

Short Article

TRANSLATING THE CONVENTION ON THE RIGHTS OF THE CHILD INTO REALITY

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INTRODUCTION

In 1989 the United Nations General Assembly, without a dissenting vote, adopted the Convention on the Rights of the Child (CRC) which ushered the arrival of a new era in the development of children's rights. The adoption of the Convention signalled the international community's approval of a statement of children's rights and this was, in many respects, considerably ahead of prevalent municipal standards around the globe. In the words of Thomas Hammerberg, a member of the UN Committee on the Rights of the Child,

[T]he line between visions and clichés is usually thin, but the principles in the Convention do make sense... Together they make a new attitude towards children... a global movement is being built.¹

This groundbreaking culmination of a long international campaign was even signified as a 'Magna Carta for children'.² The Convention entered into force in September 1990, just over six months after its signing ceremony and had attained almost universal ratification within 8 years. Such global endorsement is unprecedented for a human rights treaty and can be viewed as a major step towards the recognition of the children's rights.

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¹ Quote taken from Amnesty International, Childhood Stolen-Grave Human Rights Violations against Children, London, Amnesty International British Section, 1995, at p.63.

² This was heralded by James P. Grant while he was Executive Director of UNICEF, see D. Fottrell, "One Step Forward or Two steps Back? The First Decade of the Convention on the Rights of the Child" in D. Fottrell (ed), Assessing the United Nations Convention on the Rights of the Child - Ten Years On, Boston, Dordrecht, etc., 2000.

Every country of the world except the United States of America and the collapsed state of Somalia now agree to guarantee the rights enunciated in the Convention by undertaking all appropriate legislative, administrative and other measures required for their implementation.³ World support for the Convention will not be meaningful unless the Convention's standards are complied with. This implementation aspect of the Convention to its guaranteed rights, however, faces problems similar to many other human rights conventions. Moreover, the comprehensiveness of the Convention and its almost universal ratification make this a formidable task. The magnitude of the rights aimed at and their distinct implementation strategy pose real challenges for the Committee on the Rights of the Child. It has already been overburdened with the backlog of states parties' reports. Another difficult problem of implementation is reservations to the Convention made by its states parties. In fact the impressive support for the instrument is regrettably mitigated by the numerable reservations.

This essay attempts to analyse the challenges of implementation faced by its treaty body, the Committee on the Rights of the Child. Considering some of the general criticisms levelled against the Convention, it examines the textual formation of the relevant provisions which often impede the realisation of the best interests of the child, and leaves negative impact on the implementation of the Convention. It assesses the cogency of the detailed guidelines issued by the Committee to simplify the reporting process for the states parties. It also discusses the impact of other practical limitations of its implementation mechanism, and ends with a few concluding remarks.

COMPROMISES AND INADEQUACIES OF THE CONVENTION

The world's first international legal instrument on children's rights was the product of a decade long intense negotiation among government delegations, inter-governmental organisations and non-governmental organisations. There were five important domains where consensus was difficult to achieve⁴: freedom of thought, conscience and religion;

³ Article 4 of the CRC.

⁴ D. Johnson, "Cultural and Regional Pluralism in the Drafting of the UN Convention on the Rights of the Child" in M. Freeman and P. Veerman

inter-country adoption, the rights of unborn child, traditional practices and on the duties of children. Conflicting cultural and religious dogmas had to be considered while finalising the text.⁵ As a result the Convention provides the right to preserve identity in Article 30 and a right to religious freedom in Article 14, which could be in conflict with Article 24(3). According to Article 24(3), states are to 'take effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children' but this imperative has been compromised by adding, through Article 24(4), the provision that states undertake to promote and encourage international co-operation with a view to achieving progressively the full realisation of rights enunciated in Article 24.

