

**Lecture on Child Law and Children's Rights in honor of
Her Majesty Queen Silvia of Sweden**

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1. Introduction

I feel very honored to participate in this first lecture on Child Law and Children's Rights in honor of Her Majesty Queen Silvia of Sweden. This is a wonderful opportunity to pay tribute to the inspiring commitment to the cause of children's rights of Her Majesty Queen Silvia! And it is particularly meaningful that this ceremony is being held on the anniversary of the adoption of the Convention on the Rights of the Child.

I have been very fortunate to participate in Sweden in multiple gatherings promoted under the patronage of Queen Silvia. Extraordinary meetings, placing the rights of the child at the heart of the discussions and opening avenues for remarkable milestones in children's lives. So many examples could be evoked.

The revolution ignited by the reflections on the legal ban on corporal punishment, adopted in Sweden more than four decades ago; a revolution that continues to generate change across regions, again in Zambia, just a few weeks ago.

The global movement generated by the first World Congress against the sexual exploitation of children, held here in Stockholm, in 1996. A meeting that broke the silence around a terrible plight, until then hidden in plain sight. Today, this concern is at the heart of the international agenda, reiterated by the recent decision, adopted by consensus, to designate 18 November as World Day for the prevention and healing from child sexual exploitation, abuse, and violence.

Another example is the wide mobilization behind the setup of *Barnahus child advocacy centers*, where child victims enjoy support and protection, and benefit from child friendly legal advice. And still another, the Global Child Forum, a constantly growing constellation of actors searching for ways of safeguarding children's rights in the business world. Issues such as these were simply not on the table; but today, no one questions their relevance and the imperative to vigorously address them. We all feel deeply grateful for such a pioneering influence and renewed source of inspiration.

Distinguished Guests

As I was preparing for today's event, I found myself, as it often happens, revisiting the work of Astrid Lindgren.

I could easily echo the start of her acceptance speech at the award ceremony of the German Booksellers Peace Prize, in 1978: "*What can I say that has not already been said in a better way than I am capable*"?

But I was also truly amazed by her inspirational *Never Violence message* and the way it captures, with a unique accuracy, the reality we are encountering in today's world.

This is what Astrid Lindgren stressed then:

“At this very moment, the whole world is in fear of a new war that will destroy us all. In the face of that threat, it is true to say that more people than ever before, are working for peace and disarmament. That could be seen as a hope. But it is so difficult to be hopeful. (...) The reality is that rearmament is proceeding apace on a scale never seen before in the history of the world.

(...) We all desire peace. So, is there any possibility at all of our changing fundamentally, before it is too late? (...) How could we go about that, and where should we start? I believe we should start from the bottom. We should start with the children. (...) “

2. The Convention on the Rights of the Child

In essence, this was also the vision of the Convention on the Rights of the Child. Interestingly, the Convention was proposed just a few months after the delivery of Astrid Lindgren's speech, during the International Year of the Child.

A decade later, we saw the birth of the first binding treaty on the rights of the child. As you know, the Convention entered into force quicker than any other before, and soon became the most widely ratified treaty in the history of the United Nations.

The Convention placed children at the heart of its concerns. And, although it was drafted during the confrontational years of the cold war, it revealed children's extraordinary potential to act as powerful bridge-builders:

- bridging different legal systems,
- far apart ideological positions,
- diverse cultural approaches,
- unequal levels of economic development.

The Convention was the first international legal instrument to formally acknowledge the indivisibility of human rights. Indeed, it recognizes that civil, cultural, economic, political, and social rights are all important and inherent to the human dignity of the child. This seems unquestionable today... as it should. But it had taken decades to be envisaged within the realm of possibilities.

The Convention made it imperative to always respect and protect children. Not anymore as *not-yet* persons, passive beneficiaries of services, or a vague promise for tomorrow. Rather, as full-fledged citizens. Indeed, the core message of the Convention is both simple and compelling: children's rights are human rights – not small rights of small human beings... but clearly and unambiguously: human rights! Because children are people too! And human rights start with children's rights.

Since the adoption of the Convention, tangible progress has been achieved across regions:

- in most countries, we have today stronger policies, better laws and more demanding action plans to safeguard children’s rights; the Swedish Bill incorporating the Convention into national law illustrates this process well, as it requires domestic legislation and public policies to be fully aligned with the Convention, and the work of institutions and professionals to be constantly guided by its provisions
- in more than 70 countries, Child Ombuds offices have been established to voice children’s concerns and advocate for their best interests
- we have more solid data and, increasingly, better evidence to assess and overcome shortcomings, and to influence positive change – even in sensitive areas, such as violence against children
- there are wider partnerships to strengthen children’s protective environment and a greater synergy across sectors and between governmental departments, civil society and academic institutions
- and we witness the continuous enhancement of a worldwide alliance with children and young people themselves, always resourceful, enthusiastic, and determined to achieve steady progress. As Greta Thunberg has shown in the global climate debate, “You are never too small to make a difference!”

