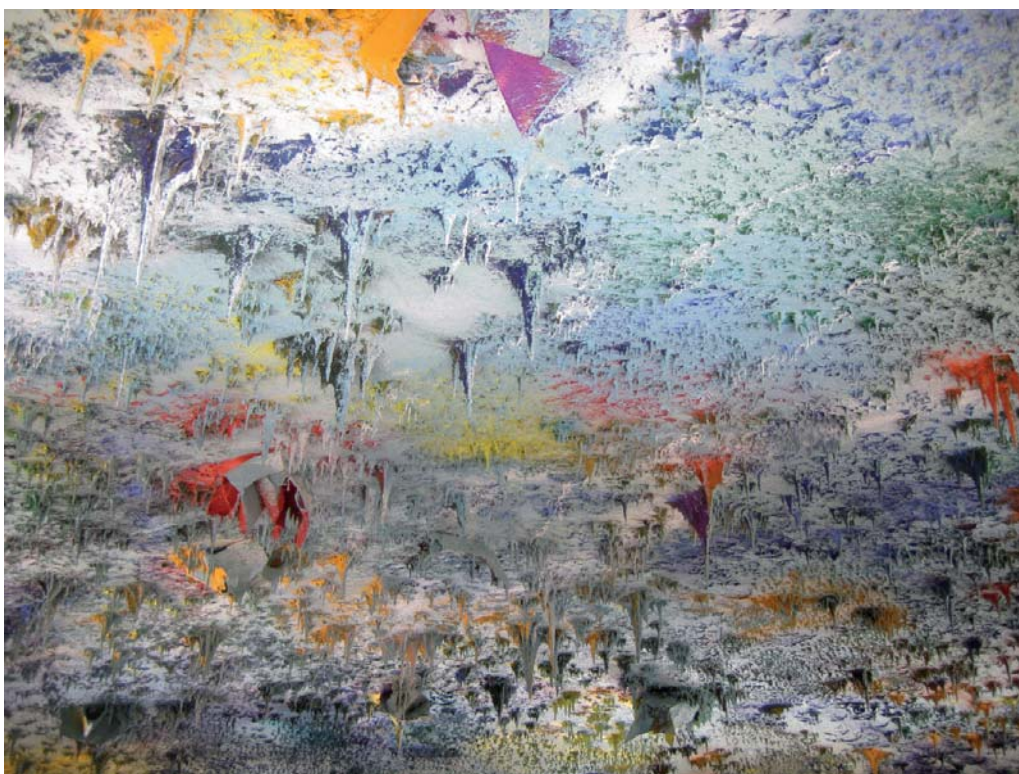Irina van der Vet

The United Nations Child Policy

International Games of Morality and Power

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ABSTRACT

This study aims at providing a deep understanding of the United Nations child policy that has been emerging after the adoption of the Convention on the Rights of the Child in 1989. Through its primary debating organs, the Security Council and the General Assembly, the United Nations brings the child into the agenda of "international peace and security". The United Nations monitoring bodies, the Committee on the Rights of the Child and the Special Rapporetur on the Sale of Children, Child prostitution and Child Pornography develop this agenda further in their communications with governments. Being an agent of hegemony, the United Nations transmits mostly Western ideologies on child welfare and imposes moral liability for the child on states. This evokes a bitter confrontation and international games of morality and power among the hegemons (mainly the European Union and the USA, with other wealthy countries such as Canada, New Zealand, and Australia backing) and the weaker peripheral states (Asia, Africa and Latin America). The latter, although publicly recognizing the westernized views, in reality do not stick to them, mostly due to lack of socio-economic and political resources. Ultimately, implementation of the United Nations policies within the latter countries does not take place in the Western hegemonic way. Internationally this becomes a reason for 'naming and shaming', endless debates on financial assistance, and questioning of state sovereignty.

Keywords: the child, child policy, child rights, United Nations, General Assembly, Security Council, Special Rapporteur, Committee on the Rights of the Child.

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PICTURES

CONTENTS

INTRODUCTION

The purpose of this study is to provide a deep understanding of the United Nations child policy between 1989–2008, namely its *formation, types* and *implications* among United Nations actors and Member States.

The Western conception of childhood underwent a long history of development though time shaping the views on what place children should take in the "adult world", how children should be treated, and what their life should be. Today, in 2013, when talking about children, we refer to their secular world as different from the adults' world (see Boyden 2001, 191). The modern consuming society has been putting children at the front of the stage and making their world more diverse and "expensive". The child-oriented industry today is almost of the same size as the one for adults. Companies produce special food, hygienic products, furniture, literature and cinematography for children. Many public places tend to be child-friendly. There are baby chairs and child-menus in restaurants, toy-car-trolleys and entertainment facilities in supermarkets, or playrooms and milk-heaters in trains. All these innovations are to make the life of parents more comfortable when considering their child's needs. The society takes the role of facilitator of child caring. However, these modern images are usual for welfare states. In many corners of the world childhood has developed far away from technological progress and is grounded on social traditions of agricultural societies established over millennia. The welfare states, as if feeling guilty for underdevelopment of their former colonies and other regions, invest a lot of resources for multiple programs and policies to also make childhood in those geographical areas "happier".

Mass public attention to childhood is due to the development of international organizations starting from the twentieth century. The initiatives of the League of Nations, International Labour Organization, Save the Children Fund, United Nations, its organs and agencies offered a number of humanitarian and legislative tools for child protection, which ultimately led to recognition of child-specific individual rights, primarily by the Western world. After several attempts, child rights were finally codified in the Convention of

the Rights of the Child (Convention or CROC) in 1989. However, this was not the end of the road. The mainstreaming of a special position for the child gained a new power. The CROC firstly outlined the scope of actors responsible for the child. Herewith state bureaucracies became the major guardians closely watching children within families. Thus, State Parties took the role of *parens patriae* and bound themselves to act in "the best interest of the child" (CROC, art. 3.1). To make sure that the State Parties cope with implementation of the Convention, the United Nations has provided a certain standardized understanding of child policy to narrow as much as possible the variations of interpretation of the Convention due to multiple cultural, social and political backgrounds of the states.

The new legal status of the child provoked long-lasting political debates. The United Nations debating organs, the General Assembly and the Security Council, have been shaping the ideas of *the child* and *childhood* with reference to child rights at the international debates. Based mostly on the westernized views, the United Nations insists on emotional understanding of the child, i.e., it promotes the understanding of a little human being as happily playing, learning, and smiling; vulnerable, immature, and sinless; needing love and care. Rhetorically, these ideas define a whole United Nations ideology focusing on contemporary childhood. This ideology constitutes the essence of the organization's child policy. The role of the debating organs is the primary one in the formation of the United Nations course for child policies. Yet, the United Nations activity on its organizational level is diverse and is not limited only to the rhetorical debates on child rights. The rhetorical "impulses" are "caught up" and diffused to, for example, the United Nations Committee on the Rights of the Child, the treaty body of the CROC, and the Human Rights Council with its Special Rapporteur mechanism. These United Nations organs are called to monitor and facilitate implementation of the Convention by direct communication with governments. Thus, an overall United Nations child policy retains its coherent and sufficiently systematic character on many organizational levels. Because of the high number of states involved in the United Nations child policy, implementation of the policy generates controversy and this is the point where international games among states begin. Unlike Western states, for many developing states of Asia, Africa and Latin America child policy turns out to be a "revolutionary" project involving legal adjustment, budgetary relocations and social change. In such conditions realization of the policy in economically disadvantaged states remains 'wishful eloquence' with no substantial progress on the ground. The expression "wishful eloquence" belongs to the Belgian speaker, Mr. Louis Michel, Deputy Prime Minister and Minister for Foreign Affairs of Belgium, questioning the progress of United Nations Member States in child policy. The argument was presented at the General Assembly World Summit for Children in 2002 (A/S-27/PV.4, 7). The basic tool the United Nations actors use to reinforce legitimization of their efforts and to maintain their policy globally is to accentuate emotionality of the situation by dramatising and colouring the happenings in developing and/or

conflicting states. In particular, members of the organization rhetorically draw on images of drastic poverty, misery, suffering and despair. The United Nations rhetoric is built on contrasting situations in both groups of states. The differentiated socio-economical positions give a reason for the judgement on high and low moralities in different groups of states. This fact confirms politicization of the United Nations child policy within the organization. Within the chosen framework the United Nations stimulates states to keep up with the articles of the Convention by using a variety of methods, which causes controversial reactions from Member States.

Through the analysis this study tries to find answers to the questions: who *the child* is; how the United Nations debating organs, the General Assembly and the Security Council, formulate child policy; in what way the United Nations agents, the Committee on the Rights of the Child and the Special Rapporteur, implement United Nations universalized policy; and what challenges both the hegemonic and peripheral states encounter when realizing child policy nationally.

The chosen period of our study (1989 – 2008) tracks almost a twenty-year progress of child policy development inside and outside the United Nations system since the adoption of the Convention on the Rights of the Child in 1989. The Convention provoked a massive corpus of initiatives towards betterment of the quality of child well-being all over the world, but also a period of global politicization of the concept of *the child*, which is the main focus of interest in this study. During this time there was a constant search for how to bridge the words of the Convention with the actions of the United Nations, leading to evaluation of the progress of practicability of the system of human rights and child rights protection at all organizational levels. In 2005 Secretary-General Kofi Annan published the report *In Larger Freedom*, which explicated the drawbacks of the organization's human rights management. This lead into a new reform period in 2007-2008, which brought changes in the whole mechanism of human rights protection, including child rights, through reforming the Commission on Human Rights with all its mandates. At the same time the Human Rights Council established the mechanism of the Universal Periodic Review to consider the situation of child rights within the general agenda of human rights implication. The present study ends in this reform period, which formed the present United Nations institutional structure, as well as an internationally widely accepted normative foundation for further initiatives.

The main developments after that have been increased emphasis on girl-child rights, caused by a 2008 resolution of the General Assembly, which further may lead to an international declaration for protection of girls' rights solely, but this has not yet happened. In 2010 there was an assessment of the progress towards the Millennium Development Goals to be reached by 2015. The results showed the growth of financial expenditure for child-assistance programs[1] in developing regions, improvement of education and health as well

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[1]   See UNICEF Annual Report 2010, p.8.

as strengthening international partnership. Despite disruptions and drawbacks in various states, progress seems to be going on in general in the world. In 2015 there will be great evaluations and debates on the extent to which the Millennium Development Goals have been reached, and that might be a fruitful point of time to make a follow-up study on how the new United Nations institutional structure has been able to achieve its goals between 2008 – 2015.

The research material for this study is threefold and it belongs to the United Nations official document system (ODS). *The first group* consists of the United Nations normative acts (declarations, conventions, resolutions and protocols). They are the formal results of the ongoing debates in the organisation and some of them belong to the category of international law. *The second group* is the official records of the General Assembly debates *World Fit for Children* of 2002 and the Security Council debates *Children and Armed Conflicts* of 1994 – 2008. The General Assembly debates represent official speeches given by United Nations Member States delegates, representatives of other international organisations and non-state actors in the order of speaking. During the Security Council debates the floor is also given to delegated representatives of Member States. Some speakers both in the General Assembly and the Security Council might stand for a group of states, such as representatives of the EU, African Union, the Arab League and the like. In this way, the talks tend to reflect the regional position of states, which is taken into account in this research. Also the voices of child-delegates at the debates in both forums can be heard; we consider them as a special case in our analysis. It should be noted that the General Assembly as well as the Security Council deliver an extended number of debates whose agenda does not directly consider children, but where children are mentioned. Child issues can be reflected upon in parallel with the broader situations of women, families, human rights and specific country situations. Because of the extended number of the latter, we are focusing only on thematic debates, which directly place the child in the centre of the agenda. *The third group* consists of reports of the United Nations monitoring bodies: the Committee on the Rights of the Child and the Human Rights Council with its Special Rapporteur mechanism. The Committee on the Rights of the Child materials include initial reports of State parties to the Convention on the Rights of the Child (1989). These reports are processed (retyped, translated, identified with the number) by the United Nations secretariat after being received from a State party to formally become a part of the United Nations official document system. Another group of reports of the Committee to be analysed is the so-called Concluding Observations. In a structural way the Committee's experts jointly represent the examination of the national implementation of the Convention of the Rights of the Child. In other words, the Concluding Observations are divided into general sections analysing the factors impeding child policies, positive factors, and recommendations for states. These reports allow us to understand the national settings, where the implementation of child rights proceeds. They also outline the United Nations position on the question of national child policies. The materials of the Special Rapporteurs on the Sale

of Children, Child Prostitution and Child Pornography are the annual reports of the Rapporteurs as well as their country-reports. Although many other Special Rapporteurs (around 50) having thematic or country-specific mandates also report on the situation of children, their statements are rather fragmental and reflect only particular situations. For instance, a Special Rapporteur on the Right to Education studies education of many social groups (women, adults in general, in addition to children) and does not go beyond the thematic area. We found it necessary to limit our analysis to considering only the reports of the Special Rapporteurs on the Sale of Children, Child Prostitution and Child Pornography because firstly, in their practical activity they expand the content of the articles of the Convention on the Rights of the Child and second, focus on the child as a research object within many thematic areas at once (education, family, living conditions, cultural practises, health situation). According to the United Nations practise the speeches can be delivered in six official languages: Arabic, Chinese, English, French, Russian, and Spanish. The language of the materials that we are using is English, which means that the texts either were presented in English originally or translated into English by the United Nations linguists. The fact that we do not analyse all texts in original languages other than English perhaps impacts our analysis so far as some specific culturally relevant rhetorical elements become unnoticed. However, we trust the United Nations professionals who are familiar with linguistic formulas and provide translations close enough to the originals. English as the medium of analysis has the advantage that it standardizes the conceptual situation internationally, and enables us to focus on the construction of a global child policy, without diverting us to a meticulous analysis of conceptual differences in different languages. That would also be an important study, but our goal here is to analyse the emergence of a global child policy.

The research strategic point of departure in our analysis of the United Nations child policy is the neo-Gramscian theory of world politics developed by Robert Cox (1996b). It considers world organisations (the United Nations in our case) as agents of world hegemony. The most powerful and richest countries in Western Europe and North America together with Australia and New Zealand in Oceania (the core) consolidate their positions in the world organisation and bring the elements of a passive revolution – in the Gramscian sense – to less-developed countries of Africa, Asia and Latin America (the periphery). Child policy formation within the United Nations framework thus contains the aspect of maintaining the existing world hegemony where hegemons are "playing" with the concept of *the child* as a moral weapon. The highly moral ground that child rhetoric occupies can be employed as a form of systemic legitimisation, with which the economically low position of the peripheral countries is presented as a morally low position. In response, to shift the moral liability, the majority of developing states complain about insufficient financial assistance and external debt burden that impede national child policies.

Our research considers *child policy* as an analytical concept and *the child* (together with *childhood)* as a new moral key concept in world politics. Before explicating how the concepts work in our context, we will outline what we mean by the concept of *a concept.* This has received considerable attention in the field of conceptual history, which has elaborated specific methodologies of dealing with concepts. There are major studies of political concepts pursued under the umbrellas of English and German (*Begriffsgeschichte*) schools. Both of them have somewhat different views on the elements of the concept (Palonen 1999, 42), but have a similar perception that these elements are intellectually constructed and change with time. Kari Palonen, a Finnish professor of Political Science in his article *Rhetorical and Temporal Perspectives on Conceptual Change* (1999) attempts to highlight the essentials of understanding concepts by looking at the works of Quentin Skinner and Reinhart Koselleck as representatives of the English and German schools, respectively. Palonen argues that "[f]or Skinner, concepts are not stable entities, they can be changed at any moment, and they exist only 'in movement', that is, when they are used as moves, as political instruments of action" (ibid., 46). This statement points out that the concept is a "mobile entity", which accompanies political process. In this way, as Palonen argues, Skinner emphasizes the political significance of concepts as "strategic instruments" for policy-making (ibid. 47). Palonen claims that concepts "shape the horizon of the political possibilities in the situation, within which the agent has to form a policy, but can also be used in critical situations as a means of politicization, of revising the horizon of the possible and by this means revising the range of policy choices" (ibid.). The given meaning of *a concept* is essential for this study because the whole political situation of the United Nations child policy springs out from specific ways of understanding of *the child*. The concept of *the child* as a strategic instrument serves as a tool for manipulating and pressuring the international community, whose members may understand the concept in differing ways, but often do not possess enough resources to challenge this understanding at the national level. The concept of *the child* is so powerful in the United Nations that it may dictate policy choices for different groups of states.

Reinhart Koselleck, when looking at concepts, primarily is looking at their semantic field (Palonen 2004), which implies the constellation of meanings extracted from different contexts originating the notional body of the concept. For example, Koselleck's *Crisis* (2006) offers the analysis of this concept in the defined three spheres of its usage: theology, medicine and law. Inspired by that, we came up with the idea of rhetorical themes and contexts where the concept of *the child* emerges, and which are used for structuring the analysis in this study.

By identifying the difference between a concept and a word, we will justify the scientific value of engaging in conceptual analysis. Koselleck argues:

> Each concept is associated with a word, but not every word is a social and political concept. Social and political concepts possess a substantial claim to generality and always have many meanings – in historical science, occasionally in modalities other than words. (Koselleck 1989, 84 – 85.)

The word is more a static form of expression, whilst a concept is more dynamic due to the changing elements of its meanings. Koselleck admits that if the word is left in history in the same orthographical shape, it does not signify that the meaning has not changed (ibid., 82). He characterises a word as something "unambiguous". However, a concept "must remain ambiguous in order to be a concept" (ibid., 85). This ambiguity in concepts occurs because of the "concentrate" and "multitude" of its meanings (ibid.). Even though the concept reveals its connection to a word, a concept is still "more than a word" (ibid.). A concept contains a multitude of historical experiences, "theoretical and practical references into a relation that is given and can be experiences only through a concept" (ibid.). Thus, exploration of a concept gives more knowledge than exploration of a word.

Kari Palonen argues that temporalisation of concepts reveals "a new relation to time: time is not only the laps of the chronos-time, but also an element in the use of concepts" (Palonen 1999, 50). To catch this aspect, we have built the temporal element in our conceptual analysis. Koselleck defined three groups of social and political concepts depending on temporality: 1) Traditional concepts – "whose meanings have persisted in part and which, even under modern conditions, retain an empirical validity"; 2) "[…] concepts whose content has changed so radically that, despite the existence of the same word as a shell, the meanings are barely comparable and can be recovered only historically"; 3) concepts that are "recurrently emerging neologisms reacting to specific social or political circumstances that attempt to register or even provoke the novelty of such circumstances" (Koselleck 1989, 83). The concept of *the child*, for example, can be attributed to all the groups, depending on the contexts of its usage. Traditionally, the physical image of the child, as of a young small human being, has not changed, nor the word itself, but interpretation of the child and childhood, especially in the public domain, have drastically changed. The evidence of those changes is also a new conjunction of the concept of *the child* with concepts extracted from the socio-political sphere, say, *rights* and *policy*. In this neighbouring position the concept of *the child* is a neologism. In other words, the new concept of *child rights* signifies both changes in understanding of *the child* and expansion of the concept of *human rights* after deliberating all categories of humans. Similarly with *child* policy, which emerged as a public reaction to initial changes in the concept of *the child*.

For interpretation of the concepts in this study we stick to both diachronic and synchronic approaches that have their mythological attribution to *chronos* and *kairos*, respectively. Helge Jordheim argues that Koselleck juxtaposed diachronic lines that are opposed to sudden but meaningful *momentum* in history (Jordheim 2007, ibid.115), thus *chronos* and *kairos* at some points of time are in contrast with each other. Koselleck himself explains that "[t]he diachronic review can reveal layers hitherto concealed by the spontaneity of everyday language" (Koselleck 1989, 90), which we find fruitful for our analysis. Jordheim argues that a "moment" can be understood as referring to a "manner of appearance", "presentation" and "historical self-understanding", i.e. to a

matter of language and experience" (ibid., 117). The historical moment or *kairos* can be seen from temporal and rhetorical points of view. The concept of *the child* diachronically changed slowly through centuries in Western Europe becoming gradually humanized and sensitized. This process we briefly describe in the first part of the dissertation when touching upon the historical development of concept of *the child* within the process of its politicisation starting from approximately the seventeenth century. Then we arrive at the last decades of the twentieth century, forming a crucial historical *momentum* where the concept flowed to the international settings of the United Nations actors, who strategically developed it through the debating mechanisms and employed it in policies to spread it throughout the world. The organisational settings present a special importance because the concept of *the child* here has been developed anew and reached a sort of "fixed" meaning. Kari Palonen underlines:

> When there is a temporalizing shift in meaning, the spatial relations expressed by concepts can also be understood as metaphorical, alluding to a relative freezing of temporality. (Palonen 1999, 52.)

Metaphorical embodiment of concepts is a good tool for their analysis. Because "[p]olitical and economic ideologies are framed in metaphorical terms" (Lakoff and Johnson 1980, 236), we examine the concept of the child as a *metaphor* with a shifting array of meanings. For this we refer to *institutional* and *linguistic* contexts of the United Nations debates, where the concept of the child resides. As both contexts influence each another and their border is rather conditional, we consider the debates as context in context, basing this on Peter Burke's thought (2002). The linguistic context of the debates is analysed within the institutional context.

On the basis of reading the research material, it has become apparent that the argumentation on *the child* in the United Nations can be analytically divided into three interlaced but different themes (Boltanski 1999; Stearns 2006), namely the *moral*, *security* and *economy* themes. These themes bridge the overall United Nations strategies in global politics with the concept of *the child* and present analytical spaces for specific types of rhetorical speaking, which we here call *talks*. Accordingly, we look at *sympathisation talk*, *sensitisation talk*, *securitisation talk*, *normative talk* and *economy talk* (Hampson and Zartman 2012) residing within the themes in question (Picture 1). The main result of activities in the General Assembly and the Security Council is the formation of these specific forms of talk about *the child*. According to our analysis, the actual United Nations policy realisation towards individual states does not take place at the level of the debating bodies, but at the level of the United Nations monitoring bodies, especially the Committee on the Rights of the Child (CRC) and the Special Rapporteur, because these organs are concretely in touch with individual states. The United Nations is not a state, even though it has a global moral leadership role, and it contains global quasi-parliamentary structures, and thus concrete policy making can take place in various parts of the organisation, not necessarily at the organisational top. In the case of the United

Nations child policy the monitoring organs are crucial actors. The role of debating organs is reduced to shaping the ideological foundation for the policies that are to be further realized by the monitoring bodies. Here the sense that the United Nations debating organs put at the core of understanding of *the child* is rediscovered in a concrete sense. Subsequently, we study how the talks of the debating organs are gradually developed into specific policies in a situation where the United Nations actors face the diverse realities of children in different regions of the world.
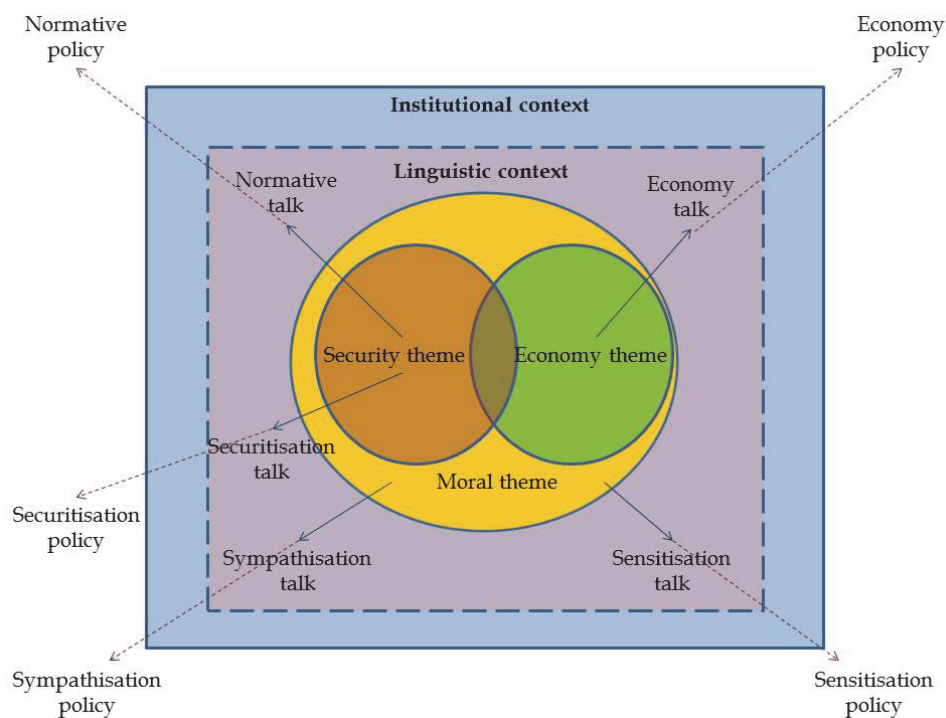
PICTURE 1   United Nations child policy construction.

The first large theme that we have found is the **moral theme.** We have created a theoretical model of it with the mythology related counter concepts of the *Apollonian* and *Dionysian* child (Jenks 2005). The Apollonian child is an angelic-looking image of the child that dominates all the United Nations debates. The Dionysian child is an image of a child perpetrator, which is carefully avoided by the United Nations. Within the moral theme we define *sensitisation* and *sympathisation talks*. The first one is meant to promote the perception of a happy and cute Apollonian child. The second one operates exclusively through appellation to sympathy by putting *the child* in the context of suffering and despair (Chouliaraki 2006; Ahmed 2004). The Special Rapporteur on the Sale of Children, Child prostitution and Pornography alongside the Committee on the

Rights of the Child (CRC) transfer these images of the child to the member governments for a better understanding of what principles the local child policies should be ground upon. The Special Rapporteur provides sensitisation of governments themselves as well as offering the governments to sensitize their people to maintain child rights.

Because the child is a weak human being, the United Nations securitizes her. Thus, we have arrived at the **security theme,** where the child is the main *referent object* (Buzan et al. 1998). Here, firstly the United Nations actors provide *securitisation talk* by rhetorically surrounding *the child* with existential threats to her well-being, whether the threat comes with *terrorism*, the *environment*, or *HIV*. Ultimately, the United Nations sees the means of international law as the major tool to rescue children, thus, promoting a *normative policy*. However, law enforcement procedures inside peripheral states do not easily or rapidly succeed because of a clash between international law and traditional systems. As the UN monitoring bodies, the CRC and the Special Rapporteur, pointed out, customary practices such as *trokosi*, female genital mutilation or labour service defy the provisions of the Convention. As the United Nations cannot impose economic sanctions on state-violators of child rights, in 2003 the Security Council has officially introduced a 'naming and shaming' strategy by publishing a black list of the countries involving children in armed conflicts and wars (S/RES/1460). The United Nations monitoring bodies have used similar strategies of putting shame on child rights violators during communication with governments and reporting to the United Nations bodies.

The third theme is the **economy theme**. The United Nations widely presents *the child* as an *object of economical investment*, thus putting her at the core of the organisation's *economy talk*. In this regard, the concept of *the child* is surrounded by the concepts of *development*, *poverty*, *solidarity* and *assistance* that heat the General Assembly debates between the core and periphery as *donors* and *recipients*. The reports of the Special Rapporteur and the CRC represent children as investment objects. In other words, children as individuals are commercialized in association with the *black market, sale, profit, clients, and demand*. In 2002, Special Rapporteur, Mr. Juan Miguel Petit, was talking about states in terms of *buyers* and *suppliers* of child labour, thus implicitly shaming even the core states whilst struggling for objectivity (E/CN.4/2002/88).

Part 1 of the study will start with a history of concepts of *the child* and *childhood* to trace how child rights gained their socio-political attention. After considering the emergence of modern childhood, we turn to the twentieth century when international organisations eventually elevated child rights to their shoulders. Further in Part 2 we analyse the formation of child policy within the United Nations. For this we offer an analysis of the debates with their *moral*, *security* and *economy* themes delivered by the United Nations General Assembly and the Security Council. Part 3 of the dissertation will cover the level of implication of child policies by the Committee on the Rights of the Child and the Special Rapporteur on the Sale of Children, Child Prostitution and Pornography, which directly communicate with national structures

(governments, local institutions and NGOs). Ultimately, the study illuminates and concretises the major problematic areas in the implementation of the United Nations child policy within the organisation itself and beyond.

Although children are present in political rhetoric, they still remain marginal in Political Science. Jens Qvortrup, a Scandinavian sociologist, comments that Political Science is a discipline demonstrating a lack of interest in studying the linkage between the child (childhood) and politics (Qvortup 2007, 9). Children are not an attractive research subject within this discipline, because they do not have the right to vote and cannot be treated as active agents in ordinary political processes due to their immature age. Their interests are represented by adults who decide what is good or bad for them. The international platform of the United Nations is not an exception in this regard. The United Nations both deliberates childhood and transforms the talk into action, i.e. policy. On the other hand, this study of the United Nations child policy is relatively independent from traditional studies of the United Nations policies embracing human rights. Its complexity lies in combining the research field of international organisations with that of the child and childhood studies. We are aware of only a few scholarly works existing within a wide range of disciplines that combine those two areas in one way or another. They have been written by sociologists, world historians, legal scientists or international relations scholars. However, none of them has offered a complete systematic approach to child policy and explained: 1) how the policy has been formed within the United Nations organisational system, and 2) how the organisation diffuses it on multiple national levels. In addition, none of these scholars has fully studied the texts of United Nations debates, which are precious material for understanding the emergence of a global child policy. Nevertheless, each previous study has its own merits and can be seen as a "puzzle" piece for constructing a holistic picture of the United Nations child policy.

Mainly the subject is covered by sociologists who attempt to study childhood from multiple socio-political points of view. Around the 1970's childhood and youth were a "neglected" and marginalized subject in Sociology (Wyness et al. 2004, Corsaro 2004). Later, in the 1990's, children started to be viewed as "social agents" and childhood as a "socially constructed period" within a "new sociology of children" (Corsaro 2004, 3). Alan Prout and Allison James, the editors of *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* in their article also recognize "that children are active social beings" and their lives depend on adults and the social process in which children are not always involved themselves (James and Prout 1997, 29 – 30). This fact boosted research interest among the scholars to actively integrate pedagogical, psychological, political, anthropological and legal studies in Sociology in order to explore the "social processes" where children are present in one way or another. Göran Therborn, currently professor emeritus at Cambridge University, was one of the sociologists who in his 1996 article *Child Politics: Dimensions and Perspectives* began describing the formation of child politics in the United Nations. He touched upon general United Nations treaties

on child rights and described actors around the United Nations both on the national and international levels. What we prefer to call "child policy", he called "child politics", which was a step forward in separating this area of the United Nations activity as a special field of inquiry. Another group of sociologists together with media scientists (Franklin 2002; Jenks 2005b; Meyer 2007; Wyness 2006, Saraceno 2008) contributed to a modern categorisation of children, which we are using for our analysis of the United Nations debates. Helen Brocklehurst, an International Relations lecturer in the University of Swansea, focused on children in armed conflicts, which since the 1990's have been one of the "branding" themes of the United Nations Security Council. She came up with a child typology in the context of war, by looking at *girl-child*, *working child*, *girl-mother*, *child soldier*, and analysed local political settings influenced by the political domain.

A group of historians has contributed to the history of the idea and concept of *childhood* and this perspective is indispensable for understanding where the idea for the United Nations child rights came from. Philippe Ariès is among the pioneers who in the 1960's researched changes in the conception of childhood in Western societies. For his research he largely analysed French sources. Although his work was criticized for haziness and anachronism, it set the tone for other historians, who mostly were interested in researching Western childhood in order to trace the prerequisites for the child welfare race in the developed West. Shulamith Shahar's work *Childhood in the Middle Ages* considering the twelfth – fifteenth centuries saw the light in the beginning of the 1990's. The author admits directly that her study was inspired by Ariès. Similarly, she chose Western Europe as the geographical domain for her research. Hugh Cunningham, a social historian, in 2006 analysed childhood in the Anglo-Saxon world starting from the middle ages. In his work he used the similar artefacts as Ariès did, namely, paintings, literature and other pieces of art. The same year, in 2006, Peter Sterns, a world historian at George Mason University, went further and expended the geographical scope of childhood studies. In his work *Childhood in World History* he explored *global* childhood by deliberating it in various *themes*: pre-modern west, colonialism, modern Asian childhood, and religious change. We find his multi-geographical and multicultural approach essential for our analysis of United Nations international debates for understanding differences in the concept of *the child* in various cultural areas of the world.

Another cluster of scholars relevant here are legal scholars. Michael Freeman, a professor of English Law in University College London collected articles in two volumes of *Children's Rights* (2004) overlapping several decades. Primarily the chosen works concentrate on the phenomenon of child rights as such and more specifically on the meaning of the Convention on Child Rights of the Child as legal codification for those rights. Freeman's interest was inspired by Hillary Rodhams', (known as Hillary Clinton) outdated[2] but still

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[2]   Hillary Rodham's article *Children Under the Law* saw the light in 1973 in Harvard Educational Review, Vol 43, No 4, pp. 487-514.

topical statement that child rights were a label requiring a search for definition. Indeed, multiple controversies in implementation of child rights up until present times are grounded on confusing definitions transmitted by the United Nations legal practices to the national systems.

The current dissertation is inspired by the works of the aforementioned predecessors. To offer an analysis of the United Nations child policy we, however, use a combination of the aforementioned sources and works from other (Anthropology, Economics, Philosophy, Intellectual History) disciplinary fields. By constructing an innovative multidisciplinary paradigm we are trying to explain the manifold political processes which link together the global international organisation and the child as a small human being.

1. CHILD POLICY AS AN ANALYTICAL CONCEPT

1.1 Why child *policy*?

In this study we consider *child policy* as a process of the realisation of *child rights* within the United Nations institutional settings and in individual states. Today, on a terminological level, *child policy* is on a par with other terms such as *social policy* or *family policy*. As a commonplace, *child policy* can be found on the websites of governmental agencies and NGOs, quite often referring to the United Nations official proclamations. Among sociologists and political scientists the term appears rather rarely and then in confusion with 'child politics'. What enables us to speak of child policy as a *policy*?

To begin with, only two languages, Dutch and English, have a distinction between 'politics' and 'policies' (Therborn 1996, 30). Göran Therborn argues that "'[p]olicy' refers to a set of measures defined either by the intentions of the actor – 'our policy is...' – or by the area of application – "foreign policy', 'domestic policy' etc" (ibid.). In sum, Therborn puts an accent on intentionality of policy actors and limitations by the area of its functioning. The intentions of the United Nations actors are concrete: they are struggling for realisation of child rights.

Kari Palonen's work (2007) *Four times of Politics: Policy, Polity, Politicking and Politicization* pictures how *policy* operates. From his writing we extract four theses to substantiate our vocabulary choice. The *first thesis* is: "a policy refers to a direction of activities, to a line, project, plan, program, or doctrine" (Palonen 2007, 59). Any policy implies activity, i.e., dynamic and organized action. In the United Nations context, activities towards children include: elaboration of normative acts, collecting data, monitoring child rights violations, preparation and realisation of humanitarian programs in the fields. The United Nations child policy proceeds at various organisational levels. Each level is a platform for actions that contribute to the building of an overall child policy. In other words, as Kari Palonen notes: "[t]he construction of a policy signifies the inclusion and coordination of different acts, moves, measures, through which

they are turned into the relative unity of activities, into a policy" (ibid.). All activities at these levels are targeted at a specific result. For example, the Methodology, Education and Training Unit in the Office of the Higher Commission for Human Rights (OHCHR) promotes human rights education at schools and law enforcement agencies, and also the United Nations Educational, Scientific and Cultural Organisation conducts various educational programs, as part of child policy. The United Nations Special Rapporteurs' mechanism benefits child policy by collecting information and communication exchange with governments and local NGOs on issues of child rights violations.

Obviously, a policy starts with identification of a purpose necessary to direct an action. Therefore, the *second thesis* is: "policy has a teleological connotation" (ibid.). This aspect is directly related to actors' intentionality, if we embed Therborn's understanding of policy. The teleological perspective on policy, i.e. its purpose-orientation, allows planning and programming actions according to the context of their realisation. For example, within the major purpose of the maintenance of child rights in individual states, UNICEF's goals, among others, include combating HIV and malaria, the immunisation of children, or the eradication of child poverty and illiteracy. They generally conduct fundraising for sustaining these policies.

The main purpose for the United Nations child policy derives from the Convention on the Rights of the Child (1989). Various articles of the Convention are worked into specific policies to support the general goal. In 1996, for instance, UNICEF launched *A Child Friendly City* initiative to provide "a local system of good governance committed to fulfilling children's rights"[3]. The program has urged governments to provide safe water, access to sanitation, safety of children in the streets, access to health services, and protection from exploitation. In many cases the United Nations coordinates the participation of various actors, such as representatives of civil society and governmental agencies. Werner Levi in his book *Contemporary International Law: A Concise Introduction* notes:

> The United Nations and all other international organizations presumably aim at stimulating and facilitating cooperation towards a common goal. (Levi 1991, 237.)

For instance, the humanitarian INGOs Red Cross and Save the Children together with the UNICEF coordinate family reunification policy for children affected by war. As another example, goals are crucial for evaluation of productivity of a policy. Mignonette Patricia Durrant, the Jamaican Permanent Representative to the United Nations chairing the preparatory process of the Special Session on Children held in 2002, said:

> The unanimity among United Nations states toward the goals is very positive. It shows we can speak with one voice when it comes to our children […]. We have learned from previous meetings that setting goals is a crucial step. With goals, we

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[3] See Child Friendly Cities Programme, 2009 http://www.childfriendlycities.org/ [21.03.2013].

> have something to strive for. Without them, we have no way of measuring our successes and failures. (United Nations Press release, UNICEF Newsletter 2002.)

Ideally, if a policy works, it produces an anticipated result. In real life things do not always go this way. To bring a policy into motion, a solid foundation is needed. In international settings, the normative aspect of the United Nations child policy plays a significant role. The organisation is a producer of international law, which legitimizes political acts. Here, Palonen's *third thesis* emerges*:* "policy has a normative character as a criterion in the selection of what should be realized among possible futures" (Palonen 2007, 59). In reality, the platform of the United Nations international law does not look very solid. Because of the non-binding status of the United Nations normative acts, state parties do not necessarily stick to the laws, thus undermining the organisational policy course. That is why in many cases the best way to guide states in the right direction is to turn their governments to the question of morality. Thereby, Werner Levi argues that "[p]ublic policy is neither a binding norm nor a concrete policy. It is a concept expressing a people's sense of morality, decency, justice, and fairness [...]" (Levi 1991, 31). The United Nations debates are penetrated by "moral" issues, which tantalize states incapable of embedding a proposed type of policy at the national level due to political, economic or cultural difficulties. These states become a focus of attention as immoral states committing immoral practices. They are judged and can be found in the *naming and shaming lists*. "Immoral" policies are used for judging both international and national policies. Whereas the national policy is judged for the lack of administrative resources, international policy is commonly criticized for double standards, i.e. treating states unequally.

As judgment accompanies any policy, we adopt Palonen's *fourth thesis*: "[...] a policy presupposes a criterion of judgment [...]" (Palonen 2007, 59). Judgment is necessary to evaluate progress and correct mistakes. Thus, in a certain way, it regulates the future direction of a policy and might even change it. For instance, high criticism of the United Nations activities led to the proposal of the Millennium Development Goals (MDG)[4] and creation of a specialized unit (MDG unit) as a part of the Research and Right to Development Division in the OHCHR coordinating implementation of the document. Another example is that Kofi Annan, the former Secretary-General of the United Nations (1997 – 2006), openly condemned the United Nations' ability to initiate new reforms. Particularly, in 2005 he proposed to reform the Commission on Human Rights due to discontent with its procedures, composition and outcomes of its work[5]. The Commission was re-established into the Human Rights Council and the latter was believed to be more effective than its predecessor, firstly due to the newly introduced Universal Periodic Review process and revision of all previous mandates (Davies 2010).

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[4] For more details see United Nations Millennium Declaration, A/RES/55/2, 18 September 2000.

[5] For more details see Kofi Annan's report *In larger Freedom* (2005).

It is also important to remember that when describing any policy we cannot but adhere to the concept of temporality. Palonen argues that a policy demonstrates "the priority of the future over the present" (ibid., 61) – and this is his *fifth thesis*. Kari Palonen, considering the aspect of temporality, does not mean simply "the continuity of a line or a project", but more "the temporal breaking points" which come out of the "internal coherence or consistence of a project" (ibid., 60). These points are crucial for evaluation of the result. As mentioned, MDG in 2000, or reformation of the Commission for Human Rights in 2007 are examples of such temporal points, preceded by a complex evaluation process. What is more, policy-making is surrounded by political rhetoric and cannot progress without it. As a matter of fact, political rhetoric has a strong connection to temporality, specifically to *futurisation*. Kari Palonen admits: "*policy* refers to the regulating aspect of politics" (Palonen 2007, 55). Thus, in this dissertation we cannot disregard the *political* nature of a policy.

Speaking about *politics*, Therborn refers to it as a "human activity" which is collective and which does not "follow directly from given rules of jurisdiction or administration" (Therborn 1996, 30). Politics, as he argues, finds its meaning in debating and decision-making. When talking about the United Nations, he articulates that after the adoption of the United Nations Convention on the Rights of the Child one can speak of "[t]he particular dynamics of current child politics" (ibid., 32). Further he presents characteristics of the new child politics which 1) overlaps international and national political agendas; 2) operates through international organisations like the United Nations and particularly through states-activators, such as Poland or Sweden; 3) provides active participation of civil society sector and media; 4) is meant for social change through legislation (ibid., 35). In our opinion, when Therborn is talking about child politics he generally describes a process of institutional *politicization* of childhood. His characteristics of child politics are reduced to understanding of possible actors around child welfare building, be that the state or non-state actors (media, civil society and the United Nations itself), as well as its final destination (legislation). Kari Palonen (2007) in his turn, complying with Max Weber's approach, does not delve into actors; instead, he analyses the impact of politics and concludes that politics is meant to change the existing state of affairs (Palonen 2007, 56), which corresponds with Therborn's fourth characteristic of politics. Palonen adds that politics goes without any strict foundation, purpose or direction and this is merely "temporality of doing, oriented towards change" (Palonen 2007, 56).

Jens Qvortrup suggests to "make a distinction between politics, which aims at impacting children or childhood on the one hand and politics which does not have this aim, but nevertheless may have considerable consequences – for better or worse" (Qvortrup 2007, 11). The two politics, in the author's opinion co-exist in social space. In fact, the first politics with its intentionality reminds us of Palonen's second thesis of policy explained above. Therefore, Qvortrups's interpretation of politics raises our concern. When he comes with an example of the second type of politics, the one that proceeds without

consideration of the child, he refers to women's increased participation in the labor force in the twentieth century, which impacted children. Within this political change children were not considered as subjects (ibid., 12). However, as Qvortrup continues, when adjusting childhood to this phenomenon many types of alternative care institutions were found and this is what Qvortrup calls *policy*. It turns out, when discussing the first type of politics, he was talking more about a policy as a program and the actions of adjustment to the current political course. Qvortrup carries on with this conceptual confusion throughout the text.

Although, it is difficult to define the primacy of *policy* or *politics* and to draw a thick dividing line between them, we prefer to speak about politics as a *nucleus* of policy. Politics shapes policy-making from the inside. Therefore, these two processes are inseparable and, to a large extent, changes in one reflect on the other. We are talking about politics when analysing the formation and implication of child policy. Here it is worth mentioning that we metaphorically equate *politics* with *gaming*, as follows from the title of this dissertation. Kari Palonen when exploring the concept of politics as activity also touches upon its metaphorical embodiment as a *game* or *play*. Palonen assigns connotations of a *theatre* and *sport* to this metaphor (Palonen 2006, 262). The theatrical connotation is related to ancient Greek where politics implied a performance of orators; relation to sport symbolises a competitive nature of the game (ibid.). Both these connotations within a metaphor of *a game* can be seen in today's international politics of the United Nations. On the one hand, we encounter a theatrical performance of Member States at the open forum of the General Assembly. On the other hand, like in any sport we observe competition and rivalry among agents involved in the game (ibid., 263). The fact of competition can be noticed as soon as one enters the Palais des Nation, the palace given for the United Nations Office in Geneva after its predecessor, the League of Nations. There has been a tradition among Member States to donate gifts to the organisation, which are exhibited in the palace. The present given by China, for instance, is a canvas depicting a temple with a path leading to the entrance. From which angle we then look at it, we always find ourselves facing the entrance, which can be interpreted as a desire by the Chinese government to point out how it is ceaselessly watching the arena of international politics. Another present of the USSR represents a tall monumental figure in the shape of a rocket signifying the first Russian cosmonaut's journey into the space in 1961. This figure, donated in 1971, reminded the world about the country's success and potential. Another monument of 1997 *the Great Centaur* donated by Russia placed in the garden of the palace also can make one think of power and endurance that the government apparently wished to demonstrate. However, to a greater extent, the rivalry of states for their primary positions in the organization is more obvious when referring to their rhetoric accompanying policy-making.

One more aspect of politics as *a game* noted by Palonen is risk-taking implying serious activity with possible dramatic consequences (ibid., 282). In this way, *a game* is meant for perusing higher goals and on this game depend

the lives of millions of people. In addition, we should not forget about the rules with which any game is played. Mostly they are equal for all participants in order to keep the game fair. Therefore, the principle of equality is to some extent built-in to the procedures of gaming in the United Nations. The organisation bases its principles on *the rule of law*, namely the Charter and multiple international treaties. However, the presence of rules does not automatically guarantee that all states will play accordingly. There are members who resist those rules, criticise them and try to impose alternative ones. Ultimately the concept of *the child* becomes involved in political games of United Nations actors. Thus, child policy itself is engulfed in the whirlpool of this game. Keeping this fact in mind, when considering child policy we discuss social change and "temporalities" provoked by the organisational structure. Ultimately, by United Nations child policy we mean the organisation's doctrine of the realisation of child rights. The policy itself tends to modify the intentions of United Nations actors (United Nations Member States and United Nations organs), and subordinates their actions to the child rights doctrine.

1.2 Development of child rights in the West

Child policy did not suddenly pop up within the United Nations. Before being institutionalized, it underwent a long history of development. Child policy, as a policy of realisation of *child rights*, is an integral part of the larger issue of *human rights*; thus it cannot be studied separately (Vandenhole et. al. 2010, 16). For its part, the emergence of child rights becomes possible due to the changes in understandings of the concepts of *the child* and *childhood*, which form the ideological body of the policy. Therefore, to study the historical context of child policy, we focus, on the one hand, on the history of *child rights and human rights*, and, on the other, on history of the concepts of the *child* and *childhood*.[6] We concentrate here on the history of the child in the west, because it was precisely the European and North American international norms on child rights which became part of the United Nations normative structure.