Such compromise affects the proclaimed principles of best interests of the child. The Preamble of the Convention states that 'due account' is to be taken of 'the importance of the traditions and cultural values of each people for the protection and harmonious development of the child'. But these traditions and cultural values are not problematised. The dreadful practice of female genital mutilation with painful impacts on over 100 million women and in 28 countries in Africa is a glaring instance of questionable cultural practices to the detriment of girl and girl-child.⁶

The vulnerable position of the girl child in developing states⁷ seems not to have received adequate attention. The provisions on education in Articles 28 and 29 keep do not articulate special needs of girl children and skirt the issue of assistance to those who are working to promote the educational opportunities for girls in the developing countries.⁸ Whether the gender blind language of the Convention is consistent

(eds), The Ideologies of Children's Rights, Boston, Dordrecht, 1992, pp. 95-114.

⁵ See M. Freeman, The Moral Status of Children, The Hague, 1997, at p. 53.

⁶ *Ibid.* See also W. Ncube (ed.), Law, Culture, Tradition and Children's Rights in Eastern and Southern Africa, Dartmouth, 1998.

⁷ See K. Backstorm, "The International Human Rights of the Child: Do They Protect the Female Child" 30 (1997) George Washington Journal of International Law and Economics, 541.

⁸ Fottrell, *supra* note 2; see also C. Heward, "Introduction: The New Discourses of Gender in Gender Education and Development" in C. Heward and S. Bunawaree (eds), Beyond Access to Empowerment, London, 1999, at p. 4.

with and reinforces its provisions against sex discrimination or serves to obfuscate and maintain gender discrimination is an issue which can not be brushed aside. The Convention deals with child military service, which mostly affects boy children but not with child marriage which most affects girl children. It also does not deal with disproportionate share of childcare and the severe discrimination against girl child in parts of the world.⁹ The document does not provide any role for the gestational parent in determining when a foetus shall receive legal protection. "It tends in fact do deal with white, male, relatively privileged children."¹⁰

Another sordid instance of the Convention's deficiency is its failure to raise the legal age limit of children for participating in armed conflicts. Over the past 40 years the number of children deployed in armed conflicts has increased and such children have become younger. Currently, it is estimated, about 300,000 children are being used-as soldiers, porters and for sexual purposes in over 30 conflicts around the world.¹¹ The existing age limit of 15 was first enshrined in the 1977 Additional Protocol to the Geneva Conventions and later on sadly reaffirmed 12 years later by Article 38 of the CRC despite the fact that Art 1 defines children as all persons under 18. Recently the Commission on Human Rights in its 56th Session¹² approved the text of the draft optional protocol prohibiting the use and compulsory recruitment of persons under 18 in armed conflicts. It also endorsed another draft optional protocol on the sale of children, child prostitution, and child pornography¹³

⁹ F. Olsen, "Children's Rights: Some Feminist Approaches to the United Nations Convention on the Rights of the Child" in P. Alston, S. Parker and J. Seymour (eds), *Children, Rights and the Law*, Oxford, 1992, pp. 192-220 at p. 194.

¹⁰ Ibid. p.195.

¹¹ CHILD RIGHT, March 2000; available on http://www2.essex.ac.uk/clc/Links_from_DEFAULT/Publications/Childright/Childright.htm

¹² Held from 20 March to 28 April, 2000. Detail sessional reports and resolutions are available on <http://www.unhchr.ch/huridocda/huridoca.nsf>

¹³ Ibid.

THE IMPLEMENTATION REGIME OF THE CRC

The international community has paid attention to monitoring quality requirements in the Convention on the Rights of the Child itself. Article 43 enumerates the monitoring role of the Committee on the Rights of the Child for “examining the progress made by states parties in achieving the realisation of the obligations undertaken in the... Convention.”¹⁴

Article 44 broadly sets out the obligation of the States Parties to the Convention to report to the Committee within two years of ratification, and then every five years. Such a long gap significantly undermines the principle of continuous negotiation and the supposed ongoing affirmation of the treaty’s principles.¹⁵ It now becomes a practice that state parties do not need to submit information, which they have already provided. States are expected, in each periodic report, to address matters raised by the Committee in its earlier sets of Concluding Comments.