At the international and regional levels, the rights of the child have moved from the periphery to the center of the policy agenda. Today, three Optional Protocols reinforce the provisions of the Convention:

- to better protect children affected by armed conflicts,¹
- to prevent and combat all forms of sexual exploitation,²
- to enable child victims to challenge the violation of their rights before an international Committee of Experts.³ The latter has not yet been ratified by Sweden.

Children’s rights permeate the UN agenda: they are a core component of the 2030 Agenda for Sustainable Development, a priority in humanitarian action, a major thrust of the Global Compacts on Migration and on Refugees and, despite a tense and divisive atmosphere, a regular topic examined by the Security Council.

Also in Europe, the rights of the child are a recognized priority. Earlier this year,⁴ the Council of Europe adopted its newest 2022-2027 Strategy for the Rights of the Child, which builds upon the Stockholm Strategy, adopted in 2008.⁵ And last year, the EU reaffirmed the

¹ In force in 172 states

² In force in 178 states

³ In force in 50 states

⁴ The Strategy was adopted by the Committee of Ministers of the Council of Europe on 23 February 2022 and launched at the High-level Conference “Beyond the horizon: a new era for the rights of the child” in Rome on 7-8 April 2022

⁵ <https://rm.coe.int/council-of-europe-strategy-for-the-rights-of-the-child-2022-2027-child/1680a5ef27>

centrality of children's rights with the adoption of the EU Strategy on the rights of the child^{6,7} and the Child Guarantee.⁸

3. Persisting and emerging challenges

These are developments we must certainly welcome. But, as we know, the realization of human rights is a never-ending process. It is imperative to steadily translate into practice the important commitments made to children.

The truth is that, despite tangible progress made, many challenges persist. For countless millions of children around the world, the principles and provisions of the Convention remain distant and illusory. These are the children who stand as the real indicators of progress.

How far apart is their life from the promise States have pledged to honour, more than 30 years ago? When will children in Ukraine and other war affected countries be effectively respected as zones of peace? When will be the time to realize the dreams of the voiceless and largely forgotten children in Syria or Yemen,⁹ denied peace for endless years, living a life riddle with fear, deeply uncertain about tomorrow? What future can girls in Afghanistan anticipate, as they struggle to survive in dire poverty, ruthlessly denied their right to education?

Children represent less than one third of the world's population. But they constitute more than half of people living in extreme poverty. And almost half of the global number of refugees.

- One in every four children struggle to survive in war affected countries. They face constant risks of abduction, forced recruitment, ill-health, irreversible disability, and even death. By the end of 2021, before the invasion of Ukraine, more than 36 million children had been displaced from their homes. The highest number since the second world war.
- More than 160 million children are exploited through labour - many of them are younger than 10 years of age, in many cases just as old as five. In fact, for the very first time in two decades, we are now witnessing an increase in child labour.¹⁰

⁶ EU Strategy on the Rights of the Child will be evaluated at the end of 2024 and is examined by the annual session of the EU Forum on the Rights of the Child

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0142>

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021H1004>

⁹ UNICEF, Humanitarian Action for Children, Syria: 90% of the population lives under the poverty line; only 1/3 of schools and half of health centres are functional; 6,1 million children require assistance, 3,1 million are internally displaced; 4,5 million children are out of school; child marriage has been reported in 62% of communities

¹⁰ More than 3,3 million are in children in forced labour (12% of total population in forced labour)

https://cdn.walkfree.org/content/uploads/2022/09/12142412/GEMS-2022_Report_EN_ExecutiveSummary_V4.pdf

- Violence remains a silent emergency for millions of young people. Every five minutes, a child dies as a result of violence. Every year, half of the world's children endure some form of physical, psychological or sexual violence, online or offline.

According to a very recent UNICEF study, in Latin America and the Caribbean, nearly 2 in 3 children experience violent discipline at home, in some countries more than 80%... In the Middle East, more than 10 children killed every week. Violence starts in early years and happens in environments designed to secure children's protection: in care centers, in schools, in church institutions and also within the family.

The present is a tough time for being a child. And over the past two years, the risks to the protection of children's rights have increased exponentially, because of COVID-19, the war in Ukraine and elsewhere in the world, a growing food crisis, environmental disasters and unprecedented waves of displacement.

A. COVID pandemic

COVID-19 shaped a new and demanding universe for children. Sadly, the pandemic crisis has become a crisis of children's rights.