A professor of Modern European History at University of California, Lynn Hunt, argues in her book *Inventing Human Rights: a History* (2007) that human rights naturally came out of the sense of *autonomy* and *empathy* shared by people. Whereas "[i]ndividual autonomy hinges on an increasing sense of the separation and sacredness of human bodies", "[e]mpathy depends on the recognition that others feel and think as we do, that our inner feelings are alike in some fundamental fashion" (Hunt 2007, 29). Universal ability to imagine

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[6]   Together with other scholars Jack Donnelly (Donnelly 1982) stands on the assumption that the idea of human rights is of western origin, as well as the idea of childhood cultivated in the United Nations emanated from the western society. Many scholars without questioning the origin of human rights refer to western sources. Following these views, primarily in this work we study western sources.

what others might feel is based on our own physical experiencing of those feelings (ibid., 39). However, according to Hunt, the sense of autonomy has a more political connotation, being tightly interconnected with empathy. These feelings constantly developed and transformed through time and space.

For her theoretical point of departure, Hunt borrows Benedict Anderson's (1991) idea of "imagined community". According to the idea, large communities are "imagined" because nobody is able to meet all of its members but can only imagine and feel a part of the community. Modern states developed because of the linking sense of nationalism among people, which was helped by so-called "print capitalism". Literature in national languages started to appear in the seventeenth century after the demise of Latin and it boosted people, through sharing the communal language, to share culture, identities, history and time (Anderson 1991, 18 – 20). Analogously, Hunt introduces "imagined empathy" that developed through literature, which served the way that mass media is serving today. Hunt especially emphasizes the role of epistolary novels where ideas against torture and discrimination were perceived emotionally strong (Hunt 2007, 33). Epistolary novels (eg. Samuel Richardson' *Pamela (1740)* and *Clarissa or the History of a Young Lady* (1747 – 48), Jean-Jacques Rousseau's *Julie or the New Héloïse* (1761)) simplify the identification of a character with an inner self also because of the psychological process of activation of inner speech flowing from a first-person narration. Hunt mentions that it happens due to the biological ability of the brain to recreate the pictures of the plot and to stand on the position of the characters enabling the reader to feel what the characters feel.

Of course, autonomy and empathy did not suddenly materialize in the eighteenth century (Hunt 2007, 29), they go deeper in time with their roots, and have wider cultural origins. The oldest example of this is Jainism, which as a philosophy articulated the importance of non-violence and respect for all forms of life for eventual achievement of divine liberty of the soul. The Bible exhibited the suffering of Jesus for humanity, which made empathy an integral part of Christianity. The English Bill of Rights (1688) referred to the "ancient rights and liberties" (Hunt 2007, 21). However, the eighteenth century, the period of Enlightenment, became crucial for political implication of the first signs of autonomy and philosophical substantiation of sympathy, i.e. emergence of human rights that found their way into the American Declaration of Independence (1776) or the French Declaration of the Rights of Man and Citizen (1789) (Bolin Pennegård 2001).

Adam Smith in his *Theory of Moral Sentiments* on a deep psychological level describes where sympathy is derived from. He starts:

> How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it. Of this kind is pity or compassion, the emotion which we feel for the misery of others, when we either see it, or are made to conceive it in a very lively manner. (Smith 1957, pt. I–1.)

Further he adds that we can only "conceive" and "imagine" what others feel but cannot experience it fully ourselves as "it is the impression of our senses only" (ibid., pt. 1 – 2). Although this feeling is personal, it becomes "the source of our fellow-feeling for the misery of others" (ibid.). Thus, even though this feeling is "imaginary", it has a capacity to sort of "infect" others and be shared communally. Members of a community get "infected" "merely by observing certain emotions in other people (ibid., pt. I – 6). Smith regards this as a general characteristic of human psyche, as he writes: "The greatest ruffian, the most hardened violator of the laws of society, is not altogether without it" (ibid., pt. I – 1).

To sum up, according to Hunt, it was precisely literature that gave weight to sympathy and autonomy. Due to reading, booklovers did not only share the character's feelings but also shared a "moral world" (Hunt 2007, 58). They got the idea of resistance and independence for the purpose of self-protection from literature when feeling desire to protect characters (ibid., 59). Literature of the seventeenth – eighteenth century, the period of Enlightenment, particularly reflected the feeling of autonomy. This period brought many philosophical ideas based on reconsideration of society and a personality in it, on the one hand, and the ideas of the necessity of law, as a guarantor of the right for autonomy, on the other. For example, a Dutch jurist Hugo Grotius' in his writing *De Jure Belli Ac Pacis Libri Tres (On the Law of War and Peace, 1625)*, whom Hunt refers to[7], firstly brought a viewpoint on international law certifying that people in neighbouring geographical territories should have equal opportunities. The law itself Grotius equated to the principles of justice regulating the issues in war and peaceful times. He also argues that law has a reference to a "person" whose rights constitute this law (Grotius 1625, chapter I, para IV). In his opinion, "a right becomes a moral quality of a person, making it possible to have or to do something lawfully" (ibid., para IV). The action itself depends on the moral quality of a person, i.e. on his or her right. For Grotius a right (and law as its embodiment) is rather something "built in" to a human being "unchangeably" to coordinate his or her life. This, however, should not be confused with the division of law onto the *law of nature* and the *law of humans*, proposed by Grotius. The law of nature is given *a priori*; it is based on morality and rationality and is given by God. It does not only depend on outer happenings but also on consequences of human's will (chapter I, para X.4). The human law (or the law of humans) is a municipal law emanating from the "civil power" (ibid., para XIV.1). The one which goes beyond the municipal law is the *law of nations* (ibid., para XIV), i.e. "the law which has received its obligatory force from the will of all nations, or of many nations" (ibid.). Grotius clarifies that "it is found in unbroken custom and the testimony of those who are skilled in it" (ibid., para XIV.2). All in all, the Dutch jurist made an attempt to substantiate the nature of a human right and the social foundations for law.

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[7]   See Hunt 2007, 60.

German philosopher, Immanuel Kant, considered what kind of human personality is capable of living in the new Era of Enlightenment. By answering the eponymous question in his work *What is Enlightenment?* (1784), Kant argues:

> Enlightenment is man's emergence from his self-imposed nonage. Nonage is the inability to use one's own understanding without another's guidance. This nonage is self-imposed if its cause lies not in lack of understanding but in indecision and lack of courage to use one's own mind without another's guidance. Dare to know! (Sapere aude.) "Have the courage to use your own understanding," is therefore the motto of the enlightenment. (Kant 1784.)

By this Kant refers to the enlightenment of the inner-self through autonomy of mind, "public use of one's reason" and freedom of actions (ibid.). It is different from simple obedience to laws and rules; this rather means a critical understanding of things. Laziness and cowardice are the qualities that stop a person from acting freely according to his own mind. Kant insists on personal independence from any guardians as a key to true knowledge, development, and finally, enlightenment. The state power and religion also should enable a person to have such freedom. Obviously, Kant described a new behaviour for a person who can be *useful* for the contemporary epoch and keep control on political situations in a new way.

1.2.1 Developing children's autonomy

Following Hunt (2007), we argue that the politicisation of childhood and emergence of child rights also happened due to developing autonomy and empathy but it happened differently. Sociologists Arnlaug Leira and Chiara Saraceno explain that politicizing childhood presupposed a re-conceptualisation of childhood separate from seeing it solely upon family and parental accountability. The conceptual change was shifted towards an individualisation of childhood in public discussions and served as a justified basis for state or/and international interventions that came with time (Leira and Saraceno 2008, 1; Saraceno 2011, 135). Initially, the nature of children's autonomy is somewhat different from adults' autonomy described by Hunt. If adults' autonomy contests state power, children's autonomy results in a "depropertisation" of the child from parents or other adults. Children's autonomy lacks a revolutionary aspect, but keeps the political and normative ones. Even if the child is still a dependant member of the family, she is also an object of political concern and is protected by specific laws. As a result, the distance between the child and the adult increased by the end of the nineteenth century mentally and physically in the Western world when legislation intensified. However, in this sense, the child was not seen as autonomous until the seventeenth century. Philippe Ariès in *Centuries of Childhood* described how childhood and a child were perceived historically. Although the study has been criticized by commentators (Heywood 2001; Archard 1995), his work is among the first to attempt to conceptualize childhood. After analysing paintings, he concluded that "[p]ortraits of children shown separately from their parent were a rarity until the end of the sixteenth century" (Ariès 1965, 42). In these

paintings children looked like small adults, thus were not perceived as *special* beings. Only in the seventeenth century they, for instance, started having their own clothes, which differed from those of adults. In his book Ariès also shares his findings from the diary of Jean Hèroard dated back to the seventeenth century. Hèroard was a personal physician for the family of the French king Henry IV (1553 – 1610). The doctor described in detail the childhood of the king's son, the future king Louis XIII. At the age of 1.5 Louis started playing violin, he sang and learned to dance, i.e., he obviously learned to do things that adults did in the court. Nevertheless, at 2.7 the boy was playing with dolls[8]. He spent his time mostly playing with inhabitants of the court including soldiers. He was also taken to participate in adults' amusements like hunting and balls. At 3.5 he was taught to read: his nanny showed him the letters from the Bible[9] and he named them. Also, stories were told to him but those were historical anecdotes, life stories that were presented as not-true stories. Obviously, those stories as such were not meant for children. They were mostly told to amuse adults at gatherings. The conclusion Ariès made is that the child tended to copy adults in everything rather than having a world of his own. The age of seven became a critical moment in Louis' childhood. By his nannies and teachers he was told to give up "the games of infancy" and start doing adult things like learning riding, hunting and shooting (Ariès 1965, 66). Although the boy kept on playing games[10], his childhood stopped being perceived as a childhood by adults. It was a high time for him to become mature.

Notwithstanding, it is difficult to portray childhood of the seventeenth century based only on a single description from a royal family. One can assume that those children's life was rather special. Since early age they were taught to be part of the court and were prepared for the throne. On the other hand, if we try to expand Ariès' conclusion, childhood in lower class families similarly did not go beyond their parent's life and surroundings. Children, seen as small adults, assisted their parents in work and when older, children may have taken over the family business (Cunningham 1991).

From the contemporary point of view, the most striking aspects in Hèroard's diary are descriptions of the boy's developing sexuality and adults' participation in it. Here we see that the child's sexuality was not something intimate; on the contrary, it was rather public. Hèroard writes that it was for the court's amusement when the child displayed his sexual organs to all. Courtiers made all kinds of jokes about them and could touch and kiss them. Quite astonishing was also the fact that the king put his young naked children into his bed and was amused by watching them kissing. However, this was allowed only until the child entered the age of puberty when he practically became an adult. Considering this from another angle, that was all on the verge of the seventeenth century, the period before the "moral reformation" (Ariès 1962,

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[8] At that time there was no sex-based distinction in children's toys and clothes for boys and girls.

[9] Whilst the books for children appeared only in the middle of the eighteenth century (Heywood 2011, 94), the Bible served as an ABC book for children.

[10] Children played the same games as the adults in the royal court.

105). Today such behaviour of both a child and adults would definitely be perceived as inappropriate, and for some of those actions adults would be even legally punished, not to mention that incest practices would be morally judged. Ariès argues that back in the seventeenth century sexual gestures towards the child and his sexual organs were not considered as something immoral or soiling childish innocence. Behind this attitude was the idea that a child was a sexless human being and was indifferent to sexuality. Therefore, we can assume that the main reason for "immoral" actions, in today's terms, was simply lack of knowledge and understanding about children and their psychology. Sigmund Freud was perhaps the most well-known person to change this view. During the early twentieth century, Freud's theory of psychosexual development, presented especially in various editions of his *Three Essays of the Theory of Sexuality* (1905), described children's innate sexuality, which takes many forms while developing towards adult sexuality (Freud 2005). Families and education shape an adequate social and sexual behaviour in a child.

Even though the ideas of moral behaviour towards children, as *special* human beings, started to appear already in the fifteenth century, as Ariès states, it took several centuries to be seriously taken into account. Ariès refers to Jean Gerson (1363 – 1426)[11], a French scholar who made a study of sexual manners towards children and wrote regulation for the school of Notre Dame de Paris. Among other moralists, Gerson was the first one who offered to separate children and adults during sleeping at night, forbade adults (non-family members) touching and kissing children, wanted adults to look after children's play so they would not kiss each other, and exhorted adults to speak decent language to them. These and other moral principles Gerson proposed to be appropriate both at homes and schools.

Ariès also places a significant role on literature in regard to conceptual change. Expanded moral etiquette books, pedagogic literature for parents and teachers provoked changes in the conception of childhood in the seventeenth century (Ariès 1965). Those changes brought a higher moral status to the child when the child came to be perceived as weaker than an adult. Ariès argues:

> The result was the formation of the moral concept which insisted on the weakness of childhood […] which associated its weakness with its innocence, the true reflection of divine purity, and which placed education in the front rank of man's obligations. It reacted at one and the same time against indifference towards childhood, against an excessively affectionate and selfish attitude which turned the child into a plaything for adults and encouraged his caprices, and against the reverse of this last feeling, the contempt of the man of reason. This concept dominates late seventeenth-century literature. (Ariès 1965, 113.)

Indeed, public interest in the child in the seventeenth and eighteenth centuries increased. In a number of philosophical and pedagogical works the child gained a new autonomous role, firstly, as a social unit, i.e. a citizen, and, secondly, as a future adult, a bearer of specific qualities. Locke (1632 – 1704) in *Some Thoughts Concerning Education* (1693/2007) wrote:

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[11]   In Ariès (1965), 106-110.

> We must look upon our children, when grown up, to be like ourselves, with the same passions, the same desires. We would be thought rational creatures, and have our freedom; we love not to be uneasy under constant rebukes and brow-beatings, nor can we bear severe humours and great distance in those we converse with. Whoever has such treatment when he is a man, will look out other company, other friends, other conversation, with whom he can be at ease. (Locke 2007, 35 sec. 41.)

Stearns notes that children were brought into a deep intellectual level in the works of John Locke (Stearns 2006, 52). Locke believed that political and intellectual liberty hinge upon initial education of a person who comes to this world as a child. A child should learn freedom through his development. Locke states:

> […] as years increase, liberty must come with them [years]; and in a great many things he must be trusted to his [the child's] own conduct, since there cannot always be a guard upon him, except what you have put into his own mind by good principles, and establish'd habits, which is the best and surest, and therefore most to be taken care of. (Locke 2007, 15 sec. 10.)

The child is like a soft "material" that can easily be shaped in the hands of adults through education. Education is what, to Locke's mind, defines personality due to which it is possible to turn a person in a certain direction. Locke considered that happiness or misery depend on the dual importance of a person's sound mind and a sound body. Whilst one is impossible without the other, Locke offered his way to bring up children in a healthy way and substantiated: why children should not be kept in warmth all the time, why it is useful to bathe them in cold water, what they should eat and drink and how they should be disciplined. The general goal of education is to raise a true human being physically and behaviourally to a high level of development. To reach this goal, Locke warns, the child should not be brought up in such a way as if he (the child) would never get out of his room. A child is born free and relatively pure, but through social practices his freedom and purity are taken away in case of improper child education. Ultimately, Locke's ideas highlighted the autonomous and free nature of the child, as well as education as a "correcting" and guiding tool.

Apparently, the seventeenth century brought with it an era of education as a necessity for the raising of new personalities. Ariès studied Antoine de Courtin's (1662-1685) manual of etiquette dated to 1671, who noted that children can smile, cry and shout any time they want and this inappropriate behaviour parents will want to correct one day. Then he puts a question if it is possible to do something already now for the parents not to have troubles with children's behaviour in the future (Ariès 1965, 115). And, certainly, the answer is – "education", – which helps to avoid future mistakes by shaping a child's behaviour.

Swiss-born French philosopher, Jean-Jacques Rousseau (1712 – 1778) offered his readers a story of the development of an imaginary child, Emile, to exemplify how his ideas might work in practice. It is important to note that French ideas on education were quite dominant in the Western Europe. The author himself chose a role of a boy's guardian and a teacher who introduced

the boy to this life. In *Emile* (1762) Rousseau argues that a person comes into this world as a child first of all and then he comes as an autonomous individual. Importantly, a child is *a priori* born good and pure, and it is the surroundings that bring bad into his personality by constraining his freedom. This idea was similar to Locke's who also insisted on the initial purity of the child and visualized the society both as threat to this purity and a possible mentor. Rousseau continues that further in the process of development a person grows into a liberated human being only when he is able to take an independent decision. To live in the social world as a self-determined person, the child's personality should be "shaped" through social and home education, which implies exercises but not obtrusive rules. At the same time Rousseau's idea of liberty does not cross out the significance of care and protection. The philosopher appeals to mothers who naturally reveal a tendency to see their children happy. In other words, Rousseau attributes happiness to biological mother's instincts. The author outlines mothers' primary role to take care and protect the child like a tree, by putting a fence around it, to be able to get good fruits later. However, all people should keep certain notions in mind when bringing up a child.

One of the reasons why the idea of education could become popular was due to the expanding interest in iconography. On one hand, in the beginning of the seventeenth century religious paintings and sculptures gave an importance to representation of the infant Jesus by himself, apart from his mother or any of his relatives. On the other hand, iconic images displaying the baby Jesus with His mother Mary emphasised her loving affection as well as her importance for the life of Jesus in their sacral linkage. The idea of a teaching Jesus also gained a new meaning. The moral and pedagogic literature quoted Gospel when Jesus spoke about children (Ariès 1965, 122). For instance, the Bible places a teaching parable about two women who came to King Solomon to resolve their argument. They both had given birth in the same house and the child of one of the women died after his birth. According to the story, the mother of the dead child substituted the other child at night. She put the dead one at the bosom of the other women and took the living child for herself. Finally, the two women argued to whom the living son belonged to. The king asked for the sword in order to divide the child into two parts and give one part to the each woman. Then, one woman begged the king not to do it and save the life of the child, whilst the other woman agreed to divide the boy to leave him to no one. Then the king ordered that the boy be given to the woman who begged him not to murder the child. The story ends with the conclusion about the pure wisdom of the king as of wisdom of God. The answer to the question why the king made such a decision lies on the surface. It was clear that the loving mother will never want her son to be killed and wants to protect him. Therefore, the parable teaches that mother's love is taken for granted. Exactly the idea of mothers' meaning for the child was taken up by Rousseau.

In spite of all aforementioned changes in education, those were little steps towards children's autonomy. Still in the seventeenth century children

generally were treated as dependant units rather than autonomous ones. The idea of dependency was even seen by Ariès after studying informal language pointing at the aspect of subordination. This was applicable to 'lakeys', 'journeymen' and 'soldiers'. The French expression 'petit garcon', i.e. little boy, did not often refer to a child, but rather to a young servant in employer-employee relations (ibid., 26 – 27). In the beginning of the eighteenth century Ariès mentions a dictionary by Fereière, which offered a meaning of the child as a friendly form of greeting and flattering or inducing someone to do something. Here he comes with the examples: "Good bye, my child" (when an aged person responds), "Child, go and get me this or that" (to servants), when addressing to soldiers: "Courage, children, stand fast" (ibid., 27).

Children's state of dependency made adults generally, and adult family members in particular, authoritative and powerful enabling them to dictate choices to a child. Michael Freeman (2004) argues that the idea of child protection was formed prior to the idea of child autonomy (Freeman 2004, xi). The Massachusetts Body of Liberties (1641), the first legal reference to prototypical children's rights, referred to Liberties of children among liberties of women, slaves and foreigners. Specifically, the text outlined the liberty of 1) both male and female children in their inheritance rights (The Massachusetts Body of Liberties 1641, para 81 – 82); 2) children to select their own spouses against candidates imposed by parents (ibid., para 83); 3) orphans being entitled for care (ibid., para 84). In case of violations of these liberties, children could apply to different authorities, primarily to the general Court, to ask for the legal support by claiming their liberty. It goes without saying that this law was meant for older children, or better to say 'young people', but nevertheless, the tendency to delineate a child's and parent's volition got off the ground.

On the legal level, these trends were caught by revolutionary France where a number of new laws on families were enacted. In March 1790 the new National Assembly abolished the primogeniture rights of the first-born child (Hunt 2007, 61). This protected other children's rights in the family and made them more equal. The same year the deputies established family councils for resolving disputes between parents and children up to 20 years, thus questioning the "absolute" power of adults. In 1791 the Assembly decreed the equality of inheritance for both male and female children. Hunt (2007) argues that the laws in France demonstrate exactly the case of evolution of the personal autonomy of the child and its protection. Hunt calls those authorities "revolutioniers" who tried in all ways "to push out the boundaries of personal autonomy" (ibid., 62). As for the eighteenth century English legislation, children were still regarded as "chattels of the family and wards of the state, with no recognized political character of power and few legal rights" (Rodham 2004, 30) but, generally, in Great Britain and North America parental authority over children declined in the eighteenth century as well (Hunt 2007, 61 – 62). Ariès states that starting from the eighteenth century "the progress of liberal individualism had shaken and weakened the perception that the family

constituted the ancient basis of society. Due to divorce and other disruption of families, marital and paternal authorities declined (Ariès 1965, 10).

Interestingly, with developing economic studies in the seventeenth-eighteenth century children's population mainly in Great Britain turned out to be seen as numbers, useful for the society in a demographical sense, and families were seen as child producers. In other words, children were considered to be an indispensable element for the future progress, i.e. exclusively useful in a socio-economic sense. Therefore, the question of state protection of children in Europe bothered the minds of writers, philosophers and scholars. Distinctively, Jonathan Swift (1667 – 1745), an Irish satirist, was concerned with the situation of the poor mothers with children in the streets of Ireland. He was preoccupied with raising the generations of poor who would ultimately, according to the author, become thieves or leave the country to fight for Spain, i.e. become useless citizens for Ireland[12]. There was the complex situation of poverty in Ireland, sharpened by the poor harvest in 1729 when many people died of hunger. The government by Stewarts who represented the English hegemony was at a standstill. As a reaction to the terrible situation, Jonathan Swift came up with *Modest Proposal* (1729), a political satire. He proposed to reduce poor parent's burden in child upbringing and make those children "useful" for the society of Ireland:

> I have been assured by a very knowing American of my acquaintance in London, that a young healthy child well nursed is at a year old a most delicious, nourishing, and wholesome food, whether stewed, roasted, baked, or boiled [...]. (Swift 1729.)

Swift was amongst the first who interspersed the concept of the child as a metaphor into a political assertion. Due to that, this concept worked as a moral pressure increasing the necessity for a social change. North America in this context is represented as a barbarian state immorally treating its people. This is related to the fact that some settlers in America were outcasts of European society, i.e. expelled criminals, offenders, or just people who were looking for a better life and freedom on another continent. Therefore, America was a cause of ridicule in those times in Europe.

Further, Swift performed mathematical calculations that selling children as meat could be beneficial both for the country and for the parents. On the one hand, parents could benefit by selling their children as meat. On the other hand, it would replenish Irish public coffers and satisfy the need of England for exclusively delicious meat.

Hugh Cunningham notes that in the late seventeenth century "children were not perceived to be the sole source of urban disorder, but they featured prominently within the discourse concerning it" (Cunningham 1991, 20). Cunningham concludes that "'the children of the poor' became, within the circles of philanthropy and local government, both an identifiable sector of society and a social problem" (ibid). These facts perhaps explain Swift's satirical approach to poverty reduction among Irish families.

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[12]   See *Modest Proposal*, 1729.

Adam Smith, an English philosopher and economist, who beside *The Theory of Moral Sentiments* mentioned above, also wrote *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776), where he considers the effects of economy on population growth and vice versa. First of all, he suggested that there are no societies in the world that can be happy if there is a high level of poverty among people (Smith 1776, 70). However, happy or not, poor people tend to have more children than richer people, and this the author finds paradoxical:

> Poverty, though it no doubt discourages, does not always prevent, marriage. It seems even to be favourable to generation. A half-starved Highland woman frequently bears more than twenty children, while a pampered fine lady is often incapable of bearing any, and is generally exhausted by two or three. (Smith 1776, 70.)

Luxury at some point decreases people desire to have more children, also because the question of passion in those families is regulated better than in poor ones. In Smith's view, "poverty, though it does not prevent the generation, is extremely unfavourable to the rearing of children" (ibid). Even though poor families seem to be more fertile, their economical misfortunes lead to child mortality within the family. Smith notes:

> [...] I have been frequently told, in the Highlands of Scotland, for a mother who has born twenty children not to have two alive. (ibid.)

Smith reveals a direct correlation between poverty and fertility, fertility and mortality. He adds:

> In some places, one half the children die before they are four years of age, in many places before they are seven, and in almost all places before they are nine or ten. This great mortality, however will everywhere be found chiefly among the children of the common people, who cannot afford to tend them with the same care as those of better station. (ibid., 70 – 71.)

Further Smith argues that economic conditions should be adaptable for increasing population and provide more working places, for instance. In other words, it is in the power of the economy to support the population and, at the same time, diminish poverty.

Similar ideas were expressed by Robert Malthus (1766 – 1834), an English political economist. He analysed the eradication of poverty preconditioning the betterment of life of the future generations. In his six editions of *An Essay on the Principle of Population (*1798 – 1826), he considered childhood in interconnection with population and economic subsistence. Basing his thought on two postulates, that "food is necessary to the existence of men" and that "the passion between the sexes" is somewhat natural but leads to increasing of population, Malthus reflects on the world situation from an economic point of view. He argues that "the power of population is indefinitely greater than the power in the earth to produce subsistence for man" (Malthus 1798, chapter 1). In additions he states:

> Population, when unchecked, increases in a geometrical ratio. Subsistence increases only in an arithmetical ratio. A slight acquaintance with numbers will shew the immensity of the first power in comparison of the second. (ibid.)

By looking into the current situation at the end of the eighteenth century, Malthus, on the one hand, explains the population growth in Europe and beyond, and, on the other, expresses his concern that uncontrollable birth rates might lead to dramatic consequences not only for the economy but primarily for the people and their children. Malthus argues that the population in "the principal countries of Europe, France, England, Germany, Russia, Poland, Sweden, and Denmark" expanded firstly because too many marriages have taken place too early (ibid., chapter 2, 4), and, secondly, because "the industry of the inhabitants has made these countries produce a greater quantity of human subsistence" (ibid., chapter 2). He warns of the danger of "the misery of want of food" (ibid., chapter 3) and high child mortality rates if states do not pay attention to people's marriages and better economic conditions. However, the population growth itself, in Malthus' opinion, is not a negative factor and has nothing to do with the happiness of a state. What matters, however, is the speed of population growth:

> The happiness of a country does not depend, absolutely, upon its poverty or its riches, upon its youth or its age, upon its being thinly or fully inhabited, but upon the rapidity with which it is increasing, upon the degree in which the yearly increase of food approaches to the yearly increase of an unrestricted population. (ibid., chapter 7.)

Complementing Adam Smith, Malthus speaks about the dangers of the speed of population growth, if it is ahead of the economic growth of states. Malthus emphatically suggests that families should be aware of their moral responsibility in supporting their children, not to bring children into suffering and misery, and make only as many children as they can securely bring up to adulthood, with proper nutrition and education (ibid. chapter 10). His essay is thus not about a threatening demographic catastrophe, as it is commonly thought to be, but a strongly ethical proposal for elevating the living conditions of children by regulating the behaviour of families, and for promoting the economic development of states. He should thus be seen as the philosophical precursor of present day the United Nations Special Rapporteurs dealing with child rights, rather than as a doomsday philosopher.

Thanks to these economists, the economic values and dangers of children became visible for states by the nineteenth century. Eventually in the same period, children's visibility led to questioning the extent of their equality with adults. At this time, the question of children's responsibility for their own actions also came under discussion. Eckhardt Fuchs notes that international debates concerning children began with discussing child's crime and punishment (Fuchs 2007, 394 – 395). In the late 1840s the Penitentiary Congress discussed French and German systems of punishment for child-perpetrators. The French system operated upon the idea of punishment by imprisonment, whilst the German one preferred rural rescue homes meant for rehabilitation.

The French idea was quite influential and found most support at the first International Congress for the Welfare and Protection of Children in Florence (1896) focused on neglected children. The trend continued in further meetings in Budapest (1899) and London (1902) (Fuchs 2007, 396). However, by at the end on the nineteenth century the social turn towards humanism resulted in a weakening of the position of the French idea. The international course turned in favour of creation of social conditions that might prevent crime and child neglect. However, the French idea did not fade away entirely; it evolved and transformed within discussions of a more adequate punishment for children, state-based educational institutions, and the roles of families in child's upbringing. Later North Americans proposed juvenile courts dealing solely with child issues. They were based on the French idea and looked for supporters in Europe. After realizing all the benefits of the proposed institutional form, Europeans supported this idea and discussed a necessity to shape the common base for all European courts on how to deal with child perpetrators (ibid., 396 – 397) .

As we saw, the major impetus in the perception of a child's autonomy is related to the Enlightenment. It is fair to conclude that a deeper understanding of *the child* and *childhood* was placed on the shoulders of intellectuals, i.e. philosophers, writers, educators or economists. They firstly identified the child's position both in society and family. The society in this case looked like an aggressive environment, while the family appeared as the primary educator and guardian. Secondly, the meaning of the child, as a constituent part of the society in whole, started to be deliberated primarily with the concept of population in relation to economic growth. The ideas about child autonomy further brought concern (at first among savants, later among governments) on how to create a secular world for children, where personal child autonomy could expand, but not exceed the limits of sociality.

1.2.2 Empathy roots

Empathy for the child became stronger due to children's developing autonomy and visibility. Contrary to the case described by Hunt, it did not necessary go by way of reading books. In case of children, seeing children's suffering against increasing contrast to adults provoked empathy. C. R. Margolin referring to Grace Abbott's *Child and the State* (1938)[13] clarifies how children became visible. She argues that, for example, after the United States civil war (1861 – 1865) American children were not only seen in prisons but also working in factories due to industrialisation and the expansion of cities (Margolin 2004, 442). As a result, their exploitation and working in severe conditions made their sufferings more visible. It is fair to notice that the same trend could be observed after the industrial revolution in Europe in the nineteenth century, where children became equally noticed and sympathised.

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[13]   Abbott (1938).

Göran Therborn insists that consolidation of the first nation-states at the end of the nineteenth century inevitably led to politicisation of child issues. The new states came up with construction of the modern conception of childhood (Therborn 1996). Heywood explains that the modern conception implies primarily a sensitisation and sheer "sacralisation" of the child (Heywood 2001, 28). What were the pioneering states developing a special attitude to the child? Stearns notes:

> [...] the changes [in the conception of childhood] first occurred in Western Europe and the United States. Other societies have adopted the changes in part through copying the west, though there are independent reasons for the dynamic as well, beyond mere imitations. (Stearns 2006, 54.)

Further Stearns, referring to the same historical period, namely the eighteenth and nineteenth centuries, states that modern childhood emerged due to the idealisation of children brought by intellectuals writing during the Enlightenment. This is one of the facts explaining the "westernisation" of childhood. This sacralisation ultimately resulted in freedom from hazardous labour and exploitation. A child stopped being "useful" in the sense of working to feed her family (Zelizer 1994, 12 – 15). Hard labour for a child was socially replaced by a child's duty to study and learn to become a socialized member of society. Zelizer sees commercialisation as a counterpart for sacralisation, which is 'sentimental or religious meaning" of child's existence. Sacralisation and sentimentalisation are changes that were brought along by the development of modern childhood (Zelizer 1994, 6 – 209, Qvortrup 2007, 8). Stearns notes that the sensitised image of a family singing by the piano and the idea of family vacations appeared during the nineteenth century (Stearns 2006, 60), which is one of the evidences of identification of a new place for the child within a family. In other words, the transition from the economically "useful" to the economically "priceless child" and emotionally "precious child" raised the moral status of the child, and thus public concern for her well-being (Zelizer 1994, 12 – 15). As Stearns puts it, children turned from economic providers to economic liabilities (Stearns 2006, 55). Eventually, having children became more expensive, and childhood became more burdensome for parents.

Paula S. Fass argues that "acting on behalf of children, who had become objects of sentimental attachment among respectable people, was a safe way for adults and societies to appeal for prestige and international regard" (Fass 2011, 26). Soon childhood started to be discussed at various international forums[14], which brought reforms in public welfare and led to flourishing of the idea of juvenile justice. At the end of the nineteenth century these forums grew into international movements for child rights (Fuchs 2007, 394 – 404).

Rodham admits that the advocacy of child rights in the nineteenth century came primarily on the "heels of adult rights movement" (Rodham 2004, 33). Accordingly, child rights were firstly embedded in the agenda of other human

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[14] The International Congress for School Hygiene, The International Congress on Care and Protection of Children in the Family and other, see (Fuchs 2007, 396).

right movements, from where they were separated from and gained relevant independence in the twentieth century. One of the leading roles in bringing child issues to light belongs to women. Initially, "[t]he rights of women clearly ranked lower on the "conceivability" scale than those of other groups" (Hunt 2007, 168). Women and obviously children did not represent a distinguishable political category. They were oppressed and their rights could not be guaranteed by the government before the nineteenth century (ibid.). The women's movement, while claiming equality of the sexes, at the same time was advocating for child's protection (ibid., 9) and fought for the child's welfare as one of their individual rights (Fass 2011, 25).

1.2.3 Internationalisation of child rights in the twentieth century

Ariès suggests that "[t]he association of the childhood with primitivism and irrationalism or prelogicism characterizes our contemporary concept of childhood […] and it belongs to the twentieth century history" (Ariès 1965, 119). The twentieth century is basically a landmark period for sensitisation to child issues and drastic changes in the concepts of *child* and *childhood*. The two world wars played a significant role in these transformations. Fass underpins a point that due to journalism and photographic images, child suffering became more objectified as millions of children died or stayed orphaned (Fass 2011, 22–23). Pictures of child hardships were spread throughout the world, thus expanding the geography of "fellow feeling", in Smith's (1761) terms. In other words, people around the world were empathising with the situation of children, thus took those feelings personally. Instead of only imagining the situation, people could see realistic pictures, unfold the situation and project it on their families and children. And this feeling was unifying. Fass thinks that the beginning of the twentieth century was the exact moment when child rights were formulated and this was a significant implication of empathy (Fass 2011, 22). Hunt admits that pictures of suffering children are customarily so powerful that they can mobilise large amounts of money and other resources to assist others in difficult circumstances by urging governments and international organisations to take action (Hunt 2007, 209). In 1919, the Save the Children Fund in England was founded by Eglantyne Jebb, a British social activist, who with her sister collected donations for children experiencing scarcity of food supplies during the wartime. Six months later the organisation's affiliate started to operate in Sweden, and later in Finland in 1922. Fass highlights the role of the Swedish Save the Children that obtained primary positions in consolidation of assistance for children suffering during the two world wars. Besides, taking care of children in Northern Europe, it also acted towards other European countries under the policy formulated as "antiwar sentiment" (ibid., 23 – 22). Another example is Herbert Hoover, who, prior to being elected a USA president (1929 – 1933), through privately organized groups intended to feed Europe's children affected by the war consequences during the First World War (Fass 2011, 23).

In the beginning of the twentieth century the idea of state financial support of childhood replacing charity initiatives of the past decades became the norm (Fuchs 2007, 393 – 394). Cunningham mentions that at that time child issues became regarded in "close identification" with the "destiny of the nation" (Cunningham and Morpurgo 2006, 178). Wealthier states in the twentieth century turned their national powers on public care and considered children as the country's future (Fass 2011, 19). The establishment of schools and their demand towards child literacy and hygiene are regarded by Fass also as a manifestation of nationalism, which brought new understanding of the *child free from hazardous labour*, versus the old one of a *working child* (Fass 2011, 20) These trends found their implication in international standards on child labour in 1919: 1) Maternity Protection Convention, 2) Minimum Age (Industry) Convention and 3) Night Work of Young Persons (Industry) Convention (International Labour Organisation 2006). Further, the League of Nations, the United Nations' predecessor, expended its anti-war mechanism and found a Child Welfare Committee where Eglantyle Jebb, the founder of Save the Children, took a leading role. The Committee also established conventions, such as the 1921 International Convention for the Suppression of the Traffic of Women and Children and the 1926 Slavery Convention (Alston 1986; Detrick 1999). In 1924 Jebb herself drafted the first Declaration of the Rights of the Child, known as the Geneva Declaration. The Declaration consisted of 5 proto-articles (theses) containing "musts" for "men and women of all nations" to provide the basic needs of children, for instance, food or health care. The fourth thesis of the Declaration, even though without total exemption of the child from labour, makes an emphasis on protective working conditions:

> The child must be put in a position to earn the livelihood, and must be protected against every form of exploitation. (Geneva Declaration 1924, art. 4.)

Obviously, the idea of a working child was still present in the minds of politicians in the beginning of the twentieth century. Moreover, it was displayed as an indispensable element of childhood. This happened because children were perceived equally with adults as actors contributing to the restoration of states after war. Yet their working conditions did not stay without attention. On the contrary, realizing the sensitivity of the child labour case, the new law expressed the need to protect children from exploitation to guarantee them fair working conditions.

Although the document was not meant to be applicable only in situations of armed conflict (Detrick 1999, 13), it did not raise enough interest and did not lead to actions in practice. The Polish-Jewish educator and paediatrician Janus Korczak (1878 – 1942) commented that this declaration had mistaken duties for rights, that the tone of the document was softly persuasive rather than demanding, and that the declaration mainly attempted to attract attention and cause understanding of child needs (Veerman 2004, 5). Carl M. Rogers and Lawrence S. Wrightsman argue:

> [...] in fact as late as the beginning of the twentieth century children were for the most part still regarded as extensions of their parents, with no legal status per se. (Rogers and Wrightsman 2004, 19.)

Apparently, it was too early to talk about children's legal status. Parents still remained the main guardians for children. The role of the Declaration was to underpin **"**that mankind owes to the Child the best that it has to give" (Geneva Declaration 1924, preamble). Nevertheless, this unbinding international legal norm undoubtedly impacted contemplation of further steps towards establishment of child rights and child-specific legislation.

The League of Nations turned out to be powerless in front of fascism in Italy and Nazism in Germany and could not prevent World War II (Hunt 2007, 201). The outcomes for children became more drastic than during World War I. The next international anti-war organisation, the United Nations, was found in 1945. It introduced and started actively promoting child rights on different organisational levels.

1.3   The United Nations as a child policy generator

1.3.1 International government

During World War II in January 1942 "the representatives of 26 States, allied against axis powers, issued the "**Declaration by United Nations**" (Cede 2001, 6). In the beginning the term United Nations was used "as a label for the alliance of States against the axis powers" (ibid.) but not yet as the name of an organisation. In 1945 fifty states signed the United Nations Charter. In the document the term "United Nations" meant the international organisation of the United Nations allied to resist the "enemy states" of the war (ibid.). The document has defined the structure of the organisation and its regulatory mechanisms. The United Nations' internal structure consisted of several organs: the General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice and Secretariat (Charter of the United Nations, chapter III). Currently there are 193 peace loving Member States whose activities in the United Nations are regulated by the United Nations Charter. The United Nations is an organisation built on multilateralism, implying "an institutional form which coordinates relations among three or more states on the basis of "generalized" principles of conduct" (Ruggie, 1992, 571).

According to Hans Morgenthau, the United Nations operates as "the World Government of the great powers" (Morgenthau 1961, 480). In other words, Morgenthau sees the organisation as a tool for governing the world by powerful states. Being a government of "the great powers" enables the United Nations to interfere and control state policies in various fields of individual states for overall peace and human rights regime building. If we are to expand Morgenthau's views, like any other government, the United Nations holds

three branches of power: legislative, executive, and judicial. The legislative function is presented by the capacity of the United Nations to produce international law. Within the organisation this function is shared by the General Assembly, and the Security Council. A number of United Nations agencies, committees and treaty bodies together with the secretariat monitor fulfilment of obligations, although rather haphazardly. The International Court of Justice, which resembles the state judicial system, is meant for considering interstate disputes on violations of human rights. Whilst the United Nations produces only soft law, the judicial function there does not operate in full. For example, the court does not consider basic daily violations of human rights, giving a prerogative to national court systems. Thus, in this study we will mainly be concerned with legislative and executive functions of the United Nations acting as a child policy generator.

The world government consisting of Member States forms the international legal basis. Although international law in principle stands above the national one, it is still considered to be a "soft" type of law that cannot fully bind states to stick to it. Because of that the United Nations seldom has the power to dictate specific policies to individual states, except in the case of a few specific military conflicts. Nevertheless, it can influence state policies in various fields, including such diverse fields as natural preservation, cultural policy, labour regulations, and social law-making. Many observers might argue that the United Nations lost its position as the principal world organisation after the emergence of the EU, WTO, or NATO, and some even mention that calling the United Nations a "failed world government" used to be rather popular (Holmes 1977, 37 – 38). In the strict sense of a "government" that may be so, yet the United Nations although often undermining the principle of state sovereignty in the name of human rights (Farer 2003, 55; Holzgrefe 2003, 18 – 20), is still a global leader in humanitarian operations and initiatives towards human protection.

1.3.2 United Nations as a world legislator

The first attempt of the United Nations to return attention to child issues and to reinforce its regulations was made in 1948 when the Universal Declaration of Human Rights (UDHR) was issued. Article 25(2) stated that "Motherhood and Childhood are entitled to special care and assistance" (UDHR 1948, art 25 (2)). Later in 1956 the Convention on the Recovery of the Alimony Abroad was developed. It was especially meaningful for those children whose parents were separated for different reasons by war. Moreover, realizing that widespread urgent measures should be taken for the post-war children, the United Nations in 1946 set up an International Children's Emergency Fund (UNICEF). Its mandate was first temporary and included emergency assistance to children suffering most. It worked together with the Red Cross and its activities included purchasing vaccination for children, as well as food and hygienic essentials. In 1953 at the 8th session, the United Nations General Assembly not only introduced the "UNICEF" abbreviation for the shorter usage but, what is

more important, took a decision on a permanent UNICEF status for the continuation of its urgent work, mainly for overall programs especially in underdeveloped regions of the world.

The next crucial step the United Nations made in 1959 was to issue the Declaration of the Rights of the Child. It formally was a non-binding resolution, a clarifying segment to the Universal Declaration of Human Rights of 1948, particularly referring to the aforementioned article 25 (2). The Declaration of the Rights of the Child to some extent was a revised and expanded version of the 1924 Geneva Declaration of the League of Nations. It consisted of a preamble and 10 general principles: 1) non-discrimination of the child; 2) protection on the basis "of the best interests of the child"; 3) entitlement of a name and nationality after birth 4) child social security 5) special attention to children with disabilities; 6) state care for families and abandoned children; 7) necessity of conditions for play and education; 8) primacy of child issues; 9) child's protection from cruelty and exploitation, and 10) social acceptance of children. First, unlike the League's document, the scope of addressees in the Convention were not only "men and women", but also "parents", "voluntary organisations", "local authorities and national Governments" (Declaration of the Rights of the Child 1959). Second, principle 7 specifically stated that the child is entitled to education and play to develop "general culture, personal abilities, "individual judgment", "the sense of moral responsibility" in order "to become a useful member of society" (ibid., Principle 7). Indeed, the post-cold war world needed more human resources capable to construct, rebuild and rethink. Third, the Declaration started to promote the ideal of a happy child who "may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms" set forth in this Declaration (ibid. preamble). Linda C. Reif noticed that the Declaration pointedly addressed child rights as human rights (Reif 2004, 290). Nevertheless, Margolin (2004) and Dertick (1999) argue that these rights looked more like needs (material and non-material) with "no provision for their implementation" (Margolin 2004, 10). Indeed, this Declaration viewed the child far from being autonomous and her rights were basically not recognized as rights, but rather as obligations of adults and public authorities. Nevertheless, ideas on protection, child welfare and state investment were accentuated.

1.3.3 The Convention on the Rights of the Child as normative act

The beginning of the 1990's elicits the new relations between the post-Cold War international system and the nation states (Robertson 2005, 1). The global arms race and nuclear posturing (Forsythe 2008; Robertson 2005) were displaced by decentralisation, strengthening of independence, marketisation and re-shaping the foreign policy in individual states (Robertson 2005, 1). The United Nations, guided by great powers, and not to lose its position as a kind of world government in the post-Cold War era, found itself a new specific niche in promoting liberal values like human rights, which became one of the central topics for international discussions (Forsythe 2008). In the late 1980's and early

1990's the United Nations put forward a new concept of child rights. The zenith for the development of child rights became the Convention on the Rights of the Child (CROC) adopted and opened for signatures on November 1989. For the first time in history there was the document giving so much weight for child individual rights across the globe. By the date required for ratification, the convention was signed by a record number of countries (61), and by this day it has achieved nearly universal ratification. Somalia and the USA have signed, but have not yet ratified the Convention. If the Somali case is clear (there is no official government to organize the ratification process), the US case is more complex. The US nominally signed the Convention in 1995 under Bill Clinton's presidency, but the text faced a number of debates in the Congress concerning not only the meaning of the Convention itself but also its specific articles that, for instance, limit the freedom and privacy of parents, prohibit death penalty for young people under 18; all in all contradicting US national laws and traditions (particularly those of Republicans) (Blanchfield 2009). Thus, the issue of the ratification is still pending in the US Congress. The United Nations Convention theoretically obliged all the State Parties to the CRC to "undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the [...] Convention" (CROC, Part I, art. 4) and to "ensure the implementation of these rights in accordance with their national law" (ibid. Part I, art. 7). In 1990 it went into force after one year unlike other normative acts[15]. The urgency for implementation of the Convention certified to the seriousness of the United Nations to promote child rights globally. It is a less well known fact that after 2 weeks following the inspiring success of the Convention, two more important documents were introduced: the World Declaration on Survival, Protection and Development of Children, and the Action Plan on its implementation. This Declaration as if meaning to compensate for the formalism of the Convention, in a rather descriptive manner answers the questions: what child rights are to be protected and how they will be protected. It pathetically attempted to force states to make a solemn commitment and to fulfil a 10-point program (ibid., para 20), which included: international cooperation, reinforcement of the status of women (ibid., para 20 – 4), programming on poverty reduction (ibid., para 20 – 10), promoting educational policies (ibid., para 20 – 6) and others. The promoted in the Declaration Action Plan primarily emphasizes the necessity to embed the CROC in the national legislation and monitor its implementation (Action Plan 1990, para 8).