The implementation mechanism is that of reporting combined with the provision of technical advice and assistance and not the reception of individual complaints. Neither it has inter-state complaint mechanism. Though attempts were made to incorporate an individual petition system coupled with a reporting process into the Convention but it failed to gain due support because of the clear lack of interest among the negotiating states.¹⁶ In recent years some discussions have been taken place at the Committee level on the possibility of drafting an optional protocol to add such a provision. The prospect of such an initiative is slim, as many states are not interested to consider an international forum to resolve domestic disputes involving the rights of children.

¹⁴ Article 43(1). See R Hodgkin and P. Newell, Implementation Handbook for the Convention on the Rights of the Child, UNICEF, New York, 1998.

¹⁵ G.V. Bueren, The International Law on the Rights of the Child, Boston, Dordrecht, etc., 1995, at p.394.

¹⁶ Draft Proposals and Recommendations on the Implementation Provisions of the Draft Convention on the Rights of the Child, *Ad hoc* NGO Group, October 1985, p.3; see also *ibid.* at p.389.

REPORTING GUIDELINES FOR STATES PARTIES

The reporting system for the Convention is intended to foster a global monitoring process of the state of the children. It embodies (a) accurate reporting of relevant societal status and trends conditions, (b) availability of that information to all interested and affected parties, and (c) application of moral persuasion by states parties, NGO communities and an informed public.

The Committee framed clusters of 'Convention Articles' according to substance. It has divided the rights into five categories: (a) civil rights and freedoms; (b) family environment and alternative care; (c) basic health and welfare; (d) education, leisure and cultural activities and (e) special protection measures.¹⁷

At its first session in October 1991, the Committee adopted guidelines¹⁸ to assist states parties producing initial reports addressing both the process and structure. With regard to process, the purpose of the Committee is to let the states parties use the report for conducting a comprehensive review of the various measures undertaken to harmonise national law and policy with the Convention.¹⁹ Governments are recommended to prepare their reports according to these guidelines, which stress that the report should indicate "factors and difficulties" encountered by the state in the implementation of the Convention. The report should be problem-oriented and self-critical. States are also asked to specify "implementation priorities" and "specific goals for the future".²⁰

From the experience of the previous years, it appears that very few states have followed such advises while preparing initial or periodic report for the Committee or taking legislative or administrative measures e.g., in the passage of new legislation and development of policy proposals. Lansdown shared a British example; 'the Education Act 1993 offered an ideal opportunity to introduce the principles of participation (article 12) and the best interest of the child (article 3) into

¹⁷ Fottrell, *supra* note 2.

¹⁸ See Official Records of the General Assembly, Forty-seventh session, Supplement No. 41 (A/47/41).

¹⁹ G. Lansdown, "Implementation of the UN Convention on the Rights of the Child" in M. John (ed), Children in Our Charge: The Child's Right to Resources, London, 1996, at p.58.

²⁰ *Supra*, n.18.

education legislation but all efforts to achieve this during the passage of the bill through Parliament were totally rejected by the Government.²¹

Most of the governments tend to submit albeit unrealistic and somewhat overly optimistic picture of their own laws and administrative practices and the Committee is very often not aware of the information to examine the substantiality of such claim. The process of producing the report is not followed in the spirit of the UN Committee's Guidelines. Several underlying reasons also contribute to the problems. Members of the Committee work on an almost voluntary basis, they all have their full-time professional involvement in their respective countries. Besides, there is hardly any scope for the Committee to conduct its own research.²² The Committee meets three times a year for sessions of four weeks, which is also inadequate to dispose of all its remaining tasks. As of June 1999 the Committee had received 133 initial reports and 23 periodic reports, it could consider 102 reports. In the brief sessions, the Committee can only consider five reports per session. The Committee is already running almost four years behind. As a consequence of this limitation, it can not exert its pressure on truant states parties.²³ The problem becomes more complex especially in case of economic, social and cultural rights.