Children missed the sense of normalcy in their lives, the warmth of family hugs, the joy of learning and playing with friends, and for many of them, the periodicity of a meal.¹¹ They suffered the social, economic, and psychological pressure on their families, overwhelmed by frail health, joblessness, and exclusion from social safety nets.

Available data portray a very worrying scenario, with irreversible consequences for children, especially those in disadvantaged situations:

- child poverty has increased by 15%, and in less than two years, additional 100 million children have fallen into poverty, a 10% increase since 2019¹²
- there has been a frightening rise in children's reliance on food banks, including in well advanced economies
- child support services have been reduced, including immunization efforts, setting back coverage rates approximately 20 years¹³; for instance, polio¹⁴ was very close to eradication, as a result of the steady efforts conducted since 1988: but, with the temporary suspension of the campaigns of the Global Polio Eradication Initiative, new detections have surfaced in previously polio-free countries, including in Europe and North America;¹⁵ 80 million children could now be at risk.

¹¹ According to WFP, 369 million children missed school meals at the peak of school closures, in April 2020

¹² [file:///C:/Users/Utilizador/Downloads/221017_EWEC_Report_2022%20\(2\).pdf](file:///C:/Users/Utilizador/Downloads/221017_EWEC_Report_2022%20(2).pdf) Page 43;

<https://www.unicef.org/media/112891/file/UNICEF%2075%20report.pdf>

¹³ <https://www.unicef.org/globalinsight/media/2471/file/UNICEF-Global-Insight-Prospects-for-Children-Global-Outlook-2022.pdf>

¹⁴ The Lancet editorial

¹⁵ <https://polioeradication.org/news-post/global-leaders-commit-usd-2-6-billion-at-world-health-summit-to-end-polio/>

- vaccines for COVID-19 were developed in an unprecedented speedy manner; but recent studies anticipate prospects of a two-tier recovery from the pandemic: of the 7.3 billion vaccines purchased by December 2020, high-income countries had secured 3 doses per capita, while middle income countries had secured 0.5 doses per capita, and low-income countries only 0.1 doses per capita.¹⁶ A heartbreaking contrast!
- at the peak of the pandemic, (April 2020) school closures disrupted education for more than 1.5 billion children; still today, several million are not in school; for many of them, especially girls, there may be no second chance to ever enjoy their right to education
- protection services to families at risk have suffered serious cuts;¹⁷ home visits have been suspended or drastically reduced, hampering their ability to make a difference in children's lives and reducing the opportunity for child victims to seek help
- and along the way, mental health problems have severely increased - in some countries, with high risks of suicidal behaviour among young people.¹⁸

And as it often happens during times of deprivation and stress, violence against children has reached new levels. As the new Council of Europe Strategy on the Rights of the Child highlights, *“Children were closed in flats or houses with threatening parents or siblings and had no place to go and no trustful people around to talk with.”*

- Indeed, abuse has become more frequent, with less opportunities for locked down kids to resort to help outside the family
- police reports and referrals to child protective services have decreased, hinting a more limited access to support networks
- and, with growing numbers of children secluded at home, connected to the internet, and engaged in social media networks, the risks of online violence¹⁹ and sexual abuse have skyrocketed.

B. Ukraine war

Then came the war in Ukraine, with a tragic impact on children's rights. Since the start of the invasion, millions have been forced to flee their homes. The vast majority are children and women.²⁰ In fact, every second, there is a child forced to flee.

¹⁶ <https://www.unicef.org/globalinsight/media/2471/file/UNICEF-Global-Insight-Prospects-for-Children-Global-Outlook-2022.pdf>

¹⁷ UNICEF 2020, Protecting children from violence in the time of Covid: 1.8 billion live in 104 countries where violence prevention and response services have been disrupted due to COVID
[file:///C:/Users/Utilizador/Documents/COVID/VAC%20in%20times%20of%20COVID/Protecting-children-from-violence-in-time-of-COVID-English_2020%20\(1\).pdf](file:///C:/Users/Utilizador/Documents/COVID/VAC%20in%20times%20of%20COVID/Protecting-children-from-violence-in-time-of-COVID-English_2020%20(1).pdf)

¹⁸ <https://data.unicef.org/resources/protect-the-progress-every-woman-every-child-report-2022/>

¹⁹ Increase by 64% in 2021 compared to 2020

²⁰ More than 12 million people forced to flee< 3.9 million children in refugee hosting countries:
<https://www.unicef.org/media/129926/file/Ukraine-Refugee-Response-Factsheet-No-10-26-October-2022.pdf>

In several European countries, there has been an extraordinary mobilization of support and a remarkable wave of solidarity. As I have witnessed a couple of weeks ago, in Poland, decisive efforts are being deployed, including by young people who are determined to reinforce the chain of humanitarian assistance and provide their active help.