The Convention consisted of 54 elaborated articles. Thematically it can be divided into three major parts: 1) key principles, 2) certain specific rights, and 3) the ways the Convention is monitored (Muscroft 2000a, 15). The key principles briefly substantiate the importance of the Convention and cover the question of state responsibility for child welfare. Child rights, as specific human rights, embrace civil, political, social and cultural rights (ibid.). Those are the rights for

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[15] See Detrick (1999): for example International Covenant in Civil and Political Rights was adopted in 1966 and entered into force after 10 years in 1976).

family, education, medical care, nationality, and protection from discrimination, or sexual abuse. The Convention is supposed to be monitored by an established treaty body, the Committee on the Rights of the Child (CROC art. 43 – 45). The state parties ought to prepare national reports on implementation of the Convention, which should be submitted two years after the ratification and every five years thereafter (CROC, art. 13). The United Nations agencies and NGOs have a right to submit their own reports to provide a more balanced point of view on the situation. In the case of the United Nations agencies, these reports tend to be complementary to the national reports, while NGO reports are usually more critical and detailed. The latter function is meant to obviate hypocrisy for withholding information in the state reports. This mechanism was conceived to provide as much transparency and fairness as possible in the process of implementation of the Convention.

1.3.4 The Convention on the Right of the Child as ideological foundation for child policy

The CRC provided a solid ideological platform on which the United Nations deploys child policy. Concretely, the treaty introduced the concepts of *the child* and *child rights* defined according to currently prevailing Western ideals. In this context *autonomy* and *sympathy* gained a new meaning for policy-makers. LeBlanc mentions that quantitatively representatives of Western Europe in alliance with the US, Canada, Australia and New Zealand dominated in the Working Group for drafting the Convention, while the participants from Africa, the Middle East, Latin America and the Asian Pacific were weakly represented (LeBlanc 1995, 28 – 37). In this regard the general interest in the convention belonged to the Western world.

To avoid complexity in defining the child, the Convention's article 1 suggested calling children all human beings "below the age of eighteen" (CROC, art. 1.). Consequently, the category of age was accepted as a unifying standard for childhoods around the word. It corresponds with the Western concept of the child, which is based on the perception of a long childhood period. In practice, the length of childhood around the world varies geographically (Archard 1995; Ariès 1965; Brocklehurst 2006a). In countries experiencing wars, or in countries practicing child labour, childhood is contracted. It turns out that geographical location specifies childhood. In less developed Non-Western states childhood goes against the unifying standards of the CROC. John Agnew in his book *Geopolitics: Revisioning World Politics* (1998) presents the premise that in global geopolitics the categories of time and space have lost their separate meanings and are often expressed in terms of the other (Agnew 1998, 32). Time is not always seen as a constant dynamic force all over the world, but rather it is tied to simplified categorisations of space. Space can be described as a container for static characterisations of states, regions and continents, which are rarely questioned and taken as granted (ibid., 32 – 33). Agnew states:

> The particularities and peculiarities of Europe and elsewhere are thus swept into global categories based solely on Europe's presumed more 'advanced' status. But this lays the groundwork for claiming the superiority of some places over others. This is what turning time into space does for the modern geopolitical imagination. (ibid., 33.)

This explains why the Western perception on childhood as codified in the Convention is idealized. Agnew states that the historical category of 'Europe' is included within the category of 'Western'. They both symbolize more advanced developed societies with their higher standards of living and surely superior position over other states of the world.

It is a fact that, within the last four centuries, international law itself historically has emanated from the dominating Western Europe. Basically, the Roman legal system was transferred as applicable among all the countries of Europe in the nineteenth century (Anand 1962, 383). Eventually, this legal *provincialism* in Europe (ibid.) grew into a universalism of legal standards supported by the international organisations like the League of Nations and later the United Nations.

The Preamble of the Convention emphasizes that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth" (CROC, preamble). By interpreting the child as an immature and sinless human being the United Nations sensitizes child issues in order to promote its policies. This also corresponds with a modern "westernised" "emotional" understanding of the child, who should always be happy, spending his time in playing and studying (Meyer 2007; Therborn 1996; Zelizer 1994; Wyness 2006). Indeed, among other things, the CROC emphasises the rights of the child to play (art. 31) and study (art. 28, 29, 32), which are seen as necessary for the child's socialisation. The preamble stipulates that the child should grow "in an atmosphere of happiness, love and understanding" (CROC, Preamble).

Due to the Convention, the child became a bearer of personal legal rights, which mounted her new legal autonomic status globally. It goes without saying that children still physically depend on adults, be that a parent, a guardian, or a social worker. However, the new autonomic status evoked serious attention to children's feelings and needs, and granted them the right to be heard and legally protected. There is an assumption that the interests of the child duplicate those of adults around them (Rodham 2004, 60). Children are not sensible enough to control their own lives due to their psychological and physical differences from adults and their doubtful abilities of rational decision-making. Children's personal ability to claim their rights remains dubious. However, claiming is an essential part of any human rights activity, which reflects the actor's 'militant' (H. Cohen 1980) or 'revolutionary' (Hunt 2007) nature. Rights are not given; they have to be fought for, as Freeman argues (Freeman 2004, 172). Bandman underlines that "[w]ithout claims, one could not cash in on one's rights […]; one could not redress violations of rights or protect oneself very much against damage, injury or any abuse of rights" (Bandman 2004, 59). Consequently adults become the "fighters' for the realisation of child rights,

and this is not the only key role that they fulfil. Adults create child rights, claim them, and sustain them through application in various settings, essentially via institutionalisation. Here one may paradoxically conclude that child rights are not necessarily created for children and by children themselves. One can also wonder if children really need those rights. Apparently, child rights exist rather for adults. First, child rights work as a mechanism to constrain the behaviour of adults towards children. Second, once in the hands of politicians, child rights are used as a weapon for exercising power in different contexts over other politicians. Thus, the fact that children benefit from having specific rights is surrounded by controversy.

The Convention on the Rights of the Child outlined the circle of adult-agents who act towards "the best interest of the child" according to article 3 of the Convention[16]. They are primarily the family and the state (Daiute 2008, 710). The CROC insists that the family is "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children" (CROC, preamble). Wald (2004) and Diaute (2008) underpin the state-family-child hierarchical relationship where the family guards and protects the child whereas the state guards and protects the family. However, this is not that simple. The CROC led to significant changes in the role of the state from a passive observer of children to an active agent. In the past "governments introduced 'family policies' rather than 'child policies' on the assumption that what was good for families would be good for children" (Muscroft 2000a, 25). After the CROC urged State Parties to "take all appropriate measures" towards child protection, the policy focus has brought "an embryonic culture of children's rights within the state" (Van Bueren 1999, 680). The state, when committing legal and social policies, entrusts the child to parents based on the perception that parental control is able to compensate for the inability of children to make adequate decisions (Wald 2004, 117, 120). At the same time, being aware that parents are the first ones who might cause physical, mental and emotional harm to the child, the state is empowered to interfere within the privacy of the family on the basis of the CROC to act towards a child (Daiute 2008, 711). Rodham argues:

> The basic rationale for depriving people of rights in a dependency relationship is that certain individuals are incapable or undeserving of the right to take care of themselves and consequently need social institutions specifically designed to safeguard their position. […] The relative powerlessness of the children makes them uniquely vulnerable to this rationale. Except for the institutionalized, who live in a state of enforced childishness, no other group is so totally dependent for its well-being on choices made by others. (Rodham 2004, 33.)

Ultimately, the central paradox of child rights is that their holders cannot fully exercise them directly, because of a dependent position. The state and the family are the ones to make child rights work under shifted intimacy. The family and the child are bound together by love and responsibility. The state and the child become intimately interlinked by law. The state is committed to

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[16]   See CROC, art. 3 and art. 9, 18, 20.

safeguard the child's autonomy after gaining power to interfere within families. Rodham argues that the child's dependency does not only hinge on her psychology but also on political ideology of the state system (Rodham 2004, 34). There are also traditions and socio-economic conditions that influence child dependency. The Convention calls states to lean on its standards to maximally "autonomise" children as it asserts that the child should be "brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity" (CROC, preamble).

Child rights became an integral part of the "international peace and security" agenda underlying the overall United Nations doctrine which was formulated already in the United Nations Charter (1945). By representing the child in the framework of Western understanding, the United Nations put on a "moral camouflage" to impose liability for states to take the role of *parens patriae* (Archard 2004, 154). The Convention is soft law and, as noted by Muscroft, it relies "on moral pressure, dialogue and co-operation rather than strong enforcement mechanisms" (Muscroft 2000a, 16). The CROC obligates states to provide national child policies based on "legislative, administrative, and other measures" taken by "public or private social welfare institutions, courts of law, administrative authorities or legislative bodies" (CROC, art. 3 & 4), although without specifying any sanction for disobedience. In this structure the United Nations itself becomes *parens magister,* i.e. the parent's didactic teacher.

The United Nations is powerful both in *externalizing* and *internalizing* child rights. Dunne and Hanson (2009) argue that internalization implies embedding international laws in domestic law. The CROC encouraged children's rights not only to root in the mainstream of international human rights law, but also to become the subject of debates in national parliaments. Externalization is distribution of international support and promotion of human rights among the United Nations actors, especially in cases when a state demonstrates incapability to protect its citizens, such as during the civil wars in Rwanda and Somalia. In case of conflicts, the United Nations has the right of humanitarian intervention to conduct peace-keeping operations. Alongside direct physical intervention, the intervention can also be ideological, which is equally powerful (Dunne and Hanson 2009, 67 – 69). Van Bueren argues that the CROC "provides an ideology for state intervention" (Van Bueren 1999, 692). The ideology shapes and represents political activity (MacKenzie 2003, 12) of the United Nations. We will see this scenario unfolding in the course of analysing the United Nations internal debates.

2.   RHETORICAL FORMATION OF CHILD POLICY

> "Much of what we respond to in children as cute is not strength or virtue, real or imagined, but weakness, a quality which gives us power over them or helps us to feel superior." (Holt 1974, 117.)

This part covers child related debates in the General Assembly and Security Council, the major debating organs outlined by the Charter. Consisting of Member States, the General Assembly and the Security Council are international forums for negotiations and discussions. Hence, these two bodies can rightly be called 'forges' for the conceptual formation and framing of child policies. The General Assembly does not have a specific focus and discusses child issues rather chaotically, while the Security Council has directed its attention on the specific situation of children in armed conflicts since the 1990's. This subject became the Security Council's brand, so to say. Nevertheless, the debates in both bodies complement each other. In this part we will study both the organisational settings of the General Assembly and the Security Council and the texts of their debates. We will concentrate on two contexts: *institutional* and *linguistic* (see Picture 1, p. 17). The broader institutional context includes the linguistic context. This perspective enables us to analyse the situation with the help of Peter Burke's idea of "context in context":

> The attempt to place ideas, utterances, texts, and other artifacts "in context" has led to many insights. […] [t]o analyze both the present situation and past ones, it is surely necessary to re-place context in its context – or better, in its many contexts, linguistic, literary, ideological, social, psychological, political, cultural, and material. (Burke 2002, 152 – 153.)

In his article Burke reviewed how scholars from many disciplines used *context* in their analysis as one of the methodological approaches. This approach can be enriching for studying concepts, because context allows taking circumstances into consideration and expanding the meaning of the situation where a concept exists. In this way many hidden elements within the situation resurface. Burke

suggested looking at multiple contexts as well as at macro and micro contexts. Whilst the micro context endorses local circumstances, the macro context can cover "an entire culture, society, or age" (Burke 2002, 158). One of Burke's important insights was that putting a situation into context facilitates classification. This is the so-called principle of museum arrangements. Starting from the eighteenth century, the artefacts in museums started to be displayed according to certain classifications, say, on the basis of the temporal context: stone, bronze and iron ages (ibid., 159). Utilizing Burke's idea we replace the United Nations debates into two specific contexts, namely macro *institutional* and micro *linguistic* contexts. Institutional rules and procedures dictate the nature of the debates. This, in its turn, constrains the linguistic context in terms of what influences the formation of the concepts of the *child* and *childhood*. When considering these concepts within the linguistic context, we present three *themes*. We use the term 'themes' so as not to confuse them with contexts. The idea of themes has been previously used by world historians. The series of *Themes in World History* published by Routledge includes a variety of concepts put in international historical context. Peter N. Stearns (2006), for instance, used the theme *Childhood in World History*. The themes that form a hierarchy inside the linguistic context of the United Nations debates are the *moral, security* and *economy* themes (see Picture 1, p. 17). They constitute analytical spaces singled out from the United Nations debates and they are the 'containers' for the concept of child policy, opening up the variety of its meanings on the level of implication of child policy. Within the themes we observe specific *talks* where the concepts of the *child* and *childhood* reside. These talks are rhetorical tools supporting implementation of norms related to child rights. The concept of *talks* as powerful rhetorical mechanism of persuasion was described by Harzman and Zartman (2012). The authors demonstrated how the interests of the USA were negotiated in global politics though thirteen different talks, such as *straight talk, small talk, sticky talk, sweet talk, happy talk* and others. Their conceptual divisions as such may not be directly usable here, but from their work we have extracted the concept of the *talk* in its technical understanding and found our own types of talks depending on the thematic areas (*themes*) of their usage.

The major theme is the *moral theme*. It is built on rhetorical cultivation of the innocent and powerless nature of the child. This idea constitutes the essence of child rights. Here we can see *sensitisation* and *sympathisation* talks that the United Nations conducts to move realisation of child rights onto a new level mainly through appellation to the empathic sphere of listeners.

While the child is weak, she is in need of protection; thus rhetorically she is securitised. Therefore, close beside the moral theme lies the *security theme*. We can observe *securitisation* and *normative talks* within this theme. Further, due to *securitisation* children are seen as victimised, obligating the United Nations to protect them by the means of international law.

Realisation of child protection largely depends on countries' investment in childhood. This leads to the *economy theme*. Child welfare is built on the distribution of national financial resources, the availability of which is tightly

bound with national economies. The United Nations "forces" states to allocate a budget for child rights programmes, which allow us to define a specific *economy talk*. Insufficient economic resources threaten child security; therefore, the security theme intersects with the economy theme.

Though these talks the United Nations debating organs 1) frame the concept of the child and childhood and 2) frame the images of states conducting United Nations child policy. In his book *Don't Think of an Elephant* cognitive linguist George Lakoff writes about political *framing*, i.e. a number of concepts and ideas that guide the minds of listeners or readers. It is not necessary that these concepts and ideas be explicitly stated. The images they generate are enough for producing a conceived conclusion. For example, if we say: "Don't think of an elephant!", the images popping up in our heads will be related to this animal: a big grey body, huge ears, the zoo and other aspects related to elephants (Lakoff 2004, 3). In this way, whether we want to or not, we have to think of the elephant. Similarly, when the United Nations debating bodies *talk* about the child in a solemnly epideictic manner, they *sensitise* us towards thinking of the child as an especially precious being demanding attentive care. This is one type of frame. The United Nations actors bring out and universalise various specific understandings of *the child* and explain what kind of childhood *she* or *he* should have. These actors rhetorically often divide the states into 'good' and 'bad' according to the geographical location, thus framing our attitudes towards the State Parties. Dividing states into different moral categories is another type of framing operation that takes places in the United Nations political games.

2.1 Debating organs of the United Nations child policy: institutional context

2.1.1 The Powers of the General Assembly

The United Nations General Assembly is the heart of the organisation. It is situated in the United Nations headquarters in New York. Although the United Nations Charter highlights several principal organs (Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice and Secretariat), the General Assembly is still nominally number one in providing guidance for all these organs that report to the Assembly (Peterson 1986, 1; the United Nations Charter, chapter III, art. 7). However, often the functioning of the General Assembly greatly depends on the Security Council. For example, the Secretary-General is appointed by the General Assembly upon Security Council recommendations (United Nations Charter, art. 97). Also, the General Assembly works closely with the Security Council on the issues of new membership. Whereas the Security Council makes recommendations upon acceptance of a new Member State, the General Assembly gives its formal approval for that (Peterson 1986, 116). Without procedures on both

organisational levels, a new state is illegible to become a member of the organisation.

According to the Charter, the United Nations General Assembly consists of Member States delegating five representatives (United Nations Charter, art. 9, 10). Each United Nations Member State has a right for one vote when decision-making takes place in the Assembly. The decision is made on the principle of the majority of votes. M. J. Peterson in her work *The General Assembly in World Politics* argues that "[p]olitically, the Assembly's predominance is assured by the fact it is the only principle organ in which all Member States participate on an equal basis", which makes it possible at least formally to talk about the "egalitarian nature of the General Assembly" (Peterson 1986, 2). However, besides the Member States, representatives of different agencies, as well as NGOs holding United Nations consultative status, or the status of an observer, can take part in the work of the General Assembly. This principle is believed to bring more transparency in the work of the body (Trauttmansdorff 2001, 28). As a part of its responsibility, the General Assembly discusses the budgetary issues of the organisation, negotiates issues related to the "maintenance of international peace and security" (United Nations Charter, art. 5), and promotes international cooperation. If needed, the General Assembly calls the attention of the Security Council to those issues (ibid., art.11). What is important, the General Assembly acts as a legislative body in "a weak sense" by producing mainly recommendations (White 2002, 15). In particular, it provides recommendations for the peaceful resolution of situations destabilizing relations among states (United Nations Charter, art. 14) and initiates studies to promote international law and international cooperation in various fields: economy, education, human rights and similar areas (ibid., art. 13). The General Assembly ensures that the organisation deals with a large number of activities (Peterson 1986, 15).

The General Assembly bases it procedures and activities on a parliamentary model. Specifically it intersperses Robert's *Rules of Order* (1876) meant for regulatory activities in different assemblies (Robert III et al. 2011). Utilizing the parliamentary procedure, decision-making sustains the right of majority to make a decision by voting, and the right of minority to express its opinion. In the 1960s, Obed Y. Asamoah concluded that "[w]e are in the era of "parliamentary diplomacy" in which important issues are resolved and recorded in the collective acts of states in these organizations" (Asamoah 1966, 7). This statement still sounds right as the collective role of diplomacy on the General Assembly forum remains the same. However, the question of the balance of power in this collective has become highly polemical.

When fulfilling its main legislative function, the General Assembly, as a rule, produces laws in response to steps in world social development (ibid., 11). These laws are *international laws* formulated in the forms of Conventions, Resolutions, or Declarations. They may touch the internal issues of the organisation to facilitate its activity as well as resolve multiple questions of Member States. Asamoah in the 1960s mentioned that there were two schools of

thought about the United Nations. The first one denied the United Nations as "a part in the development of international law" and regarded it only as "a moral weight" (ibid., 2). Another school of thought admitted the legal significance and its specific nature and scope (ibid.). The fact that many scholars express scepticism about the power of United Nations laws lies in understanding that *political* and *legal* within the United Nations go hand in hand together. Asamoah mentions:

> It is believed that political considerations dominate the work of the political organs of the United Nations which reduce to nil their legal significance. In any legal order politics and law are not entirely separable. This is even more so in the case of the decentralized international legal system. (ibid., 8.)

Since the development of international law proceeds within a political environment, lobbying among interest groups is unavoidable. In this regard, Asamoah notes that even if international law is produced by consensus, its development is still "politically motivated" (ibid., 10.). This one more time proves that child policy-making cannot be studied apart from the political processes that take place in the organisation.

One of the major roles of the General Assembly is to sustain international debates. On one hand, the debates are a part of the formal legal process; on the other hand, they are meant for international cooperation. However, due to the specifications of the General Assembly debates contrasted with national parliamentary debates of the most European parliaments, it makes sense to talk about them as quasi-debates. M. J. Peterson admits that "[…] most Assembly debates are not exchanges between supporters and opponents; many are simply a series of speeches leaving the listener to discern areas of agreement and disagreements" (Peterson 1986, 103). That is why the debates might look quite nominal. The ad-hoc discussions taking place there are merely responses of specific states to accusations provided by other states. This mostly happens among members in conflict with each other, say, Iraq with the USA, or Israel with the Arab world. Peterson blames a lack of efficient procedural rules for this:

> The rules and their interpretation also permits pairs of small groups of members to pursue conflicts without placing them on the agenda. Both the lack of an effective rule of relevance and the right of reply permit all delegates to make polemical and even vituperative remarks about other countries, their governments, or their governments' policies. Though distracting, these devices do permit the expression of difference between states in a relatively non-destructive way. (ibid., 105.)

Obviously, the General Assembly Rules of Procedure (A/520/Rev.17, 2008) do not constrain how the response should look, thus leaving space for the delegates to act. The United Nations forum is not always a peaceful arena for negotiations but often an aggressive environment full of confrontation. Parties in conflict easily fall into a shameful position, while other states are placed in the position of judges, whose judgment is done when the vote is cast.

The General Assembly forum is non-homogenous; it is represented by a great variety of nation-states. According to Sydney D. Bailey, a place in the United Nations is evidence of sovereignty, and to act in the General Assembly is to exercise this sovereignty (Bailey 1964, 240). Peterson optimistically remarked that the forum "reaffirms the principle of sovereign equality by affording all members an opportunity to present their views, permits the tentative floating of ideas which may form the basis of decisions later if others take them up, permits comment on broad questions of principle which might get ignored in the more focused informal negotiations, and allows expression of conflict independent of items on the agenda" (Peterson 1986, 101). At the same time, multinational participation adds a pinch of salt into debates, because in spite of their different views dictated by economic, cultural, and religious backgrounds, members should somehow arrive at a consensus. Sydney D. Bailey states:

> […] one may say that one purpose of debate is to help governments to understand the policies of other governments, and that one purpose of adopting resolutions is to express the greatest possible degree of consensus. In traditional diplomacy, it was often in the interests of all parties that any differences should be kept private while the search for agreements continued. In contemporary diplomacy, by contrast, it is often difficult to avoid a premature disclosure of differences and this may hamper the search for agreement. (Bailey 1964, 138.)

Expression of differences is a natural way for United Nations members to pursue policies. Those differences primarily matter for grouping and forging alliances among states. In other words, the differences dictate certain interests, which might be supported by one group of states and declined by others. Within the decision-making process those differences often originate in confrontation among multiple groups of states, where a search for consensus mostly depends on the powers of a particular group.

Primarily the United Nations Member States are attributed to the official regional groups: African states, Asian states, Eastern European states, Western European states[17], Latin American and Caribbean states. There are offices within the organisation (eg. Field Operations and Technical Cooperation Division in the Office of the High Commissioner for Human Rights) responsible for the coordination of each group. This coordination includes communication with field presences situated in the regions for requesting first-hand information about their ongoing issues and monitoring their activities. There are also unofficial divisions of states. By the mid 1960's when discussing coalitions and groups in the General Assembly, Bailey suggested considering the General Assembly as a quasi-parliament with an "embryonic party system" (Bailey 1964, 21). It is possible to see each delegation as a single party, whose members share the same interest. These parties can evolve into "party coalitions" (ibid., 24 – 40). These groupings constitute the so-called United Nations "party system", in Bailey's terms. However, the division of states into

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[17]   North America belongs to the Western European group according to the United Nations official grouping.

groups does not appear to be only a General Assembly phenomenon. It is also highly articulated within other United Nations bodies, where debating takes place (eg. Security Council and Human Rights Council). Of course, the General Assembly as a political forum where all United Nations Member States are represented displays the largest variety of grouping combinations. The delegations of Member States unite by sharing not only the same geographical borders but also allying according to military conflict formations, practicing the same religion, or following similar economic development models. Ultimately, the basis for any unofficial grouping is the national interest lying inside the national foreign policy agendas. Almost all groups are involved in the struggle for power in the United Nations, which often results in verbal conflicts.

In many questions these coalitions can roughly be divided into *Western* and *Non-Western*, which does not always correspond with the geographical location of the states. Western and Non-Western states exercise unequal positions within the organisations and by that can be regarded as *weak* and *strong*. M. J. Peterson confirms that: "[s]ince no one actor can expect to control the whole system by itself, groups of actors need to aggregate their similar interests so they can form coalitions able to have a greater impact on outcomes" (Peterson 1986, 3). Regardless of the fact that states can be divided into groups by using different principles, Peterson is generally talking about Western (strong) and the Third World (weaker post-colonial states) coalitions. Notwithstanding, she views the participation of the Third World countries in the United Nations positively. She stresses that the General Assembly is the "favorite principle organ of weak states" where they can influence the decisions better than anywhere else in the international system. She adds that the Third World states themselves "see it as a place where the weak and the developing can protect their interests, restrain the strong and promote a more equitable world order" (ibid., 3). In other words, the author sees the whole principle of the organisation as positive for weaker states:

> The Assembly has also been used not only to speed the end of colonialism but to ensure that this end takes the form of independent statehood for the colony rather than amalgamation with the metropolitan power. (ibid., 6.)

Starting from the 1960's anti-colonial rhetoric gained the upper hand. It was rather common to see the United Nations as a guarantor of freedom and equal rights to the former colonial states. However, the concept of colonialism did not lose its meaning until recently; nowadays it appears with prefixes like neo-, or post- (Huggan 1997).

Sydney D. Bailey argues that traditionally starting from the seventeenth century up until the beginning of the twentieth century diplomacy rested on the presumption that "everything important happened in Europe and was done by Europeans" (Bailey 1964, 2). It was taken for granted that the relations between states should be built on the principle of power rather than on law (ibid). In that situation "war was regarded as a natural extension of diplomacy" (ibid.) and as a rule, it was assumed that all negotiations should take place in private settings.

After the Bolshevik revolution of 1917 with its communistic ideology a new perception on the world order started to form, which ultimately brought opposition to the "aristocratic Europe of yesterday" (ibid.). Eventually, peoples of the newly emerging sovereign states of Africa, Asia and Latin America were determined to "eliminate European colonialism" (ibid.). According to Bailey, after the US started to be flooded with refugees (in the first half of the twentieth century) suffering from European oppression, Europe was no longer seen as the centre of the world. However, the picture has vividly changed after the end of the Cold War, when Western states have been able to demonstrate their economic affluence and ability in realizing human rights policies, in this way also returning to a hegemonic position within the General Assembly.

Hegemony in international organisations like the United Nations has been well described by Robert W. Cox (1996b) who developed its meaning after studying Antonio Gramsci's *Prison Notebooks* (1924). The theory of Cox is still relevant today. Hegemony explains the effect of politicisation within the United Nations structure. Cox divides the states into a powerful *core* and a weaker *periphery*. The core states are the ones with developed economies and social systems: these are the European states together with the USA, Canada, Australia, New Zealand and Japan. They form a powerful coalition in international organisation. In this study, we mostly refer to these states as the *Core*, or "*Western states*" (Peterson 1986), although it has been also common to call these states as "the North" (eg. Chimni 2003), which does not always match their geographical location. From the point of view of the current regional division of states within the United Nations, all the aforementioned states beside Japan constitute the official group of *Western European and Other States*. Peripheral states are those situated on the backstage of the world economy, mostly represented by the Third World countries of Asia, Africa and Latin America, i.e. "developing states", "Non-West", or "the South" with insufficient technological progress and backward economies. The core states occupying leading positions in the United Nations shape the structure of "values and understandings about the nature of order" (Cox 1996a, 151) through international law. Taking leading positions in the United Nations, the hegemons promote the idea of human rights and "demand" a particular order from the periphery. Bhupinder Chimni, an Indian professor of International Law, argues that the language of international law "translated a certain set of dominant ideas into rules and thus places meaning in the service of power" (Chimni 2003, 60). International law itself "represents a *culture* that constitutes the matrix in which global problems are approached, analyzed and resolved" (ibid.). Jack Donnelly came to the conclusion that historically some features of human rights existed in Latin America, Africa or Asia, but the concept itself did not (Donnelly 1982). One of the basic characteristics of the Western concept is a reliance on the great individualism of a person or a group (ibid). Western individualism made the idea of human rights popular. A counterpart for enjoyment of human rights is the violations of those rights, disorder, slavery, or suffering, i.e. all negative circumstances conflicting with morality and

flourishing in periphery. Probably the expansion of the concept would have been impossible if it was based on a "happy" idea. Appellation to the counter concept of human rights simplifies the process of politicisation and stigmatisation. It allows the hegemons to spread revolutionary energies onto peripheral states to evoke a kind of *passive revolution* due to which the socio-political and economic experiences of the core serve as a potential import and a pro-model for peripheral countries (Cox 1996b, 134 – 140). The concept of "passive revolution" was developed by Gramsci on the basis of the ideas of the Italian historian Vincenzo Cuocco (1777 – 1823). Gramsci explained that some states, such as England and France, underwent a forceful social revolution and by that changed their old political order, while others only imported some revolutionary elements in a peacefully passive way without experiencing any drastic socio-political upheavals, Italy being the prime example. As Cox noted, passive revolution is a counterpart of hegemony (Cox 1996b, 130). In the setting of international organisations dominated by a hegemonic core, peripheral states adopt hegemonic models of development without replacing national political and social order. In their turn, the hegemons facilitate those attempts by cultivating through education and consultation a new intellectual elite in the periphery. Members of this new elite are seen as the agents of the passive revolution. They absorb the hegemonic ideas and delicately promote them in their respective nations.

In the United Nations the idea of passive revolution is veiled under the concept of "development". The Human Rights Council is one of the main incubators for maintaining human rights. Annually this body and the United Nations in general spend millions of dollars for human rights promotion in developing countries. The United Nations through its field presence and agencies (United Nations Development Programme, UNICEF etc.) observes national situations, develops and conducts training for locals and uses other forms of discreet intervention in order to amplify its ideologies. Those ideologies are enshrined in international conventions, declarations or protocols strongly recommended for ratification. Once a document is ratified, the state gets caught under a watchful United Nations eye opened to monitor its implementation. Chimni notes that "[b]illions of dollars have been spent to undo regimes and movements not favorable to the dominant States. It has prevented an effective third world coalition from emerging as a counterweight to the unity of the first world" (Chimni 2003, 51).

Next, the United Nations coordinates elites from the core and peripheral countries after bringing them together. Cox claims that individuals from peripheral countries who come to work in international organizations "are condemned to work within the structures of passive revolution" by transferring the elements of modernization" within the course of a "do it yourself" policy (Cox 1996b, 139). Here we have to complement Cox by saying that in practice "do it yourself policy" in reality turns into a "do it like us" and "do it with our help" policy.

The dichotomy of Western and Non-Western states can also be regarded in terms of religion. For instance, drafting of the Convention on the Rights of the Child caused a confrontation between Islamic and non-Islamic states. Islamic states argued against articles on a child's freedom of religion and child adoption, which Islamic states did not recognize (LeBlanc 1995, 35). In the United Nations forums these tensions still take place when discussing traditionalism of national systems, implementation of the CROC and other United Nations legal instruments as manifestations of Western influence.

In a military context we can specifically talk about Arab and Islamic groups of states, which only partly correspond with the Western and Non-Western division of states. These groups originated due to the Arab-Israeli conflict. The contemporary division of states is represented by the Arab League with its 22 members (although Syria's membership has been suspended since 2011) and Israel itself. Due to the number of Arab voices, they usually take a more powerful position in the United Nations debates, which also result in the United Nations decision-making being tilted against Israel[18].

During the debates on children almost all the states support the innocent status of the child, thus, at the first glance, they do not reveal any attachment to any groups. However, the split into groups starts when Member States become involved in polemics on economy, religion, state sovereignty and military issues causing rhetorical confrontation in interpretations of the concept of the child.

2.1.2 The Security Council

The Security Council, as a United Nations organ, is the primary organ responsible for the maintenance of international peace and security (United Nations Charter, chapter V, art. 24 (1)) by making recommendations and deciding upon states' actions (ibid. art. 40). No other organ has a similar authority (Trauttmansdorff 2001, 33). Trauttmansdorff mentions that the Security Council generally deals with: 1) peaceful settlement of disputes (Chapter V, 2), coercive measures of collective security (chapter VIII, 3), and regional arrangements for cooperation in the service of peace (ibid.). The capacity of the Security Council also includes peace-keeping operations by sending peace-keepers to zones of conflict for conflict resolution.

Article 23 of the United Nations Charter outlines the composition of the Security Council. The body consists of 15 members, where 5 are permanent and 10 are non-permanent members. The permanent members are the so-called *Great Powers* or *P5*: the UK, France, the USA, Russia and China, unchanged since the foundation of the organisation. In voting they possess veto power. The diversities and impositions among Security Council members are naturally embedded into the work of the Security Council. Until 1965 there were only 6 non-permanent members, which were elected for a two-year service (Conforti and Focarelli 2010, 8). In 1966 this number was increased as a response to

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[18]   See Nossel (2005)

criticism of the conservative Security Council system, discussions on the role of smaller states, and a wish for a more balanced geographical distribution. Today 10 non-permanent members are elected for 2 years (ibid.). Each member has one vote (United Nations Charter, art. 27). Non-permanent United Nations members participate in Security Council discussions without a vote (United Nations Charter, art. 32). Ferdinand Trauttmansdorff calls such participation "quasi-universal membership", because of limitations in functions (Trauttmansdorff 2001, 36). The Security Council is guided by a president who is eligible to call for formal and informal meetings (ibid). Technically, the post of the president is taken for one month in turn by the members of the Security Council in the alphabetical order of their names (S/96/Rev.7). Usually higher officials representing their states in the Council are the president chair, for instance, prime ministers, foreign ministers, or ambassadors.

The agenda of the Security Council embraces military issues and issues concerning threats to international peace and security. Often the debates result in decisions taken by the Security Council, but they can also result in mere recommendations (Hadwen and Kaufmann 1960, 41). John Hadwen and Johan Kaufman detect two types of resolutions: the first are "resolutions designed to establish and develop specific United Nations programmes" and the second are "resolutions intended to transmit general policy guidance to member governments" (ibid.). The decisions of the Security Council are binding (recommendations are not) and prevail over any treaty obligation of Member States (Trauttmansdorff 2001, 36). As for the effectiveness of this tool, Hadwen and Kaufman argue in favour of resolutions that are formulated as specific programs. In this way the Security Council decisions are built on a substantive ground, unlike general policy recommendations attached to unspecific situations (Hadwen and Kaufmann 1960, 41). Not all the decisions made in the United Nations are relevant. Whilst the final goal of the debates is decision-making, it is fair to blame Security Council debates for their formalism and orientation towards the production of a normative basis. Similar to the General Assembly, the Security Council is a platform for international exchange of opinions, with a more accentuated balance of power mechanism and international pressure. The *raison d'etre* of the Security Council is "to manifest the military superiority and destroy all the threats towards the imposed world order" (Baxi 2003, 64). In most cases, the nature of holding Security Council debates is *a priori* antagonistic since the Security Council frequently becomes an arena for cross-debates for countries undergoing conflicts or having a grudge against each other. For example, there was a case when the US and its alliance (Russia, the UK, France and China as nuclear-weapon signatories of the Non-Proliferation Treaty of 1968) tightened the non-proliferation policy in 2000, which did not find support in the Middle East and North Korea (Cronberg 2010). Similar to the situation in the General Assembly, Security Council members (irrespective of their permanent or non-permanent status) can be divided into groups or alliances depending on particular subject area.

The Security Council exemplifies collective security. The idea of collective security follows from the necessity to cope with global threats. It is driven by a simple logical assumption that 'together we are stronger'. Collective security became an *institutionalized system* with the foundation of the League of Nations in 1919 (Freudenschuß 2001, 73). However, as a term, *collective security* started to be used widely in the 1930's. After the Second World War, collective security was institutionalized in the United Nations and its principles were consolidated in the United Nations Charter. Collective security became "a conscious substitute for systems of alliances and balance of power policies" (Thakur 2002, 32). Some scholars call it "inward looking", which means that all members accept to act collectively against any form of violation and inappropriate norms of behaviour coming from a member of the community (see Freudenschuß 2001, 73; Sarooshi 1999). Helmut Freudenschuß defines two types of requirements for the functioning of a collective security system: objective and subjective (Freudenschuß 2001, 74). Objective requirements are: universality of membership, indivisibility of peace, and mechanism of sanctions. Subjective ones are: a high degree of international solidarity or consensus, shared values and readiness to run risks. While objective requirements are more concrete, subjective ones lie underneath. Both requirements are indispensable in providing coherence for the system of collective security. As such, these requirements serve as guiding principles for the United Nations bodies and agencies.

The United Nations Charter gave the authority to the Security Council "to determine the content of the community value or interest in a particular case" and the power to decide if "its violation necessitates a collective security response" (Sarooshi 1999, 6). After identifying the zone of its interest, the Security Council incorporates an international community for debating and taking a collective decision. In addition, for many years the Council has been known not only for its legitimating of the use of force but also for its organisation of specific peace keeping operations (Barkin 2006, 80).

2.2 Conceptualisation of the United Nations child policy by debating organs: linguistic context

The United Nations Security Council and the General Assembly adopt the same ideology of child rights, thus the debates in both organs are worth studying simultaneously. Owing to this, the room for understanding of child rights realisation is to a large extent preordained. M. J. Peterson articulates:

> International politics, like domestic politics, occurs within a definite political system where the various actors know what others also form part of the system, possess various material and moral resources for political activity and interact according to certain generally understood and largely shared sets of guidelines. (Peterson 1986, 3.)

In other words, to be inside such a system implies sharing not only the organisational setting, but also ideas and ideologies, including vocabulary. Sharing universal understanding of issues is one of the prerequisites for implementing organisations' policies. The 'common' understanding, however, is often based on the voices of the majority – either numerical or in terms of power resources – that powerfully takes leading positions in the organisation.

Whilst the "frozen" legal definition of *the child* was given in the CRC, it apparently was extracted out of the multicultural context of Member States that cultivate their own understanding of childhood as well as demonstrate uneven readiness to comply with universal standards. This fact becomes clear if we give a close look at the debates in the United Nations General Assembly and the Security Council. For our analysis of child policy, we are interpreting the General Assembly debates *A World Fit for Children* of 2002 together with the official verbatim records of the Security Council debates titled *Children and Armed Conflicts* of 1994[19] – 2008.

Just after the CROC was adopted, in 1990 the United Nations organized the World Summit for Children (the Summit) held in New York. The formal purpose of the event was discussion of the most problematic areas of global childhood to formulate the World Declaration on the Survival, Protection and Development of Children (A/RES/45/217) and a Plan of Action with the fixed goals for the year 2000[20]. The goals embraced reduction of child and maternal mortality, the abatement of malnutrition, access to safe drinking water, lowering adult illiteracy rates with emphasis on female illiteracy, and the protection of children in alarming circumstances like those of armed conflicts.

A follow-up to this Summit titled "A World Fit for Children" took place in New York in 2002, gathering United Nations delegations from 148 countries including child-delegates, United Nations officials and NGO representatives (UNICEF Newsletter 2002). The debates did not only overlap the decennial progress towards child welfare but in total indicated continuing interest in betterment of the world for children. The general goals for the states to pursue since the adoption of the CROC (1990) included: child health, sanitation, strengthening the rights of girls, and protection of children from war and poverty. These goals were at the basis of deliberating the progress and outlining new actions of the states. The General Assembly debates of 2002 present a special research interest for us, because of the wide-scale geographical representation of speakers rhetorically deliberating childhood in a global context, and demonstrating what had taken place in national child policies that had been conducted during the decade. Our analysis will also refer to the various United Nations initiatives started since 1990.

The General Assembly debates on "A World Fit for Children" in 2002 were delivered at the Special Session. But what made the Session 'Special'? The United Nations Charter explicates that Special Sessions are different from

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[19] The year of 1994 is the time when these debates officially started in the Security Council. Before that, the issues of war-affected children were not deliberated on a separate United Nations platform.

[20] http://www.unicef.org/specialsession/about/world-summit.htm [23.03.201].

regular ones: they are called by the Secretary-General upon the decision of the Security Council or can be requested by the majority of the United Nations Member States (United Nations Charter, art. 20). The Special Session on children, in its turn, was proposed by the Secretary-General, Kofi Annan, being initially lobbied for by the UNICEF. In his opening speech, Annan claimed that the session was not special simply because of *children* but because of *the future of humanity*, noting that "there is no issue more unifying, urgent or universal than the welfare of children" (A/S-27/PV.1, 3). For the first time in the United Nations history child delegates could deliver speeches in the General Assembly, which was another reason why the session was called 'special'. However, the majority of adult representatives found child participation rather symbolic, simply because the children delivered texts drafted by adult diplomats. Notwithstanding, some states (Yugoslavia and Portugal) considered this symbolism essential because it gave "an important impetus to their genuine involvement in decision-making processes" and called for an active position of children and youth in society (A/S-27/PV.4, 24; A/S-27/PV.5). Ultimately the debates deserve attention because they shaped the concepts of *the child* and *childhood.*

But *how* did the *child* sneak onto the Security Council agenda? In 1994 the Secretary-General of the United Nations appointed the former minister of Education of Mozambique, Mrs. Graça Machel, to research the impacts of armed conflicts on children[21]. The initiative grew from article 38 of the CROC, which outlined obligations of State Parties to "take all feasible measures to ensure protection and care of children who are affected by an armed conflict" (CROC, art 38 (4)). After two years of deep investigation, Mrs. Machel submitted a ninety-page report to the United Nations General Assembly at its 51st session. The report was titled "Impact of Armed Conflict on Children". Besides the effect of hostilities on different groups of children, the report contained the issues of reconstruction of a child's life after conflicts, the mechanism of normative implementation among international and national actors, and the question of the responsibility of the United Nations. According to the 1996 report "[t]he protection of children must be central to the humanitarian, peacemaking and peacekeeping policies of the United Nations, and should be given priority within existing human rights and humanitarian procedures" (A/51/306 26, para 281). Thus, the child's position was prioritized, the threats determined, and the Security Council's collective responsibility for children in international peace and security was delineated.

After that, by the resolution of 12 December 1996, the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict was established for a period of three years. In 1997 the post of the Special Representative was taken by Mr. Olara A. Otunnu, whose mission was "to promote and protect the rights of all children affected by armed conflict". A year later the war-child issues were put on the agenda of Security Council debates entitled "Children and Armed Conflicts". Since then the members of

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[21]   See http://www.un.org/cyberschoolbus/briefing/soldiers/index.htm [22.03.2013].

the Security Council, state parties to the CROC, as well as representatives of United Nations bodies and agencies have been debating and making decisions upon children affected by armed conflicts in the framework of the organisation's mandates. The first resolution adopted by the Security Council was resolution 1261 calling "to bring to an end the use of children as soldiers", prohibit "forced or compulsory labour" as well as recruitment of children for their use in "war crime" (S/RES/1261, preamble).

To additionally reinforce the seriousness of child issues within the Security Council precincts, the Security Council speakers use the wording *United Nations family*[22]. In the context of the debates on children *the United Nations family* is not limited to the meaning of related membership within *the collective*, but opens up the semantics of the family from the point of view of its functions: care, love and support. Evidently, the Security Council underscores its moral role in child protection by basing its argumentation on fundamentally moral concepts regarding the child and the family.

International humanitarian interventions have been one of the political reasons for inclusion of *the child* on the Security Council agenda. Allen Buchanan, a professor of Public Policy and of Philosophy at Duke University, identifies humanitarian intervention as "the threat or use of force across state borders by a state (or a group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied" (Buchanan 2003, 130). Today's international community stands solidly for the rule of international law to keep the balance of world order. Recognition of the legality of military actions and the use of force is based on justification that those actions are carried out in the framework of the system of international law. The United Nations is the only international organization that legitimises the use of force through Security Council procedures anchored in the Charter (VII, art. 44 – 50). However, broadly speaking, the United Nations stands for peaceful measures in conflict resolutions, which is certified both in the Charter and official proclamations. The case of illegal humanitarian intervention by NATO in Kosovo in 1999 was exclusively based on a moral obligation to protect civilians from excessive violations of human rights and was not authorised by the United Nations. The illegality of this act was criticised by academic lawyers and experts and this later brought a debate on the reformation of the laws on humanitarian intervention and questioning the role of the United Nations Security Council as the organ monopolising legality to intervene within a state (see Buchanan 2003, 130, 138 – 139; Byers and Chesterman 2003, 177 – 178). However, the role of the organisation was already discussed in connection with previous cases of human rights violations in Rwanda and Somalia in the 1990's. On the basis of Buchanan (2003) we conclude that in general to interfere within a state there should be both moral and legal grounds. A moral reason only is not enough for intervention because the contemporary world tends to comply with the rule of

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[22] See, for instance, S/PV.4898 (Resumption 1), 6.

law. Likewise, only legal reasons are not enough either, as the necessity for humanitarian intervention should be substantiated in moral terms in order to fully justify the use of force. Including *the child* as a highly moral humane concept in the Security Council agenda has both strategically enhanced the moral ground for possible interventions and enriched the legal corpus facilitating interventions by issuing a number of child-protecting treaties. Now protection of children, as a specifically vulnerable group of civilians in the zones of instability, has become a solid political statement utilizable in intensifying "pro-intervention" arguments.

2.2.1 Moral theme: sensitisation and sympathisation talks

> "In the manifestation of the real world I found some abstraction as in my paintings. Suddenly I was able to see reality as it were only a curtain hanging before my eyes. I no longer believed in the fields expanding into depth; I was no longer certain of the distance of the blue horizon. I was like a child who thinks it can grasp the bird flying in the air with its hands from the cradle" (René Magritte (1898 – 1967), presented in Albertina, 2012).

In winter 2012 the Viennese museum Albertina exhibited the works of René Magritte (1898 – 1967), a Belgian surrealist. As a member of the surrealistic movement which developed in the 1920's, Magritte made "an attempt to overcome ways in which language fixes image-bearing thought" (Herding 1982, 469). René Magritte's famous work "This is not a pipe" (Ceci n'est pas une pipe 1928–29) depicted not more not less but a pipe. There would be nothing special about the picture of the pipe on a beige background if Magritte had not placed the words beneath it: "Ceci n'est pas une pipe". One might be puzzled at first why this was not a pipe if that was exactly it. But thinking further, one can agree with the painter that it is *not* a pipe. Can one smoke it, smell it or take it in hands? No, because it was just *an image* of a pipe reflecting the way the author imagined or saw it himself. Indeed, the image, as the word itself does not explicitly show dynamics of the object it represents: there are big or small pipes, old or new ones, lying in the box or without, placed on the shelf of a tobacco shop or somewhere at home, smoked by someone or thrown away. The reality where the object exists is different than its fixed image or a word.