THE SAGA OF STATE OBLIGATION AND PROBLEM OF DUAL APPROACHES

The Convention bridges both 'human development' and 'human rights concern' providing for children's economic, social and cultural rights as well as their civil rights. The substantive articles are meant to cover all kinds of human rights: economic, social, cultural, as well as civil and political rights. The division between these categories of rights, which often has plagued the United Nations discussion on human rights, is not reflected in this convention. It is an integrated approach.

Civil and political rights are very often branded as negative rights as states are only under a duty to refrain immediately from actions which would be in violation, where as economic, social and cultural

²¹ *Supra*, n.19 at 59. See also Children's Rights Development Unit, UK Agenda for Children, London, Children's Rights Development Unit, 1994.

²² Fottrell, *supra* note 2.

²³ See CRC/C/62 (1997). For recent update on sessional reports of the Committee visit at <<http://www.unhchr.ch>>

rights oblige states to promote directly and afford basic amenities, goods and services.²⁴ Article 4 of the CRC maintains a clear division following the trends of other UN instruments.²⁵ It provides for a general obligation of States parties, which applies with respect to all of the rights set forth in the CRC. Its function is closely related to the role played by Article 2(1), which contains the basic obligation of States parties to respect and ensure the rights set forth in the CRC to each child within their jurisdiction. Article 4 states the means by which States parties are required to satisfy this basic obligation, and provides that States parties are required to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the CRC. As regards the economic, social and cultural rights recognised in the CRC, it specifically provides that States parties assume the obligation to take such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation. This clause of the CRC in fact attempts to appease the concerns of states' representatives that government would be held responsible for their failure in achieving targeted standards of children's well being, that are, according to them, 'unrealistic' in terms of resource availability and specific time limits, specially in lower income countries.²⁶ This dual approach often poses problems for the Committee to ascertain and establish state obligation as it is not always obvious which of the substantive articles should be seen as belonging to the category of economic, social and cultural rights.

The issue of the 'obligations of the states' is treated as a potential obstacle because of the vagueness of the concept both in international law and in development theory and practice. The tendency to limit recognition of those obligations to the formal agencies of the state, especially at the national level also aggravates the problem.²⁷ Such obligation often severely restrained by the weird culture of reservations.

²⁴ Bueren, n.15 at 382.

²⁵ See P. Alston and G. Quinn, "The Nature and Scope of States Parties' Obligations under the International Covenant on Economic, Social and Cultural Rights," 9 (1987) *Human Rights Quarterly*, 172.

²⁶ See J.R. Himes (ed.), *Implementing the Convention on the Rights of the Child-Resource Mobilisation in Low Income Countries*, The Hague, 1995.

²⁷ *Ibid.* at p.3.

THE CULTURE OF RESERVATION

States and other subjects of international law participating in international relation take part in the conclusion of new international treaties or accede to international agreements in force. A reservation is a unilateral statement, however phrased or named, made by a state when signing, ratifying, accepting, approving or acceding to a treaty, that purports to exclude or modify the legal effect of certain provisions of the treaty in their application to that state.²⁸

The role of reservations under the regime of international human rights law signifies the constant tension between promoting universal participation in a human rights convention and protecting of the Convention.²⁹ The alarmingly high number of reservation having very wide implications on the efficacy of the Convention occasions genuine threats to its purported implementation. Both the number and the extent of the reservations entered by the states parties threaten to undermine the positive influence of the Convention that may have in the lives of children as well as impair the performance of the Committee. There have been concerns that the integrity of the Convention may have been sacrificed for ensuring almost universal participation. Echoing the concern the Declaration and Programme of Action adopted by the Vienna World Conference on Human Rights in 1993, encouraged States to avoid the resort to reservations, and called for

5. ... States to consider limiting the extent of any reservations they lodge to international human rights instruments formulate any reservations as precisely and narrowly as possible, ensure that none is incompatible with the object and purpose of the relevant treaty and regularly review any reservations with a view to withdrawing them.

