. No international norms or standards should undermine or jeopardize basic values and parental authority. While the Convention of the Rights of the Child provides foundation for the protection of the children's rights, it is not the only framework and should be implemented taking into account the tradition and cultural values of people (pp 12 of CRC).

There is not best or universal model for the promotion and the protection of the rights of the child. We cannot accept that parent's rights are violated in the name of children's rights. We, therefore, must defend and promote core principles that will protect our children and allow them to achieve their potential in a healthy, moral and safe environment.

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- Human Rights Committee general comments 17 and 19 in 1989 and in 1990,
- Status of Declaration and Reservations (as of June 2001),
- World Summit for Children: World Declaration on the survival, protection and development of children and plan of action, (September 1990).