What Magritte discovered closely resembles what Lakoff and Johnson call *metaphors*. Metaphors are a part of any language. They are widely used and exist "in everyday life", "in thought and action" (Lakoff and Johnson 1980, 3). As a result, the whole conceptual system of our language is penetrated with metaphors. Their essence is in "understanding and experiencing one kind of thing in terms of another" (ibid., 5) which generally facilitates understanding (ibid., 36). To go further, all "linguistic expressions are *containers* for meanings" (ibid., 11). The container can be defined as a "limited space" or like a box (ibid., 92). It places meanings, according to the authors, that are *objects* (ibid., 25), inter

alia *actions* or *events* (ibid., 30). If to take these objects (actions and events) out of the box, a better understanding of the ideas inside the container can be reached. Whilst "[p]olitical and economic ideologies are framed in metaphorical terms" (ibid., 236), we will consider United Nations child policy as not only a concept but also as a metaphor with meanings. The most important for us is to see the concept in its conceptual surrounding, because this enriches understanding of the central concept (ibid., 56). When considering *child policy* formation we cannot but address the concept of *the child* that is the compound key element within the central analytical one. It is placed in the epicentre of the United Nations multicultural debates and surrounded by rhetorical argumentation and statements.

When referring to the definition of the child in the Convention on the Rights of the Child, arguing that the child is a human being under 18 years old with particular needs, we can confidently note in Magritte's way: "this is *not* a child". The United Nations approach is meant to universalize the perception on the conditions where childhood occurs. Martin Woodhead notes:

> When policy recommendations and professional advice are expressed in terms of children's needs, they give an impression of universal objectivity. It is tempting to accept them at face value as authoritative statements of facts. But beneath the veneer of certainty […] there lies a complicated array of personal and cultural values alongside empirical claims about childhood.
>
> Framing perceptions in terms of children's needs may serve important functions for those who make them, notably the greater authority that comes from projecting their decision-making criteria onto the child. (Woodhead 1997, 74–75.)

The United Nations became an authoritative organ explicating what the child should be, although in the linguistic context of the United Nations debates interpretation of the child goes beyond the officially established universal wording. The word *child* reveals multiple meanings if we look at the broader context of its usage. Hence, to understand who the child is does not go simply by looking at static wording but looking deep in the concept, its surrounding, and placement.

In the framework of the United Nations international debates, it makes sense to talk about *the child* as a political "design". In other words, child rights and child welfare are represented as the ultimate political goal. *The child* is a metaphor, too; it is embedded in the political agenda of international relations, thus, "lives" and "develops" in the lexicalized world of politics. The concept is constructed by political actors who promote child rights policies based on their political interest. Real altruism and affection for children may exist there, or it may not, but anyway, from an analytical point of view, we simply set that aspect aside. We do a politological interpretation of the discussion.

The moral theme on childhood is publicly and politically constructed. It is built with the help of moral politics, whose functioning presupposes availability of a specific conceptual system. Cognitive linguist George Lakoff, in his book *Moral Politics: How Liberals and Conservatives Think* (2002), explains the "moral conceptual system" that exists in all of us and finds its ends in politics (Lakoff

2002, 11). He suggests that the system includes metaphors for morality. He exemplifies how the two moral systems exist among United States conservatives and liberals and how they frame the minds of voters. Both parties are talking about families although in diametrically opposite directions (ibid., 12). The link between politics and family, in Lakoff's opinion, lies in understanding of the nation metaphorically as a family (ibid., 13). Whilst conservatives take up a *Strict Father model*, liberals stick to a *Nurturant Parent model*. A Strict Father model is based on the image of a traditional family, with the father as the head of the family and children respecting and obeying their parents (ibid., 33). Lakoff explains that "[l]ove and nurturance are, of course a vital part of family life but can never outweigh parental authority, which is itself an expression of love and nurturance – tough love. Self-discipline, self-reliance, and respect for legitimate authority are the crucial things that children must learn." (ibid., 33). A Liberal Nurturant Parent model is based on understanding that "[l]ove, empathy, and nurturance are primary, and children become responsible, self-disciplined and self-reliant through being cared for, respected, and caring for others, both in their family and in their community. Support and protection are part of nurturance […]" (ibid., 34). Children love and respect their parents and are not punished physically. Punishment is the way of demonstrating authority and this model carefully avoids that. The task of parents who stick to this model is to make children happy (ibid., 34). Children learn nurturing and caring from parents. Lakoff concludes that both models posit similar moral values; however, they are located in different dimensions, which makes them opposed. Both models are grounded on different semantic or conceptual systems. Lakoff argues that "[w]ords don't have meaning in isolation. Words are defined relative to a conceptual system" (ibid., 29). When one wants to understand the words of another, they should try to understand the whole conceptual system (ibid.).

Following Lakoff's ideas, we find it indispensable to outline the conceptual systems residing in the United Nations talks that shape the organisations' child policy. Firstly, they are positing around two main diametrically opposite approaches of viewing the child in terms of *evil* and *innocence.* Here we follow the approach of Jenks (2005) who, taking into account mythological impersonation, identifies the metaphors of *Dionysian child* and *Apollonian child.* Dionysus is a mythical God of wine, madness and danger. A Dionysian child is, therefore, "initial evil" and a sinful person (Jenks 2005, 62). According to this view, children are already born as little Satans and are on the way of doing "wrongs" instead of "rights". As Dionysus himself, children live by pleasures and constantly are driven by seductions and temptations. Jenks supposes that these children are *a threat to collectivity* (ibid. 70), i.e. a threat to the order established by adults. These children learn to respect the adult world through education and the "experience of shame" (ibid.). In Jenks's opinion, this view belongs more to primitive people and is more related to the past than to the present times (ibid., 64). The *Apollonian child* is the opposite the *Dionysian child.* Apollo is the God of sunlight, truth and art. He also heals by keeping the

evil of a disease away, thus bearing the image of perfect good and kindness. According to Jenks, an *Apollonian child* became a central metaphor with Rousseau who stressed in *Emile* that the child born was initially marked as social good (ibid.). Of course Rousseau was not the first exponent; among others Dante Alighieri in his *La Divina Commedia* determined children's place in paradise after death though depending on their age:

> […] in the first ages innocence alone secured salvation to the child of those who were themselves devout. A later day allowed male children such release if they were circumcised and sinless. After that the period of full grace full rite required of Christian baptism, that the innocent wings should gather power to soar. (Dante 1472 [1998], canto 32.)

Jenks does not vividly emphasise the historical framework for the existence of the two concepts. He only makes an attempt to put them in historical sequence. Obviously, he associates the Dionysian child with original sin and the ancient punishment (Jenks 2005, 146). We can presuppose that this conception was principal in pre-modern times. Similarly, Stearns (2006) argues that in the pre-modern West children were kept physically distant from parents and they could receive harsh discipline. It might have happened due to "Christian doctrine on the original sin of children at birth" (Stearns 2006, 44 – 45). Most likely the realisation of a sin evoked a feeling of guilt in parents and emotional distance from their children as well as usage of punishment as a disciplining tool. However, Jenks argues that the Dionysian child "was being defeated, blinded and exploited through factory labour" during the nineteenth century when industrialisation started (Jenks 2005, 64). Jenks claims that an *Apollonian child* is a modern perception on the child and it resides within the Western public child-centred model of childhood. Nonetheless, that does not mean that other states and their citizens do not cherish children, they do. They do, although their attitude does not necessarily burst into the public sphere, still remaining inside the intimate one and belonging to a different conceptual system. In Lakoffs terms, the Western set of values to a greater extent resembles the liberal Nurturant Parent model rather than the Strict Father model. The system of values of Western states suggests treating children with respect and care, engaging in dialogue with them instead of using corporal punishment; and it requires creating comfortable conditions for children's growth. All of this is done to support children's innocence. Such attitude to children definitely makes the Western states look moral and creates a serious opposition for other states that reveal their preference to stick to the Strict Father model. Hence, we can presuppose that the two conceptual systems may coexist in parallel, although one of them is always more central and considered morally higher than the other one. The domination of the conceptual system does not only depend on historical context but also on cultural and traditional norms of viewing children.

The Western *Apollonian child* predominates in the United Nations world. The image of an Apollonian child has been highly used by the United Nations while sensitizing governments with emotions necessary for child rights

endorsement. Rhetorical appellation to the emotional sphere can be called *sensitisation talk*. The core of this talk lies in the separate 'discourse of innocence'[23], an integral part of the Apollonian moral theme. The discourse of innocence is politically attractive. It easily involves all states in polemics on child innocence, as they all can easily accept a westernized moral status of the child. It is easy to reach a unity of states in the question of child innocence. Therefore, there is no obvious division of states into any groups when their talk is morally coloured. However, as soon as states enter the security theme, the consensus starts to break down.

Starting from the 1960's children in the West became cherished as never before. The war was over; the ideas of personal freedom as well as the spread of contraception eventually lead to social liberation of women who could decide how many children they wanted to have or not to have at all. The demands to children's socialisation also increased. This evoked the development of a specific child infrastructure: new schools, development centres, hobby classes, child libraries and games. Chimni argues that powerful Western states create certain normality and those who "question the "natural" order of things" are demoralised (Chimni 2003, 60). No one wants to look immoral and, thus, rushes to support this "normality". Appellation to innocence and the holiness of the child is prerequisite for the *United Nations sensitization talk*. Maintaining an Apollonian image of childhood, the states publically accept her as an international and national priority and express their agreement to concentrate their political actions around her as a part of their moral duty. From another perspective, by appealing to the universally exceptional holy nature of the child, the states try to look moral themselves. Publicly they demonstrate love to children and understanding of children's nature, which apparently gives them credit. However, in many cases a new child status still competes with the perception of children as "public goods", which appears both in developing and developed states (Saraceno 2011, 136). According to Chiara Saraceno, labelling children as "public good" corresponds with seeing children in the frameworks of "public interest". Here social interest has been put above children's issues themselves. This interest, for instance, includes the quantity and quality of children for state growth (ibid. 147). Jens Qvortrup similarly argues:

> Children have always assumed a particular role – namely that of being raw material for the production of an adult population. This is why we incessantly talk about them as our future or as the next generation. This way of talking gives an inevitable suspicion that childhood is not our main target but merely an instrument for vicarious purposes. It is an answer to all adults' question to all children: what are you going to be when you grow up? Typically, adults are not interested in what children are while they are children.

> Children's role as raw material or as a resource is historically, I will argue, the most enduring and the most dominant view on children, but despite the enduring view, the arguments in its favour may change completely. (Qvortrup 2007, 15.)

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[23]   See Meyer 2007, Valentine 1996.

In Saraceno's opinion, such an understanding of childhood is rather a relic of the past, however, it is still present in public debates (Saraceno 2011, 136, 147). Seeing children as a "public good" takes away the emotional attribution to the child and implies a solely pragmatic look on children. Most of the time, the "public good" perception is well hidden in discussions behind the arguments on the exclusive holiness of the child. For multiple political reasons, the United Nations Member States support the westernised trend to put the child first in the discussion to increase their moral status.

In 2002 at the General Assembly debates, states representatives expressed their ideas on who children are. The delegate from Egypt, Mrs. Mubarak, states:

> In view of our collective responsibility, I call on the members of the Assembly to contribute to putting an end to human rights violations, to stopping the bloodshed in the occupied Palestinian territories and to seeking just and peaceful solutions to provide good lives for children, regardless of their nationality or loyalties. Children are innocent creatures who should not bear the responsibilities of the past. They are the children of the future. (A/S-27/PV.1, 40.)

Besides inserting an insult on Israel by referring to Palestine in the middle of her moral argument, the Egyptian speaker remarkably insists on the child's nationless nature and initial innocence. The children have their own state, the state of childhood where they should be happy and should not be involved in any conflict. By representing children in such a light, many delegates stress the social preciousness of the child and her primary position in society. The representative of Myanmar, Mr. Htwa, claims:

> The rights of the child have been given top priority in the global agenda since the World Summit for Children. The same is true of our national agenda. The Government of Myanmar gives top priority to children both legally and as a matter of tradition […].

> In Myanmar's culture, children are valued as treasures, and they are loved and nurtured with special care and attention. It has been a time-honoured tradition of Myanmar families to place emphasis on the all-round development of children to ensure their protection, upbringing and development. As the Myanmar family is of an extended nature, the children of Myanmar families are nurtured not only by their parents, grandparents and other relatives but also by their communities. (A/S-27/PV.5, 27.)

The speaker insists on national political attention to children on top of the traditional attitude towards children and families. The Southeast Asian state adhering mostly to Buddhism, emphasizes the role of families and the community, i.e. traditional social responsibility for the child. The speaker expresses strong ties between perception of the child and traditional intimate care.

Mr. Liwski, the Secretary of State and President of the National Council for Children, Adolescents and Family of the Argentine Republic referring to the president's words analogously insists on a privileged position of the child in the state:

> By promoting development, social justice and the full exercise of the rights enshrined in the International Convention on the Rights of the Child, Argentina will meet those objectives of universal humanity and will once again be that country where, as a President once said, "the only privileged people are the children. (A/S-27/PV.1, 42 – 43.)

It is clear that Argentina recognises the priority of children on a moral level. The words sound more credible when this idea is expressed by a president, although he was unnamed. However, the speaker did not argue that the state had already fulfilled the principles of the CROC. Instead, he argues about the realisation of the Convention in future terms.

The North Korean speaker Mr. Pak Gil Yon goes further and brings out an exclusive "royal" status of the child by stating that the child is the "king of the nation":

> Under the wise leadership of the respected General Kim Jong II, the Government of the Democratic People's Republic of Korea carries out its policy of cherishing children by considering children to be the "king of the nation" and by giving top priority to childcare and education on the basis of the human-centred Juche idea. (A/S-27/PV.4, 37.)

By interspersing the metaphor of the king, the accent is put on the subordination of adults to the child. In other words, adults are put in a subject position before a child's wishes, desires and needs. Still, it is difficult to say how much of such attitude towards children came from the political ideology of *Juche*, the ideology of the Democratic People's Republic of Korea, which became influential in the 1970's (Lee 2003, 105). It was developed by Kim Il Sung, the first and only president of North Korea, who utilised Marxist-Leninist ideas. To sustain this political ideology t people with independent thinking, who at the same time would be obedient to the political system were needed. Thus, people were considered to be the supreme force for building and maintaining the system. Significant emphasis in childhood was put on education. Therefore, children could be considered as kings not from an emotional point of view but because of their social use in supporting the country's political doctrine.

The President of the Portuguese Republic, Mr. Jorge Sampaio, claimed that he personally believes "that the subject of children is a core political priority that is decisive for each person's future as well as for the collective future of any society" (A/S-27/PV.5, 3-4). Ultimately, children are put on a political agenda for two main reasons, not only because they are valued culturally, but also because states calculate how the next generation should benefit national development. It is difficult to say which reason comes first in the General Assembly rhetoric. Whilst the second approach is pretty pragmatic, the speakers veil it with moralisation. There is a scholarly opinion that this type of moralisation cannot be equated with genuine care and concern. They are only moral *claims*, which commentators tend to regard "with suspicion" (Meyer 2007, 102). The high moral position allows speakers at the United Nations to represent themselves as good human beings, righteous politicians and loving parents which is, of course, a part of their diplomatic role on the arena of

international politics. On the other hand, the speakers might also have genuine intention to make the world better for children. They are publicly uttering their "dreams". It is not possible to separate these two aspects.

A number of Member States, in one way or another, link child's innocence with religion. A Fijian representative, Mrs. Kepa, calls children "a gift from God", thus emphasizing their exceptional holy nature (A/S-27/PV.2, 29). A Monacan representative, Crown Prince Albert, metaphorically claims that "respect for children is almost a religion" (A/S-27/PV.1, 29). If we think of religion as a set of beliefs and values related to spirituality and purity, religion as a rhetorical trope makes people appear purer because they have a fear of a Creator for doing wrongs. When linking children with religion, states effectively increase their *ethos*. The representative of Saudi Arabia, where the whole socio-political system is built on religion, states that "responsibility towards a child is a religious and legal duty of the parents". By that he shows that children are a part of the solid religious pillar of the state. Another way to display religious attachment is to engage the holy texts. The president of Sri Lanka, Chandrika Bandaranaike Kumaratunga, quoted "Lord Buddha" asking "What is mankind's treasure?" and answering: "Children are mankind's treasure" (A/S-27/PV.1, 9). Likewise, Mr. Paul Biya, President of Cameroon delegated to the General Assembly debates quoted the Bible where children are called "the legacy of God" (A/S-27/PV.2, 6). By embedding child images with holy texts, the speakers canonize children into small "saints". A religious connotation increases the moral significance of discussions and allows a speaker to tower above others and enhance his/her *ethos*. In 2000 at the Security Council debates, the representative of India, Mr. Sharma, uttered words, which would more likely to be heard from a priest than from a diplomat:

> The tragic plight of children, whose "souls dwell in the house of tomorrow", caught up in the conflicts and savageries visited on them by their elders today, and their lives blighted and destroyed, wrings our hearts with anguish. There is a special pain in betrayal of innocence. It gives a new and poignant meaning to the old aphorism of Francis Bacon, "Children sweeten labor, but they make misfortunes more bitter", or indeed to the older Biblical prophecy: "Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children". (S/PV.4176 (Resumption 1),18 in the Holy Bible, Genesis 3:16.)

The role of a priest is to preach morality. And a priest is not a priest if he does not involve the holy texts. Interestingly, for his speech Mr. Sharma chose the citation from the Bible, not from any Hindu scripture. Did he intend to reach a certain audience? Or, did he try to express the support of Christian values and conceptions? In any way, by involving the Biblical sacred text, he drew a sacred image of the child. The image is close to one of a Saint, in comparison with whom an adult is a great sinner. Adults are viewed as servants of the child as servants of God. This stipulates a modern shift in a subordinate position of adults to children.

Some states openly attempt to impose universality of the meaning of *the child* that works like a unifying political tool for the whole multicultural world. By doing so, they rhetorically "globalize" the child through the concepts of

civilization and *humanity* and emphasize the sameness of policy goals. In 2002 the representative of Eritrea, Mrs. Menkerios, in the General Assembly debates states:

> Humanity's commitment to the welfare and protection of children cannot be an issue for debate as, indeed, children are the bearers of our collective heritage and civilization, as well as the prospective fulfillers of our unrealized hopes and dreams. (A/S-27/PV.4, 28.)

This statement also universalizes the meaning of childhood by repeating to the pronoun: *our,* which nails other states to this communality. At the same forum Mr. Léon Alfred Opimbat, Minister for Health, Solidarity and Humanitarian Action of the Republic of the Congo rather poetically calls children "the best symbol of human life" A/S-27/PV.5, 11). The representative of Saint Lucia, Dame Calliopa Pearlette Louisy, even quoted the English poet, William Wordsworth, who wrote that "the Child is father of the man" (A/S-27/PV.3, 2). With these words the orators differentiate children from adults and assign their special role.

However, understanding of the child becomes deeper if we look at images of settings for ideal *childhood* that the United Nations Member States draw. Specifically during the General Assembly debates they come up with an idea of ideal environment comfortable for the child's living and growing. The United Nations speakers praise such environment, being different from the one we have today. Mr. Thompson, the Secretary of Health and Human Services of the United States describes it as "a world where children are safe and healthy and where they are not exploited; where parents guide their children safely through infancy and childhood to adolescence and then on to adulthood" (A/S-27/PV.1, 38). King Letsie III, the head of the Kingdom of Lesotho highly contrast the ideal and today's world almost like heaven and hell by telling that the world fit for children means "a world where children are not killed, maimed or displaced by incessant armed conflicts; a world where children are not forcibly recruited into military service; a world where children are not subjected to and traumatized by sexual violence and mutilation […] where children are not orphaned and left destitute by the AIDS and hunger […] a world where children are nurtured and allowed to grow to full adulthood in a tranquil environment that permits them to display their natural talents and creativity" (A/S-27/PV.1, 12). Adults in the face of United Nations Member States claim for their responsibility to construct exactly the same world of childhood.

The worship for children that the United Nations speakers conduct is a form of epideictic argumentation. Aristotle describes epideictic rhetoric as a ceremonial one, which is meant to praise or censure something or somebody. It is the typical rhetorical style of feasts, jubilees and ceremonies, where the goal is to generate a positive and festive emotional atmosphere among all participants. This rhetoric primarily concentrates around description of the most positive sides of a person to make an emphasis on her excellence and noble nature. Epideictic rhetoric in the United Nations is about an atmosphere created by the speakers surrounding *the child.* It attunes the minds of listeners into a solemn

and somewhat pompous atmosphere where lofty ideas that are standing on a morally high ground can be ceremonially presented. At the same time it is also about the ethos of the speakers; they maintain their posture as proper United Nations level diplomats as long as they are able to choose the right style and right types of words for their speeches. The practical content of the speeches are of much less importance than the style and vocabulary, which are heightening the effect of praising (Aristotle 2004, 1368a). Aristotle notes that honouring someone does not proceed without a purpose behind this process; it is done to urge and facilitate certain actions (Aristotle 2004, 1367b). The General Assembly speakers highlight the superior position of *the child* and in Aristotelian perspective "any superiority is held to reveal excellence" (ibid., 1368a, 26). Exalting *the child (*meaning all the children in the world), the delegate*s* urge the states to join the United Nations efforts on bettering conditions for her living.

Clearly, by leaving aside all possible troubles of today's world, the conception of the world fit for children has been shaped. The two worlds (the one which fits the child and the other which does not fit) were described in general terms, yet they were also attached to factual geographical locations. The world that does not suit the child corresponds with the peripheral states experiencing war, conflicts and socio-economic disruptions, whilst the one where children enjoy a long safe childhood belongs to the welfare core.

'The imagined world' that the United Nations adults wish to build for the child is epideictic *sensitisation talk*. It creates sacred images of children as 'small gods' who are both precious and helpless, needing constant care and protection, but who can happily grow into happy adults if they are lucky enough to be born into safe and happy environments. This kind of argumentation is the right background for other types of rhetoric. On one hand it sensitizes the listeners to a specific benevolent mental orientation, and simultaneously it establishes the correct ethos of the speaker; by proving that she is able to present appropriately noble images of happy children in the correct speaking context, she establishes a solid and socially acceptable ground, on which she then can present more political arguments.

Apart from *sensitisation talk*, the United Nations orators also conduct *sympathisation talk*. Both types belong to the *moral theme* and both of them operate through the emotional sphere of individuals. Emotions in this context supply a necessary energy for acting. *Sympathisation talk* is the one that constructs possibilities for the locus of sympathy by using various rhetorical devices. Unlike sensitisation talk, the crux of sympathisation talk does not only lie in assigning to the child divine innocence and social helplessness but rather putting the innocence in the contextual framework of drama, suffering and despair. Seeing a happy smiling child we probably will feel touched and blissful; we also become happy and sensitive to the happiness of others. Whereas seeing a miserable child brings us a different type of emotion: sympathy. Sympathy itself is an emotion of pity channelled through the visualisation of the suffering of the child. It is one of the most effective political tools that works universally since sympathy easily transforms into a *fellow*

feeling[24] that eventually materializes in a greater sense of communality binding all United Nations members. As a part of a moral duty, we are also expected to take the heroic role of some sort of messiah in rectifying the situation.

Boltanski noted that it was rather common in the eighteenth century to represent the world as a stage for action and call it *theatrum mundi* (Boltanski 1999, 25). We are tempted to view the United Nations the same way insofar as it is a central stage for numerous international actors to make their appearances at the global political spectacle benefiting the overall game of the organization. In theatre the consummate artistic totality is created as an ensemble of both the actors and the spectators. If we think of children, most of the time they themselves do not act on the United Nations stage. There have been a couple of cases in the United Nations history when child delegates or survivors have appeared at the grand stage (see part 2, page 83). However, normally at the United Nations children are "mythical" actors who remain hidden, and whose acting role is taken by adults. When each state representative delivers a speech, she acts both on behalf of children and on behalf of her state. The core and peripheral states present somewhat different spectacles corresponding with their dissimilar national goals.

Lilie Chouliaraki in her book *The Spectatorship of Suffering* has studied news on suffering, including the suffering of children as broadcast by mass media. She thinks that "[i]n philanthropy, the moral horizon of the spectator is based on the value of common humanity, which moves the spectator's heart in empathy at the sight of children in need" (Chouliaraki, 192). Spectators are like true judges, representing a moralizing force, because they bear universal values (ibid., 30). She distinguishes between *agora* and *theatre*. The first presupposes dialogue and argumentation as well as direct involvement with what is happening (ibid., 44). The second signifies "the spectacle of suffering by means of drama and theatrical expression" (ibid.). These two agencies, in her understanding, complement each other and co-exist in the media framework. The United Nations is a platform for both theatrical forms. When representatives of Member States describe and analyse, say, what is going on in their countries, they act on *agora* as witnesses. They can be attacked by representatives of another state, so that at least in principle there can be also a measure of debate at the United Nations agora, although it tends to be rather set and inflexible. Nevertheless, as the United Nations General Assembly is only a quasi-parliament, and as a stage it is rather large and ceremonious, much of the rhetorical spectacles that take place there, involving intensive dramas and colorized events, actually resemble a theatre. There are actors and spectators, together creating a spectrum of emotions as a response to what kind of sensitive visual and mental pictures are presented in the speeches.

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[24]   See Hunt (2007) and Part 1.

a. Channelling suffering through visualisation of pain

Theatricality is put in motion by stirring the emotions. The military agenda of Security Council and General Assembly debates highlights the contrast between innocence and dramatic outcomes of conflicts. The sensitive status of the child and their fatality in conflicts facilitate sympathising with children. When describing the idealized world for children, General Assembly speaker, then Prime Minister of Mongolia Mr. Enkhbayar (2000 – 2004) notes that children should stay at home and go to school, play and enjoy their lives; but in reality they "have never known peace, never been to school and never received any health care because of war and conflict" (A/S-27/PV.6, 16). The state in war demolishes all symbols of a world that fits the child: schools, playgrounds, childcare centres and homes. Those states are examples of hell – a wrong place for angelic beings. In hell they lose their lives, are permanently injured, and their "innocence is violated through abuse and sexual exploitation", as noted by Mr. Hassouna, a representative from the League of Arab States (A/S-27/PV.6, 60). Furthermore, the war context does not only bring suffering to children as victims or haphazard casualties, as Mrs. Ndioro Ndiaye, Deputy Director-General of the International Organisation for Migration (1999 – 2009) says, but transforms them into soldiers and "forces to serve as combatants" (A/S-27/PV.6, 34). In 2000 at the Security Council debates *Children and Armed Conflicts* representative of India, Mr. Sharma, started his speech with the following words:

> The tragic plight of children, whose "souls dwell in the house of tomorrow", caught up in the conflicts and savageries visited on them by their elders today, and their lives blighted and destroyed, wrings our hearts with anguish. There is a special pain in the betrayal of innocence. (S/PV.4176 (Resumption 1), 18.)

This epideictic argument starts with sensitive elements, which serve as a decorum for his further speech. Sympathisation comes with images of sufferings and misfortune due to "conflicts and savageries" as groundless calamities faced by powerless and victimized children. Armed conflicts make the suffering of the child more intensively coloured. In this perspective the concept of the child becomes politically manipulative. The representative of Israel, Mr. Mekel from the tribune of the Security Council during the debates "Children and Armed Conflicts", in 2003 notes:

> Of the wide range of issues on the Council's agenda, those affecting the well-being of children are among the most heartbreaking. The images, reports and statistics documenting the plight of children in areas of armed conflict paint a truly horrific picture. And it is precisely that horror that compels us to take action. (S/PV.4684 (Resumption 1) 21.)

To many Security Council speakers, the context of war and armed conflicts is represented as horrific and dramatic, which defines the genre of debates. To intensify the dramatic effect, the debates often refer to the concept of *pain*, as an integral element of suffering. Sarah Ahmed, a sociologist, in her book *The*

Cultural Politics of Emotions explains pain as "a particular kind of sensation", a feeling of discomfort and feeling of "wrong" (Ahmed 2004, 23 – 24). Armed conflicts produce the situation of unconditional pain experienced by children. It is a wrong situation where children should not be placed, and in stark contrast to the happy childhood promoted by the United Nations conception.

Physical pain becomes familiar to all of us since childhood. When we fall down or cut a finger, we experience pain and with it we learn to handle and resist it. We sympathize with others because our memory already holds multiple experiences of pain. However, beside physical pain, there is also emotional or mental pain, associated with long-term, sometimes even "life-long" suffering (A/S-27/PV.6, 61). This kind of pain is a reaction to outer conditions. At the Security Council in 2004 the representative of Azerbaijan, Mr. Aliyev, outlines the situation of children in the state:

> Deep emotional scars and traumas inflicted on children as a result of hostilities are no less painful, especially among children who have been forced into being refugees and internally displaced children, whose number in Azerbaijan is in the thousands. (S/PV.4898 (Resumption 1), 25.)

As a result, the suffering of children does not stop after the armed conflicts. In former combatants, for instance, "one can see the scars of deep hurt" and "pain in their eyes" (S/PV.5936 (Resumption 1), 32), as a Liberian speaker, Mr. Barnes noted in 2008. Therefore, pain is represented as an effect that stays with children throughout their lives and accompanies the child into adulthood.

Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu, to avoid triviality, expressed the sensitivity of the issue of war-affected children differently. In 2001 he presented a rhyme in the style of Bob Marley, the Jamaican "king of reggae":

> Bob Marley's often deeply spiritual renditions of the themes of suffering and redemption seem particularly appropriate for our deliberations today. I hear Bob Marley's voice calling us to action on behalf of children. I hear him saying something like this:
>
> "Hear the children cryin'
> We had told them in yester years
> Don't worry about a thing
> 'Cause every little thing gonna be all right.
>
> "Hear the children cryin'
> From Afghanistan to Angola
> Asking for the same thing –
> One Love.
>
> "Hear the children cryin'
> From the Balkans to Burundi
> Waiting for the same thing –
> Redemption Songs. Redemption Songs.
>
> "Won't you help to sing
> These songs of redemption
> Rendering hope and protection.

"I hear three little birds
Perched on the doorsteps of the Council
Singin' melodies pure and true
Sayin' again and again
`This is our message to you-ou-ou.'" (S/PV.4422, 5.)

The form of argumentation chosen by Mr. Olara Otunnu does not obviously fit the traditional diplomatic format and is used to reach a certain auditorium. The rhyme fulfils a function of emotional appellation in so far as it sounds rather naïve, pure and attractive. Undeniably, the language as such is universal and might be grasped without understanding words. One might just hear its rhythm and already be sated with feelings. Mr. Otunnu might have assumed that the poem is the best way to transmit voices of suffering children; politically it affects immediately. The lines about a child's crying and tears are effective metaphorical embodiments; clearly, the one who makes a child cry is 'bad', whereas the one who makes children smile is 'good'. With this the spectators have a right to judge who treats children well and who is a child abuser. At the world level, reference to Angola, Afghanistan, the Balkans and Burundi not only highlight conflict, but they also imply that situations in developing states are more likely to undermine the innocence of the child.

In the context of the United Nations debates, visualizing a child's suffering and pain envisions a model of persuasion. Ahmed states that "the pain of others become 'ours', an appropriation that transforms and perhaps even neutralizes their pain into our sadness" (Ahmed 2004, 21). In this respect, pain converts into sadness in the United Nations spectators. This emotion brings children "closer" to the spectator's personal sentiments, thus the child remains the *object* of 'their feeling' (ibid.). There are many statements produced by Security Council speakers, in particular, certifying their "personalisation" of this pain. For instance, in 2000 Mr. Akasaka, a Japanese speaker, says:

> The impact of armed conflict on children varies with the circumstances yet the consequences are always the same: tremendous fear and pain for those who are our future. (S/PV.4176 (Resumption 1), 5.)

The personalisation of this pain allows speakers to certify that children and armed conflict is a "painful subject" (S/PV.4684, 14), a "painful question" (S/PV.4037 (Resumption 1), 33), and they form "the most painful problems" on the Security Council agenda (S/PV.4684, 16). From this position, the emotion of pain is widely shared among the United Nations speakers and brought in the context of the debates to accompany the political initiative of the organisation.

b. Channelling suffering through projecting images of suffering of 'the other': gender concepts and displaced children

The Security Council efficiently constructs the spectrum of images of suffering children, which is one of the most important components of *sympathisation talk*. The images of suffering children are attached to the moral discourse of innocence with its dominating figures of the Apollonian child. The theme of

innocence is built around moral rhetoric and it allows the Security Council to act with "moral responsibility" (S/PV.4422 (Resumption 1), 7) on "behalf of the child", or on "behalf of war-affected children" (eg. S/PV.4684 (Resumption 1), 15, 27). The Security Council by illustrating the child as a small, immature, "innocent victim" ((S/PV.4898 (Resumption 1), 30) *victimizes* the child, to intensify the sympathizing attitude towards a suffering child. Victimisation is a rhetorical process of equating children to victims within dramatic contexts of suffering, and thus a political operation. By victimizing the child, the Security Council enriches understanding of the concept of the *child* by adding to it the aspect of gender, the merit of suffering and the roles that children engaged in warfare fulfil.

The Security Council often opens the discussion on children from the perspective of gender. That is no surprise, whilst the United Nations is a very experienced actor in promoting gender rights[25]. Although girls and boys who are affected by armed conflicts are both "robbed of their childhood", as indicated by Ms. Odera Kenyan representative in 1999 at the Security Council debates, there still are some differences (S/PV.4037 (Resumption 1), 42). In 2001 Mr. Kolby, a delegate from Norway in argued:

> War affects boys and girls differently. Girls are often more exposed to rape and other forms of gender based violence. In wartime, increased numbers of women and girls are forced into prostitution by exploitation, poverty and hunger. Boys are exploited in other ways, most commonly as child soldiers. (S/PV.4422, 11.)

The concept of the *girl-child* has been given assiduous attention in the United Nations. In the report from 1996 on the *Impact Of Armed Conflict On Children* submitted to the General Assembly by Ms. Graça Machel, the expert to the Secretary-General, it is clarified that the girl-child is an object of gender-based violence (A/51/306, 26 para 91). The report equates this violence with a "weapon of war". In 2002 then Secretary-General, Kofi Annan, marked a lack of attention to girls in the situation of war:

> There is still a little awareness of the extreme suffering that armed conflict inflicts on girls or the many roles girls are often forced to play during conflict and long after. Girls are often abducted for sexual and other purposes by armed groups and forces. They face a variety of threats, including rape and forced prostitution. (A/55/163 - S/2000/712, para 34.)

The numerous roles the girls fulfil during and after war make their suffering more intense. They are not only raped, serve the commanders by cooking and cleaning but also fight and use the gun. Their suffering does not stop when they are demobilized. Often girls become victims of unwanted pregnancy. Upon

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[25] Beside normative acts such as the Convention on the Elimination of all Forms of Discrimination against Women (1979) or the Convention on the Political Rights of Women (1952), there are several United Nations entities specifically coordinating gender issues: the Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women (OSAGI), the Division for the Advancement of Women (DAW), United Nations Development Fund for Women (UNIFEM), and the International Research and Training Institute for the Advancement of Women (INSTRAW).

returning to their communities, their children are treated as rebel's children and are not accepted by the members of this community. The girls themselves are stigmatised and might suffer from physical harassment from their families and surrounding people. Thus, we can talk about a long-term suffering, which might turn into a life-long tragedy. A lack of prioritisation of policies for girls is a sign of "the absence of commitment to practical support for girls' welfare", as it was noted in the Security Council in 2003 by Mr. Lambra, a Malawian speaker (S/PV.4684 (Resumption I), 33). Therefore, we can observe redetermination in realisation of child rights from the point of view of gender. The protection of the the-girl child has been discussed in different United Nations structures in the 2000's, culminating in the General Assembly resolution '*The girl-child*' in 2008 that stressed "the need for full and urgent implementation of the rights of the girl child as provided to her under human rights instruments" (A/RES/62/140, para 1).

The position of a *boy-child* in war is dual. On the one hand, a boy, like a girl, can be a victim of sexual abuse. However, the global availability of light and cheap weapons has markedly increased between 1970 and 2000, which has brought along a phenomenon of the *child-soldier* (Coomaraswamy 2009, Hick 2001). As an armed and dangerous actor, he appears also as a perpetrator, who does not look like an innocent victim. Mistakenly, the child-soldier is almost always associated with boys. Dyan Mazurana and Susan McKay in their study *Child Soldiers: What about the Girls?* conducted in 2001 admit that too often in international investigations and reports the reference concerning *child soldiers* is made exclusively for boys, thus girls simply remain invisible (Mazurana and McKay 2001, 31). As a matter of fact, they argue that between 1990 – 2000 girls were involved in fighting in 32 countries (ibid.). For instance, in Uganda young mothers with babies strapped to their backs were noticed as combatants (Høiskar 2001, 343). Whatever the gender of the combatant is, his or her innocence is questioned, although somewhat carefully. It is here that the concept of the Dionysian child enters the Security Council debates. Mr. Mbanefo, a Nigerian delegate to the Security Council states:

> Those children, between 7 and 14 years of age, are robbed of their innocence and exposed to hard drugs. They are manipulated to become the perfect killing machines. Instead of playing with toys and other children in their communities, they are armed with AK-47 rifles. Rather than go to school, their classroom is the battlefield where they are taught to kill. (S/PV.4176 (Resumption 1), 29.)

Obviously, this statement makes shifts in the concept of the child promoted by the United Nations. All innocent child-related attributes such as 'toys' and 'classroom' are opposed by the attributes from the adult evil world associated with violence and cruelty. The child here is represented as a dangerous actor, which gives rise to the *discourse of evil,* contrary to the discussions on innocence. Attributing the child to evil leads to the "othering" of children, which increases the mental and emotional distance between "us" and "them" (Valentine 1996). The UN is not interested in increasing this distance and wants to pose as a *child-loving* entity; *not child-hating* one. Thus in the "battle" of *innocence* VS *evil*

innocence often gains the upper hand. Children as perpetrators are publicly excused, insofar as the crimes they have committed are explained by his/her innocence, immaturity and obedience. Children are used by adults as killing machines and do not do it of their own free will. Why are children *perfect* killing machines for rebels? Firstly, due to their age the sense of doing wrong is rather obscure in children; this fact makes them treat the scenes of war as a game. Secondly, they can go places where adults would appear more suspicious. Thirdly, they can attack the target more easily because they are less expected to cause any harm. Mr. Nambiar, an Indian speaker at the Security Council debates of 2004 sympathizes with children in armed conflicts by telling that they start to kill because of food, some are physically abducted or left without families and do not know where to go (S/PV.4898 (Resumption 1), 10). In other words, these children find themselves without anyone who could teach them any other behaviour. Because pure Dionysian images do not cause pity, they are politically less attractive for the United Nations policy-makers. In this regard, the horrifying representations of child killers, mutilators, drug dealers or rapists are carefully veiled behind their innocence in the United Nations debates. Ultimately, the perception of the Apollonian child persists.

Displacement of war-affected children brings up the concepts of an *internally displaced child* (IDC), a *refugee-child*, an *unaccompanied child* and an *orphan*. Usually, the Security Council considers these concepts together; however, each concept refers to a particular situation, which requires attention. During armed conflict children flee their homes to escape danger, they become either refugees or IDC (Hick 2001, 111). Those who stay within their country are considered IDC. Those who flee abroad are refugees. If the child is attached to an institution and does not have any relative as caretaker, he or she is an orphan. In case the child was found without caretakers of any kind, he or she is unaccompanied (ibid.113). All these children go through their own kinds of suffering and, therefore, need special individual approach in assistance.

What makes it possible for the Security Council to consider these children all together is the fact of their separation from families. It is crucial to realize that in the thinking of the United Nations, family is a human right. It was confirmed by several human rights instruments: the Universal Declaration of Human Rights, the Covenant on Civil and Political Right, and the CROC (Nylund 1998, 38). Mr. Motomura, a Japanese delegate at the Security Council in 2001, noted that Japan reiterates its "continuing commitment to working with the international community to respond to the issue of children and armed conflict, so that all children can grow up in a family environment, in an atmosphere of happiness, love and understanding" (S/PV.4422 (Resumption 1), 21). According to the CROC specifically, family is the fundamental social group and the natural environment for a child's growth and well-being, which is important for the "harmonious development of his or her personality", while in "an atmosphere of happiness, love and understanding" according to the language of emotions that the CROC utilizes (CROC, preamble). The Apollonian child "should grow in a family environment" (ibid). The loss of

family in view of Mr. Percaya, an Indonesian speaker who delivered a speech in the Security Council in 2004, is an "additional burden" for children and it necessitates more United Nations programming (S/PV.4898 (Resumption 1), 27). Without a family the child becomes deprived of everything the family can give, including moral orientations. The rhetorical horizon is that if losing the family, an innocent child will turn into an evil one, because only a good family can guarantee a safe environment for the child. The Security Council delegate Mr. Hasmy from Malaysia argued in 2001 that separation from families is one of the pressures for a boy-child to become a soldier (S/PV.4422 (Resumption 1), 28). In terms of girls, the separation from families is one of the reasons for a girl to become a prostitute, which will ultimately "fuel the spread of HIV/AIDS", as noted by Ms. Bellamy, a UNICEF representative in the Security Council in 2004 (S/PV.4898, 5). Therefore, many Security Council speakers through the years insist on so-called "family reintegration programs" or "family reunification programs" as a part of the general post-conflict reconstruction programs[26] for all displaced children in addition to medical care and education programs. Practically, family reunification is a part of the global Disarmament, Demobilisation and Reintegration programme (DDR). Disarmament and demobilisation involve a military approach and are conducted within peacekeeping operations. However reintegration is a more complex longitudinal phase that includes family reunification as a part of successful reintegration of the child into society. Hence, firstly the Security Council calls for special attention for post-conflict programmes aimed at child support. Mr. Manalo, a Philippine delegate at the Security Council in 2003 claims:

> Post-conflict reconstruction programmes must also be tailored to assist children affected by armed conflict. In the case of girls and young women, who are often the targets of sexual abuse, abduction and forced recruitment, rehabilitation services are needed to deal with their experiences and assist them in reintegrating society. In the case of displaced children, aside from basic food, medical care and education, counselling and family reunification must be important components of their reintegration programme. (S/PV.4684 (Resumption I), 10.)

Obviously, a question of child reintegration back in society constitutes a part of the United Nations agenda since the beginning of the millennium. In 2000 the report of the Secretary-General, Kofi Anan, on *The Role of United Nations Peacekeeping in Disarmament, Demobilisation and Reintegration* became somewhat revolutionary as far as it called for the urgency to include children in DDR programmes (S/2000/101, para 19), as previously child salvation was done without any systemic approach. It also paid special attention to the specific needs of children in each aspect of the Disarmament, Demobilisation and Reintegration, especially family reunification, which is "the principal factor in effective social reintegration" (ibid., para 92). The report emphasized several main aspects: the necessity in consultations for the child by appropriately trained personnel (ibid., para 22); the necessity to build family reunification based on traditional family and community values; separate work with abused

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[26] See, for instance, S/PV.4898 (Resumption 1), 27

girl-child and girl-mothers, 'sensitisation' of families and communities to raise tolerance towards those girls, overcoming prejudice and stereotypes (ibid., para 94). Unfortunately, the report did not embrace any further mechanism or any instructions on strategy for releasing children. Most likely all technicalities were expected to be shouldered by the United Nations agencies closely situated to the field (e.g., the Red Cross, the War Child) and peace-keepers. All in all, although the measures described were quite standardized, the initiative itself became an example of one of the United Nations practical steps to support the CROC's principle displaying the family as an ideal environment for child upbringing. Even the fact that a family environment can also be harmful for the child was taken into account, i.e. many facilitating steps, like anti-stigmatisation in the community, were suggested.

c.   Channelling suffering through listening to children's voices

While children are voiceless, adults speak on their behalf. In doing so, there is a bigger chance for children to be heard. It is necessary to listen to children in every situation because it opens "access to the meaning they themselves attach to their experiences" (McKechnie 2003, 45). In 1999 a delegate from Kenya at the Security Council debates was the first to pay attention to "the voiceless" children (S/PV.4037, 42), who should have a right to speak for themselves. It is important to mention that article 12 of the CROC encourages children's speaking:

> States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. (CROC, art 12, para 1.)

The United Nations decided to put the words into action and let children speak in the Security Council, where the process of "envoicement" of the child started. In 2001 a 14 year-old boy from Sierra Leone was invited to the Security Council to recount his experience as a child-soldier. In his story the boy told that he came from a poor family who lived in a village. During the time of the civil war he was captured by the rebels. Hunger, as a tool of manipulation, brought him on the way of cooperation with the rebels. Together with them the boy "killed people, burnt down houses, destroyed properties and cut off limbs" (S/PV.4422, 7). He "went on food raids and did domestic work for [his] commander's wife" (ibid.). In a childish manner he confesses that he "did bad things in the bush" and "saw very bad things done to both children and adults" (ibid., 8), meaning sexual violence. After demobilisation he was returned to his community and provided with a foster family until his real family was found. But the return to the village where he came from brought him additional problems rather than comfort. At school children kept calling him "rebel child", looked at him like at "evil person" and were afraid of him (ibid). He agrees that children might have had reasons for that, but he claims that he suffered just like other children because he was "forced" by his commander to commit evil. In

addition to that, his new foster family distrusted him. The family reminded him of his past when he made mistakes. They told him: "Do not bring your rebel life here" (ibid.). They expressed doubts whether he would "ever be a normal child again" (ibid.).

The narrative as told by the boy was not spontaneously told. It was obviously drafted to be embedded into the formal procedure of the Security Council debate. The Dionysian image of the boy was prudently replaced with the dominant Apollonian image. Further, the child's account did not show the progress of reintegration, but rather revealed its drawbacks: it demonstrated a lack of monitoring of the boy's situation, a lack of measures in counselling the new foster family and a high necessity to work with a school class. These facts have left space for the United Nations to elaborate deeper reintegration programs. Because the boy's story did not cause any immediate reaction in the speakers, one might conclude that it was simply a good performance with the participation of 'the other'. There is no doubt that the participation of the child caused a political impact by bringing global politics closer to the level of concrete people. This is because storytelling as such fulfils a number of important functions in politics. Because the child used the first-person narration, his pain was represented as more justifiable and credible coming from one's own experience. Sara Ahmed argues that "the sensation of pain is deeply affected by memories" (Ahmed 2004, 25). That is what the Security Council spectators were able to witness. In other words, firstly the spectators witnessed the boy's dramatic experience of warfare and later they could feel pity for such attitude to him from his community. The spectators "live" this piece of life together with the narrator, an act that is a substantial part of the narrative itself (Chouliaraki 2006, 11). Lilie Chouliaraki notes that the spectators are put "in the position of voyeurs of the pain of the 'other', philanthropists or activists who exercise some form of effective speech vis-à-vis the suffering they watch" (ibid.). When giving the voice to the child, spectator and the sufferer share the same temporality and space. Whilst in reality the sufferer and spectator do not share them; this is what makes them distant from each other. In such a way storytelling makes the first-person narration help reduce the invisible gap between spectators and the 'other'.