46. ... States to withdraw reservations to the Convention on the Rights of the Child contrary to the object and purpose of the Convention or otherwise contrary to international treaty law.³⁰

Article 51 of the CRC, directly inspired by Article 28 of the Women's Convention³¹, allows reservation to the extent of its

²⁸ Article 2(1)(d) of the Vienna Convention on the Law of Treaties, 1969, 1155 U.N.T.S. 331, 333.

²⁹ Note, "Reservation to Multilateral Treaties: The Goal of Universality", 71 (1985) *Iowa Law Review*, 295, 300-306.

³⁰ UN Doc. A/CONF.157/23, Part II.

compatibility with the object and purpose of the Convention. The 'object and purpose' test set out in Article 51 derives from customary law³² as codified in Article 19(c) of the Vienna convention. Schabas argued all of the substantive provisions of a human rights treaty are essential to its 'object and purpose' and as a result reservation to any substantive provision is illegal.³³

Fifty-six states parties have made reservations to substantive provisions of the Convention.³⁴ Twenty-five of these are European or other developed countries. Nine states parties have made general reservations, making the Convention subject to the states parties' constitutional or Islamic law. States Parties have formulated reservations to twenty-two of the Convention's thirty-nine substantive articles undermining some of the most fundamental principles and aspects of it e.g., non-discrimination (Article 2), right to life (Article 6), right to a name and nationality (article 7), contacts between parents and children (article 9), freedom of expression (article 13), freedom of religion (Article 14), freedom of assembly and association (Article 15), adoption (Article 21), right to education (Article 28), procedural rights of juvenile offenders (Article 37) etc.³⁵

The Committee on the Rights of the Child has initiated attempt to encourage reserving states parties to withdraw their reservations, which in fact threaten the very purpose of the Convention. In 1997, the Committee convinced Pakistan to withdraw a very broad reservation to

³¹ Question of a Convention on the Rights of the Child, Report of the Working Group on a Draft Convention on the Rights of the Child, UN ESCOR, Hum. Rts. Comm., 44th Sess. at 43-44, U.N. Doc. E/CN.4/1988/28 (1988).

³² Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide Case, 1951, Advisory Opinion, I.C.J. 15 at 24.

³³ W. A. Schabas, "Reservations to the Convention on the Rights of the Child," 18 (1996) *Human Rights Quarterly*, 472, at p. 476. See also M. Coccia, "Reservation to Multilateral Treaties on Human Rights" 15 (1985) *Cal. W. International Law Journal*, 1.

³⁴ See Multilateral Treaties Deposited with the Secretary General at 198-213, U.N. Doc. St/LEG/SER.E/14, U.N. Sales No. E.96 V.5 (1996) <<http://www.un.org/Depts/Treaty/>>

³⁵ See W. A. Schabas, "Reservations to the Convention of All Forms of Discrimination against Women and the Convention on the Rights of the Child," 3 (1997) *William and Marry Journal of Women and the Law*, 79 at p. 86.

Article 14.³⁶ Still their attempts are meted with stiff resistance by the states parties. Faced with similar obstacles, the Human Rights Committee takes a bold step towards the articulation of a new and separate reservations regime in respect of human rights treaties, explicitly departing from what has been often characterised as the unsatisfactory operation in relation to such treaties of the classical provisions of reservations enumerated in Articles 19-23 of the 1969 Vienna convention. It is also asserted in its General Comment (No.24)³⁷ that it is for the Committee to determine the compatibility of reservations with the object and purpose of the Covenant (ICCPR), a responsibility not assumed by the other UN human rights treaty bodies.³⁸ The Committee on the Rights of the Child should follow such robust approach.