I felt deeply touched by the words of a young volunteer. As she stressed:

“It took a lot of time and a lot of patience. Time was very much needed. We have to make sure that everybody feels understood. Children are very happy to learn new words and ways to describe things in a different way. But the best part is that we are all in this together. If we have patience and time, there is always a way to find a solution, to communicate better, to help each other.”

There is always so much we can learn from young people!

Long months have elapsed since the war began. Destruction continues and, still today, countless thousands of children remain at risk in Ukraine. With systematic bombs destroying residential areas, hospitals, schools, care centers, for many children, life has moved underground, their human rights suspended in a limbo.

But despite constant traumatic moments, their commitment to learn has not weakened. In their daily struggle, learning gives them a sense of normalcy, helping to gain hope and overcome despair, and to feel supported in the process of healing and recovery.

Children should never be a target and the protection of their rights must always be placed above politics.

C. A growing food crisis

The impact of the war is devastating in Ukraine, and vividly felt in neighbouring and other European countries. As highlighted by a recent report, 4 million children have been driven into poverty just across Eastern Europe and Central Asia.²¹

But the shocking waves of the conflict reach nations much beyond the European borders. As a result of the war, food prices have gone up in most countries. And some of them are heavily impacted: those which are highly dependent on food and fertilizer imports from Ukraine and Russia, mostly low-income countries, especially in Sub-Saharan Africa.

This surge in food prices has compounded the effects of the COVID pandemic, other conflicts and environmental degradation.

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<https://www.unicef.org/eca/media/24706/file/The%20impact%20of%20the%20war%20in%20Ukraine%20and%20subsequent%20economic%20downturn%20on%20child%20poverty%20in%20eastern%20Europe%20and%20Central%20Asia.pdf>

According to a recent report by the European Commission,²² this has resulted in a sharp increase of food insecurity, with millions of people facing acute food insecurity and in need of urgent assistance in 45 countries.²³

As we know well, rising food prices lead to increased poverty and undernourishment, both in rural and urban areas.

Poor households eat less, skip meals, reduce menu diversity, and increasingly turn to unhealthy diets.

For children, especially in early years, the impact may be irreversible. And in fact, according to UNICEF, in the most seriously affected countries, 1 in 3 children below the age of five – i.e., more than 200 million – live in, and suffer from severe food poverty. They are vulnerable to severe stunting and wasting, which can increase their risk of death by up to 12 times and undermine their ability to reach their full potential.²⁴

4. Conclusion

The world is confronted with overwhelming challenges. And children are bearing the brunt. But far from feeling powerless and discouraged, children look ahead with hope and resilience.²⁵ They see themselves as global citizens, determined to promote cooperation among countries, and resolved to participate in the shaping of a better, fairer, and more inclusive world.

They are not naïve about today's global problems, but they remain optimistic about the future. A future where children are first in line for investment, shaped by children's agency and empowerment and energized by their enthusiasm and creativity.

Children know only too well that to accomplish great things, we must not only act, but also dream; not only plan, but also believe.

The safeguard of children's rights is not an option or a question of favour. It is imperative, everywhere and at all times. This is why the Convention on the Rights of the Child has no derogatory clause which might legitimize the temporary suspension of some rights, in times of emergency.

The Convention is not a magic wand. But it provides a strategic roadmap to help move ahead faster, better, and further in our quest for the realization of children's rights.

²²

[file:///C:/Users/Utilizador/Downloads/Impact%20of%20Russia%20war%20against%20Ukraine%20on%20global%20food%20security%20knowledge%20review%204%20061022%20final%20\(3\).pdf](file:///C:/Users/Utilizador/Downloads/Impact%20of%20Russia%20war%20against%20Ukraine%20on%20global%20food%20security%20knowledge%20review%204%20061022%20final%20(3).pdf)

²³ Afghanistan, Ethiopia, Nigeria, Somalia, South Sudan and Yemen are at the highest risk

²⁴ <file:///C:/Users/Utilizador/Downloads/Child-Food-Poverty-Report-2022.pdf>

²⁵ <https://www.unicef.org/globalinsight/reports/changing-childhood-project>

And it is exactly at times of crises, when countries are ravaged by global pandemics, political instability, economic recession and unpredictable climate change that the commitment to children's rights matters the most.

It is then, more than ever, that children must be placed at the forefront of all policies and concerns.

We certainly know how to go about it. As Astrid Lindgren stressed more than four decades ago, we just need to start from the bottom, we just need to start with the children!