The next attempt to hear the children was made in 2002 at the General Assembly debates. However, we should note that the children invited to attend more often represented their governments than themselves; however the number of delegated and speaking children in the General Assembly was unprecedented.

Later in 2003 a problem of child representation was posed again by Mr. Wenaweser from one of the Western states, Liechtenstein:

> [...] children must be given a voice, in particular in the process of post-conflict peace-building, rather than merely having their best interests represented by others. (S/PV.4684 (Resumption 1), 34.)

However, no practical solutions of how to hear children and make this process continuous were suggested. In more than 90% per cent of cases in the United

Nations child voices remain behind the scenes and adults are the major actors to perform on children's behalf. For instance, the voices of suffering children are also transmitted by the United Nations speakers, who in their stories evolve the third-person narration. In 2006 the Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswamy told a story of a child-victim herself (S/PV.5494). An 11 year-old boy, Abou, from Sierra Leone was abducted by the Revolutionary United Front (RUF) from his school in Kenema. After four years he became a professional killer and a commander of the RUF. When he was 15, the United Nations forces demobilized him. After that, as Ms. Radhika Coomaraswamy states, he was returned to his community, but similarly to the previous story "it was clear that many in the community were still afraid of the boy, and he was quite isolated" (ibid., 3). Several months later, he was reunited with his family, but he soon disappeared. Three years later he was again demobilized in Liberia. After being interviewed by the United Nations, he explained his choice by telling that he was "haunted by bad spirits" and left his community because he knew well how to fight and be a soldier (ibid). Ahmed explains that when a person is telling somebody else's story, she locates herself in the world of 'the other'. This is the case of the so-called "reformation" of the body, i.e. when the story of one body is "being made into another body" (Ahmed 2004, 37). The storytelling helps to locate the suffering inside of a speaker and it can be transmitted, though, of course differently than if a witness of the story would talk herself. This technique, nevertheless, allows reinforcing the effect of sensitivity for a more reliable representation of the drama. Here the *ethos* of a speaker also plays a role. The higher the position of the United Nations speaker is, the more credible her words sound. Chouliaraki, in her turn, believes that the dramatic elements of the story "may animate the figures of the sufferers as actors and, thus, humanize them" (Chouliaraki 2006, 89). Needless to say, the United Nations speakers are interested in looking humane; it adds to their authority. The United Nations is a playground for adult-politicians

d. Channelling suffering through the historically accentuated concept of *genocide*

The position on morality is shared among all United Nations Member States, unless the countries are involved in conflicts and use the United Nations forum merely for verbal battles. Tensions among state representatives create prerequisites for manipulation of the concept of the child, and it makes possible to use the argument of innocence against each other. To double the effect the states surround the concept of the child with other powerful concepts. The effect of manipulation is heightened when the surrounding concepts are historical and appeal to collective memory. Lilie Chouliaraki argues that media operates with "historical themes and genres that have come to define our collective imaginary of the 'other'" (Chouliaraki 2006, 8). The rhetorical strategies in the United Nations, an international mediator, are very similar to the ones which the media sustains. In the debates, the United Nations speakers

intersperse the concepts that have strong links to our collective memory. And those concepts are related to mass sufferings. Sara Ahmed also demonstrates that the language of pain operates not only through the words like "pain" or "hurt", but also through historically "sensitized" concepts that unfold dramatic situations of the past. The author draws an example of the concept of *landmine* associated with the pain of war (Ahmed 2004, 20 - 21). Likewise, *9/11* reminds us of tragic death of people due to the terrorist attack in New York, while *tsunami* and *earthquake* are the concepts extracted from the context of natural disasters that are immediately associated with sufferings of people in Haiti, Japan, Indonesia of Thailand. Specifically, here we suggest that the United Nations argumentation concerning child issues becomes more intense due to being attached to historically accentuated concepts in discussions on child rights. These concepts deploy a metaphorical function: they transfer the audience to a certain historical time and event in order to find parallels with the present situation. A considerable emphasis is put on emotionality and seriousness. Ahmed argues that "[w]e feel pain when referring to the past trauma" and feel empathy to what we imagine that the other may feel (Ahmed 2004, 30).

For example, the concept of *genocide* appears in many United Nations debates on children. It has become a satellite concept of the concept of *the child*. *Genocide* is a historically accentuated concept, because its meaning stands in the line with the past events of Holocaust (1939 – 1945), the Bosnian War in 1992-1994, or Rwanda in 1994. These examples are historically associated with massacres and cruelty. Specifically, in 1999 Security Council debates the Iraqi representative, Mr. Hasan, utilized the metaphor *genocide* two times in his talk. He expressed dissatisfaction with the Security Council which, unlike the General Assembly, is unable to "offer creative solutions" because of the given structure and "the present balance of power" (S/PV.4037 (Resumption 1), 26). By the balance of power Mr. Hasan primarily meant the position of the US (in some cases together with the UK) for having the last word in world political debates. For this reason he called the United Nations "a vehicle for American leadership" (ibid.) after referring to speeches by US officials firmly stating that the United Nations works according to what the US tells it to do (S/PV.4037 (Resumption 1), 27). He attacks the Security Council for the imposed economic sanctions on Iraq after the Iraqi invasion of Kuwait in 1990, and the use of depleted uranium against Iraqi soldiers in 1991. J.L. Holzgrefe claims that economic sanctions often replace forcible interventions into the state (Holzgrefe 2003, 18) and are meant to keep international peace and security under control. Notwithstanding, economic sanctions are also interventions, with usually grave consequences in the state affected. According to the Security Council resolution 661 adopted in 1990, the economic sanctions included significant limitations in import and export, and in international monetary transactions for Iraq, in practice allowing only humanitarian aid (S/RES/0661). These sanctions negatively impacted the Iraqi people, including children. Mr. Hasan mentioned the death of 500,000 Iraqi children under five years of age, indicated by a

UNICEF report. In addition he vividly described the sufferings of children. The reference to the death of an extensive number of children is perhaps stronger than just a reference to pain. Death is pain multiplied several hundred times in so far as people are taking this loss as their own by empathizing with those children and their families, i.e. sharing 'imaginary' experience of pain. Pain and suffering work as a communal unifying force. Ultimately, he states that the sanctions are a "collective punishment imposed on the people of Iraq" and "a crime of *genocide*" (ibid.). This metaphor clearly accentuates traumatism of the causes of sanctions. To reinforce the meaning of his argument, he further says:

> The United States has greatly offended the United Nations by using it as a tool for the genocide it is perpetrating against Iraq and its children […]. (ibid.)

By these arguments, the Iraqi speaker represented the United Nations, and specifically the Security Council, as hypocrites of child rights protection. Fernando R. Tesón, a professor of Law when speaking about the ethics of humanitarian intervention, asserts that intervention might deontologically be committed to human rights but as a practical consequence "the intervention will violate the rights of innocents" (Tesón, 2003, 114 – 115) in the zone of conflict by causing death, for example – and this is the a when the United Nations can be judged and criticised. With that perception the organisation can oxymoronically be stigmatised as 'a human rights violator'. The case of economic sanctions, as an intervention (MacQueen 2011, 1), is not an exception; it also has both deontological and consequential elements. The latter element was used by the Iraqi speaker for constructing his argument against United Nations activities. To further dramatize the situation, Mr. Hasan presented a second argument. He recalled a May 11, 1996 interview with Madeleine Albright who, when asked if the death of children in Iraq exceeding the number of people who died in Hiroshima was a high price to pay, replied that even though it was a hard choice, it was worth it. The historically accentuated concepts like *genocide* and *Hiroshima* have a strong impact on spectator's images. They activate images of suffering, death and disruption, which cause sympathisation with Iraqi people on the human level. The purpose of sympathisation in this situation was to put the spectators into a judging mode and make them justify Iraq's position in international relations with the USA. In addition, sympathisation facilitated placing a heavy moral weight of guilt on the shoulders of the US, its allies and the whole organisation. All the arguments of the Iraqi speaker weakened the moral positions of the US and the United Nations propagandizing high morality. Clearly, the concept of *the child* becomes a source of manipulation and contestation in the debates. To the statement of Mr. Hasan, the delegate from the USA, Mr. Milton reacted by telling his own story where he mentioned that "the Secretary-General has recommended for over one year that the Government of Iraq purchase targeted nutritional supplements for children" (S/PV.4037, 58). At the end, he noted, that the US government spent $241 million for medicines and medical equipment, which were "gathering dust in Iraqi Government warehouses" (ibid.). By this, the US

representative tried to save the face of the state by turning to humanitarian policy where the US takes leading positions. The capacity of the core states to assist weaker ones is often used as a shield in the debates. Evidently, this debate is a play around the balance of power between the core and the periphery. Obviously, those who have pain and live with it are weaker compared with those who can take this pain away (Ahmed 2004, 22). The US, representing the core, demonstrated its power by posing as a leader in financing humanitarian affairs.

2.2.2 Security theme: securitisation talk and normative talk

The moral theme is a plateau for the security theme. It basically takes its stand on a perception that children are *vulnerable victims* in need of protection. Therefore, United Nations rhetoric on guarding child's safety opens up the gates for *security talk*. Traditional security studies were constructed during the Cold War when security was represented as a phenomenon of a military-state within the framework of objectivism (Buzan et al. 1998, 11). Contrary to the objectivistic approach *constructivism* is well elaborated by Barry Buzan, Ole Wæver, and Jaap de Wilde in their well-known and widely utilized book *Security: A New Framework for Analysis*. Alexander Wendt argues that international relations scholars use constructivism by accepting its two basic tenets: "1) that the structures of human association are determined primarily by shared ideas rather than material forces, and 2) that the identities and interests of purposive actors are constructed by these ideas rather than given by nature" (Wendt 1999, 1). Buzan and the others problematise security and offer a new "constructive" understanding for it. The authors demonstrate that a military agenda is not enough to explain the new usages of the concept in other spheres where *security* occurs. However, the new security agenda cannot but be explained by deploying the terminological apparatus of classical objectivism. In a classic military approach, security is located at the context of survival (ibid., 21). Buzan and others promote the idea that security is about many different types of threats, not only constructed by combat. These threats, as problems or vulnerabilities, can appear everywhere in public discussion, where they are usually represented as *existential threats*.

The authors also introduce the concept of *securitisation*. Whereas "[s]ecurity as a specific social category arises out of and is constituted in political practice" (ibid., 40), securitisation is also political, and "to securitize is also a political act" (Buzan, Wæver, and de Wilde 1998, 141). The type of securitisation in which Buzan et al. are interested is located where politics and national policy-making takes place, and therefore it is an appendage of bureaucracies residing in *institutionalized* settings (ibid., 27). This type of securitisation talk embraces all United Nations agencies that deal with the child, not only the Security Council (as might seem from its title). Whereas the Security Council rhetoric employs a wide range of traditional military contexts, the General Assembly rhetoric reveals wider usages of security, insofar as existential threats for children are often objectified outside the combating realm.

To develop our analysis of United Nations securitisation talk, we will adopt three basic units proposed by Buzan et. al.: 1) referent objects; 2) securitizing actors and 3) functional actors. In this part we will analyse the first two units and we will change the order of their consideration. The functional actors will be considered in Part 3.

We will start with explanation who *securitizing actors* are. Those are actors who perform speech acts on security in the way that "imaginary" existential threats are activated (ibid., 40). The United Nations is a securitizing actor as a whole, but also each United Nations Member State is a securitizing actor of its own, fostering the process of international securitisation of children within the United Nations agenda. The next unit of analysis is *referent objects*. These are objects undergoing any threat that necessitate security measures. Securitizing actors always act "in the name of referent objects" (ibid., 43). Likewise, the United Nations acts in the name of *the child*, thus children are the referent object in this type of discussion. When talking about the United Nations, we are posing the following questions: what are the main features of the United Nations securitisation policy? How does the organisation formulate the existential threat? How is the referent object represented?

a. Securitisation talk: the United Nations rhetoric on existential threat to children

The new wide utilisation of the concept of security can well be seen in the United Nations debates. A representative of Jordan at the General Assembly forum in 2002 pointed at the "emergence of a new concept of comprehensive security that goes well beyond military and economic factors in their traditional meanings and that incorporates social safety nets and human dignity into basic decision-making at the international level" (A/S-27/PV.5, 35). He adds that "[h]uman security and the prevention of violations of human rights in general, and children's rights in particular, have thus become integral parts of contemporary security doctrine" (ibid.). The United Nations, taking a role of a *securitizing actor*, obliviously *securitizes children*. The child, a rather marginal political subject, has taken a solid place in the United Nations political agenda and her protection has become a special part of overall human security. A Councillor for China, Madam Wu Yi, in this regard states that to protect children is to protect the future (A/S-27/PV.2, 22). The United Nations Member States rhetorically illustrate all possible threats to children's existence. Evidently, child rights cannot be realized simply because children are innocent – this argument is not enough for policy-making. In 2002, Mr. Al Ayaar from Kuwait specifies that "the security of children is threatened by many dangers, including armed conflict, substance abuse and other social ills" (A/S-27/PV.6, 26). The threats are diverse because they correspond with problematic areas and vulnerabilities. Mr. Gatilov, a Russian speaker in the Security Council in 2001, names a number of threats "the bitter problems" (S/PV.4422, 16), which have actual geographical localisation. In Costa Rica, for instance, hundreds of children are born without recognition by their fathers, thus staying without a

two-parent family, which is considered by the state as a threat to child development (A/S-27/PV.5, 37), as noted at the General Assembly by Mr. Rodríguez Echevarría, Chairman of the delegation of Costa Rica. Child malnutrition remains a threat in many regions hit by poverty (Sri Lanka, India, Mexico, Uruguay, Niger, Djibouti etc). To a large extent, securitisation proceeds in the genre of drama. This is known also by the rhetors; for example, in 2000 a representative of France, Mr. Levitte welcomed the Security Council debates and said that "[t]he role of the Security Council is to address subjects and situations that are often tragic" (S/PV.4176, 24). United Nations speakers dramatize the situation by using multiple rhetorical tools. Therefore, securitisation policy does not appear in isolation from sensitization and sympathisation. When securitizing children, an emphasis is on child suffering, on the one hand, and on the role of the United Nations as a remedy, on the other.

HIV as a threat

HIV is a significant problem, especially for peripheral states. HIV/AIDS were recognised as international threats after the Special Session on HIV/AIDS, which took place in the General Assembly in 2001, one year before the Special Session on Children (S/PV.4684, 6). In addition, a specialized agency called UNAIDS since 1996 has actively been providing coordination and advice specifically related to this problematic, where child issues are only a little segment of the overall anti-AIDS policy. Publicly HIV/AIDS has been declared as a threat in African countries (A/S-27/PV.3, 12), Central America and the Caribbean. The president of the Republic of Zambia Mr. Levy Mwanawasa, argued in the General Assembly in 2002 that "HIV/AIDS is threatening the lives of children, especially in Africa" (A/S-27/PV.6, 18). At the same forum Mrs. Youssouf, a Minister in Charge of Advancement of Women, Family Welfare and Social Affairs of Djibouti adds that HIV/AIDS persists "especially in Africa, where the prevalence of the pandemic among mothers and children threatens to decimate an entire generation of children" (A/S-27/PV.4, 11). With respect to the subject, children here are the *referent object*. The referent object and the threat itself are social constructs (Buzan et al. 1998, 37). The consequences of this threat are abstract in numbers, although the wording "generation" obviously stands for "many". This supports the argument of Buzan et al. that one of the distinctive features of the referent objects is to refer to collectives, which strengthen the "we" feeling (ibid.). In rhetorical sense, a large number of individuals corresponds with large-scale of outcomes of a threat. When children are securitized, they are represented as "new generations" or even "the entire human race" (S/PV.4422, 16), as remarked by Mr. Gatilov, a Russian representative at the Security Council in 2001. A Vice President of the Republic of Malawi, Mr. Malewezi speaking at the General Assembly in 2002, goes further and describes preliminary calculations to give more weight to the argument:

> The HIV/AIDS pandemic will kill more people in Africa than died in all the wars of the twentieth century combined, and it will have created 40 million orphans by 2010 if no action is taken. (A/S-27/PV.2, 17.)

Further the same speaker "globalizes" the issue by putting universal responsibility for the consequences of this particular threat:

> The fight against HIV/AIDS and other diseases requires our energy, unity and full commitment, but we also need resources commensurate with the scale of the disaster threatening our future. Unless we make this global commitment now, all our efforts on behalf of children will be undermined. (ibid.)

Rhetoric in the United Nations is based on visualisation of what is happening *now* and what might happen with children in *the future* if no attention is paid at their problems. The situation is inflated. It is constructed around the theses of *emergency* and *urgency*. Buzan et al. call such an effect "panic politics" (Buzan et al. 1998, 34). Mr. Malewezi named the issue *an emergency* because the worsening HIV situation threatens the results elaborated by the United Nations Millennium Development Goals, where eradication of HIV has been one of them (A/S-27/PV.2, 17). In this framework, HIV eradication becomes an international burden that demands immediate action. The Security Council constructs an image of a threat to whole generations when girls become victims and sexually transmit the disease. As many girls in military conflict areas are raped by soldiers and commanders, they often become carriers of HIV and AIDS, which can be transmitted also to their children. In this way, the girl-child is represented not only as a victim, but also as a threat, which moves the Security Council to recommend immediate actions and prioritize the resolving of these issues. In 2003 Mr. Pfanzelter, a Security Council delegate from Austria states:

> We should give higher priority to the issues of violence against, trafficking and exploitation of children, in particular girls, and to the prevention of infections and sexually transmitted diseases and HIV/AIDS, and request the provision of adequate assistance to the children affected. (S/PV.4684 (Resumption I): 19.)

This type of argument is deliberative rhetoric. Aristotle argues that deliberative rhetoric "urges us to do or not to do something" (Aristotle 2004/1358b, 13), and its purpose is to create or prevent practical action. However, before the action can take place, the argument should be accepted by the audience. Rhetorical speech acts are one of the distinct features of securitisation. From this perspective, securitisation works as a mode of persuasion. It is impossible to get off the ground and start acting if the securitized issue is not accepted, taken up and supported by the audience. We can vividly see how arguments circle around this point during the debates both in the General Assembly and the Security Council. Mr. Nambar Enkhbayar, then Prime Minister of Mongolia noted at the General Assembly forum in 2002:

> The threat of HIV/AIDS was mentioned again and again, with speakers citing continuing efforts to educate and mobilize young people against this disease through such initiatives as life-skills training, and to prevent mother-to-child transmission of HIV. (A/S-27/PV.6, 16.)

Unquestionably, rhetoric in the General Assembly and Security Council consists of multiple repetitions, when Member States echo each others' statements. By doing so, representatives not only express their agreement with the necessity to give attention to the issue in question, but, by re-circulating specific statements, representatives signal their being a part of a *global* thinking process performed at the stage of the *theatrum mundi*. Moreover, those repetitions from state to state reinforce the meaning of the uttered threats as if reminding the world about its pandemic problems.

Environmental problems as a threat

Buzan et al. (1998) explain the process towards securitisation: first, the public is made aware of the issues and results of investigations; second, the government takes responsibility for the issues and evaluates the chances to resolve it; and third, measures like institutionalisation, legislation, international cooperation are selected (Buzan et al. 1998, 27-35). Securitisation of environmental issues started at the United Nations conference on the Human Environment (Stockholm Conference) in 1972 to bring attention to this area (ibid., 71). The conference resulted in institutionalisation, i.e. establishment of the new United Nations programme in the format of an agency – the United Nations Environment Programme (UNEP) with a mandate to promote international cooperation, initiate international law on the protection of natural recourses, and develop guidelines to promote scientific research in the area in question. The recent tendency of the UNEP, for example, is to discuss global warming. United Nations forums where children have been discussed could not but pose issues of the environmental together with child issues, insofar as in this way they both have more chances to be acted upon. A number of ecological issues were represented as an existential threat to the child at the General Assembly and the Security Council. Mr. Muatetema Rivas, then Prime Minister of the Republic of Equatorial Guinea, admitted at the General Assembly forum in 2002:

> We are the destroyers of the environment and of ecosystems; it is we who threaten the survival of human beings on Earth among them our children, the guarantors of the future. (A/S-27/PV.1, 23.)

By referring to "we", the speaker generally refers to both "we – adults" and "we – humans" in order to call for collective responsibility. Buzan et al. argue that "the referent objects of environmental sector are "the environment itself and the nexus of civilization and environment" (Buzan, Wæver, and de Wilde 1998, 76). In the aforementioned argument even three referent objects can be found: children, other human beings and the ecosystem itself. If we try to utilize a simple logical move that by protecting the ecosystem we protect children and human beings, whilst by protecting solely children and human beings we do not imply environmental protection, we see what comes first. Environment is the main referent object whereas the other two (children and other humans) are there to support the main guideline. In other words, *children* are used here as a

political tool. This is a case of securitizing one issue in terms of another. Environmental issues became a part of national agendas, primarily of core states. For example, Ms. Marie-Thérèse Hermange, the Chairperson of the delegation of France at the World Summit for Children in 2002 promoted the upcoming Johannesburg World Summit on Sustainable Development, which was supposed to sustain protection of environment. She asks:

> [...] do we not have the duty to ensure 'inter-generational justice' leading us not only to provide the conditions today in which children can better grow up, free from contamination and environmentally linked illnesses but also to leave to future generations a world that has been protected and a sound ecosystem? (A/S-27/PV.4, 40.)

Here again it is not necessarily clear what comes first: the child or environment. In addition, the French speaker remarked on the French president's, Jacques Chirac, initiative "to establish a world environment organisation" (ibid.). This fits with Buzan's et al. axiom that activity towards deterring an existential threat tends to look for establishment of organisational settings by existing power holders. To summarize, children are occasionally used in environmental policies to make the securitisation argument stronger and emotionally more appealing.

Armed conflicts and disputes as a threat

In United Nations debates, all possible armed conflicts, wars, or regional disputes have been constructed as the direst threat for children. The outcomes of the threat were well delineated by the Security Council during the debates "Children and Armed Conflicts". The General Assembly Special Session on Children did not neglect this issue either. Frequently conflicting parties insert dramatic pictures of child sufferings in their speeches for achieving an upper hand with their political adversaries. Polemics on war and smaller military disputes have centred on Afghanistan and the Darfur region of Sudan, Cyprus and Greece, North and South Korea, the USA and Iraq, Israel and Palestine. The Arab-Israeli conflict is the most spectacular example because of the number of states standing on the side of Palestine Arabs, involved in a non-ending debate. Arab League members systematically attack the politics of Israel. The Chairman of the Lebanese delegation, Mr. Abboud, calls it "a consistent and comprehensive policy of aggression against the Palestinian Authority and its institutions, including the targeting of civilians" (A/S-27/PV.6, 54). Mr. Al-Shatti, the Minister of Health of the Syrian Arab Republic did not provide any names, although he argued for being "free from the aggressive and racist policies and practices of foreign occupation that are regrettably carried out by some countries" (A/S-27/PV.2, 28-29). He stressed that "[t]hose practices have negative effects on health, in particular that of children" (ibid., 29). The rather dramatic and panicking rhetoric of the countries is used to facilitate speeding up of the action. This urgency is an evidence of securitisation. By drawing on an "imagined" danger, Lebanese representative Mr. Abboud claims that the

situation with the Palestinian people "must be dealt with quickly, before disaster strikes" (A/S-27/PV.6, 54). To reinforce the policy of securitisation, the Palestinian speaker Mr. Jarjou'i brings up the elements of sensitisation coupled with sympathisation:

> But children are not interested in politics. They want to live, play, go to school, travel and explore their world. But they cannot. In the last 19 months, Israeli military forces, acting upon the directives of their Government, have indiscriminately killed hundreds of Palestinian children. Those children were killed by the Israeli military forces while they lay asleep in their beds, in the arms of their mothers, or while playing or going to school. (A/S-27/PV.3, 42.)

On one hand, we vividly see the attributes of the world fit for *the child*, like play and school. On the other, there is a dramatic picture of today's reality ruining this ideal world. The images of helpless peaceful Apollonian children are opposed to barbarism and aggression coming from Israel. The Minister of Education of Saudi Arabia, Mr. Mohammed Al-Rasheed, also stands on the position that Palestinian children are denied their childhood because "[t]heir homes are destroyed, their bodies mutilated, their parents murdered, and their sense of nationhood confiscated" (A/S-27/PV.5, 15). To justify their own positions, the Minister of Justice for Israel Mr. Sheetrit also supports child's universal status when stating that "[t]he death of any child - Palestinian or Israeli - is a terrible tragedy and a curse" (A/S-27/PV.4, 20). However, admitting pain of loss of "any child", he in his turn is emphasizing Israeli children by taking up the concept of *terrorism*:

> [d]ozens of Israeli children have been killed, and many more have been wounded, since the Palestinians initiated their campaign of violence and terrorism in September 2000. (ibid.)

September 2000 is the beginning of a so-called Al-Aqsa Intifada, a military uprising of Palestinian Arabs against Israeli military forces and civilians. It was the period of violence between both sides of the conflict, which lead to the death of several thousand people. The last speaker does not define the difference among children belonging to different parts of conflict and appeals to the universality of their innocence. He counters the accusation of Israel killing Palestinian children with a symmetric accusation of Palestinians killing Israeli children, and then turns into attack by accusing Palestinians for using children as suicide-bombers, thus betraying their Apollonian nature and turning them into frightening Dionysian children. He draws attention to the fact that there have been more than thirteen Palestinian children under the age of 18 involved in carrying out suicide attacks (ibid.). After this point has been hammered through, the speaker returns to a morally high point:

> Protecting the child rights of such children [child terrorists], as enshrined in the basic norms and principles of international law, is a universal interest of humanity as a whole, and everything possible must be done from turning children into cannon fodder. (ibid.)

Mr. Sheetrit moves to the level of the universal interest of humanity, where argumentation as a custom is sensitizing, children are Apollonian, and the moral ethos of the speaker is assured. From this level he then can hit at Palestinians, turning them into immoral monsters:

> I ask members of the Assembly to think about what passes through the heads of parents and of the people who send children of that age to commit suicide. How can one live with such a burden on his own soul? (ibid.)

Mr. Sheetrit openly blames the Palestinian leader of the country (Arafat) who is "betraying his own children" (ibid., 21). His further rhetoric is directed against Arafat and his government. Therefore, Mr. Sheetrit stresses that the Palestinian government does not cope with its parental functions to take care of its citizens. To support his argument the speaker switched to a non-child argument by mentioning the fact that in 2002 Arafat rejected the offer of United States President Clinton and Prime Minister of Israel Barak "to establish a Palestinian State on 98 per cent of the West Bank and the Gaza Strip, including three quarters of East Jerusalem" (ibid.). Mr. Sheetrit equated the offer to establish a Palestinian State to *extension of hands in a quest of peace* strengthening also with this metaphor the positive moral image of Israel and the United States in international politics (ibid. 20). All in all, his speech can be viewed as an excellent example of the way how different interpretations of the concept of the child can be used as strong rhetorical elements in political argumentation.

Terrorism as a threat

Sara Ahmed argues that "the language of fear involves the intensification of 'threats', which works to create a distinction between those who are 'under threat' and 'those who threaten'" (Ahmed 2004, 72). Those who are threatened tend to represent a threat as "*global*", thus most of the security talks are based on the argument 'either you are with us' fighting against the threat 'or with them' (Baxi 2003, 31). Terrorism has been represented by the United Nations as a global *existential threat* which has lost geographical territoriality (ibid., 36). It gains additional power when circulated in the context of child rights debates. The fight against terrorism proceeds in the name of child rights being a constituent part of United Nations child securitisation policy.

Initially the General Assembly Special Session on Children was scheduled for September 2001. However, the first planned dates for the forum coincided with the terrorist attack in New York and the summit was postponed for almost a year. The event undermined the security of the US. This subject did not avoid child rights debates, where the child was pictured as more vulnerable and more unprotected than ever before. By all means, the world was represented as being far away from the *world fit for children.* In this respect, Mr. Menagarishvili, then Minister for Foreign Affairs of Georgia remarks:

> Nor has the great city of New York escaped a destructive wave of violence and hatred. The tragic developments of 11 September made it clear that the 'world fit for

children' to which we all aspire calls for an unconditional commitment on the part of every nation. We must tolerate neither international terrorism nor the sources that fuel it. (A/S-27/PV.3, 33.)

Then President of Romania Mr. Iliescu also admits that: "[t]he tragic events of 11 September brought home in most dramatic fashion the cruel reality of the world we live in" (A/S-27/PV.1, 10). The terrorism is an antithesis to the global values proclaimed by the United Nations. Crown Prince Albert of Monaco argues regarding "nihilistic" terrorist violence" that was trying "to destroy the values underpinning the United Nations" (A/S-27/PV.1, 28). Neil Macfarlane, a scholar, defines five major values that the United Nations promotes: self-determination, economic redistribution, development, human rights and humanitarian protection (Macfarlane 2004, 31). The 9/11 context made it clear which United Nations values terrorism destroyed: human rights values and child right as a part of them.

The attack on 9/11 showed how fast individual pain becomes the pain of the nation. Sara Ahmed (2004) argues that pain is first a private and sort of 'egocentric' feeling. In the context of United Nations debates, pain becomes purely public which the General Assembly debates of 2002 demonstrated. Ahmed calls this phenomenon the "sociality of pain" (Ahmed 2004, 28 – 31). By that she means "'the contingent attachment' of being with others" and responding to what they feel (ibid., 30). She explains that we live in a society where personal pain demands response, either a public or individual response (ibid., 22). On the other hand, pain does not oblige one to pity; it is rather, as Lilie Chouliaraki suggests, an "emotional proposal" and one always has a choice: to get involved with the pain of others or stay indifferent (Chouliaraki 2006, 42). The response to such pain, especially in international settings, nevertheless demands certain ethics: "an ethics that begins with your pain, and moves towards you, getting close enough to touch you, perhaps even close enough to feel the sweat that may be the trace of your pain on the surface of your body" (Ahmed 2004, 31). Ethics lies in response to social pain in the form of the expression of sympathy.

A representative of Tajikistan Mr. Alimov in the General Assembly in 2002 also noted that "in today's interconnected and interdependent world the pain of this loss is a shared pain irrespective of where a tragedy occurs" (A/S-27/PV.4, 44). It is a common diplomatic rule to express sympathy to the leaders of the country where something disastrous has happened. The Prime Minister of Bangladesh, Madam Zia similarly expressed:

> We shared the pain and sorrow of New York in the aftermath of those attacks. We joined the global effort to ensure that such tragedies do not happen again. This special session of the General Assembly devoted to children provides a unique opportunity for us to come out of the post-11 September despair. This is also a fitting occasion on which to signal our renewed commitment to building a brave new world dedicated to our children. We can have no better objective. Our children are our greatest asset, the source of our joy and the future of our nations, our countries and the world. (A/S-27/PV.2, 1.)

Definitely, pain and loss are those emotions that invite other states to the 'with us' camp. The shared feeling of pain and suffering also brings a tinge of fear that unifies states in making common goals of the eradication of terrorism as deliverance from a "universal enemy". Sara Ahmed presumes that "in many of the public outbursts of fear and anxiety around terrorism in Western countries this is precisely the kind of 'collecting together' through fear that takes place" (Ahmed 2004, 77). However, in the United Nations settings, fear rhetorically unifies not only Western countries but the whole world. Fear reveals a significant temporal dimension when it becomes concrete and objectified (ibid., 65). Fear, in the shape of any object or phenomenon implies an "*anticipation* of hurt or injury", thus "[f]ear projects us from the present to the future" (ibid.). In this respect, we can talk about so-called "futurisation" of fear, whereas, as a rule, it legitimizes actions that should be taken *today*. The president of Zambia, Levy Patrick Mwanawasa speaks in the General Assembly:

> We know too well after the dreadful events of 11 September 2001 that tomorrow can be guaranteed for the world's children only if we fight emerging threats to peace and personal security for all today. (A/S-27/PV.3, 1.)

Ahmed notes that "[w]ithin political theory fear was understood as forming collectives" through instrumentality of power (Ahmed 2004, 71). Mr. Mwanawasa, for instance, immediately reacted that: "[a] terrorist act in one country is a terrorist crime against all" (A/S-27/PV.3, 1). This feeling functions as governmental technology when "the sovereign power either uses fear to make others consent to that power, or civil society promises protection and the elimination of fear, to ensure the consent" (Ahmed 2004, 71). In the United Nations settings, the organisation itself is called to eliminate this fear. Ahmed adds that "[…] fear is, of course, named in the very naming of terrorism: terrorists are immediately identified as agents of extreme fear, that is, those who seek to make others afraid […] as well as those who seek to cause death and destruction" (ibid., 72). The US immediately showed who the enemy is and who the agents of power are. The US officials, for instance, caused difficulties with entry visas for the Iraqi Summit speakers who arrived after the event had already begun, and by that caused clamour among Iraqi delegates[27].

b. Normative talk

It is crucial to realize that from the perspective of state authorities, when resolving security issues, the introduction of a threat becomes a ground for the legitimisation of the use or preparation for the use of force and other defensive measures (Buzan et al. 1998, 21). The securitisation talk creates favourable preconditions for the normative talk because securitization supplies an optimal arsenal of rhetorical tools necessary for the enforcement of normativity.

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[27]   See the speech of Iraqi representative (A/S-27/PV.5, 12) and a response on denial of entry for the state (A/55/PV.8, 31).

Child rights are codified in norms after being legitimized due to the visualisation of threats standing in the way of child security. It should be particularly stressed how easy it is for the United Nations to represent any threat as *a threat to child rights* codified in the CROC, and to represent a threat to child rights as a threat to peace and security. An Indian speaker Mr. Sharma openly declared in the Security Council in 2000 that "the Council must bear in mind that a violation of the Convention on the Rights of the Child cannot automatically be construed as a threat to international peace and security" (S/PV.4176 (Resumption 1), 19). One might ask: why not? Because the *universal consensus*, on which the CROC stands, does not imply that articles of the Convention entirely correspond with national legislation systems and cultural practices of *all* State Parties. Violation of articles of the Convention by a state due to, say, insufficient resources, can be skilfully represented by the United Nations as a threat to peace and security. And this already implies stricter measures envisaged in the United Nations Charter. Rhetorically, this move might play in the hands of states wishing to mask their national interests with internationalisation of *threats* following their further withdrawal. In international United Nations settings, the final purpose of securitisation is the legitimatisation of actions, which formally results in international legal acts. These acts are created with the help of rhetorical tools at the debates. In this regard, a Security Council delegate from Liechtenstein, Mr. Wenaweser, argued in 2003 that the "products" of "the open debates" are those that "have been instrumental in creating a normative framework for the protection of children […]" (S/PV.4684 (Resumption 1), 34). The United Nations normative talk resides within the security theme, to enhance the *logos* of arguments. To talk about laws and to base arguments on them not only demonstrates juridical professionalism, but also reveals support of the moral principles that international law stands for.

According to Lynn Hunt, all human rights, including child rights have three essential characteristics. First, the rights must be natural, which implies that human beings inherit them just for being humans. Second, they must be equal, regardless of gender or social status. Third, they must be universal, i.e. applicable everywhere and have no geographical preferences (Hunt 2007). Whether or not child rights are natural is a debatable question. J.L. Holzgrefe, a Political Science and International Relations scholar notes that natural rights "belong to the naturalist doctrine that human beings have certain moral duties by virtue of their common humanity" (Holzgrefe 2003, 25). Child rights have drastically changed the mode of childhood since their emergence. Today they are guaranteed to any child of the world after birth per se. To make child rights work globally, there should be a minimum level of universal acceptance of all those three characteristics. Child rights also demand a certain legal consciousness from actors acting on behalf of children, in addition to appropriation of the natural, equal and universal nature of those rights. In the international arena, the proclaimed "universality" of child rights makes United Nations actors create ever more normative acts to support the implementation

of child rights globally. Each year their number increases. The major legal instrument, the CROC, under the United Nations pressure has been disseminated throughout NGOs, educational institutions, legal enforcement agencies and other national governmental and private institutions. It has been translated to numerous national languages including languages of indigenous people and national minorities. The paradox of the Apollonian status of the child is that it enables its users to "legitimize anything without actually having to explain it" (Meyer 2007, 98). The argumentation of actions of Member States in favour of legitimisation of international norms constitutes the United Nations *normative talk*.

To accept the power of international law by a state means to confine itself within the peaceful solidarity that the majority of states stand for. It is not without reason when Mr. Mohammed Iyad Al-Shatti, the Minister of Health of Syria says that actions of states in conflict "take the form of barbaric aggression or of an unjust blockade" (A/S-27/PV.2, 29). A large number of countries, not confined to the members of the Arab League, specifically call Israeli acts "aggressive" or "barbarian" or "brutal". Buzan et al. argue that the image of societal barbarism comes out of the risk to lose everything achieved by civilisation (Buzan et al. 1998, 75). In the United Nations context, barbarism and aggression are the symbols of an unjustified use of power and physical force, which are judged critically by today's international community favouring peaceful resolution of conflict via mediation and international law. In this respect the Syrian speaker noted that "[w]e stand firm with the use of the power of right rather than the right of power" (A/S-27/PV.2, 29). Earlier, in 1999 in the Security Council, a representative of Canada, Mr. Fowler, claimed:

> Children are the future of the global community and of human security. Ensuring respect for their rights, their protection and their welfare is a collective obligation, and any failure on our part in these areas necessarily undermines our efforts to promote the rule of law. (S/PV.4037 (Resumption 1), 3.)

United Nations Member States seemingly believe in the power of international law. In 2002, the Minister for Foreign Affairs of the United Arab Emirates, Mr. Al-Noaimi in the General Assembly forum declares "the urgency of providing immediate international protection to Palestinian children to ensure that they enjoy safety and well-being like other children in the world, in compliance with the Convention on the Rights of the Child, the principles of international law and the Fourth Geneva Convention[28]" (A/S-27/PV.3, 18). The States refer to specific child rights that are violated. The case of Palestine and Israel is the case when one state violates the rights of children of another state. Palestinian

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[28] To remind, the full name of the treaty is the *Convention (IV) for the Protection of Civilian Persons in Time of War*. It was elaborated by the International Committee of the Red Cross (ICRC) and signed in Geneva, 12 August 1949. The Convention is a part of International Humanitarian law. For example, article 14 allows for establishing "hospitals and safety zones and localities" in occupied territories or in a state in war to protect children under fifteen" and "mothers of children under seven". Article 24 recommends special care (education, material aid etc) towards orphaned children of Parties to conflict.

representative, Mr. Jarjou'i, states that deaths of children "represent a gross violation of their most basic right – the right to life" (ibid., 42), which corresponds with article 6 of the CROC. Further he adds that "Palestinian children are the only children of the world without a State of their own" (ibid., 41). He makes it clear that being without a state, there is no one besides the family who can guarantee support and protection. This argument also signifies that state *parens patriae* functions in this situation are disrupted.

In the majority of cases we see that a state violates not one or two child rights but an extended number of them. Why does that happen? The president of Haiti, Jean-Bertrand Aristide, and the Secretary of Social Affairs of Libyan Arab Jamahiriya, Miss Salma Abduljabar, in respect to rights mentions recognition of indivisibility of rights (A/S-27/PV.5, 1, 8, 9). The indivisibility of human rights is one of the indivisible right, implying the inseparability of one group of rights from the others. For example, economic rights are tightly connected with social rights. If one group of rights is violated, it leads to violation of another group of rights. The remedy for the preservation of child rights integrity is pursued, not only in continuous establishment of normative acts meant to remind about the importance of all the rights, but also in a systemic approach to rights. Miss Abduljabar offers to develop "a serious, comprehensive new plan of action for the universal protection of children's rights and the principles of human rights" (ibid., 9). This sounds more like utopia, because everybody understands the scale of work to be done. Usually plans of action are a part of the United Nations demand to receive a national response on implementation of a particular treaty by a state in the framework of a systemic approach implying all levels of national implementation. The plans are built on specification of the local bureaucratic system, culture and economy and theoretically describe what is going to be done for implementation. Some of them are detailed and elaborated, while others are produced only as "musts". The universal plan of action proposed by Miss Abduljabar is a demanding joint effort from states, which would be of course an evidence of their individual and collective dedication to children – and, on the other hand, it would only be another paper that would collect dust in the United Nations office.

Implementation and sanctions: are the normative actions effective?

The rapidly increasing number of the United Nations normative acts unfortunately does not guarantee effectiveness of policy-making. In the opinion of a British speaker, Sir Jeremy Greenstock, expressed in the Security Council in 2001, by issuing a new law the United Nations wants to build a "robust normative framework" so that the whole United Nations system could lean on it to operate practically (S/PV.4422, 9). Later, in 2004, a representative of Algeria, Mr. Baali, asserts:

> Regrettably, the qualitative progress that has been made at the normative level and with respect to the commitments made, in particular during the special session of the General Assembly on children, has not yet had the expected results. This is clearly

> stated by the Secretary-General, who emphasizes that the general situation of children remains grave and preoccupying. (S/PV.4898, 8.)

While the quantity of normative acts also does not guarantee their quality, the United Nations speakers both from the core and periphery often admit the emptiness of their efforts. In 1999, a Slovakian speaker, Mr. Türk, conceded in the Security Council that a legal instrument without an efficient mechanism of monitoring and enforcement gradually loses its normative impact (S/PV.4037 (Resumption 1), 28). As a matter of fact, elaboration of new acts raises scepticism among Member States. However, some speakers argue that scepticism as such is a part of the United Nations normative policy. A Prime Minister of Liechtenstein Mr. Hasler at the General Assembly forum in 2002 said:

> A decade ago, there were strong voices of scepticism in connection with the Convention on the Rights of the Child. Today, the Convention is the most rights treaty in history. (A/S-27/PV.2, 9.)

The United Nations members invest many efforts in support of the past initiatives. They do so to give those initiatives a second of life and by that provide normative sustainability. Mr. Sevilla Somoza, Vice-President of Nicaragua, for example, argues that the "special session, rather than weakening the achievements of the past, should be an occasion to forcefully reconfirm what we have all agreed to on previous occasions" (ibid., 10). The discussions at the previous Summit for Children were taken into account during the Special Session, but not particularly strongly. The states preferred to fantasize about a new world fit for children rather than report on the goals set in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (see II.2.). Perhaps Member States did not want to demonstrate a lack of progress on the ground. They understand that the major problem lies in insufficient implementation of laws. Tarja Halonen, the Finnish president claimed in the General Assembly:

> Let us remember that good resolutions in themselves do not change the world. We have to implement them. (A/S-27/PV.2, 13.)

Similarly, Mr. Szakács, the State Secretary of Ministry of Youth and Sports of Hungary and Mr. Michel the Deputy Prime Minister and Minister for Foreign Affairs of Belgium see a gap between "political intentions" and "wishful eloquence", and the results achieved" (ibid., 41; A/S-27/PV.4, 7). When talking about the progress of child rights, the United Nations speakers involve concepts related to *temporality*. Correspondingly, during the whole course of the Security Council debates the speakers strongly accentuate that *today* there is a vital importance in action that anticipates a positive result (eg. S/PV.4898). To take action today is impossible without re-thinking *the past*. In the past, as the Security Council speakers argue, they developed a colossal legal normative basis of protocols, resolutions and declarations. All that has given a ground to

consider the normative decisions as a progress of *yesterday*. *Today's progress* is not measured and it has nothing to do with the *progress of yesterday*. A French delegate to the Security Council in 2004, Mr. De La Sablière, asserts that *today's progress* should be measured in practical actions towards application of norms (S/PV.4898, 20). Thus, some directly claim that "today we do not need new norms; we need action" (ibid.).

In 2005 the report of the Secretary-General, known as *Annan's action plan* proclaimed an "era of implementation" for the United Nations policy towards children affected by armed conflicts (S/2005/72, para 59). By the era of implementation, Annan meant a new historical period of successful policies. The report was compiled after consultations with the Task Force on Children and Armed Conflicts, whose membership was composed of people from the headquarters, peacekeeping teams, state-parties, as well as regional and non-governmental organisations (ibid., para II-2). In the report, then Secretary-General Kofi Annan offered a view on how the Security Council policy towards children should be conducted. He suggested that the policy should be based on four main components: 1) advocacy and dissemination of norms for war-children; 2) developing and reinforcing local civil society networks for protection, monitoring and rehabilitation; 3) mainstreaming the issues of war-affected children into programmes and mechanisms of key institutions, within and outside of the United Nations; and 4) the establishment of a monitoring and reporting mechanism for implementation of norms on child protection (Mendez 2007, 225). The second and the third components were considered to be the most beneficial for the policy change (ibid.). They were meant to provide efficient networking between civil sector and the United Nations agencies responsible for child rights. The fourth component was more related to reconsideration of the United Nations structure in policy-making.

Immediately after consideration of the plan at the debates, the Security Council unanimously adopted a resolution 1612 (S/PV.5235). Its text stated there was "the lack of overall progress on the ground" in the issues of children in armed conflict (S/Res/1612 (2005)). It *requested* implementation of the policy mechanisms offered by the Secretary-General's report without delay, "bearing in mind the discussions of the Security Council and the views of Member States, expressed during the annual debate on Children and Armed Conflict" (ibid., para 3). The resolution especially welcomed initiatives from the UNICEF and other United Nations entities as a part of the Annan plan (ibid., para 5).

The Security Council, according to the report still should have had a special responsibility towards children exposed to armed conflict and serve as an important international "destination for actions" (S/2005/72, para 66). The Annan plan was widely promoted by the United Nations officials. In the same year of 2005 Mr. Olara Otunnu stresses:

> The time has come for the international community to redirect its energies from the normative task of the elaboration of standards to the compliance mission of ensuring their application on the ground. Today, as never before, we have the necessary means — normative, juridical, institutional, and political — to realize the "era of application" for the protection of children exposed to armed conflict. (S/PV.5129, 5.)

Alongside with that, the Secretary-General authoritatively proclaims *now* as the time to initiate an "era of application", i.e. transition from paper decisions to their mass practical implementation (S/PV.4422, 12). The Annan plan can evidently be viewed as the breaking point in furthering child policy especially from the point of view of evaluating the results.