COMPARISON WITH OTHER TREATY MECHANISMS

A number of international human rights bodies contribute to improving respect for the rights of the child in their particular areas of competence.³⁹ In addition to the Commission on Human Rights, the Sub-Commission on Promotion and Protection of Human Rights, relevant international human rights treaty bodies include the following: Committee on the Elimination of Racial Discrimination (CERD) for monitoring the implementation of the Convention on the Elimination of Racial Discrimination;

Human Rights Committee (HRC) of the International Covenant on Civil and Political Rights;

Committee against Torture (CAT) of the Convention against Torture and other Cruel, Inhuman or degrading treatment or Punishment;

Committee on Economic, Social and Cultural Rights (CESCR) for the International Covenant on Economic, Social and Cultural Rights;

Committee on the Elimination of Discrimination against Women

³⁶ Fottrell, n.2.

³⁷ CCPR/C/21/Rev.1/Add.6 (1994).

³⁸ V. Lowe, "Reservations to Treaties and Human Rights Committee General Comment No. 24(52)," 46 (1997) International and Comparative Law Quarterly, 390.

³⁹ See, for example, General Comment No 17 (1989) of the Human Rights Committee, available on <<http://www.unhchr.ch/tbs/doc.nsf>>

(CEDAW) of the Convention on the Elimination of All Forms of Discrimination against Women.

Unlike CRC and CEDAW the first three of the above mentioned treaty bodies have more intrusive procedures of compliance monitoring in addition to the review of periodic reports. They may all receive inter-state complaints. All three may also receive complaints from alleged victims where the option has been accepted by the state against which the complaint is made. Only CAT has, under Convention Article 20, a function to inquire into a situation where torture is being systematically practised in the territory of a state party. This is essentially a unique procedure allowing the CAT to take up a situation *ex officio*.

IMPLEMENTATION OF CRC AT REGIONAL AND NATIONAL LEVEL

Regional bodies have joined the global drive to implement the Convention at respective level. The European Parliament, the Council of Europe, the Organisation of African Unity, the Organisation of American States played a significant role in achieving almost global ratification of the Convention. They also took a number of initiatives for protecting the best interests of children including creating separate regional instrument and organisation for children.⁴⁰ In a number of recent cases⁴¹ involving children, the European Court of Human Rights followed the standards created by the Convention⁴² and thereby successfully raised the existing standard. Absence of any regional human rights mechanism in Asia creates severe impediments to adopt region specific strategy for Asia. National Human Rights Institutions (NHRI), often viewed as an Asian response to the growth of regional mechanism, can play a significant role in this regard.⁴³

⁴⁰ Bueren, n.15 at 401-404.

⁴¹ Costello-Roberts v. UK, 19 EHRR (1995); R v. Secretary of State for the Home Department Ex Parte Venables, 3 W.L.R. 23 (1997); A v. UK 27 EHRR, (1999).

⁴² For a European perspective see U. Kilkelly, The Child Before the ECHR, Dartmouth, 1999. See also Council of Europe, The Rights of the Child- A European Perspective, Strasbourg, Council of Europe Publishing, 1996.

⁴³ For information about NHRIs in Asia-Pacific visit the website of the Asia Pacific Forum of National Human Rights Institutions at <<http://www.apf.hreoc.gov.au>>

Although the CRC obliges States parties to undertake all appropriate legislative measures for the implementation of the rights recognised in the CRC, it does not expressly oblige States parties to accord the CRC any specific status in their national law. And international law, in general, does not prescribe States to accord international law, including human rights treaties, any specific status in their national legal order. States that follow the dualistic system the domestic legal effect of the various rights laid down in the CRC derive from domestic legal provisions only. In States that follow the intermediate approach the CRC as a whole has to be transformed into a national law, but as soon as this has happened the CRC's provisions are part of the domestic legal order. In States that follow the monistic approach, international law and domestic law are considered as one legal system and such transformation of the CRC is not necessary. The CRC as a whole is incorporated into domestic law. In States parties in which the CRC has such internal effect it is the national judge who decides whether a case can be resolved directly on the basis of a provision of the CRC.⁴⁴