'Naming and shaming' as a part of normative talk

The United Nations evaluation of child policies after the tenth anniversary of the CROC showed a lack of action on the ground towards the implementation of the Convention. The Convention has no formal complaint mechanism and does not imply any sanctions for disobedient states (Muscroft 2000a, 18). "Its implementation is in the hands of individual governments" which is one of its general weaknesses, as Sarah Muscroft, a researcher from the INGO Save the Children, notes (ibid.). Although sanctions are not stipulated for the specific Convention, they still exist for disturbers of peace and security. As a softer alternative to economic sanctions and embargos that most of the times exacerbate the situation and evoke criticism, the United Nations experimentally made an attempt to introduce a new tool for coping with states violating the rights of the child. In 2001, Security Council Resolution 1379 requested then Secretary-General Kofi Annan to attach a list of parties to armed conflicts and by that to represent them as serious violators of child rights, simultaneously also threatening global peace and security (S/RES/1379, para 16). This shameful status was believed to compel states towards moral behaviour. It also would serve as a basis for deliberating following actions towards these countries (S/2002/1299, para 28). Although the list was not directly attached to the mentioned resolution, it was presented in Kofi Annan's report. To comply with credibility, the information for preparation of the list was gathered with the help of the United Nations country teams, the civil society sector and individual scholars (ibid.). The list enumerated states according to the following principles: a) countries involved in armed conflict at the time of preparation of the report, b) parties that are recognized as having a conflict, and c) parties or entities which continuously recruit children and violate international standards on child protection (ibid., para 29). The minimum normative standard that the countries should have adopted was reduced to the CROC, Optional protocol to the CROC on the involvement if children in armed conflicts, Additional Protocol II to the Geneva Conventions, International Labour Organisation Convention No 182 concerning the elimination of the worst forms of child labour, and the African Charter and Welfare of the Child (ibid., 30). Initially the list included only five states (Afghanistan, Burundi, Congo, Liberia, and Somalia) within the 23 entities involved in armed conflicts (including governments of the states). Thus, at first this was only a *list* of states, but later it became popularly called a *blacklist* or a *naming and shaming list*. In addition, the report contained three other groups of states, which were not a part of the general list but were taken into consideration. The first group of states of

concern officially was not a part of the Security Council agenda: Colombia, Northern Ireland (United Kingdom), Chechnya (Russia), Myanmar, Nepal, the Philippines, Sudan, Northern Uganda, and Sri Lanka. That means that the Security Council did not discuss issues of those states, but the states were noticed about the conditions of children. For example, the Human Rights Watch and the UNICEF confirmed recruitment of children by the national armed forces of Myanmar (ibid., 42). Likewise, Northern Irish and Russian paramilitaries enlisted children (ibid., 41). As a second group, the report indicated recent countries in conflict up to 2002: Angola, Kosovo, and Sierra Leone, as well as states already consolidating peace: Honduras, El Salvador, and Mozambique. The third group consisted of states that did not recruit children (Ethiopia and Eritrea) but underwent conflicts. Thomas Risse and Kathryn Sikkink note that shaming "constructs categories of "us and them", stressing that the norm-violation states do not belong to the community of civilized nations (Risse and Sikkink 1999, 15). These states are demarcated outside of civilization. In other words, shaming works as a method of persuasion to remind Member States of their inconsistent behaviour that necessitates certain punitive actions from the judging international community (ibid.).

Security Council resolution 1460[29] of 2003 asks states in the general list to provide information on how they are going to stop using children and reinforce the meaning of the initiatives of the Secretary-General. In the report of the Secretary-General, the listed countries were asked to prepare an action plan (A/58/546–S/2003, para 45). Then Secretary-General Kofi Annan in his speech at the Security Council in 2003 optimistically remarked that with this initiative comes "a new era of monitoring and reporting on how parties treat children during conflict" (S/PV.4684, 4). He added that "[i]t is essential that the publication of the list be followed by systematic monitoring and reporting on compliance by listed parties, as well as the consideration of targeted measures against those who continue to flout their international obligations" (S/PV.4684, 3-4). He publicly congratulated the members of the Security Council to take this positive step, which symbolized the victory of action (S/PV.4684, 3-4).

To tighten up measures towards the states in conflict and give a good lesson to other states violating international norms, Security Council resolution 1539 (2004) in case of no national progress warns the states on "imposing targeted and graduated measures, through country-specific resolutions, such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance against these parties if they refuse to enter into dialogue, fail to develop an action plan or fail to meet the commitments included in their action plan" (ibid., 5-c). In the Security Council debates in 2005 Mr. Wiltzer, the High Representative for Security and Prevention of Conflicts of France argues that imposing sanctions could not be the way out because some of the listed parties were already "subjects to sanctions regimes" (S/PV.5129, 13).

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29   See S/RES/1460, 2003.

The listed states themselves did not react immediately to being on the list; the reaction came later. Mostly this initiative was supported by the UNICEF[30] and some individual states[31]. In 2006 an Argentinean delegate, Mr. Mayoral, did not favour "a policy of naming and shaming" although he believed "that the gravity of the situation merits concrete steps to stop the misconduct of some parties or organisations in conflict that have long committed grave abuses against children" (S/PV.5573, 17). On the other hand, there were individual states that did not see any positive changes because of this novelty. Earlier in 2004 the Security Council representative of France Mr. De La Sablière noted that "despite the progress on regulations and despite the political pressure of repeated denunciation and systematic naming and shaming, the reality on the ground remains very grim (S/PV.4898, 20). A Sri Lankan speaker in 2005 Mr. Goonatilleke also confirmed no progress because of naming and shaming (S/PV.5129 (Resumption 1), 13). Identically, in 2006 the United Kingdom spoke about the "limited impact" of naming and shaming and urged to commit more practical actions (S/PV.5494, 14)[32] .

Starting from 2004 the debates among Member States centred on the question whether only the five violators should be in the list and whether additionally to include groups of states that were of concern. From the speech of American speaker, Mr. Holliday, in the Security Council in 2004 it was clear that the United States fully supported the Security Council request to submit the list naming "all Governments and armed groups that illegally recruit and use child soldiers, not just in countries that are currently on the Council's agenda" (S/PV.4898, 18). At the same debates, a Pakistani speaker Mr. Akram argued that "both the conflicts and the parties to the conflicts should be identified" (S/PV.4898, 15). In 2006 Ms Kalala, the Minister for Human Rights of the Congo expressed the belief that "the mechanism of "naming and shaming" should cover all parties to a conflict who recruit and use child soldiers, regardless of whether that situation is on the Council's agenda or not (S/PV.5494, 9). A representative from Canada, Mr. Laurin, did not fully support that idea, though he asked the Security Council to continue naming perpetrators even if those were not on the Security Council agenda (S/PV.5494, 30).

As we see the conception of naming and shaming, a new moral tool introduced in 2001, was highly discussed by the Security Council. At first the mechanism of listing of those countries was not clear. But what was clear is that the States took this initiative seriously because of a threat to their international prestige. Thus, obviously no one was eager to appear in this kind of list and be associated with the shameful concept of the *state-violator of child rights*.

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[30]   See S/PV.5573, 5-6.
[31]   Eg. Israel S/PV.4898 (Resumption 1), 2.
[32]   See report of the Working Group on progress.

2.2.3 Economy theme

The economy theme is another integral part of the moral theme. Poverty and economic instabilities are considered by the United Nations as a threat to international peace and security. *Economy talk* is a rhetorical scheme within the theme, which like no other reveals the true political imbalance between the core and periphery. In this talk the concept of *the child* is surrounded by the concepts of *development*, *poverty*, *solidarity* and *assistance*. United Nations economy talk is targeted towards postcolonial peripheral countries of Latin America, Asia and Africa, which continuously are in a situation of underdevelopment and marginalisation (Chimni 2003, 49). The former colonized states after gaining sovereignty found themselves unable to compete with welfare states that had gone far ahead. They were incapable of complying with the policies proposed by the United Nations powerful core through international law standards, which were not designed for underdeveloped states. Decade after decade the periphery has been dragging behind the Western welfare states. In these conditions the sovereignty of periphery "has become increasingly meaningless, as these states are effectively controlled and manipulated from remote centres of authority" (Agbakwa 2003, 10). In many of these states governance bears more of a nominative and symbolic function to satisfy the pride of the leaders (ibid). In this situation the wealthier states have turned out to tow developing states behind them.

The United Nations economic policy is a policy of investment for the major purpose of eradication of poverty. The concept of the child in the economy theme acquires particular attention: whilst the child is seen by Member States as an *object of investment*, the realisation of child rights policy within individual states demands solid capital. A representative of the Netherlands, Ms. Herfkens, in the General Assembly Special Session in 2002 sharply notes that the summits and talks are not needed; all that is needed is implementation meaning "hard work and lots of cash" (A/S-27/PV.3, 28). Insofar as welfare states are economically more advanced, they can afford numerous child rights reforms as a political priority. Within the peripheral states experiencing lack of financial capital the political priorities are shifted. A peripheral state suffering from sanitary problems is more likely to spend money for cleaning water instead of, say, establishing a child ombudsman, even though the moral ground and the sacral meaning of the child is rhetorically supported even there. In peripheral states the child is mostly left to her parents.

The United Nations General Assembly debates introduce and fully exploit the concept of the *African child* who is sympathetic, neglected and "has the most needs" (A/S-27/PV.1, 40). Then President of Cameroon, Mr. Paul Biya, notes that "the fate of African child is synonymous with anguish, physical suffering and despair" (A/S-27/PV.2, 6). For instance, Ugandan children do not have access to safe drinking water and massively suffer from Malaria (A/S-27/PV.2, 5); a girl-child from Côte d'Ivoire is a victim of female genital mutilation and non-consensual early child marriages (A/S-27/PV.5, 33). The genocide in Rwanda in 1994 cost 1 million children's lives and created 500,000 orphans or

separated children; it generated child soldiers, children with detained parents and exiled children (A/S-27/PV.1, 14). Helen Brocklehurst shows that politicians are "zooming in" the faces of children in crisis situations to exhibit the wrongdoing (Brocklehurst 2006, 17). Obviously, such an environment is wrong for the child. Penetrated by a vast number of "negative" images against constant socio-economical instabilities, the African continent, as it is depicted in United Nations discussions, contradicts the conception of the 'world fit for children'. Furthermore, the "continent represents the greatest international challenge to development", as Mrs. Mubarak an Egyptian representative remarked (A/S-27/PV.1, 40), and jeopardizes the vastly promoted United Nations Millennium Development Goals of 2000.

Development is a tricky concept introduced by the United Nations. Chimni argues that development is the "Trojan horse" that the Western world uses to push in the ideology of imperialism (Chimni 2003, 64). Therefore, development serves as one of the elements of the passive revolution, described by Robert Cox (1996). Arturo Escobar, an anthropologist, explains that the West still uses its epistemological and historical experiences in shaping its relationship with the rest of the world. He argues that the present understanding of development had already arrived in the early post-World War II period. That time development was understood as "the process to pave the way for the replication in most of Asia, Africa and Latin America of the conditions that were supposed to characterize the more economically advanced nations of the world – industrialization, high degrees of urbanization and education, technification of agriculture, and widespread adoption of the values and principles of modernity, including particular forms of order, rationality and individual orientation" (Escobar 1997, 497). During this process, developing states lose their independence and find themselves in a dependent position. Due to international law, the central economic powers have occupied leading positions in financial institutions in addition to the acquired right to identify what a democratic state is. These tendencies limit the possibilities of the third world states to pursue independent development paths (Chimni 2003, 52). Developmental policies are based on recognition of differences of the Third World states, but the policies operate through obliteration of these differences among states (Escobar 1997, 497). Erasing those differences cannot proceed without the willingness of the Third World states and financial support from the core states. Mostly the governments of developing countries publicly accept this pattern of international relations. Rhetorical statements of United Nations Member States in the General Assembly forum in 2002 such as: "The world can no longer ignore the children of Africa" (A/S-27/PV.1, 4) and "Let us work to put food in every child's mouth!" (A/S-27/PV.6, 2) signify a call for internationalisation of African issues. This call justifies the core states' position as responsible facilitators and problem solvers.

The needs of each African country are, of course, unique. Rwanda lacks a higher level of healthcare and education programs (A/S-27/PV.1, 14), while Malawi desires "household-level food security" and vaccination (A/S-27/PV.2,

17). Nevertheless, the major challenge impeding local child policies on the African continent is poverty. In 2002 in the General Assembly, Mr. Ould Abbas, the Minister for Social Action and National Solidarity of Algeria, declares:

> Poverty, which has already rightly been termed the common enemy of humankind, underlies attempts to deny children their rights. The resulting deprivations and frustrations are ever increasing and jeopardize the gains already achieved. (A/S-27/PV.2, 34).

Being unable to combat poverty nationally, African countries acknowledge their inability to ensure the well-being of children on the continent. Many African speakers beg the rest of the world to assist them in poverty reduction. The representative of Slovenia, Mr. Janez Drnovšek, critically notes that children become the tool for developing countries to "escape the vicious circle of poverty" (A/S-27/PV.4, 2); thus the intentions of the African states look ambiguous. Openly, Africa appeals to *donor communities*. Involvement of this metaphor in the forum reveals what aid means for developing states. It is beneficial for welfare states to look like altruistic suppliers, although this puts the developing states in an awkwardly low position of dependant recipients who are ultimately expected to show their gratitude. Developing countries receive financial assistance from international institutions like the IMF and the World Bank, which are operated by the economic superpowers constituting the Western Core states, as well receiving aid from as other international and private institutions. Despite the apparently good intentions, the countries become hostage to external debt. Anthropologist David Graeber argues that before money appeared, the African economy was based on barter of goods, which formed the interdependent relationship between creditors and debtors (Graeber 2010). The invention of the twentieth century has been linking the formation of debt with the ideology of development and human rights. Debt remains a weighty constraint in the eradication of poverty on the continent. Some countries, as Kenya or Nigeria spend as much as 30 – 40 per cent of their GDP repaying foreign debt (A/S-27/PV.1, 33; A/S-27/PV.2, 35). In 2001 for example, in dollar equivalent Nigeria spent "$1.7 billion to service external debts, whilst only $300 million was allocated to the social sector – the sector most critical to children's and women's survival" (A/S-27/PV.2, 35). The Vice-President of the United Republic of Tanzania, Mr. Shein explains that "the servicing of external debts overshadows the provision of basic social services" (A/S-27/PV.3, 12). In other words, it contracts governmental resources that could be potentially directed to children's welfare. Therefore, many African representatives speaking at the forum raised the issue of debt relief programs or more importantly, the cancelation of debts. Mrs. Aisha Ismail, the Minister for Women's Affairs of Nigeria, however, offered to convert the debts "into development funds for poverty reduction programmes for children and women" (A/S-27/PV.2, 35), which probably would not meet support from the powerful states because of a lack of control for the funds by international authorities and possible corruption.

In 1996 the International Monetary Fund (IMF) together with the World Bank initiated the Debt Relief of Heavily Indebted Poor Countries (HIPC), which was further lobbied by the United Nations. The purpose of the HIPC Initiative was to link debt relief, poverty reduction, and social policies (International Monetary Fund 2013). The IMF was entitled to provide loans to developing states, although in return, the countries should have developed so-called Poverty Reduction Strategy Papers (PRSP) specifying how much money would be spent on the social sector. Simultaneously, the IMF extended its capacity to control national economies of these states through the use of disproportional conditionality. In other words, some states were directed to specific policy reforms that they should have taken in order to receive funding, while for other states beneficial conditions were created. It can be seen that with this operation the role of the IMF shifted from a lender to a governing political institution (Copelovitch 2010, 16; Clements et al. 2005)

Alongside the problem of external debt, access to the global market is another serious problem facing African countries. Talking about the most disadvantaged African region, sub-Saharan Africa, a speaker argues:

> It is now my conclusion that the most urgent demand – to underwrite all the development goals we continually talk about – is to ensure the products of sub-Saharan Africa market access to the lucrative markets of the countries of the Organisation for Economic Cooperation and Development (OECD). It is a shame that of the $1.2 trillion of world trade in agricultural products, the whole of Africa, until recently, only received $20 billion: approximately 2 per cent. The OECD countries spend $361 billion on subsidies, while the total spent on official development assistance programmes is just $50 billion. As sub-Saharan Africa spends more on imports than it earns from exports, who is helping whom? (A/S-27/PV.2, 5.)

Visibly, the developing countries have become caught in a vicious trading circle. The policy of the "big brothers" whose 'one hand gives, the other takes' evokes confrontation among the states. The welfare states themselves make the periphery states dependent by contracting their sphere of action and the developing states, in their turn accuse the West of hypocrisy mostly because of non-liberalized trade (Stiglitz 2002, 6, 8). The developing states seem incapable of finding a niche in the world agricultural market busily occupied by the core states. The voices of Africans are often somewhat complaining about unfair distribution of capital among continents to make core states feel guilty and responsible for the situation on the "unfortunate" continent. Mr. Jammeh, President of the Republic of the Gambia, makes listeners sympathize with the situation of African children:

> Other parts of the world are so rich that children can eat their fill of ice cream. In other parts of the world, a plane flying overhead attracts the eyes of the hungry, who are hoping for the rare sight of a relief flight dropping food for them to eat. (A/S-27/PV.3, 5.)

The concept of the child works as a moral weight pushing the core countries to feel guilty for this situation and to look for solutions. Therefore, the elements of sympathisation also can be found in economy talk. However sympathisation in

this context is targeted to the financially secure core states thus playing exclusively into the hands of developing states that want to get an advantage over their destitution. George Lakoff argues that "[s]ince it is better to be rich than poor, morality is conceptualized in terms of wealth" (Lakoff 2002, 42). What comes out of this is a tight connection between morality and indebtedness. Lakoff argues that that "there is a moral imperative to pay one's moral debts; the failure to pay one's moral debt is immoral. Thus, when you did something good for me, you engaged in positive action, which is moral" (Lakoff 2002, 47). We can presuppose that the developing states are caught in an obvious moral trap by accepting help from the core states.

Nonetheless, to say that all African states are fully relying on external aid would not be fair. There are an extensive number of local and regional initiatives taken towards the betterment of children's life. One of the most popular national institutional forms in African states are child parliaments established in Mozambique, Burkina Faso, Senegal, Tunisia, and the Central African Republic. Mostly, they serve as community forums for direct interaction of young community members with local authorities on the most topical social issues (A/S-27/PV.2, 3). Also African states develop national programmes. For instance, in 1992 Ghana introduced a 10-year programme of actions under the title "Children Cannot Wait" (A/S-27/PV.2, 18).

Still, international regionalisation is seen by African states as a remedy for national difficulties in child policy issues. For example, Mali together with Côte d'Ivoire signed a bilateral convention on combating child trafficking (A/S-27/PV.2, 40). In 2001 Mali organized a meeting of the first ladies of West and Central Africa to negotiate ways of reducing maternal and infant mortality by 2010 (ibid., 3.). In the course of preparation for the 2002 Special Session on Children, Egypt organized a Pan African Forum on the Future of Children entitled "Africa fit for children" (ibid., 43). In addition, in the course of preparation for the General Assembly Special Session of 2002 the Organisation of African Unity with its 53 states conducted consultations with international institutions and representatives of the civil society sector on shaping a common position for implementing child policies in Africa (ibid.). The Minister for Social Action and National Solidarity of Algeria, Mr. Olud Abbas, also told about the New Partnership for Africa's Development (NEPAD), launched in 2001 by Mr. Abdelaziz Bouteflika, President of the Republic of Algeria. This initiative "can serve as the general framework for the development of measures aimed at eradicating the social and economic causes that are hampering the development of children in Africa" (A/S-27/PV.2, 33).

As we see, extensive preparations were undertaken by African states for the United Nations debates *World Fit for Children* 2002. Even though it might have been done to display quick progress on the ground, the United Nations initiatives motivate state authorities to think towards the betterment of childhood in their regions and inspire Member States to take new policy actions.

Another region with disadvantaged child policies is the Asian-Pacific. The region contains very wealthy and well-governed states with no problems in the

implementation of CROC, as well as very poor states suffering from lengthened internal or external conflicts. The scene of child policies in Asia-Pacific is thus extremely diverse. It is recognized as an epicentre of child trafficking and child sex industry (Bevilaqua, Hodgson, Montgomery, Special Rapporteur 2002). Helen Bocklehurst notes that in some Asian countries (India and Thailand) children are nurtured mostly for their capability to work, thus lacking childhood (Brocklehurst 2006b, 33), namely the one understood in Western terms.

To explain their inadequate level of child welfare, Asian countries appeal to national conditions. Mrs. Nguyen Thi Binh, the Vice-President of Viet Nam, admits that her country faces poverty, economic underdevelopment and unending economic disasters *inter alia* as a consequence of the 25 year long Viet Nam War (A/S-27/PV.1, 27). The Vietnamese representatives position themselves alongside other states affected by wars and embargoes, such as Palestine, Afghanistan, Cuba and Iraq (ibid.) and suggest that the international community should concentrate mainly on these countries. Elizabeth Bevilacqua (1998) also notes that massive child prostitution and child labour exploitation started during the Vietnam War, which later affected Cambodia, Thailand and the Philippines (Bevilacqua 1998, 173). Similarly, Sri Lanka suffered for 18 years from the civil war started in 1983. Due to that, children placed in conflict zones faced health problems, hunger and recruitment by rebellion forces. At the forum, the president of Sri Lanka Mrs. Chandrika Bandaranaike Kumaratunga expressed her awareness that adults abuse children in her country (A/S-27/PV.1, 9 – 10). She mentioned a national child protection authority dealing with trafficking and child pornography, and the establishment of child-friendly court procedures. Prime Minister and Minister for Foreign Affairs of the Kingdom of Nepal, Mr. Deuba, complained that Maoist terrorists, seeking to destroy the fledgling democracy, committed devastating actions towards children: they abducted children to compel them to fight, bombed schools, health posts and other infrastructures (A/S-27/PV.4, 4). The conflict between South and North Korea complicates the situation of the weaker North, as the President of South Korea Mr. Kim Dae-jung explained at the General Assembly plenary meeting in 2000 (A/55/PV.4, 14). The stronger and much wealthier South supported the North financially in the form of the Sunshine Policy initiated in 1998 by Kim Dae-jung, for which he received the Nobel Peace Prize in 2000. This policy of reconciliation had a good impact on the children of the North (Hundt 2010). National stability plays a significant role in implementation of child rights. The successful realisation of the CROC is only possible in countries that first find a sufficient socio-economic balance.

Other countries, especially India with the largest child population in the world (380 million children) (A/S-27/PV.3, 14) and Thailand with an ignominiously high percentage of child prostitutes, publicly provided a rather general overview of the situation of child wellbeing in the respective countries at the General Assembly debates in 2002. The countries' representatives were talking more about what the governments *should* do instead of what the

governments *did* or *have been doing*. Evidently, the speakers did not intend to display national weaknesses. For instance, Deputy Prime Minister of Thailand, Mr. Dabbaransi admits:

> We intend to make this Global Movement for Children a truly local movement for children in Thailand. We must make all segments of Thai society rally around to promote the rights of, and ensure the well-being of, children. We shall also cooperate with other countries in our region as well as elsewhere in the world, with international agencies, non-governmental organisations, the private sector, the media and other donors and partners in this endeavour. (A/S-27/PV.2, 23.)

Seemingly, in Thailand child policy is a targeted project but not yet an action. On the one hand, the lack of information on the present situation in the state is a way not to place the shameful truth on the surface. On the other hand, the act of making promises to keep up with the United Nations course towards children and the expression an agreement with that gives listeners hope. Mrs. Juliano Soliman, the Secretary of the Department of Social Welfare and Development of the Philippines expressed as her opinion that "children's issues should never be politicized" (A/S-27/PV.2, 26) meaning that insufficient investment in children should not be used against states, but vice versa, additional recourses should be provided for increasing child welfare in developing states.

Like African countries, Asian states also have initiated regional collaboration. In 2001 the Association of South-East Asian Nations (ASEAN) at the ministerial meeting in Singapore adopted the Declaration on the Commitments to Children in ASEAN (A/S-27/PV.6, 45). It was signed by the ten ASEAN members (Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam). The declaration consisted of 18 articles resembling the ones of the CROC. In the same year, the Beijing Declaration on Commitments for Children in the East Asia and Pacific Region for 2001-2010 was proposed by Australia, Brunei Darussalam, Cambodia, China, South Korea, Indonesia, Japan, and other countries of this region (A/S-27/PV.2, 26). These two initiatives were taken not long before the Children's Summit and were lobbied by the UNICEF. Asian states emphasized adoption of the promising declarations but not the results of the already adopted ASEAN Plan of Action for Children (1993), or the Ha Noi Plan of Action made to implement the goals of the ASEAN plan (1998).

Latin American countries act on the same social, cultural and religious ground as the countries of Europe, thus being a part of the same Western Christian Civilization (Anand 1962, 389). Like all over the world, officially these countries see children as "the genuine treasure" and "the magic ingredient" of society (A/S-27/PV.2, 20). However, Latin American states do not fully recognize Western individualism of the child and her rights. The family with its strong ties is of primary importance as it compensates for insecurities of the life outside (Vanden 2009, 114). In contrast with Göran Therborn's argument that with the establishment of nation states at the end of the nineteenth century 'the child had to emerge from the shadow of the family' (Therborn 1996, 36), in

Latin America the child is still hidden within the family. Mrs. Villela de Lopéz Contreras, the Vice-President of the Republic of Honduras, for instance, notes that the state "recognizes the family as a natural and fundamental element of society, […], respecting the primary right of parents and the family to choose the education of their children and to ensure their care, sustenance and protection" (A/S-27/PV.2, 20). She sees the successful resolution of children's problems in the twenty first century in putting them in a "proper context, namely, the family" (ibid. 19). This statement means that most likely children will remain hidden within families because the states do not demonstrate readiness to interfere within the family environment even if this is in the best interest of the child. The government takes a convenient position by shifting their responsibilities exclusively on families. Their views contradict the ones of the core states, which keep an eye on families and take necessary measures under conditions unfavourable for the child. However, still the states want to see children as future beneficiaries in society. Mrs. Durán de Lagos, the Chairperson of the delegation of Chile in the General Assembly in 2002, makes it clear that children and youth do not in fact necessitate a special policy:

> The challenge of emerging as a developed and socially integrated nation in the new century requires the inescapable precondition of giving our children and adolescents the cultural, emotional and material conditions that they need for the full development of their capacities. Chile has embraced that principle and has placed emphasis on the potential and contributions of youth and children rather than on a policy of welfare to satisfy their unmet needs. That approach is the fruit of a long process of experience and evaluation, notably over the past decade. (A/S-27/PV.4, 38.)

In this context, we see that Chile stakes on the children's talents without a visible desire to invest in their childhood. Children's needs are not recognized and, thus, they remain unmet. "The cultural, emotional and material conditions" that the speaker mentions, lay on the parents' shoulders. The government seems just to reap the fruits without assisting in their growth.

The economic position of Latin American countries is not too sound either. Most Latin American countries, when viewed at a world scale, are situated at the middle-income level, which means that they are not particularly wealthy, but have an amount of resources that can be allocated to various domestic purposes, the exact direction of this allocation being a political problem. The countries still learn how to live in democracy (A/S-27/PV.3, 23). Their argumentation on why they lag behind in child policies resembles the one formulated by African states. They blame their poor economic conditions and the crisis of their social systems. The Governor-General of Saint Lucia, Dame Calliopa Pearlette Louisy confesses:

> It could be that we are so pre-occupied with securing or increasing our market share in the international marketplace in the now, that we lose sight of the players, today's children, who in the future would be expected to manage whatever gains we will have made. (ibid., 2.)

This statement proves that without political prioritisation an ideology of child rights will not acquire resources for its implementation. Evidently, the ideological perception on the child in Latin America collides with the state system.

Latin America primarily builds its policies based on the philosophy of *Contigo* (together), as declared by a Mr. Vicente Fox, the President of Mexico (A/S-27/PV.4, 5), although not specifying what the philosophy exactly implies. Toledo Manrique, the President of Peru, speaking at the forum committed himself to raising social issues to top priority by redirecting resources there after reducing military spending (A/S-27/PV.3, 12). At first glance, this reform looks like a decisive step on the part of the government. However, the questions to which extent childhood belongs to those "social issues" and how much of those resources were intended specifically for building child welfare, remained unanswered. To avoid budget expenditure on the creation of new institutions, El Salvador reorganized and reformed the Institute for Protection of Minors, created in 1993. The new entity started promoting, supervising and evaluating child issues in a less bureaucratized manner (A/S-27/PV.2, 40-41). Brazil launched the *Bolsa Escola* initiative in several cities, which implied provision of a scholarship for low-income mothers to send their children to school. Due to that, in February 2001, 9 million children belonging to 5 million families were assisted (A/S-27/PV.4, 35). At the level of regional cooperation, Cuba, which for several decades had invested in the development of its health industry since the US embargo on antibiotics (Reid-Henry 2010), assisted Uruguay by delivering Cuban vaccine for child immunisation (A/S-27/PV.5, 22). Nonetheless, specific policies do not always achieve their ultimate goals. Mr. Liwski, the Secretary of State and President of the National Council for Children, Adolescents and Family of Argentina complains that in the situation of "the unfair concentration of wealth, the financial crisis, foreign indebtedness and unemployment" their national policies simply do not work (A/S-27/PV.1, 41). Namely, after introducing the Federal Education Law, the Argentinean government made an effort to increase the number of students at school to obtain good quality free education. Because of the socio-economic crisis, children quit school and went to work, or presumably their families made the decision and the governmental policy failed (ibid.). Thus, instead of the intended decrease, child labour rates escalated.

Today's globalized world seems to involve countries in the competitive race of socio-economic and technical progress. The president of Peru states that they cannot confine themselves only to new technologies and "live on this new CNN culture" and "on media and Internet alone" (A/S-27/PV.3, 12). Most of developing countries welcome the fruits of civilization and with that experience uneven and disproportionate progress. The availability of the contemporary signs of development does not imply advanced infrastructure and high standard of living.

The European Union countries speak about *marginalized children* and *collateral victims,* when addressing the issues of developing states. They view

children as *partners, never a problem*, *but a part of the solution* and *the core political priority*, when deliberating over national policies in the General Assembly (see A/S-27/PV.4, A/S-27/PV.5). Because of political prioritisation, children have been embedded inside the core countries' agenda. Their governments do not hide the child inside families. On the contrary, they provide an extended number of policies meant primarily for children and only afterwards for families. For example, Austrians offer quite a progressive insight on the child welfare in the situation of divorcing parents when the whole family, including the child, is provided with psychological guidance and mediation. The child of divorcing parents in Austria is entitled to child protection organisations' services (A/S-27/PV.3, 30). To keep the child away from domestic violence, the Austrian state authorities can remove the violent person from the family residence and prohibit him/her from returning home for a certain period (ibid.). In Slovakia the child can also be separated from a violent parent, but only upon a court decision (A/S-27/PV.3, 14). A family, nevertheless, is considered to be the best environment for the child even in Europe, and family policies also take place, but all in the best interest of the child. For example, in Iceland, each parent gets a three-month maternity or paternity leave as well as a joint leave to take care of young children (A/S-27/PV.2, 25). This affects not only the quality of care but contributes to consolidation of family ties. Mr. Herbert Haupt, the Federal Minister for Social Security and Generations of Austria claims that "a considerable share of the average cost of raising a child today is borne by the State" (A/S-27/PV.3, 29). That signifies the State's acceptance and compliance with the role of *parens patriae*. Austrian Home Child Care Allowance Act equates parental childcare to a "service rendered to society" compensated by financial allowances to all families disregarding their wealth (ibid.). Obviously, this symbolizes full enjoyment of the so-called 'childcare-related social right', when parents' roles as care-givers and earners are equated (Lister 2007, 110).

However, to idealize child policies all over Europe and North America would be too glib. The main problem for child policy both in the core and peripheral states remains its partiality. Mr. Jorge Sampaio, the President of Portugal argues that his country "lacks a comprehensive policy for children and young people based on a vision of society and on the particular needs of children, and determined by the challenges posed by the modern world" (A/S-27/PV.5, 5). He highlights that one of the major condition for such a systemic policy would be its political priority (ibid.). Political prioritisation appears to be possible only on the ground of a strong democratic state with a developed civil society sector and free media. Even then, in case of a fine mediation among all the actors, a centralized body dealing specifically with child policies would be an asset. Bureaucratized institutions are more "watchdogs" in the core countries than systemic structures developing a full-scale policy agenda. They principally include a Child Ombudsmen established in almost all Western states as well as a variety of other institutional forms, be that a National

Committee for the Family, Children and Youth in Czech Republic, or a Subcommittee for Children's Rights in Latvia.

Another critical aspect of welfare states' policies is the challenges of the modern world. In 2002, Mrs. Marie- Jacobs, a Minister of the Family of Luxembourg mentions in the General Assembly:

> [...] our children are not threatened by war, illiteracy, famine or untreated disease. They suffer other evils: emotionally dysfunctional families, conspicuous consumption, drug addiction, the dominant role of media of all types and the dangerous banalization of violence by many media. (ibid., 17.)

Indeed, these problems are not comparable with dissatisfaction of elementary physical needs, such as drinking water, food and sanitation. They are more of a social origin, though in a similar way threatening the children and the society. In spite of all those drawbacks, in welfare states child rights do not face such aggressive confrontation from the state system itself as in the periphery. Thus, the way from the idea of child rights to its realisation via various policies turns out to be much shorter and smoother in the core. Generally, the availability of resources makes it possible. By this we mean not only finances but also opportunities to learn from each other, collaborate and exchange good practices. The EU is a good example of neighbouring states, the "closest family", as Mr. Jorge Sampaio the Portuguese president mentioned (ibid. 5), which, for instance, has a European Network of Ombudsmen for Children started in 1997, not to mention the Council of Europe (CoE) with a variety of initiatives, at first glance duplicating the United Nations initiatives but in reality rather concretizing them. To be exact, the CoE issued the *European Convention on the Legal Status of Children Born out of Wedlock* (1975), *European Convention on the Exercise of Children's Rights* (1996)[33], and *Convention on Cybercrime* (2001). In addition, annually it conducts a series of international round tables and meetings.

The core actively externalizes child policies in developing states by, firstly, assisting them financially. Already in 1970 the General Assembly adopted resolution 2626, which declared:

> In recognition of the special importance of the role which can be fulfilled only by official development assistance, a major part of financial resource transfers to the developing countries should be provided in the form of official development assistance. Each economically advanced country will progressively increase its official development assistance to the developing countries and will exert its best efforts to reach a minimum net amount of 0.7 per cent of its gross national product at market prices by the middle of the Decade. (A/RES/25/2626, para 43.)

According to this initiative, industrialized countries, in concord with their national economic capacities, should make a plan on allocating 0.7% of their GDP for development assistance. In practice, the 0.7- target was not easy for welfare states to reach. In March 2002, a month before the General Assembly Session on Children, the International Conference on Financing for

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[33]   Entered into force in 2000.

Development took place in Monterrey, Mexico to reaffirm *the 0,7% target* recommended by the General Assembly in 1970 and set the date for its achievement as 2015 (A/CONF.198/11). This type of assistance was encouraged at the General Assembly Session on Children in May 2002 by several EU countries: the Netherlands, Luxembourg and Spain. Ms. Herfkens, the Minister for Development Cooperation of the Netherlands supported this and other international commitments and admitted that they "have a huge impact children's lives" and thus should not be forgotten by the governments (A/S-27/PV.3, 27).

Beside overall development assistance, the core states provide differentiated aid for individual peripheral states. For instance, Monaco supported the construction of a sporting infrastructure in Latin America within implementation of the serial General Assembly annual resolution *Building a Peaceful and Better World through Sport and the Olympic Ideal*. At the Special Session on Children in 2002 Prince of Monaco Albert states categorically:

> [...] our Government is providing financial assistance for the construction and maintenance of a sporting infrastructure for the Central American and Caribbean Games. After the Games have concluded, that infrastructure will be used by young people from the suburbs of San Salvador to develop a taste and aptitude for sport, which is associated with educational and social action. Children surely have a right to access to sporting activities, just as they have a right to education, of which sport is a part. (A/S-27/PV.1, 29.)

Obviously, the Prince demonstrated the results of United Nations' policies succession, i.e. showed that there is a place for children in almost all organisational actions. Concerning the sporting infrastructure, it may not look like a big deal, if one does not know how culturally and politically important sport in most of Latin American countries is (Vanden 2009, 103). For instance, *futbol* (soccer) reinforces social interaction, "unifies regions, classes, racial groupings and even gender" (ibid.). Other core states make their own investments. Canada has actively invested in African children by providing vitamin A capsules and salt fortified with iodine for child immunisation (A/S-27/PV.4, 30). For five years it invested $270 million for HIV/AIDS prevention and care programs in developing countries. The USA, emphasizing its role as a global economic leader, operated with other big numbers at the Special Session. More than $10 billion was spent for development assistance (A/S-27/PV.1, 37); $2.5 billion was spent for child survival programs in developing countries to support maternal and child immunisation (A/S-27/PV.1, 37). By September 2001 the US had contributed around $157 million to the International Programme on the Elimination of Child Labour. $1.5 billion was allocated for programmes on basic education in developing countries" (A/S-27/PV.1, 38). Germany, an important financial EU player, was intending to contribute "150 million euro to a global health fund to combat HIV/AIDS, tuberculosis and malaria, which had been set up by the Heads of States at the G-8 Summit in Genoa" (A/S-27/PV.3, 22). Apparently, the core states consolidate their argumentative *ethos* by highlighting their expenditure capacities. Their major contribution to the global child welfare mostly relates to finances.

Of course, one might argue that child rights are one of the masks for the core states to hide their intentions to keep their global power at a certain level. On the other hand, these countries attempt to look idealistic at the international child policy-making forums. They avoid legalisation of child rights discussions, with legalisation here meaning consideration of child rights exclusively as a legal concept. They move on a "naturalistic" ground, i.e. the idea of children as human beings who initially have their rights by nature. Holding to this argument, the core states do not avoid demonstrating responsibility only for their own children but also demonstrate their responsibility for needy children of peripheral states, even though it makes the core states look somewhat materialistic and consumeristic when they speak about cash and monetary investments. In this case sacralisation of children does not exclude treating them as "public goods" useful for the future of a state. The core states directly articulate that today's investments in children will ultimately bring positive results in the future; for the children themselves, and for the strength of the state.

3 THE UNITED NATIONS CHILD POLICY: THE LEVEL OF POLICY IMPLEMENTATION AMONG THE UNITED NATIONS AGENTS AND MEMBER STATES

3.1 Child rights monitoring bodies: institutional context

In this part of the dissertation we argue that the United Nations Committee on the Rights of the Child (CRC or the Committee) and United Nations Special Rapporteur (SR) on the Sale of Children, Child Prostitution and Child Pornography, being United Nations agents, conduct the organisation's child policy by *framing* our images of this policy, on the one hand, and *framing* the images of peripheral and core child policies through their reports, on the other. We claim that these agents called to support the CROC are a part of the United Nations hegemonic system: they adopt the rhetorical strategies promoted during the General Assembly and Security Council debates and embed them in the vocabulary of their reports. The rhetorical themes of sensitisation, sympathisation, securitisation, normativity and economism become embedded in agents' policies. In particular, they channel conceptual points on child rights that have an international origin for use within specific states. They educate the governments, correct their policies, and unobtrusively draw images of "losers" and "winners" in the reports. In the following, we will concentrate on CRC Concluding Observations, State Initial Reports as well as Special Rapporteur's Annual and Country visit reports delivered during 1991 – 2008.

3.1.1 Committee on the Rights of the Child

a. The Committee as a communicator

The Committee on the Rights of the Child (CRC) is a United Nations treaty body responsible for monitoring the implementation of child rights in

individual states. Part II of the Convention (CROC, art. 43-45) formally regulates the work of the CRC. The CRC belongs to the Office of the High Commissioner for Human Rights and takes place in Palais Wilson building in Geneva alongside other treaty bodies. Before 2002 the CRC consisted of ten experts "of high moral standing and recognized competence in the field covered by" the CROC (ibid., art. 43, para 2), although later their number increased to eighteen[34]. The selection of experts is a long and a complex process. Firstly, each State Party to the Convention nominates one candidate who fits the requirements of the Committee (ibid., para 3). Upon that, the list of all candidates is made by the Secretary-General and disseminated among the Parties (ibid., para 4). Further, the candidates are elected by a secret ballot from the list at the meeting of State Parties (ibid., para 3, 5). Those candidates who receive the majority of the votes are nominated for four years as Committee's experts (ibid., para 5-6). To raise the moral responsibility of members, article 15 of the CRC Provisional Rules of Procedure (2005) obligates them when starting their duties to make the following declaration in open Committee:

> I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously. (CRC/C/4/Rev.1, rule 15.)

The first selection process started 6 months after the Convention entered into force (CROC, art. 43, para 4). The first members represented mostly peripheral countries: Barbados, Brazil, Burkina Faso, Egypt, Peru, the Philippines, Zimbabwe, Russia, Sweden and Portugal. Cynthia Cohen et al. (1996) argue that the drafting process of the Convention was met with scepticism because of poor representation of underdeveloped countries, who were not too enthusiastic to support the Convention because of insufficient attention to their needs and customs in the Convention[35]. Therefore, the initial large representation of non-core countries in the Committee could fulfil a strategic role: first, those representatives were staked to act as *agents of the passive revolution*, in Cox's terms by bringing the ideas of child rights further in their governments. Second, their participation was meant to ruin the political "myth" about the dominance of welfare states in United Nations bodies.

Monitoring of the CROC is carried out by the CRC basically in the format of communication with governments, namely via dialogues (CRC/C/33, para 3). To put it simply, the governments, according to the article 44 of the Convention, send national reports on progress (periodical reports) to the Committee. After considering them, the CRC prepares the Concluding Observations, where it makes suggestions and recommendations for improvement of the national situation upon children's living. However, this communication is fraught with many nuances. The Committee started consideration of the reports only in 1993, because the first two years it spent

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[34]   The amendment was adopted by the General Assembly resolution 50/155 of 21 December 1995, although entered into force in 18 November 2002.
[35]   See supra note in Cohen et al. 1996, 440

drafting the Provisional Rules of Procedure regulating the work of the agency from inside (Cohen et al. 1996, 442). Initially in 1993 there were two sessions, where the members of the Committee reviewed ten reports in total. However, the increasing number of state parties which ratified the Convention, and respectively the number of their submitted reports, made it clear that the CRC could not manage with the workload by holding just two sessions per year (Muscroft 2000a, 18). An additional session was requested in 1994 (Cohen et al. 1996, 443) and became the practice since then. In fact, the Committee sinks in information. First, it receives the reports on progress from governments in various formats. The reports are then formatted to the United Nations format, and the logo and the document identification number is attached to them (ibid., 444). In this way they become official Initial country reports. The reports are studied by the Committee, which also drafts the questions that the governments are requested to answer. After all necessary clarifications have been received, the CRC produces a document called the Concluding Observation, which can be scrutinized at the internal session of the Committee.

The weakest point of such a monitoring procedure is the delays in scrutinizing reports that challenge the credibility of recommendations that ultimately do not keep up with time (Muscroft 2000a, 18). The processing of the reports is in "the backlog" (Muscroft 2000b, 16). From 2000[36] the CRC increased the number of reports from six to eight and later to nine reports per session. For each report the CRC allocates around six hours (Muscroft 2000b, 16)

Beside communication with the governments, the Committee also communicates with the United Nations special agencies, like the UNICEF acting as field presence, ILO dealing with child labour or UNAIDS elaborating programmes for sick children. Article 45 of the CROC stipulates that those agencies are not only invited to the Committee's session but also operate as fact-finding tools assisting the members of the Committee to fill in the information gaps on a country in question. On the one hand, this collaboration is meant to assist the CRC, on the other hand, it substantially increases the information load. In general, it is the Committee's responsibility to verify that the facts examined in state reports are reliable and transparent. For this the CRC also contacts NGOs, which participate in the state reporting process[37] or/and submit their alternative opinions to the governmental reports (Woll 2000, 75). They describe the "actual situation" and "provide it with a comprehensive picture as to how the Convention is being implemented in a particular country"[38] (CRC Guide for NGOs 2006, 6). The NGO alternative reports are neither a part of the United Nations official documentation nor a part of the official procedure. Yet they of course play into the hand of the Committee. Belonging to the grass-root level, the NGOs often contain more objective and

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[36]   23d session, January 2002.
[37]   These NGOs are located mostly in core countries due to developed mechanisms of interaction between the governments and the civil society sector.
[38]   http://www.crin.org/docs/resources/publications/NGOCRC/NGOCRC-Guide-en.pdf [23.03.2013].

factual information. Their reports are expected to support or refute the reports submitted by the governments. The guide for NGOs explains:

> The Committee on the Rights of the Child seeks specific, reliable and objective information from NGOs in order to obtain a serious and independent assessment of the progress and difficulties encountered in the implementation of the Convention [...]. This is due to the fact that the reports submitted by States parties tend to present the legislative framework and often do not consider the implementation process. (ibid., 8.)

It is important to note that most of the time, reports of developing countries with challenging political systems and economies are different from the reports of the welfare states. As a rule, the governments of the first group try to disguise the facts of child rights violations and put themselves in a better light in the international world[39]. In this way, NGOs are supposed to act like the child in Hans Christian Andersen's fairy-tale telling that the king is naked. For example, in 1998 an independent group of Russian NGOs presented an Alternative Report to the CRC. The NGO affirmed that the number of national bills meant to maintain the Convention "were just considered in the Committees of State Duma[40] for years without so far any visible hope to be adopted some day"[41] and the newly adopted "Law on the Basic Guarantees of the Rights of the Child in the Russian Federation [...] just declaratively repeats some articles of the Convention without establishing any mechanisms for their implementation in practice" (ibid., 2). This kind of criticism, in particular, helps the Committee to develop the Principal Subjects of Concern[42], one of the parts of the Concluding Observations. Furthermore, the Committee until 1997 and starting again from 2003 has practiced informal country visits both to assist with recommendations on a certain issue, and to follow-up the Concluding Observations[43].

To assess child rights policies in individual states, the Committee has been discussing introduction of child rights indicators as a part of international human rights instruments. These indicators imply quantitative and qualitative measurement for analysis of the current national situation. The idea of child rights indicators derives from the general idea of human rights indicators, which the United Nations Office of the High Commissioner for Human Rights is responsible for nowadays, and with them assist treaty bodies in human rights

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[39] Violations of rights in core and periphery vary substantially. Compare for instance, a lack of decision-making in Germany vs high child mortality rates and poor health service for children in Myanmar (CRC/C/15/Add.43, para 17; CRC/C/15/Add.69, para 18).

[40] Lower Chamber of Russian Parliament.

[41] Russian NGO's Alternative Report, p. 2.

[42] The Concluding Observations consist of: a) introduction, b) positive factors, c) principle factors of concern and suggestions and recommendations. However, the Observations for peripheral states may contain a new part: Factors and difficulties impeding the implementation of the Convention (see Indonesia report 1993, Jordan 1994, Honduras 1994, Nigeria 1996). This fact implicitly divides the countries into those where the implementation of the Convention goes smoothly and easily and those in transition encountering difficulties.

[43] http://www2.ohchr.org/english/bodies/crc/workingmethods.htm [22.03.2013].

measurement. The project on indicators was given a start at a "Seminar on Appropriate Indicators to measure Achievements in the Progressive Realization of Economic, Social and Cultural Rights" (Cohen et al. 1996, 455). It took place in the OHCHR in 1993. In 2006, the study on general human rights indicators moved forward and resulted in a report of the High Commissioner for Human Rights who offered to consider quantitative indicators for "Reproductive health" and "Child mortality and health care". The indicators are split into *structural* and *process* ones[44]. The *structural indicators* for *child mortality and health care* include international and domestic laws ratified by a state, the number of civil society organisations dealing with promotion of health care, and the estimated number of marriages, births and deaths in the national registration system. The *process indicators* for this issue are: the number of immunized one-year-olds, the proportion of children taking a nutrition supplement program, the number of children undergoing medical check-ups, and the proportion of school-children educated on health issues. As we see, the parameters are concrete, although it is not clear why exactly these parameters were chosen but not others. Problems occur when we look at the "contextual relevance of indicators" (HRI/MC/2006/7, para 28), i.e. geographical implication for these parameters, embracing socio-economic and political situations in the state. Perhaps, countries after a nuclear explosion (Belarus, Japan) might have higher levels of sick children due to the spread of radiation. Similarly, countries undergoing armed conflicts will have higher mortality rates. Also, questions emerge at the conceptual level. What, for instance, health education implies and how its understanding can be standardized for a number of different states. The High Commissioner's report also questions these issues and argues that "it may not be possible to always have a universal set of indicators to assess the realisation of human rights" (ibid. para 28). It adds that "there is a need to strike a balance between universally relevant indicators and contextually specific indicators, as both kinds of indicators are needed" (ibid., para 4).

The question of separate child rights indicators is still undecided. Ideally, the indicators should cover all articles of the Convention. In Charlotta Friedner Parrat's opinion, the unsuccessful realisation of child rights indicators lies in the fact that State parties "are not interested in being judged by a scale that is potentially unfavourable to their interest" (Parrat 2010, 474). Due to the complexity and multiple unexpected questions, the ideas of child rights and human rights indicators are still pending in the OHCHR and bothering United Nations intellectuals.

b.   Reporting to the Committee

The Committee's general intention when exchanging information with State Parties is *dialogue*. (CRC/C/33, para 3). According to Parrat, the reporting of Parties to the CRC is a political act (Parrat 2010, 473). Apparently, the whole process of dialogues is political.

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[44]   See HRI/MC/2006/7.

According to the text of the CROC, signatory countries are obliged to send their first reports two years after ratification of the Convention and thereafter every five years (CROC., art. 44 – 1). Of course the reporting system cannot really guarantee a full picture of child rights implementation. Especially, "[t]he five year gaps between the progress reports made by the governments mean that the state of children's rights is seen only in snapshot, rather than in the ongoing flux of progress and setback" (Muscroft 2000a, 18). Nevertheless, such a reporting system at least allows seeing general trends, which national governments develop. Presumably, a yearly consideration of reports would result in reformation of the CRC, namely would increase the number of its members and secretariat because the paper load would proportionally increase fivefold.

In 1991 the Committee attempted to standardise requirements for the country reports and issued *Guidelines Regarding the Form and Content of Initial Reports*. Paragraph 7 insists that the reports are to include copies of the texts of any national legislative initiatives, statistical data as well as information on planning of the future measures towards implementation of the CROC (ibid., para 9 – 10), which countries submit in their national language. For easier approach, the CRC generalized the articles of the CROC for reporting, and divides them on such subjects as: "Civil rights and freedom" (CROC, art. 7 – 8, 13 – 17), "Family environment and alternative care" (ibid., art. 5, 18, 9 – 11, 19 – 21, 25) and other subjects that the governments were expected to cover. This novelty was not only meant to describe technical guidelines for preparing reports but also motivate the states to provide a diligent result of their work. Paragraph 3 reads:

> The Committee believes that the process of preparing of a report for submission to the Committee offers an important occasion for conducting a comprehensive review of the various measures undertaken to harmonize national law and policy with the Convention and to monitor progress made in the enjoyment of the rights set forth in the Convention. (CRC/C/5, para 3.)

Interestingly, the Committee asks the governments to provide a definition of the child in use at the national level (ibid., para 12) in addition to information upon implementation of almost all articles of the CROC. After meeting a variety of interpretation of *the child* and articles in total, in 2001 the CRC started elaborating so-called General Comments to somehow officially standardise understanding of the *child* and *childhood* through common interpretation of the articles of the Convention. For example, in 2005 the Comments analysed young children's rights. The CRC explains:

> In many cases, very little information has been offered about early childhood, with comments limited mainly to child mortality, birth registration and health care. The Committee felt the need for a discussion on the broader implications of the Convention on the Rights of the Child for young children. (CRC/C/GC/7/Rev.1, General Comment no7, 2005, para 1).

For the State Parties, the CRC promotes its own understanding of young children: they are children "at birth and throughout infancy; during the preschool years; as well as during the transition to school" (ibid., para 4). Similarly, in 2006 the Comments considered the rights of the child with disabilities in accord with the United Nations undergoing debates and drafting of the Convention on the Rights of Persons with Disabilities and its Optional Protocol[45] which was adopted later the same year. The CRC noted an accumulating amount of information from the State Parties on this issue, although identified problems "varied from exclusion from decision-making processes to severe discrimination and actual killing of children with disabilities" (CRC/C/GC/9, para 3). To define *the child with disabilities* the CRC referred to article 1, paragraph 2, of the draft convention on the rights of persons with disabilities:

> Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. (A/AC.265/2006/4, Annex II) (CRC/C/GC/9, para 7.)

The thematic Comments fulfilled several functions. Firstly, they supported article 23 of the Convention calling State Parties to protect children with disabilities. Secondly, the CRC evidently promoted further the United Nations convention, thus trapping the states to ratify it. In this case, *the child* again presents a legitimising power necessary for the United Nations legal practices.

3.1.2 The United Nations Human Rights Council: Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography

The Special Rapporteur is a mechanism of the current United Nations Human Rights Council (HRC) situated in the OHCHR alongside the CRC due to specific involvement with human rights. The HRC is an interstate body resulting from the reformation of the Commission on Human Rights (further the Commission or CHR) in 2007. Today the HRC monitors human rights violations, discusses them and provides recommendations on national policies. The reform of 2007 took place basically because the Commission turned into a politicized organ with self-interested members that did not match the expectations of Kofi Annan (Zifcak 2009, 58); in his report "Larger Freedom", the Secretary-General claimed there was a "declining credibility and professionalism" (A/59/2005, para 182) of the Commission. Indeed, the CHR was widely blamed for double standards. It resembled "a club where friendships easily overlooked wrongdoing" (Rahmani-Ocora 2006, 16, 17). The new HRC was to be given the status of a principal United Nations organ (A/59/2005), although later this idea fell through. The HRC was projected to permit more focused debates specifically on human rights in the framework of the new conceptualisation of the organisation. The HRC was targeted to

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[45]   See A/61/611.

provide a systematic approach to human rights and link security, development and human rights together (Zifcak 2009, 68 – 59; A/59/2005). Resolution 60/251 on the reformation of the Commission stipulated that the working methods of the new Council "shall be transparent, fair and impartial and shall enable genuine dialogue" (A/59/2005, para 12). The reform touched the whole structure of the CHR, including Special Procedures, where the Special Rapporteurs are one of its mechanisms. Resolution 60/251 called the new Council to "assume, review and, where necessary improve and rationalize all mandates" (A/RES60/251, para 6). This clearly reflected the Special Rapporteur's mandates.

According to legal provisions and guidelines, the Special Rapporteur is a person with an "international reputation" who is neither an object of any scandal, nor perpetrator, nor a human rights violator (Res. 1900/68, para 2). Special Rapporteurs prepare annual thematic reports on the basis of communication with governments. They receive individual complains on child right violations from various countries and request governments to comment on them. They also conduct country visits[46] to gather information on specific national situations and compile country visit reports accordingly. Thus, as in the case of the Committee on the Rights of the Child, communication with a government is the major policy tool for the organisation's monitoring bodies. The United Nations proclaims the Special Rapporteur to be more an independent individual and a quasi-scholar than a United Nations protégé. What remains ambiguous is to what extent Special Rapporteurs are independent in practice, because logically they cannot but absorb and transmit the United Nations inner principles, strategies and tensions.

Special Rapporteurs dealing with child rights issues have been in existence since 1991. A Special Rapporteur, as any other United Nations mandate-holder, should stand on the United Nations ethical ground, being "exclusively international" (ST/SGB2002/9 (II-1 (a)). When entering the post, the Special Rapporteur starts with the delivery of a declaration. A regulation made in 2002[47], presented the following oath to be delivered by the Special Rapporteurs in front of the Secretary-General:

> I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me by the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization. (ibid. III-1(b)).

The visible emphasis, in the 2002 text, is on *loyalty* to the United Nations and the conduct of the Special Rapporteur activities in accord with the

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[46]   Beside annual reports, the Special Rapporteurs submit country visit reports. The Special Rapporteurs might request invitation from a government of a particular country. They cannot just get into a country without any official permission. Usually during their visits which maximum last 2 weeks (commonly a week), Special Rapporteurs meet governmental officials, members of NGOs, may interview victims of human rights violation and personnel of state institutions.

[47]   ST/SGB2002/9.

organisational interests. One aspect of this loyalty is that it liberates the Special Rapporteur from the specific national loyalty that she has as a citizen of an individual state. On the other hand, this provision also denotes a subordinate relation between the Special Rapporteur and the United Nations. The United Nations, to a certain extent, frames the behaviour of the mandate-holder. As the United Nations put strong emphasis on the character of the Special Rapporteur as an individual, we can conclude that the idea of the Special Rapporteur at that time apparently had an amount of family resemblance to the role of university researchers; they are in principle free to do their research while being subordinate to their universities and research institutions, and they also have to conduct their research activities under the norms of research ethics and general moral principles of humanity. Notwithstanding, in practice the Special Rapporteur also resembled a United Nations bureaucrat, conducting specific policy-oriented duties in the organisation.

The Coordination Committee, dealing with reformation of the CHR, proposed a separate manual for mandate holders. The members of this Committee insisted on a Code of Conduct regulating Special Rapporteur's activities and independence. It approved a necessity for a new solemn declaration to raise the moral authority of the Special Rapporteurs. After being rewritten several times, the final version of the declaration was presented in the resolution 5/2 of 2007:

> I solemnly declare that I shall perform my duties and exercise my functions from a completely impartial, loyal and conscientious standpoint, and truthfully, and that I shall discharge these functions and regulate my conduct in a manner totally in keeping with the terms of my mandate, the Charter of the United Nations, the interests of the United Nations, and with the objective of promoting and protecting human rights, without seeking or accepting any instruction from any other party whatsoever. (A/HRC/RES/5/2, art. 5.)

Here the specific moral and legal norms under which the Special Rapporteur is subordinated were spelled out. Special attention was given to the United Nations Charter as a regulator of the Special Rapporteur's behaviour. The United Nations interests, which also appeared in the previous version, are an interesting detail, as its content has not been specified. It can refer to the general aim to promote world peace and secure human rights, but of course it can also refer to the interests of the United Nations as a bureaucratic organisation. In addition, in 2007 it was clarified that the independence of the Special Rapporteur includes both freedom of assessment of the human rights situation (ibid., art. 3-a) and the process of gathering information itself in concord with "internationally recognized human rights standards" (ibid., art. 6). To put it simply, the United Nations provides no control of the Special Rapporteurs in collecting and analysing information. It is important to note that the new Code of Conduct of 2007 also contained the principles of behaviour based on more structural technical aspects, such as description of "exclusively international" status of mandate-holders (ibid., art. 4), prerogatives in activity (ibid., art. 6), requirements to the sources of information (ibid., art. 8) the principles of sending the letters of allegation (ibid., art. 9), or the grounds for the field visits (ibid., art. 11). The 2007

version, with its minutely enumerated regulations, placed the Special Rapporteur in an interestingly oxymoronic role of an "individual bureaucrat", but it is also clear that his duty is to strongly push United Nations norms concerning child rights on all individual states of the world.

When we observe the annual reports, the Special Rapporteurs obviously act as agents of the United Nations hegemony. In the reports they delicately name and shame the states that have not adopted a universal decree, are a location of a human rights violation, or have not permitted the Special Rapporteur to pursue a country visit. The negative examples of human rights violations in developing countries also swept the HRC. After the reform in 2007, the new manual for mandate-holders called Special Rapporteurs to focus on "good news stories", meaning positive developments in individual countries (Manual of Operations of the Special Procedures, 2008, para 93) alongside the naming and shaming function. Thus a specific "naming and praising" function emerged for the Special Rapporteurs.

Not to stay aside from the global initiatives on child rights, in 1991 the Commission, a predecessor of the HRC, decided to appoint a Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography almost immediately after the adoption of the CROC (Res. The Commission on Human Rights 1990/68, para 1). Obviously, the Special Rapporteur was meant to report to the Commission on the most pressing cases of child exploitation. The Special Rapporteur can request information from governments; in practice usually from missions representing states in international organisations, especially the United Nations. These missions mediate between the Special Rapporteur and national institutions. As an individual researcher, the Special Rapporteur was expected to provide only credible information and "to carry out his task with discretion and independence" (ibid., para 3). Since the beginning, the mandate of the Special Rapporteur has been prolonged several times. From 1991 to 2008 there were three rapporteurs: Mr. Vitit Muntarbhorn (1991-1994), Ms. Ofelia Calcetas-Santos (1994-2001), and Mr. Juan Miguel Petit (2001-2008) who worked "on the basis of prima facie evidence received from various sources" (E/CN.4/1993/67, para 214).

We look at the actions of all these Special Rapporteurs, but we put more emphasis on Mr. Juan Miguel Petit because of a variety of subjects he considered in his reports. He is a citizen of Uruguay, who was famous for lobbying the national law on child rights in the Uruguayan state parliament (E/CN.4/2002/88, para4), and thus suited the Commission on Human Rights thematic mandate. The term of his mandate coincided with big changes in the Commission. First, during that time the Commission was replaced by the Council, which influenced his mandate. Another big change was the adoption of the Optional Protocol on the Sale of Children, Child Pornography and Child Prostitution (OPSC). Although only an optional protocol OPSC was adopted and opened for signatures in May 2000 by the resolution A/RES/54/263, and it entered into force in January 2002. While the CROC recognizes the right of the child to be protected from economic exploitation, hazardous work, interferences

with the child's education, harm to the child's health and development (CRC, art. 32), or illegal trafficking (ibid. art. 11), it is still presented in a declarative manner. The OPSC provides definitions that had been lacking in the Convention, hence complementing it: (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; (b) Child prostitution means the use of a child in sexual activities; (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes (A/RES/54/263, art 2). Among the main arguments *pro* the OPSC, is that the sale of children, child pornography and prostitution provoke gender discrimination, family dysfunction, urban-rural migration and harmful practices for children (ibid., preamble), i.e. they threaten "the protection and harmonious development of the child" (ibid.), as proclaimed in the Convention. We should note that the OPSC is "optional", i.e., the states are given a choice to adopt it and make it another international burden (Buck 2008, 168). However, this is another diplomatic game of the United Nations. In practice, the Special Rapporteur's task is to delicately turn the *optiona*l protocol into a *compulsory* one for all states.

3.1.3 The labyrinth of inter-agency collaboration

Because the unity of the United Nations bodies leads to coherence in policies, one of the most intricate questions in child policies is the question of collaboration among the United Nations debating and monitoring bodies. In what way does the collaboration among the General Assembly, Security Council, Special Rapporteurs and CRC proceed? According to article 45 (c) of the Convention, the Committee can prepare recommendations for the General Assembly to request the Secretary-General to initiate studies on specific child rights violations. After consideration of this recommendation the General Assembly can approve or disapprove this initiative. There was a case in 1994 when the Secretary-General initiated the study of children in armed conflicts by appointing the former minister of Education of Mozambique, Mrs. Graça Machel to research the impacts of armed conflicts on children. Later, the initiative was followed by the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, which eventually resulted in the thematic Security Council debates on *Children and Armed Conflicts*. The role of the Secretary-General is quite crucial in this very context, as he mediates between the General Assembly and the Committee on the Rights of the Child.

Article 44 of the Convention obliges State Parties to submit reports "through the Secretary-General of the United Nations" (CROC, art. 44.1). The Secretary-General himself makes notes (CRC/C/27/Rev.11) to follow-up the Committee's reports: primarily those notes consist of tables of states and statuses in processing national reports. Nevertheless, the role of the Secretary-General is rather nominal and is meant to make State Parties feel all seriousness of the reporting mechanism under the Secretariat's control as well as create an

illusion of first-hand communication with the Secretary. The Committees' annual reports are submitted to the General Assembly. The reports include the ready-made texts of Concluding Observations prepared for the current year, not to mention description of the internal methods of Committee work and a variety of other activities. Beside annual reports, the Committee prepares reports on basic every-day meetings, membership issues, or working methods that are not submitted anywhere but considered at the CRC session. They are of course available publicly. The Special Rapporteur prepares reports for the HRC and later they are disseminated through the Secretary-General to the General Assembly. The information that the Special Rapporteur obtains also benefits the work of the CRC, because it often necessitates fact-finding. Therefore, theoretically the Special Rapporteur might collaborate with the Committee. Whether that happens in reality and how often is difficult to say because there are no official documents certifying that kind of collaboration among the United Nations actors.

3.2 Implication of United Nations child policy by child rights monitoring bodies: linguistic context

3.2.1 Moral theme: sensitisation policy and sympathization policy

a. Cultivating Apollonian images as a core of sensitisation policy

The United Nations uses the same policy patterns and frames in different settings. In the framework of sensitisation talk, the Special Rapporteurs and the CRC, as United Nations agents, vividly argue in terms of the Apollonian nature of the child. The Special Rapporteurs' and CRC's texts are speaking with readers. The potential auditorium for these reports is wide: it includes governments, all United Nations officials dealing with child rights or being interested in them, international and national stakeholders, and individual scholars, educators and activists. These reports spread wider in the world than debates in the General Assembly and Security Council. After being appointed, the third Rapporteur Mr. Petit stated that as a new Special Rapporteur, he will continue "sensitizing Governments, private organisations and civil society in general about the necessity of investing efforts to prevent the sale and exploitation of children" (E/CN.4/2002/88, para 8). After having embedded the elements of Western morality into its protocol, sensitisation has become a mechanism of child policy that is used systematically by the United Nations. The United Nations agents perform *teaching and preaching* functions and clarify to governments: 1*)* who *the child* is, 2) how *the child* should be treated, and 3) what to do to establish child welfare. Educating and advising governments is not intrusive; it proceeds in the form of recommendations, expressions of worries and concerns. For example, the CRC Concluding Observations for Bangladesh, one of the poorest countries in the world with natural disasters

worsening the situation of children (CRC/C/15/Add.74, para 9 – 10), recommend that the state government should "sensitize society to the situation and needs of the girl child, children born out of wedlock, children living and/or working on the street, child victims of sexual abuse and exploitation, children with disabilities, refugee children and children belonging to tribal minorities" (ibid., para 35), i.e., increase sensitivity towards all the groups of children who are denied their rights. Obviously, the United Nations agents transmit to State Parties the same *sensitisation pattern* that they endorse themselves.

The sensitizing activities of the United Nations agents can go rather deep into individual states. The governments are responsible for spreading the Convention throughout the country and to translate it into the languages of national minorities, if necessary. They are also responsible for raising public awareness on the existence of child rights, and pointing out harmful practices. All in all, they have to promote an understanding of the child as "every human being below the age of 18" (CROC), as this awareness is lacking in many states. For example, the Bangladesh National Policy for Children covered only children under 14 years old simply because after this age children were supposed to work and culturally were not considered to be children anymore.

To make states see the contrast between desired and real policies, the Special Rapporteur and the CRC illuminate drawbacks of national practices. In this way, all the things said by representatives of peripheral governments in the Security Council and the General Assembly about child preciousness and priority do not appear to have much to do with real situations, upon which the CRC and the Special Rapporteur express their concerns. The CRC reports (1991-2000) fully reflect social non-acceptance of the concept of the child as an angelic human being until she suddenly turns into an adult at the age of 18 years. For example, the Committee's concern was that in Algeria, according to the national Criminal Code, children aged 16-18 suspected of terrorism "are tried in criminal court as adults" (CRC/C/15/Add.76, para 18). Contrary to the CROC definition, the Algerian example shows that childhood in this country is contracted. The Committee is also taking with concern the discrepancy of marriage age between girls and boys in Ethiopia (CRC/C/15/Add.67, para 13) envisaged by domestic law. The minimum age for girls' marriage is 15 years old and for boys 18, which means a more vulnerable position for girls, who in terms of the Convention miss three years of childhood. Similarly, the CRC expressed its concern that Egyptian children aged 6 – 14 are members of the labour force instead of going to school (CRC/C/15/Add.5, 9). The Committee did not argue against seasonal work but emphasized the primacy of education for children at their age (ibid.). This is once again to stress that the Apollonian child should spend her childhood in play and learning, and in general enjoy her life. Evidently, in many countries child labour is a substitute for childhood. Here we do not see the portraits of happy children eating ice cream and having fun, but portraits of children only experiencing life hardships. The CRC, for instance, expresses its concern on Honduran girls working at *maquilas* assembly lines and textile factories (CRC/C/15/Add.24 para 19), or Guatemalan girls working at

coffee plantations since early childhood (E/CN.4/2000/73/Add.2., para 80), Senegalese girls working as domestic servants (CRC/C/15/Add.44, para 16), or Moroccan girls who are exploited as domestic workers and prostitutes (CRC/C/15/Add.60, 15, CRC/C/28/Add.1, para 324). On the other hand, it seems that working is a necessary element of child socialisation in any society, even in the West, and there is nothing wrong in work itself. However, we should note that we are not talking about light work that brings no harm to the child's health and development. The concept of child labour includes hazardous labour in conditions that are not meant for children. The load of this work is comparable with the one of adults and does not stipulate a child's physical and mental differences with adults. Although some employers find many merits with working children due to their physical differences with adults and prefer children to work as, for example, chimney sweepers because of their size or employ them for weeding as they have small hands and can weed more thoroughly than adults. We can talk about labour when children work full-time to support their own living and the living of their families, which often replaces their school education. To judge whether a child is involved in socialising work or hazardous labour, the Committee refers to the norms set by the ILO in 1999. Article 3 of the Convention No 182 on the worst forms of child labour (1999) introduced the forms of child labour that should be eliminated. These are:

> (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
>
> (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
>
> (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
>
> (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. (ILO -182 1999, art. 3.)

The first Special Rapporteur, Mr. Vitit Muntarbhorn, referred to twelve categories of child labour which contract and substitute childhood: "armed conflicts; adult criminal activities; forced labour of abducted children; debt bondage; labour in the unorganized sector; labour in the organized sector; child prostitution; pornography and sexual exploitation; forced marriages; disabled children in the labour force; domestic labour; apprenticeships; and family supervised labour" (E/CN.4/1991/51, para 12). All those forms are studied and exemplified in the reports of the CRC and Special Rapporteurs.

In peripheral states, instead of sensitisation, children are often criminalised, i.e., treated as Dionysian children. The Special Rapporteur Mr. Petit calls it an injustice (E/CN.4/2003/79, para 11) to criminalise children who were, for instance, dragged by force into prostitution, selling drugs or pimping other children (ibid. para 13). It is vividly shown that criminalisation of children does not do any good for the child. Most likely the children, after detention, will fall into the hands of the same clients or traffickers (ibid. para 12) or meet other

similar risks. The Special Rapporteur mentions that there are states that do not treat children as criminals but pursue instead "protective custody". For example, in Taiwan criminal responsibility starts at 7, although children aged 7-12 are not imprisoned; under the Juvenile Criminal law, the children are sent to detention centres for education rather than for punishment, according to the government's information. This form of tackling with the issue looks better at first sight: the state clearly demonstrates care for children. In practice, the outcome may not be much different for the children who are detained for education (ibid., para 14 – 15). Information submitted by NGOs to the Special Rapporteur confirms that Chinese women and girls trafficked to Taiwan are staying in detention centres sometimes over a year, because they entered the country illegally (ibid., para 82). NGOs trying to help detained victims have no access to these centres (ibid. para 83). Other countries of Asia (India, Nepal, Bangladesh) practicing "protective custody" (ibid. and E/CN4./2001/73/ Add 2, para 27), create conditions for children "marginally better than those in prisons", as Mr. Petit mentioned in 2003 (E/CN.4/2003/79, para 15). Children might stay in detention longer than they served in sexual slavery and participate in continuous court processes (E/CN.4/2005/78/Add.3).

b. Sympathisation policy: objectified suffering

As part of their policies, the United Nations agents display child suffering based on factual first-hand information. The display of suffering goes together with the display of pain. There is a geography of pain, the same that we saw already at the level of the General Assembly and Security Council debates. Alongside the debating organs, also the CRC and Special Rapporteurs produce dreadful images of suffering and pain, which overwhelmingly reside in peripheral states. Particularly, the Special Rapporteurs, as quasi-scholars, are allowed to use different stylistic devices throughout their reports, herewith balancing between emotionality and formalism. When communicating with NGOs, Special Rapporteurs receive many stories, which leave no one indifferent. They are mostly about individual cases of child rights violations. These stories are encapsulated in the Special Rapporteurs' official annual reports as pieces of official communication and empirical proof of the situation in a specific state. The relatively formal nature of texts does not drive sensitivity away. The CRC Concluding Observations are more formal and condensed, but they also thoroughly analyse and depict child suffering and pain.

Sympathisation is impossible without victims for whom we will emote sympathy, especially for child victims, by transferring an aspect of guilt to our consciousness as readers or listeners. Victimisation depicts the innocence of the child. In these documents, examples of child despair are very detailed and sensitive; they are full of misery and injustice. According to the opinion of Mr. Petit, child sexual abuse does not happen because there is lack of public awareness, but due to the fact that children are not yet universally recognized as victims (E/CN.4/2003/79, para 8). If children are not recognized as victims, they are not placed into the category of weak and innocent people; on the

contrary, they are presumed to be provocateurs, perpetrators and criminals. Victimisation of the child is a part of the United Nations sympathisation policy and is the main task for United Nations agents.

According to the Special Rapporteur, Mr. Petit, children become victims in multiple ways. He states that disadvantaged children first are stigmatized by their surroundings (ibid.). Second, they most likely will suffer from HIV (E/CN.4/2002/88, para 66). Third, they can become victims of drugs. As a result, when these children become adults, they experience difficulties with integration into society and frequently find it difficult to build their lives anew. The Special Rapporteur argues:

> Tragically, for many young victims of sexual abuse and exploitation, the fear of contracting the virus is not their primary concern. They may have been trafficked from brothel to brothel, suffering extreme violence on a regular basis, or they may have entered prostitution to avoid starvation. After enduring perhaps years of abuse and humiliation, they might not view their own life as having much worth. (ibid. para 71.)

The Special Rapporteur recommends to the United Nations debating organs to raise attention to the responsibility of the state for correcting child rights problems in respective countries. The state in Mr. Petit's reports is represented as the major violator of child rights. The "clumsy" state machinery is often represented as damaging instead of facilitating child development. In 2007 the Special Rapporteur reported on information received from an NGO in Viet Nam. He described abused children in Hanoi around the year 2003. When poor children go to Hanoi to find work, they are caught by the police and sent to one of the two compulsory "rehabilitation centres" where they are detained for a period from 2 weeks up to 6 months. These centres are administered by the Government. Children become locked up for 23 hours a day in dirty cells, sometimes together with adults, with only a bucket for toilet. They are released for only 30 minutes a day to wash and eat. There are no activities provided for children. The staff of the centres regularly beat children unreasonably and abuse them verbally. After detention children are not facilitated with family reunification (A/HRC/4/3/Add.1, para 262 – 267). Even though the reply from the government of Viet Nam to an enquiry regarding the situation was "overall positive" (ibid., para 272) and maintained that the allegations were "totally untrue" (ibid., para 273), the images of suffering children remained in the heads of readers, as parts of the elephant described by George Lakoff, the one that should not be thought of. The language used by the Special Rapporteur evokes the frame that constructs a cognitive link between mass suffering and geographical locations in the periphery. Thus, the presented images of suffering children in Viet Nam do not remain only within that state, but spread wider to cover all states in a similar situation of development.

The Special Rapporteurs' country reports are third-person narratives. Although the Special Rapporteurs witness at least some situations themselves, formal rules for making reports do not allow them to use the first-person narration. Nevertheless, their stories sound very realistic and seem close to a

reader. While reading them, the images of children work as film footage and make readers, so to speak, "see the documentary". This is very similar to the effect of epistolary novels, when one can trace evolution of the author's emotions directly without a mediator between a reader and a storyteller. However, because the reports of the Special Rapporteur are of a third-person narration, the effects of the epistolary genre are reduced. From 1991 – 2008 almost 70% of the official visits of the Special Rapporteurs were directed to peripheral states. From the Western point of view, reports from these states are pierced not just with dramatic but indeed devastating examples. In 2000 Special Rapporteur Mrs. Ofelia Calsetas-Santos brought a note of feminine sensitivity in her report upon a visit to Guatemala. First she reported about seven minors who were involved in prostitution. She described their subjection to ruthless torture in detail:

> They had been totally deprived from their freedom, forcibly tattooed, forced to drink alcohol, forced to take drugs and if a client complained, they were beaten with an iron rod. (E/CN.4/2000/73/Add.2, para 46.)

Previously, it was mentioned by the first Special Rapporteur, Mr. Vitit Muntarbhorn, that "prostitution is particularly evident in the developing world" because of a lack of regulations (E/CN.4/1991/51, para 19). The Special Rapporteur proposed a concept of *survival sex*, when children have to do it, as there are no other ways to protect themselves and survive (E/CN.4/2003/79/Add.1, para 39). This position justifies the conduct of children and liberates them from personal guilt. Children look even more innocent when they are victims within families. According to Mrs. Ofelia Calsetas-Santos, poverty in Guatemala is so high that it pushes families to sell their children. The Western perception that families are meant to protect children and create comfortable conditions for their growth is often shown to be the opposite in peripheral states. The warmth and love of Western families to their children is contrasted with the evil emanating from many Guatemalan families. The Special Rapporteur represents families and parents as main culprits between the child and her troubles. Special Rapporteur Calsetas-Santos explained that about 64 per cent of Guatemalan children had suffered from sexual abuse coming from family members (E/CN.4/2000/73/Add.2, para 52), not to mention the number of children living in the street due to suffering from parental abuse. The living conditions of children in Guatemalan cities have been horrible. In Cobán, for instance, the whole family can live in one room. Among some ethnic groups there is a cultural practice of a father taking away his daughter's virginity (ibid., para 84), which often involves sexual harassment. Once children are in the street, their main income derives from stealing, prostitution and begging. "There are no clear public policies or institutionalized practices that could help save children and rescue them from prostitution", remarks Special Rapporteur Calsetas-Santos (ibid., 54). The Special Rapporteur makes readers sympathize with the destiny and hopelessness of the children regardless their sex. Boys are in prostitution as much as girls (ibid., para 60). The Special Rapporteur herself saw many of the

children sniffing glue. To stress children's vulnerability and highlight the danger awaiting for them from the state, she described how one child who had testified to her was abducted by unknown persons and detained for 32 hours (ibid., 62). To dramatize the situation more, the Special Rapporteur reports about mothers in San Felipe who sell their 8 – 12 year old daughters as prostitutes to a men's jail twice a week on visiting days. A striking thing in these stories is that the school staff knows what is happening but cannot really intervene (ibid., para 72). It is difficult to get medical assistance for children without parental consent, while many parents want to hide their sick children not to be incriminated. The Special Rapporteur was informed about a case of a 5-year-old had a sexually transmitted disease (ibid., para73). Another story tells about a 9-year-old girl left by her mother in a brothel. The girl was raped and beaten by the son of the owner so the child was taken to the hospital, and this finally made the fact of violence public (ibid., para 75).

The images of suffering children are very precise and detailed in the reports of the Special Rapporteur. The developing states cannot disguise the true situation from the eyes of observers.

Crime and punishment VS sympathisation

Pain is a category that is well understood in relation to physical punishment. Rhetoric on corporal punishment of the child immediately causes sympathisation because physically children are weaker than adults. Many Western countries have been abandoning corporal punishment. Since 1957 Swedish gradual reforms in criminal law and the Parenthood and Guardianship Code lead to excessive parliamentary debates, which resulted in the legal abolishment of corporal punishment in all spheres of life in 1979 (Council of Europe 2007, 57). The provision identified physical punishment as humiliating and disrespectful for children (ibid., 57). Two other North European states followed this example several years later – Finland in 1983 and Norway in 1987. By 2007 there were 16 member states of the Council of Europe, which had amended their national legislation and banned corporal punishment (Council of Europe 2007, 55). Principally, corporal punishment was substituted with alternative forms of punishment mostly based on limitations, but not on suffering and pain. Many peripheral countries but also several core countries such as Great Britain, France, Canada and the United States still allow punishment as an educational method, at least within families. Ethiopia, for instance, allows "light bodily punishment" for educational purposes within families (CRC/C/15/Add.67, para 13) but strictly taken this kind of practice might imply domestic violence being prohibited by the Convention. Some countries allow the practice also at school, while some others use it also in the judicial process. For sentencing children in Ethiopia to corporal punishment the only statement a judge should make concerns the "bad or good character" of the child (ibid., para 20). However, how the judge makes this conclusion remains unclear. The Committee calls corporal punishment an "inhuman or degrading treatment against children" following article 37 of the CROC

(CRC/C/15/Add., para 16). In Nepal the national Children's Act "allows parents, members of the family, guardians and teachers to scold and beat a child lightly if it is thought to be in the interest of the child and is not considered torture or cruel treatment" (CRC/C/3/Add.34, para 153). This opposes the *best interest of the child* promoted in the Convention.

In many countries children are treated as Dionysian children, which is the traditional view. With the help of punishment their natural leaning towards sin and bad behaviour is taken out of them, and their behaviour is corrected so that they are able to become obedient children and eventually proper citizens. In Guatemala, as well as in many other Latin American countries, a child's initial innocence is questioned. In this country children can face life imprisonment without parole (CRC/C/15/Add.58, 15). The countries' initial report of 1996 explicates why it is so:

> The legal structure regulating the situation of children in Guatemala is based on the doctrine of the irregular situation, whereas the Convention on the Rights of the Child is based on the United Nations doctrine of comprehensive protection; this creates a conflict of law. This report has been prepared largely in accordance with the first of these doctrines. (CRC/C/3/Add.33, para 3.)

The *Doctrine of the Irregular Situation* (*La Doctrina de la Situacion Irregular*), sometimes called also the Doctrine of Irregular Behaviour is a common phenomenon in Latin American states. It was known in Argentinean Law 10.903 (*Ley de Patronato*) in 1919 or in the Juvenile Code in Brazil introduced in 1927 (CRC/C/15/Add.187). Mona Pare's research highlights that in 1927 children from the middle- and upper-class families were attached to the Civil Code and the special Family Judge. As for the children from poor families as well as street children ("minors" as noted by the author), they were covered by a specific Code of Minors and had their own judge – the Minor's Judge. Pare argues that "[t]hese legal steps were accompanied by the setting up of official establishments for the protection of abandoned and delinquent children, and this marked the beginning of Brazil's infamous public policy of institutionalisation" (Pare 2004, 224). The initial meaning of institutionalisation was to deal with mentally unhealthy children dangerous for society. The idea was to take those children under state control by primarily isolating them in hospitals. Forced institutionalisation became the mechanism to deal with the children. Mona Pare notes that presumably starting from the 1960's this concept in Brazil expanded its meaning and started to include all disadvantaged groups of children who have problems in the family and could be dangerous (street children, young alcoholics, perpetrators etc). Pare states:

> The concept was incorporated by the Brazilian Association of Minors' Judges, as it corresponded to the Brazilian legislative tradition of only taking children into account once they are in an irregular situation in relation to their family. All the different situations considered in the previous Minors' Code, such as abandoned children, vagrant children, and child delinquents, were grouped under the term 'children in irregular situation'. Whether they were major criminals, abandoned by their family, or found working on the streets, poor children would fit into the same category and be institutionalised in [...]. Children in these institutions would be out

of sight and out of people's minds, while the children would suffer violence, overcrowding, and unhygienic conditions during their compulsory confinement. The detention conditions encouraged criminality, which in turn reinforced people's perception of street children as criminals and led to the institutionalisation of even greater numbers of destitute children. (Pare 2004, 224.)

In many Latin American countries, child protection was substituted by child detention until the CROC was adopted and the judge was the person for taking decision on what kind of childhood the "minor" deserves. Children within this system were treated exclusively as objects of "judicial protection" (CRC/C/15/Add.187, para 15). Pare states that this is the situation when the government makes a difference between "children" and "minors" (Pare 2004, 242). In other words, the first category was more humanistic, whereas the second one was exclusively legal, with the connotation of *the child* as a destructive social element who needs special state control. The counter policy for irregular situations is the United Nations comprehensive protection policy the elements of which were established in the CROC. The Convention emphasized the major role of the family (not judges) in child protection as well as the substantive role of the state, which should assist families with children. Second, the state should not conceptualize children as criminals, nor to isolate them from the rest of the society. The state should rather provide support and assistance by involving trained specialists, elaborating educational programs and working with each family individually according to their problems.

3.2.2 Security theme: securitisation policy and normative policy

a.   Introduction of existential threats within securitisation policy

In securitisation policy, visualisation of existential threats comes first. The CRC and Special Rapporteurs express their concern on numerous national practices harmful for children. Children of peripheral states are represented as *endangered species*. There is a vivid visualisation of threats accompanying the discussion on measures of their prevention. Generally, the United Nations represents the state as a threat to children. Within a state there are a number of threats resulting from social malaise, unstable economy and weak law enforcement mechanisms. The threats vary in scale but from an overall perspective these might be represented, by the United Nations, as threats to global peace and security. Because the mandate of the Special Rapporteur on the sale of children is limited to the sale, prostitution and pornography, the conceptualization of threats to children reside mainly in the context of these themes. The Special Rapporteur, however, points out that trafficking of children as a certain *container* for the other threats, such as diseases, social rejection, and in general terms immoral practices. Thus, in Special Rapporteur's arguments trafficking is "a threat to human security" (Rafferty 2007, 403) itself and thus an *existential threat*.

AIDS as a threat

AIDS is called a disease of the twentieth century. In 1996, the office of the High Commissioner for Human Rights (to which the former Commission on Human Rights and the today's Human Rights Council belong), in cooperation with UNAIDS, prepared *HIV/AIDS and Human Rights International Guidelines* which represent HIV as a threat. Paragraph 51 of the document declares:

> With the advent of HIV/AIDS, we can no longer afford to evade these issues because to do so threatens the lives of millions of men, women and children. (HR/PUB/98/1, para 51.)

In 1998 the Guidelines were published and disseminated throughout the United Nations agencies. The report included a set of measures that the governments should take for "creating a positive, rights-based response to HIV/AIDS" (ibid., para 8). In 2001 resolution 2001/51 of the Commission on Human Rights, named "The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)" obliged all mandate-holders, including the Special Rapporteur to coordinate HIV issues during their work[48] (E/CN.4/2002/88, para 60). Ultimately, to support United Nations HIV policy and provide coherence within the organisation, HIV and its prevention were included in the Special Rapporteur's agenda. The Special Rapporteur Mr. Petit states:

> […] measures taken to address the spread of HIV/AIDS in young people cannot be taken in isolation from any measures to combat, or limit the effect of, both commercial and non-commercial sexual exploitation. (E/CN.4/2002/88, para71.)

Therefore, child securitisation policy also includes the aspect of child protection from HIV for which the Special Rapporteur uses his own arsenal of methods. The case of AIDS becomes more sensitive and thus securitisation becomes more intensive, when the talk turns to children:

> Children are physically weaker, less experienced and therefore less empowered to negotiate the terms of the abuse, such as an insistence on the use of a condom or refusal to be subjected to particularly violent and physically damaging sexual activity. Children working in brothels generally live in very poor conditions, often deprived of adequate food, water and medical treatment, factors which increase a child's vulnerability to contracting infection. (ibid., para 66.)

Child prostitution is an area involving high rates of HIV-positive children. The Special Rapporteur discusses data from UNAIDS, showing that the high level of people with HIV persists more among sex workers and their clients than with the rest of the population in a country (ibid., para 64). Children are the silent victims of HIV; they do not care about getting a virus because of the dulled sense of danger and a lack of understanding what AIDS is (ibid., para 77). Another world close to prostitution is the world of drugs:

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[48]   See E/CN.4/RES/2001/51 for more information on the resolution.

> In many countries, children enter prostitution in order to feed their drug addiction, and the role of their drug dealer and pimp becomes one. (ibid., para 67.)

Prostitution for getting drugs is a so-called "shared need" (ibid.). Drug addiction increases the risk of infection with AIDS. In this context, the Special Rapporteur recommends the governments provide access to information and education about AIDS inside and outside schools (ibid., para 69.).

Obviously, child securitisation goes together with sensitisation and sympathisation policies, thus repeating the schemes of debating organs. Securitisation proceeds due to the visualisation of children's hopelessness once they enter the criminal world.

Internet as a threat

The Internet of the twentieth and twenty-first centuries does not only bring benefits but also constitutes a threat, which has not yet been fully considered by the General Assembly and the Security Council. The Special Rapporteur presents the Internet as an aggressive and violent environment for children. Due to technical complexity in controlling the Web, children are becoming victims of pornography and prostitution on the Internet. This phenomenon is fairly new and the policies for protecting children online have not yet became mass policies worldwide. Loopholes in national legislation make devious practices persist.

The Special Rapporteur, Mr. Petit, defines two types of pornography on the Internet: hard-core and soft-core. The first one depicts stimulating sexual activities and lewd exhibition of the child's body (ibid., para 19). The second one is more controversial; it is related to erotica. The latter images are less open; children do not pose completely naked but half-dressed, though an emphasis on their sexuality is made. This kind of soft-core pornography is legal in many countries. Moreover, it is alleged to be a form of art, what makes it easier for pornography-makers to veil their illegal activities. By displaying for free legally permitted erotic images, they coax customers who pay with credit card to enter deeper into the sites where more sophisticated images are available (ibid., para 20). The producers of child pornography also find other ways to "normalize" their trade. For instance, they use digitally created images without a direct involvement of children (ibid., para 22).

The Special Rapporteur argues that child pornography on the internet is "a truly global phenomenon" (ibid., para 14). There is a link between pornography and sex tourism. Trafficked children are videoed and photographed for private commercial entertainment (ibid., para 23). Children also become victims of child abuse through such internet technologies as grooming and cyber-sex. Anonymity allows both adult perpetrators and children to disguise their age, while it is also easy for children to hide their secret cyber-friendships from the eyes of parents and friends (ibid., para 26). For perpetrators it is easy to manipulate children from a distance and fulfil their fantasies. There is also a risk that after grooming a child online, an adult

perpetrator makes an appointment with the child to further involve him or her in illegal activities.

The discussion on online child pornography occurs more in core countries because of their better technological facilities and awareness of the dangers. In poor rural areas in the periphery it might not be topical at all, but the situation is changing fast. In most of the world, different age groups are already covered at least with simple mobile phones, and devices with visual displays are also spreading fast. Securitisation of children who became victims through the internet is damaging the reputation of core states, where this kind of activity is the most prevalent, at least for the time being. In peripheral states, internet pornography itself is not yet really common, but trafficked children and children used for sexual purposes are concentrated there. To balance the morality of security discussion the Special Rapporteur, Mr. Petit, also cites examples of good practices in the core: the National Strategy to protect Children from Sexual Exploitation on the Internet in Canada (ibid., para 90), the Internet Safety group in New Zealand (ibid., para 99) or two Specialized Police units dealing with child pornography in Belgium (ibid., para 80).

The Special Rapporteur does not offer a solution to this problem in the form of international law – this kind of action actually would have been expected from the United Nations. The OPSC itself mentions the internet in its preamble as a source of a threat but does not formulate any specific article regarding it. Mr. Petit only refers to the Council of Europe Convention on Cybercrime, which already offered to criminalize child pornography in all of its manifestations, including artificially produced images. Securitisation of children of peripheral regions explains the fact that the topics for the United Nations global security flow from periphery. If a problem exists solely or mainly in the periphery is has all chances of receiving United Nations legitimisation, but if the problem is limited to the core, it is not raised into the rank of a 'global' problem by the United Nations, but left for the core actors to take care of by themselves. There are issues that the United Nations embraces forcefully, and issues that it does not. While being a developmental and civilizing organisation, it is also a controlling organisation, and this control has a distinct geography.

b.   Normative policy

Obed Y. Asamoah argues that the "[l]aw is the creation of policy and in turns serves ends determined by policy" (Asamoah 1966, 11). In this respect, creating international law means creating a child rights policy, although the law itself does not mean the end of the policy. Law requires continuous administration because the implementation of adopted laws on the global scale needs unceasing guidance, which the United Nations agents provide. The United Nations normative policy includes both the elaboration of laws and monitoring for their implementation. With the help of this policy, the United Nations attempts to securitize and protect child-victims. Generally, the West believes strongly in the power of the law and expects the same from the rest of the

world. The West regards international law as a peaceful way to establish the World order. When talking about child labour, the Special Rapporteur, Mr. Vitit Muntarbhorn, argued in 1991 that there is a "presumption that laws per se will eradicate" child right violations (E/CN.4/1991/51, para 19). Of course, to produce only the law is not enough. The Special Rapporteur argues that law "should not be posited in a vacuum; it requires a whole variety of social, economic, political and budgetary interventions to bolster the law as a means to an end and not an end in itself" (ibid., 20). In many countries, especially peripheral ones, a law remains a "wishing away" formula (ibid., 22). The Special Rapporteur points out that exactly due to poor law enforcement children in peripheral states encounter so much trouble (ibid., para 19).