Implementation of the Convention at national level, integrating it within the existing structure, making it works for children and ensuring that it will survive the context-specific roadblocks remain the biggest challenge.⁴⁵ Formulating 'Children Policy', initiating 'Programme of Action' at national level in line with global goals set at the World Summit for children in 1990 has offered slow but positive responses in some developing countries including Bangladesh.⁴⁶ Recently UNICEF in co-operation with national governments has launched a rights based approach towards implementing the Convention.⁴⁷

⁴⁴ For an analysis on the CRC's self-executing character, see A. Alen and W. Pas, "The CRC's Self-executing Character", in E. Verhellen (ed.), *Monitoring Children's Rights*, The Hague, 1996, at pp. 165-186.

⁴⁵ See S.H. Hammad, "The CRC: 'Words on Paper' or A Reality for Children?," 7 (1999) *International Journal of Child Right*, 217.

⁴⁶ *The Daily Star*, 30 April 2000, p.5, available on < <http://www.dailystarnews.com>.>

⁴⁷ Ibid.

A LONG WAY TO GO

Never in history has so much attention been paid to children's rights especially from the last two decades of the 20th century. The World Summit can, for instance, illustrate this, which brought together seventy-one Heads of States and Prime Minister in order to put children's rights higher on the agenda for the next decades. However adoption by the UN and ratification by individual countries, whilst important, will not in themselves, create real true change in children's lives. Moreover "this growing recognition and popularity of children's rights, however, is not free from danger of becoming a fashion."⁴⁸ No state desires to be branded as unfriendly towards children rights. Thus it was hardly surprising that states were in such a haste to ratify the Convention. Still millions of children receive no education, work long hours under hazardous conditions, or languish in inhumane conditions in institutions. Others endure harassment and physical abuse by police, are subject to trafficking and sexual exploitation, or are forced to become soldiers or refugees from armed conflict.⁴⁹ Sheer lack of political commitment on the part of the governments make the situation worse. The promises of the Convention remain hollow to the most of the children of the world.

From the preceding analysis, it emerges that the Convention on the Rights of the Child though unique in its holistic approach towards human rights, lacks innovative and effective implementation device. In the absence of any complaint (inter-State or individual) mechanism or *ex officio* investigation power, the Committee on the Rights of the Child becomes circumscribed within a very conventional role-reviewing periodic reports of the states parties. Many states do not follow the guidelines of the Committee on reporting procedure properly. Administrative and financial resource constraints of the Committee also create hindrances for it to assume a more pro-active role and assertive role. The flagrant application of reservations to many provisions of the Convention by its states parties further deteriorates the real implementation scenario. What James P. Grant dreamt of the principle that the lives and normal development of children "should have first call on society's concerns, will hopefully affect the course of political,

⁴⁸ P. E. Veerman, *The Rights of the Child and the Changing Image of the Childhood*, Boston, Dordrecht, etc. 1992, at p.400.

⁴⁹ Human Rights Watch, *World Report 1999 -- Children's Rights*, available on <<http://www.hrw.org/hrw/wr2k/Crd.htm>>

social and economic progress in all nations over the next decade and beyond” are still a distant reality.⁵⁰ By ratifying the Convention states parties clearly undertake the obligation to take concrete steps for ensuring the enjoyment of rights recognised the Convention. In the absence of effective co-operation and true willingness on their part, it is hardly possible for the Committee of the Rights of the Child with its existing weak, ‘handicapped’ implementation mechanism, to change the face of the reality.

⁵⁰ Quote taken from The State of World Children, 1990, UNICEF, New York, 1990, at p.4.