There is an impression that the law in peripheral countries exists by itself without any attachment to reality. People still, to a great extent, depend on traditional practices and follow the communal laws or national customary law. Being traditional, sometimes millennia old legal norms, customary laws naturally do not reflect the provisions of the Convention. As mentioned previously, the CRC's target is to "harmonize national law and policy with the Convention" (CRC/C/5, para 3,), but the questions are: is absolute harmonisation possible on the global scale; or is it a utopian idea? Does harmonisation really work with any states?

An extended number of children in the world suffer from traditional practices that, most of the time, from the Western point of view, cause harm to a child. Beliefs and customs are rooted deeply in society. To modify the system of those beliefs and prioritize international laws is a matter of several decades. The reports of the United Nations agents securitize children and 'name and shame' the State parties where communal and customary laws win over international law enacted by the United Nations. United Nations agents equate traditionalism with primitivism, and regard international law as a modern advance indispensable for human welfare and happiness.

The girl-child, in the opinion of the Special Rapporteurs and the CRC, is the most vulnerable category subjected to established traditions. The images of girls in the reports of the United Nations agents are very sympathetic and display girls physically and legally more vulnerable human beings than boys. Her sufferings, due to the fact that she cannot resist male force, are intense. In peripheral states girls are often invisible and hidden from public view. In 1991 Special Rapporteur Mr. Vitit Muntarbhorn argued that deplorable practices "take place in the informal sector which is relatively invisible and beyond the law" (E/CN.4/1991/51, para19). Early marriages, genital mutilation, sexual exploitation and girl-child labour are among the most dramatic social practices challenging the articles of the CROC for decades. The question arises, is child legal protection effective in such circumstances?

In African countries the position of the girl-child is more challenging than in other regions, which intensifies the CRC's concern. In Ghana due to religious beliefs girls might face *trokosi*, a "ritual enslavement of girls" (CRC/C/15/Add.7, para 21). Suzanne Miers (2000) argues that *trokosi* refers to

a religious tradition where girls are given to god's servitude as payment for a crime committed by any of her family members. If, say, the father of a girl steals something, a young virgin girl aged 8 – 15 in the family is given away to the priest of the temple. There "the priests use the girls for cheap labour on the farm around the shrine, forcing them to work for long hours", also raping and beating them systematically (Miers 2000, 740). In 1992, inspired by the CROC, the Constitution of Ghana forbade the practice, although in rural areas it has still been observed. Women's organisations started to develop programs for informing the rural inhabitants about laws and harmless alternatives to *trokosi* (Fallon 2003, 537), i.e. they took to undertake the task that the government was unable to perform.

In 1996 Special Rapporteur Mrs. Ofelia Calsetas-Santas reported about the cultural practice in Zimbabwe where young girls were pledged to marriage for a remuneration (E/CN.4/1996/100, para 102). Although this kind of practice is indeed prohibited by domestic law, as in terms of current international law it is equated to the sale of children, it is not actually reported to the United Nations because it is not understood in the sense of national law as a violation of rights. The Special Rapporteur explains that "this has been attributed to the cultural beliefs of the people involved, who are unwilling to change what may be centuries-old patterns of behaviour" (ibid., para 102). Obviously, by the people themselves this practice is considered to be a norm.

Another problem in Zimbabwe registered by the CRC is unclear wording and loose definitions in national laws, which burdens the implementation of both domestic and international laws (E/CN.4/1996/100, para 7). For instance, Zimbabwean Censorship and Entertainments control Act[49] defines pornography as "undesirable material" that is "indecent, offensive or harmful to public morals" (E/CN.4/1996/100, para 112). Principally, the loose definition allows prosecuting anyone who happens to be caught while keeping real perpetrators away from justice. The language of legal definitions depends on the countries' leadership. Most of the time, in totalitarian states, legal definitions contain many loopholes allowing dealing with unwanted by the government persons by interpreting the law on its side. The United Nations advocates for the use of adequate legal language in domestic laws in order to harmonize them with the CROC.

The Special Rapporteur, when securitizing girls in South Africa, also utilizes materials collected by the Human Rights Watch, giving additional attention to problems related with education. Although South African national legislation dictates compulsory education for all children and there is an adequate amount of schools, girls cannot fully enjoy this right as conditions for peaceful and safe participation in school education are not there. While schools in the poorest areas may not collect study fees, equipment, the school uniform and similar items still require an amount of monetary investment from parents on their children's education. Special Rapporteur Mr. Petit, after his mission to South Africa in 2003, points out that in cases when girls receive money for their

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[49] Zimbabwean Censorship and Entertainments control Act, art. 11.

education from a neighbour or a family friend, she is expected to pay back by sex (E/CN.4/2003/79/Add.1, para 41). To get to the school also involves danger, because girls often have to walk long distances to get there. This has given rise to a phenomenon of "taxi queens", implying that a girl pays taxi drivers with sex in return for a drive to school (ibid., 41). Finally, "even when the girl has reached her school, she still may be vulnerable", because of gender-based violence coming from male students and the male school staff (ibid.). As the Human Rights Watch reported, girls are raped in school corridors, halls, toilets and classrooms (ibid.).

According to the Special Rapporteur report, rape in general constitutes every-day normality in South Africa, as it is so widely practiced in that society. The position of boys is also vulnerable as they are also victims of sexual abuse (ibid., para 23). Boys remain unprotected because of loopholes in legislation, which undermine child victimisation. The number of boys raped is not reported due to the fact that the national legal definition of rape includes only girls but not boys (ibid., para 16). South African national legislation also lacks a specific definition of sexual abuse; there is only a general definition for "abuse" covering all its possible forms, as Mr. Petit notes (E/CN.4/2003/79/Add.1, para 14). In addition, the patriarchal nature of the society does not allow a boy to admit having been raped; there is a social stigma to homosexuality (ibid., para 23). Imperfect legislation and loopholes in laws are a problem of domestic law in many states, not only in South Africa. Moreover the status of law itself, together with its enforcement mechanisms, can be very weak in peripheral states and cause legal disobedience. For example, when young girls work at coffee plantations in Guatemala, the plantation owners are legally obliged to send them to school, but most of the times the girls are not sent (E/CN.4/2000/73/Add.2, Para 80) because the owners see this as unnecessary or they do not want to take on any liabilities for the girls.

The United Nations makes attempts to carry out the *passive revolution* in people's minds through practical initiatives. Especially the UNICEF organizes campaigns and distributes funding for this purpose. The Nepalese initial report to the United Nations underscored that Nepal is a country where traditionally girls are less preferred and less respected than boys. Thus, girls are highly discriminated against and they do not go to schools as often as boys. Although the teaching profession, especially at the level of basic education, has in welfare states become increasingly feminized, this is not yet the case in many peripheral countries like Nepal. While the majority of teachers there are males, traditional gender-based discrimination tends to continue also in classrooms. In addition, "[m]any families hold traditional views that a girl's education is not necessary and is a waste of money as she will be married off", reported the Nepalese state to the Committee on the Rights of the Child in 1995 (CRC/C/3/Add.34, 300-c) . Girls also tend work long hours in domestic duties at home, leaving no time for school (ibid., para 2-3). To eradicate gender inequality, the UNICEF produced a documentary "Ujeli: A Child Bride in Nepal" based on real facts. This film tells about the typical life of a Nepalese girl to highlight her humiliating position. It

was meant to raise awareness "about the existing bias against the girl child" (ibid., para 72).

Another violent practice towards girls is linked with "religion". Circumcision is practised in many Muslim states and is popularly considered a religious practise, although the Koran does not mention the operation. The CRC disapproves female genital mutilation (FGM) applied in 28 – 30 African and Middle Eastern countries (Momoh 2005, 5). It is a traditional operation meant to be an "invitation into womanhood for girls" (CRC/C/3/Add.62, para 387) before puberty, known for about 2000 years. Primitive communities have practiced it in order to take control over women's sexual behaviour (Momoh 2005, 5). Today this act is considered to be dangerous for mental and physical health; it dooms women to unnecessary suffering and pain. It causes infections, especially when unprofessional practitioners interfere. Moreover, the risk of complications during birth delivery is high. Kenyan Initial report of 2000 mentions that the reason for this operation in the Kenyan community Kisii, where around 50% of girls under 15 are circumcised, is widespread support for "a good tradition" (CRC/C/3/Add.62, 388). Even though governments are trying to fight against this practice (Kwateng-Kluvitse 2005, 63), it is not a simple thing for people to confront their community (Momoh 2005, 19). Westerners, attempting to resolve the issues and persuade locals not to commit this practice, are not met with open arms (CRC/C/3/Add.62, para 387; Kwateng-Kluvitse 2005, 138). Legally in Kenya FGM was not recognized as a crime before 2001.

Many states make an attempt to keep their right for so-called *reservations*. The Vienna Convention on the Law of Treaties (VCLT)[50] offered general regulations of international treaties in 1969. According to the VCLT, the states pose limited freedom when accepting international norms, i.e. have a right for reservations. The document defines *reservation* as "a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State" (VCLT, art. 2, para 1-d). Reservations work as the way to maintain elements of customary law or existing national law alongside the newly introduced international law. This mechanism "facilitates negotiations of treaties" and acceptance of a legal instrument without an obligation to stick to all its provisions (Schabas 1996, 473). Therefore, states, where traditions or national laws contradict the general treaty, can use this right without being forced into a corner. Many Member States to the CROC employ this rule when submitting their reports on progress to the CRC. In doing so, they preserve the elements of their sovereignty and act against the imposition of proclaimed international norms on the national system. The Committee, in general, does not directly object to the reservations, but does not welcome them either. Most of the time members of the Committee expresses concern upon implementation

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[50]   Adopted in Vienna on 23 May 1969. Entered into force on 27 January 1980. United Nations, Treaty Series, vol. 1155, p. 331.

of an article of the Convention by providing their own interpretation of it and explaining in what way it can be embedded in the national system and co-exist with traditional practices of the state. The Committee urges the Parties to formulate reservations "as precisely and narrowly as possible" and to "regularly review any reservations with a view to withdrawing them" (CRC/C/33, para 17)

It has been said that today the child in Yemen is different from the child in Jordan or Pakistan; what makes them bound are the values of Islam (Adams et al. 1984). Be that as it may, Islam works like a "unifying force" for countries geographically distant from one another but cultivating the same religion (ibid., 4). In spite the fact that reservations challenge implementation of the CROC, many Muslim countries (Jordan, Bangladesh, Algeria, Afghanistan and others) after adopting the CROC made their reservations, upon article 14 protecting child's "freedom of thought, conscience and religion" (CROC 1989, art.14 para 1). In Islamic states thinking is subordinated to religion, which children inherit from their parents. In their national reports the State Parties expressed reservation of the articles of the Convention contradicting the laws of Islamic Shariah (CRC/C/2/Rev.7). Specifically, the Concluding Observations for Bangladesh clarify that this reservation "might impede the full implementation of the Convention" (CRC/C/15/Add.74, para 11). The CRC also questions the status of the Convention in the domestic law, because noticeably, "children's lives are governed by family customs and religious law rather than by State law" (ibid).

Welfare states also make reservations to articles by interpreting the articles of the Convention in a country-specific way and expending their meaning depending on individual case. Canada, in its initial report, made a reservation for the CROC's articles 21 and 37 (c) on child adoption. The Canadian government clarified that in Canada a child can be separated from her family in her best interest. The government also mentioned that the article on adoption might not be consistent with "customary forms of care among aboriginal peoples in Canada" (CRC/C/11/Add.3, para 160). The Children's Law Reform Act of Canada identifies "customary care" as " the care and supervision of an Indian or Native child by a person who is not the child's parent, according to the custom of the child's band or Native community." (ibid., para 737). Thus, the Canadian government was concerned with who would ultimately provide care of adopted children as this can lead to dramatic consequences in case of no control. In its official reply, the CRC expressed concern about non-discrimination and interpretation of the best interest of the child principle. In this role, the opinions on the best interest of the child were split.

The drawback of reservations is that the diluted law, in many cases, cannot protect individuals, which contradicts the essence of international law (Schabas 1996, 473). Therefore, human rights advocates highly recommend to reduce and finally to withdraw reservations (ibid.). The CRC is not an exception. The monitoring body generally expresses reluctance towards the acceptance of any reservations made by State Parties no matter whether it is a

peripheral or a core state. The Czech Republic interprets the provision of article 7, paragraph 1, of the Convention as follows:

> In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife, on the one hand, and the donor, on the other, remain unknown to each other, the non-communication of a natural parent's name or natural parents' names to the child is not in contradiction with this provision. (CRC/C/11/Add.11, 123.)

After considering the initial country report in 1998 the CRC replied that "the Committee remains concerned that this reservation might impede the full implementation of the Convention", and encouraged the party "to review" its reservation (A/53/41, para 1094, 1112). In 2003 the second Czech Republic report demonstrated that the state was not eager to accept the Committee's rejection. To that the Committee expressed its "regret" and its "understanding that the civil registration of irreversible adoption does not necessarily mean that the adopted child has no possibility of knowing his or her (biological) parents" (CRC/C/124, para329). Then in a stricter tone the CRC "recommended the State Party to reconsider its position and withdraw its reservation (ibid. para 330). Concerning the implementation at the national level of laws created at the United Nations, which is easy to monitor, the CRC clearly is attempting to enforce the norms globally in a comprehensive and equal way, so that no apparent difference in the treatment towards the core and peripheral states can be observed.

3.2.3 Economy theme: unexpected twist in economy policy

In one of the reports Special Rapporteur Mr. Vitit Muntarbhorn posed an important question: "If there are laws, are there policies, programmes and budgets?" (E/CN.4/1991/51,para 36). It is clear that legislation in itself does not guarantee any success. Law should be translated into practical programmes and policies for which budgets are indispensable. The United Nations debating organs and United Nations agents provide a "carrot and stick" strategy towards the State Parties. The welfare states are treated with a "carrot" and praised for their external investments, financial assistance and established "order in the house". Canada is appreciated by the CRC for having distributed "resources to work towards the ending of economic exploitation of children on the international level" (CRC/C/15/Add.215, para 50). The government of Canada submitted the state report mostly describing their assistance contributions to developing world to which the Committee expressed its appreciation but "regretted" the lack of information on the situation inside the recipient states (CRC/C/15/Add.215, para 50). In 2000 the CRC remarked favourably at Finland's "economic recession of the first half of the 1990s and the fact that the basis for determining the welfare of children has been maintained" (CRC/C/15/Add.132, para 3). In addition, the CRC "welcomes the national equalization system for child welfare" "irrespective of the economic situation of

the municipality" (ibid., para 7). The core states are in this way treated with verbal "carrots".

The "stick" is given to peripheral states, which due to their insufficient national economic base and problems in the public income generating system are unable to support child rights. Upon Ecuador the CRC accentuates "the negative impact on children of economic factors such as structural adjustment and external debt" (CRC/C/15/Add.93, para 10), as well as widespread poverty that "hamper the enjoyment of the rights of the child in the State party" (CRC/C/15/Add.93, para 11). The situation in Malawi tackling deficit of economic recourses the CRC comments as follows:

> The Committee acknowledges that the fact that the State party is a landlocked country and that it is extremely poor have had and still have a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of high external debt payments, pressures exerted by structural adjustment, extremely high annual inflation, the recent declining economic conditions and rampant corruption, especially on children belonging to the most vulnerable groups, and the impact of the HIV/AIDS pandemic. (CRC/C/15/Add.174, para 5.)

The situation of addressing economic issues by the CRC resembles the way it is debated in the General Assembly. States are placed under unfavourable light with one of the ways of *naming and shaming*. However, Special Rapporteurs' reports disclose a difference. Special Rapporteurs deploy economic vocabulary not to illustrate economic advantage of states but the exploitation of children. Ms. Ofelia Calcetas-Santos comments on trafficking of children in Guatemala that children are sold out and trafficked for adoption, as well as many children are trafficking into the country for the purpose of prostitution (ibid.). She concludes:

> Since huge profits can be made, the child has become an object of commerce rather than the focus of the law. (E/CN.4/2000/73/Add.2, para 13.)

Here, new economic relations are under the lens: relations between *customers* and *buyers*. Here children are not seen as objects of investment, nor as objects of law, but rather as objects of *profit*. At this point the story has a twist in the tail: the welfare core states are in many cases represented as evil, while the periphery is placed on the position of morally pure victims. Finally, the consequences of both financial deficiency and fiscal surplus are displayed.

a.   Customers and buyers

Commercial benefit is one of the main reasons for child sex tourism and child pornography. Economical concepts such as *market, trade, clients, suppliers, profit and demand* constitute the Special Rapporteurs' vocabulary on child violence. One might ask: how is a child related to economy? We will answer by recalling the main rule of economy: 'if there is a demand, there is a supply'. Children became live goods for many states. They are dragged into the black market game played by the rules of adults who use child obedience to pull them into

trade relations, exploitation and slavery. The Special Rapporteurs all comment on this commercialisation of children. It was mentioned previously that commercialisation is the opposite of sacralisation. This fact facilitates bringing out immoral images of child rights violators. For instance, Mr. Petit argues that traffickers "make profits from the children's vulnerability and inability to negotiate or challenge the situation" (E/CN.4/2006/67, para 51). Trying to tackle this issue the Special Rapporteur brings up the question "what constitutes demand for exploitation, and how best to address it" (ibid, para 19). It is crucial to realize who *the clients* are. They can be considered from the perspectives of gender, geography, psychology and profession.

On the gender level, it is a fact that the majority of sexual abuse cases emanates from males. Although official information from European NGOs demonstrates a light tendency that women are starting to request "sexually exploitive services" (ibid., para 37) and a small percentage of women purchase sex from boys in formal and informal prostitution (ibid.), these findings do not change the general situation at the gender level.

The geographical scope of clients is wide; it includes both locals and foreigners wishing to buy sex cheaper (ibid. in Kane J. 2005). Countries where the majority of clients live are not listed in Special Rapporteurs' reports, and thus there is no open naming and shaming connected with the customer geography. However, the Special Rapporteurs tend to focus on clients in richer countries because of developed tourism services and available wealth that the tourists are ready to use for sexual services. However, as representing the core in a bad light is unfavourable in the United Nations, the Special Rapporteurs therefore tend to refer to evident difficulties in researching the client, whilst the latter prefer not to brag out about their activities. Academic research nevertheless proves that the clients mainly come from the west. Elizabeth Bevilacqua calls the US one of the largest consumer countries (Bevilacqua 1998); Hodgson argues that Australians not only come as sex tourists but also own brothels and participate in trafficking (Hodgson 1993). Wealthy Asians of course participate in this, too (ibid.). The numbers tell that at least two decades ago one third of sex tourists were paedophiles from North-America or Europe (ibid.). For welfare state citizens buying services from abroad is the way to escape the penalty spelled out in national legislations. When committing crime abroad, these citizens remain unnoticed due to flawed transnational legislation, loopholes in national laws of peripheral states, poverty and impunity. To conclude, the west becomes hidden in this discussion without visible traces of 'naming and shaming'.

Positive examples of national laws criminalizing perpetrators also exist, although it is important to note that laws work differently in various geographical settings. For example, in Denmark, based on a law on trafficking enacted in June 2002, persons involved in trafficking are criminalized (E/CN.4/2003/79). The clients of young prostitutes (under 18 years old) are criminalized and can be sentenced to 2 years of imprisonment; sexual relations with minors are punished by 6 – 10 years of imprisonment. In Japan,

prostitution is criminalized too and a solicitor for sexual intercourse is punished by 5 years of imprisonment and a fine (ibid., para 71). Japan has been considering its criminal code to be applicable for its nationals committing sexual crime abroad (ibid., para 78). From a psychological point of view there are the clients, the so-called "situational offenders" who take an opportunity to use an accessible child; this is most likely to happen in societies expressively emphasizing youth and its use as demonstration of social status and masculinity (ibid., para 39, 2006/67). For another thing, there are people with a strong focus on minors and they are paedophiles. They use children for multiple psychological reasons, be that a myth that virginity cures HIV or improves potency, or that having sex with a child brings economic benefits to the child (ibid. para 40).

It is important to mention that there is no single professional category of people using these services. In Cambodia, for example, some of the brothels are visited by governmental officials (E/CN.4/2003/79, para 34), but this reflects the fact that they have the time and the money, rather than showing that government officials would tend to be paedophiles. A study of ECPAT International[51] showed that children's clients tend to be aid workers, military personnel and peacekeepers, seamen and truckers, travelling businessmen and others (E./CN.4/2006/67, para 41), but again this probably reflects the opportunity than a characteristic of the profession itself.

b.   Transplant tourism

In 2006 Mr. Petit presented results on research on the trade of child organs started by the first Special Rapporteur Mr. Vitit Muntarbhorn. Progressive development of medicine has created a demand for organs for transplantation. In addition, organs can be used also by religious cults or for genetic research (A/HRC/4/31, para 19). This demand has established a so-called "transplant tourism". The ethics of this issue are complicated, because for some people a transplant is a real need, a hope and remedy. According to some data, 86000 Americans were waiting for organ transplantation in 2006 (Scarpa 2006). A high demand, on the one hand, and lack of regulations, control and enforcement, on the other hand, have created a black market of organ trade. According to existing international standards, the removal of organs is clearly considered to be a case of exploitation (A/HRC/4/31, para 29). Debra Budiani and Francis Delmonico argue that organ trafficking "is the global injustice of using a vulnerable segment of a country or population as a source of organs (vulnerable defined by social status, ethnicity, gender or age)" (Budiani-Saberi and Delmonico 2008, 925). If the cases of adults demonstrate that they mostly accept to be donors and in this way they not only perform the function of a donor but also that of a seller with a monetary motivation (ibid.). However, the case of

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[51]   The full name of the organization is the End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes.

children is more controversial and sensitive. Special Rapporteur Mr. Petit confirms:

> Trafficking of organs remains sensitive issue, especially when involving vulnerable victims such as children. (A/HRC/4/31, para 18.)

Children have been used as silent donors, while those who stand behind them gain the monetary rewards. It is also very difficult to find real evidence of trade on the black market, especially in the case of children. As a consequence, many rumours and "urban legends" are evoked which can be "false but widely believed from a modern folklore" (ibid., para 20). In Asia the issue of illegal "transplant tourism" of child organs is included in the Criminal Codes of the Philippines and Japan, though this is more of an exception than a common feature of national legislations. In the Philippines, for example, there are several social institutes responsible for this issue: the National Kidney and Transplant Institute, the Centre for Transnational Crime existing under police, and the Inter-Agency Council against Trafficking (ibid., para 64). They all work closely together with the National Bureau of Investigation in order to save the victims (ibid., para 76).

The Special Rapporteur does not exclude children from becoming a donor, but only if there is no criminal element involved in the operation. The Special Rapporteur argues that a child can be a donor for a family member if no other solutions can be found (ibid., para 84 (f)). However, as the international trade of organs is a matter of grave urgency, the Special Rapporteur securitized this issue by calling the states to create rapid-response programs that include international cooperation, institutionalisation and local initiatives (ibid., 22).

Again it is not openly mentioned, but can be presupposed that demand comes mainly from countries with more developed economies and medical systems. Their citizens are the main customers. The other side of the issue is that poverty generates monetary motivation for selling organs either by force (as in the case of children), or voluntarily. The rumours of scary devastating practices tend to come from peripheral states, where economic conditions allow the space for treating children as economic commodities.

CONCLUSIONS

The purpose of this study was to provide a deep understanding of the United Nations child policy during 1989 – 2008, namely its *formation, types* and *implications* among the United Nations actors and Member States. Specifically, we have analyzed the United Nations child policy that actively started to develop after introducing the Convention on the Rights of the Child in 1989. We focused on the levels of debating and monitoring organs as well as State Parties to the Convention. We studied almost twenty years (1989 – 2008) of the United Nations methods and strategies that the organisation employs to implement its policy. To the best of our knowledge, child policy within the United Nations framework has not been previously considered by political scientists. Only at a fragmentary level has it been studied by sociologists and historians. Finally, this dissertation is a contribution to the study of childhood in the world through the lens of political relations among states at the arena of the United Nations. Child policy among nations within the United Nations system is a complicated affair, which contains both satisfying and repulsive elements.

The *formation* process of child policy within the United Nations goes deep into history of development of the concepts of the child and childhood. By adopting the approach of Lynn Hunt, we argued that child rights, as a part of human rights, woke up as a militant concept through developing the ideas of *autonomy* and *sympathy* for the child. The child's autonomous world started to become visible from the seventeenth century onwards, through the age of Enlightenment. Philosophers, economists, educators and writers of that period singled out the child from the every-day context and brought a new meaning to Western childhood. During that time in different corners of Western states legislation started to view the child as an individual and stipulate his or her property rights, independence from parent's views, or the degree of proper punishment for a child. At the end of the nineteenth century children became actively empathized. After developing industrialisation brought children to factories, their hard labour became visible. Child protection issues were brought forward on the shoulders of protesting movements alongside with women's rights and human rights in general. Further, World War I made child suffering more objectified due to emerging photography. Newly established international organisations, like the League of Nations and the ILO, made an attempt to take child issues under control by producing international regulations. Although these regulations were not elaborated well enough, they caused public interest and a desire to modify them into a more comprehensible format. After World War II the United Nations took child issues into its hands. The post-war Declaration on the Rights of the Child with its 10 articles introduced the needs of the child as proto-rights and pointed out the major social areas where children necessitate help and protection (education, employment, social security, health care, family environment). The raising concern for children in the West consolidated countries' interest in the ban on corporal punishment

both at school and at home. Northern Europe was the leader in this initiative and from the 1980's served as an example for other European states. In 1989 a backstage initiative of Western states to bring changes to world childhood resulted in the Convention on the Rights of the Child. This document was the foothold for further United Nations actions towards the betterment of the position of children in the world. Almost universal ratification of the Convention by the United Nations Member States did not automatically mean agreement of the states to comply with all articles of the Convention, mostly because the document codified westernized ideas of developed infrastructure for happy childhood. By infrastructure we mean not only material things and services, but also a certain way of thinking that should accompany the implementation of child rights. Obviously, ratification of the document for many states had the symbolic meaning of saying "yes" for children but not acting promptly for adjusting national socio-economic and legal systems to the United Nations Standard. The attitudes of State Parties to the westernized conception of child rights and United Nations child policy have been especially noticeable at the General Assembly and the Security Council debates. The analysis of the rhetorical structure of the debates allowed seeing the elements of confrontation among different groups of states involving the concept of the child. Generally, we divided states into the core and periphery from the point of view of the positions they take in the United Nations due to specific socio-economic development. However, we also found confrontation among states undergoing military conflicts or states that have to protect their religious background.

To bring structure to the analysis we concentrated on three major themes that we discovered from the United Nations debates: *moral*, *security* and *economy* themes. The moral theme serves as a basis for the other themes, because the child is a highly moral concept in itself and the all debates involve a lot of moralisation. Within the themes, we detected specific rhetorical frames, which we called talks, each of which bears a specific function in the rhetoric of individual states.

Sensitisation talk is built on emotional images of the child as an angelic Apollonian human being who needs love and protection. The United Nations speakers explain how the world for this child should look. They verbally shape an idealised image of the world fit for children. Generally, the sensitisation talk is meant to demonstrate the superior position of the child in the world of adults and mostly all states do that. This brings the audience into a special lyrical mood, which softens their minds and regulates their emotions. In Aristotelian terms this type of talk belongs to the genre of epideictic oratory, which elevates the image of the child to a pedestal, where she is admired and cherished. This type of rhetoric serves as a suitable background and contextualisation for more complicated political argumentation.

Sympathisation talk is slightly different from sensitisation talk. By using various rhetorical devices it is meant to evoke sympathy with the situation of children. It resembles theatrical action: the United Nations diplomats perform

at the stage of *theatrum mundi* impacting the audience by dramatic narratives of the plight of children. Sympathy is a strong fellow feeling. It easily involves listeners and in unity they empathize with the situation. Here we can complement Lynn Hunt by pointing out that empathy was not only involved in the *formation* of human rights, but also in today's *implementation* of child rights as human rights. Acting out the drama is more heightened in the Security Council, where multiple examples come from the context of war and armed conflict. Sympathisation is aroused through concretizing a child's suffering in different ways. It goes together with visualisation of pain. The rhetorical description of children in armed conflicts dramatically contrasts with the initial idea of the innocence of the child, which makes the depiction of child suffering more intense. The emotion of pain is widely disseminated by the diplomats; through sadness they bring the child's pain close to every listener in order to substantiate the necessity and the choice of political actions.

Another way of channelling emotions lies in the conceptualisation of the child as a *victim*. Representation of child-victims constitutes the process of victimisation by the United Nations speakers. In the Security Council, diplomats continually talk about girl-child and boy-child victims of armed conflict. They demonstrate child suffering according to the roles boys and girls fulfil at wars. The concept of a child-soldier is also present in this context. The United Nations speakers demonstrate a rather controversial attitude to this phenomenon because here the innocence of the child is called into question. To provide a sequential tactic in the United Nations rhetoric, the speakers justify children's action and substitute Dionysian images with Apollonian images of children. Fighting children are seen as immature, hungry, and lonely; they are pushed to kill by circumstances. The Security Council also discusses *displaced children* who are separated from or have lost their families. Complying with the articles of the CROC, the speakers tell about the meaning of the family for children's socialisation and discuss family reunification policy as a part of DDR-programmes.

Story-telling is another strategy that the United Nations uses to objectify the suffering of the child and demonstrate the necessity for action. The children whom the Security Council brings in to tell their stories share their experiences publicly. Listening to the voices of child victims is especially appreciated in the organisation. It makes listeners feel closer to the child's destiny, sympathize with the child's life, compare children's experiences in different geographical areas and rather sincerely look for remedial policies.

Another way to channel emotion goes via the usage of historically-accentuated concepts. The concept of *genocide* raised sharp argumentation from the conflict between the USA and Iraq in 1996. If previously we saw the unity of states when the epideictic sensitive image of the child was employed, here State Parties split in exercising their mutual power-relations. The concept of the child has been manipulated by all conflicting parties in order to weaken the moral position of opposing states. The United Nations speakers use this strategy rather often.

The next theme we touched upon in this dissertation is the *security theme* and within it we found two kinds of talks: *security talk and normative talk*. *Securitisation talk* implies securitisation of the child mainly by displaying and discussing the elimination of different threats to her life and well-being. We studied three of the most "popular" threats around which the argumentation in both United Nations debating organs is rotating. Namely, HIV and AIDS, environmental issues, and armed conflicts are represented as the most serious global threats to children. Each of those threats is institutionalized and each one presupposes an individual policy. This move exemplifies the policy succession in the organisation, when one policy is included within another. This has a so-called Matryoshka-doll effect; after one layer of threats is opened, a new one appears within it. On the other hand, the concept of the child becomes so morally strong in the organisation that it simplifies the promotion and intensification of other United Nations policies. The work for those policies is represented as noble work on behalf of the child.

Normative talk is attributed to the security theme because the United Nations legal capacities are seen as an alternative to the use of force. In other words, legitimisation becomes a part of securitisation where laws are meant to protect the child. The United Nations speakers see international law as a modern tool of the civilized community in contrast to fights and aggression. Nevertheless, even the United Nations diplomats question the effectiveness of international norms because many of them do not imply any sanctions and the strong bounding mechanism thus easily remain wishful formulas. Starting from 2001, the Security Council introduced a mechanism of soft sanctions on states violating child rights. The members of the Security Council voted in favour of 'naming and shaming' lists of parties involving children in fighting. This initiative caused long-term debates on the necessity of such a mechanism and its technical aspects. Obviously, this move did not bring prompt progress, as Kofi Annan's report in 2005 criticized the inaction of governments towards implementation of child rights, pointing out devastating practices with war-children, and proclaimed the "era of implementation" of the already existing legal norms.

The last theme we extracted from the debates is the *economy theme*. Here we look at *economy talk* constituting the major part of the General Assembly discussions about the way the children's world should look. Understanding that all policy actions need pragmatism and financial support divided the states into the core and periphery; or, in economic terms into donors and recipients. African states openly expressed their remonstrance on welfare states for unfair distribution of resources. Many Asian and African states openly asked for financial assistance and gave all kinds of promises for building child welfare if financial support would be forthcoming. International monetary players like the IMF and the World Bank together with the United Nations proposed debt relief programmes in 1997. Ultimately, the states complained that they remained in a circle of debt bondage and blamed core states for hypocritical policies. African countries also expressed fear of neo-colonisation and

complained about closed access to the world market. Asian states mostly justified their financial position by referring to the history of national wars and problematic leadership undermining their economies. To highlight their concern and responsibility for peripheral states, the core countries reminded the peripheral states about the 0.7% target for allocating 0.7 of their GDP for development aid in peripheral regions. With this the core states increased their moral position in caring not only about their own children but also of needy children in developing states. Of course, in many ways peripheral states resolve their problems by themselves at the regional level. The United Nations activities serve as a stimulating ground for regional policies. For example, in the course of preparation for the World Summit for Children in 2002 representatives of African states met in their regions to elaborate common strategies and legal policies as well as to exchange their good practices to increase the level of child welfare.

To trace the *implication* of the United Nations child policy and its *types* we referred to the monitoring bodies: the Committee on the Rights of the Child (CRC) and the Human Rights Council. Within the Human Rights Council we considered the mandate of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. The Committee on the Rights of the Child is a strict guardian who watches national child policies of all states. It gives special attention to developing states that do not operate in concord with the principles of the Convention. The mandate of the Special Rapporteur also attracted our attention, because the United Nations represents her as an independent researcher with a task of researching child right violations in individual states. On the other hand, she absorbs the organisation's tendencies and appears to act like the United Nations protégé: she frames child policies in individual states and defuses the organisation's strategies of child-policy-making. Both of these monitoring organs conduct their communication with governments. Alternatively they communicate with NGOs and other civil society actors for the purpose of specific fact-finding. In other words, these two bodies create a database of child rights violations in individual states and trace the progress of local implementation of the CROC. Our analysis showed that the monitoring bodies diffuse the rhetorical structures (*talks*) of the debating organs into their work and transform them into action, i.e. policy. Both the CRC and the Special Rapporteur sensitize governments. In other words, they provide a *sensitisation policy*. Moreover, the Special Rapporteur admits that sensitisation should be the major strategy of the governments to improve their policy actions nationally. The CRC cultivates the image of the Apollonian child by clarifying for the governments who the child is and what kind of life conditions are best for her.

The s*ympathisation policy* of the monitoring bodies also goes through actively discussed cases of victimisation of children. By using first-hand information, the CRC and the Special Rapporteur present various contexts where the child becomes a victim of disrespectful practices. Sometimes, one child becomes a victim multiple times, when, for instance, she is involved in

prostitution, becomes a drug addict and a bearer of HIV. The Special Rapporteurs, through story-telling, deploy narratives on the situation of children in developing states. Many times the United Nations agents witness these situations during their country visits, where they directly communicate with representatives of child institutions and children themselves. Having more freedom in the way they represent information, the Special Rapporteurs use an arsenal of stylistic devices to describe the suffering of children in all possible dramatic colours. The CRC in a more formal manner struggles against physical punishment and pain. It actively refers to examples of some core states forbidding corporal punishment at home and school ten years before the introduction of the CROC. By this the CRC tries to break the blockage of traditional thinking in many developing states practicing corporal punishment. In other words, the CRC formulates the best interest of the child and teaches the states how to implement it.

The securittisation policy among monitoring bodies naturally operates though securitisation of the child and visualisation of existential threats. We considered HIV and the internet as modern threats to the existence of the child. HIV and AIDS are rotating from one United Nation agency to the other, thus, providing a coherence of an anti-HIV policy at all organisational levels. Children cannot protect themselves from these diseases because of their immature age; therefore there is a demand for various state-level actions, such as raising awareness among the general public and facilitating protection from sexual violence. The internet was especially represented as a global threat of the twenty-first century. Anonymity facilitates child involvement in digital pornography; children from disadvantaged areas are trafficked for cyber crime. The Special Rapporteur's report on this question is meant to draw the attention of policy-makers and governments on the issues.

Normative policy in the case of the United Nations debating organs started from understanding that laws themselves are not capable of bringing any changes without enforcement. In 1991 the Special Rapporteur noted that laws require specific policy-actions, which meant that child policy never goes by itself alone. The task of monitoring bodies is to motivate State Parties for better law enforcement as well as to accept international law as a certain moral platform on which they should stand. The CRC and the Special Rapporteur are responsible for harmonisation of international and national laws. The Committee names and shames developing states for their traditional practices such as *trokosi*, female genital mutilation, child labour and the secondary role of girls in society. All of those bring harm for the physical and mental development of the child. The Committee even goes against reservations that the states have a right to produce upon various articles of the Convention. In their opinion, all reservations impede implementation of the document and contradict the principles of the CROC.

The last policy the monitoring bodies are implementing is *economy policy*. It is clear for the Committee and the Special Rapporteur that budgets are necessary for establishing child welfare. The United Nations debating organs

and United Nations monitoring agents actively provide a "carrot and stick" strategy towards the states. The core states are treated with a "carrot" and praised for their internal and external financial investments in child welfare. The "stick" is given to peripheral states undergoing economic instabilities and corruption to decrease their moral position. The Special Rapporteurs, however, offered another view on the interconnection of economy and children. Mr. Miguel Petit, one of the rapporteurs, argued against child commercialisation when children become profitable both for developing and core states. He especially emphasized child trafficking, child sex tourism and organ transplant tourism and described the question of supply and demand. All these practices lead to a necessity of international collaboration and establishment of cross-border actions for child protection.

The United Nations is one of the major watchdogs for global childhood. It can be criticized for its excessive politicisation, non-systematic fragmentary policies, bureaucratic machinery that only slows down the work of the organisation by multiplying tons of papers. Or, it can be continuously judged for mistakes that cost thousands of lives in Rwanda or Somalia. One also can claim that it is a hegemonic organization that maintains the international position and cultural supremacy of the core with a help of a child policy being used as a tool in different conflicts and power games played out by Member States within the organization. Notwithstanding, something good for children all over the world also emerges from these whirlpools of political and moral games. Being aware of all the negative judgements, every day the United Nations departments, units and agents try to improve their mechanisms of child policy-making and adjust those to the contemporary state of affairs. They learn by their mistakes. It is a fact that multilateral cooperation is a time-consuming process that brings out many nuances that cannot be foreseen beforehand. Nevertheless, positive practises, which the United Nations demonstrates in its publications, make us believe that the organisation's activity and the time spent on it are truly worth it. Frankly speaking, there is no other structure of this size in the international arena that can turn the minds of people towards a more humane attitude to the child in the world. Although child policy agents are quite scattered within the United Nations and often do not collaborate actively, they still stick to the same principles and strategies on policy building. The general intention of the organisation's policy is to enhance the level of well-being for children, thus the quality of their life. Even if this does not naturally lead to a demographic increase of the population due to the tendency of children to become expensive for parents and the state, it will make it possible to raise new generations of people capable of building a lawful society and live peacefully in a multicultural world. For some people this might sound like utopia, but almost all United Nations actors altruistically believe that their actions will find the right destination and bring positive changes, primarily in developing countries where children obviously suffer from armed conflicts, cultural cults and overall impunity. We also should not underestimate the United Nations capacities in information building, which helps

governments to follow good practices. Be that as it may, United Nations activities stimulate states to turn their heads in the direction of children, stop marginalizing them and take responsibility for their future as the future of the states themselves.

TIIVISTELMÄ (FINNISH SUMMARY)

Yhdistyneiden kansakuntien lapsipolitiikka. Moraalisia valtapelejä kansainvälisellä areenalla.

Tässä tutkimuksessa pyritään rakentamaan kokonaisvaltainen tulkinta Yhdistyneiden kansakuntien lapsipolitiikasta, jota on rakennettu sen jälkeen kun Lapsen oikeuksien sopimus solmittiin vuonna 1989. Turvallisuusneuvosto ja yleiskokous ovat YK:n tärkeimmät keskusteluforumit, ja niiden kautta lapset ovat nousseet poliittisiksi elementeiksi kansainvälisen rauhan ja turvallisuuden agendalle. Sen lisäksi että se on moraalinen toimija maailmanpolitiikassa, YK on myös hegemoninen toimija, minkä johdosta se levittää lähinnä länsimaista lapsi-ideologiaa, painostaen yksityisiä valtioita noudattamaan moraalisia velvoitteita lasten suhteen. Tämä johtaa järjestön sisällä kireisiin vastakkainasetteluihin sekä valtioiden välisiin moraalisiin valtapeleihin, jossa vastakkain ovat yleensä hegemoniset valtiot (lähinnä Euroopan unioni ja Yhdysvallat, joita tukevat muutamat muut varakkaat valtiot kuten Kanada, Uusi-Seelanti ja Australia) sekä heikommat perifeeriset valtiot (lähinnä Aasiassa, Afrikassa ja Latinalaisessa Amerikassa). Perifeeriset valtiot pääsääntöisesti kannattavat länsimaista lapsi-ideologiaa julistusten tasolla, mutta käytännössä eivät pysty noudattamaan sen normistoa, mikä johtuu niiden rajallisista sosioekonomisista ja hallinnollisista resursseista. Tämä johtaa ns. nimeämisen ja häpäisemisen tilanteeseen, missä eri valtioita ja niiden hallituksia syytetään moraalittomasta politiikasta, mutta myös loputtomiin väittelyihin maailman taloudellisen järjestelmän oikeudenmukaisuudesta, sekä kiistoihin valtiosuvereniteetin merkityksistä.

Valtioiden välisten moraalisten ja poliittisten pelien dramatiikka ja kiivaus helposti nostaa ne julkisuudessa YK:n lapsipolitiikan pääasiaksi. Niiden ohella, tai oikeastaan niistä huolimatta YK:n pyrkimyksenä maailmanjärjestön ominaisuudessa on kuitenkin parantaa lasten hyvinvoinnin yleistä tasoa. Tämä ei lisää demografisesti lasten määrää, koska heidän elämänlaatunsa paraneminen tekee heistä kustannuksiltaan kalliimpia niin heidän vanhemmilleen kuin heidän valtioilleenkin, mutta se vähitellen lisää mahdollisuuksia kasvattaa uusia sukupolvia, jotka voivat rakentaa oikeuteen perustuvia yhteiskuntia sekä elää rauhanomaisesti monikulttuurisessa maailmassa. Tällainen ajatus on tietysti jossain määrin utopistinen, mutta YK:n toimijat yleisesti ovat varsin vakuuttuneita siitä, että heidän toimintansa päämäärät ovat oikeita ja että he voivat saada aikaan positiivisia muutoksia erityisesti kehittyvissä maissa, missä lapset vielä kärsivät sotilaallisista konflikteista, erilaisista lapsille vahingollisista kulttuurillisista toimintatavoista, sekä välinpitämättömyydestä. YK:n kykyä luoda uutta informaatiota, joka auttaa valtioita kehittämään parempia toimintatapoja, ei kannata väheksyä. Vähitellen, vuosien kuluessa, YK järjestönä suostuttelee valtioita kohdistamaan yhä enemmän poliittista ja hallinnollista huomiota lapsiin, vähentämään heidän marginalisaatiotaan ja ottamaan vastuuta heidän tulevaisuudestaan. Lasten tulevaisuudesta riippuu valtioidenkin tulevaisuus.

РЕЗЮМЕ (SUMMARY IN RUSSIAN)

Политика Организации Объединённых Наций в отношении детей. Международные игры вокруг морали и власти.

Цель данной работы заключается в глубоком исследовании политики Организации Объединённых Наций в отношении детей (далее «детская политика»), которая берёт начало с 1989 года – года принятия Конвенции по правам ребёнка. Посредством дискуссионных органов, Генеральной Ассамблеи и Совета Безопасности, ООН включила понятие «ребёнка» в повестку дня, связанную с рассмотрением вопросов мира и безопасности. Являясь гегемоном, ООН в большей степени транслирует западную идеологию охраны детства и возлагает на государства моральную ответственность за детей. Контрольные органы ООН, такие как Комитет по правам ребёнка и Совет по правам человека, включающий мандат Специального докладчика по проблеме продажи детей, детской проституции и детский порнографии, используют данную идеологию в тесной работе с государствами-членами. Оперирование прозападными понятиями при осуществлении детской политики ООН провоцирует конфронтацию и политические игры вокруг морали и власти между гегемонами (ЕС, США, Канада, Новая Зеландия и Океания) и более слабыми странами периферии (Азия, Африка и Латинская Америка). И хотя страны периферии публично принимают западные взгляды, в реальности они их не придерживаются из-за нехватки собственных социо-экономических и политических ресурсов. В конечном итоге, в этих странах детская политика ООН не может осуществляться по гегемонскому сценарию западных стран. На международной арене данный факт становится причиной применения стратегии организации, именуемой «назвать и заклеймить позором», бесконечных дебатов о финансовом обеспечении стран и апеллирования к суверенному статусу государств. Несмотря на это, главными намерениями ООН в детской политике являются повышение эффективности международного законодательства, контроль государств-исполнителей и вместе с этим улучшение жизни детей. Даже если данные инициативы не приведут к повышению уровня рождаемости, они будут способствовать формированию нового поколения граждан с правовым сознанием, отличающихся гуманностью и способностью жить мирно в мультикультурном обществе. В какой-то степени данное высказывание, равно как и сама детская политика, могут показаться утопией, однако многие действующие лица ООН верят в то, что их действия увенчаются успехом и приведут к положительным изменениям особенно в малоразвитых странах, где дети живут в условиях вооружённых конфликтов, нищеты, губительных ритуалов и общей безнаказанности. В любом случае, мы не должны недооценивать возможностей ООН в информационном обеспечении, которое помогает государствам выработать положительные стратегии детской политики.

Так или иначе, ООН делает многое, чтобы повернуть головы членов правительств в сторону детей, прекратить маргинализацию детства и взять ответственность за будущее детей, являющихся будущим самих стран.

Уникальность данного исследования в первую очередь обусловлена его мультидисциплинарностью. Оно включает в себя знания из разделов международных отношений, концептуальной истории, социологии, антропологии и международного права. Исследование впервые раскрывает понятие «детская политика», а также обобщает опыт дискуссионных и контрольных органов ООН в разработке международных и национальных инициатив защиты детства.

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176

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