

# **Advancing health-related human rights of children: global and regional opportunities and challenges**

---

Dainius Pūras

UN Special Rapporteur on the Right to health

ENOC 20th Annual Conference “Equal opportunities for children in education”

Vilnius, September 20-21, 2016

# Insights from experience in/with different organizations and regions

---

- ❑ Childhood and related policies in Lithuania
  - ❑ Childhood and related policies in the European region and CEE sub-region
  - ❑ Cooperation with UNICEF, Eurochild, other international organizations
  - ❑ Membership in the UN CRC (2007-2011)
  - ❑ Experience with UN Special Procedures mechanism (serving as a UN Special rapporteur on the right to health since 2014)
  - ❑ <http://www.ohchr.org/EN/Issues/Health/Pages/SRRightHealthIndex.aspx>
-

## Recommendations of the UN Committee in the field of prevention of violence (based on analysis of dialogues with 20 European countries in 2007-2011)

---

- ❑ address violence as a public health problem and to invest in primary care
  - ❑ develop effective child and adolescent mental health policies
  - ❑ invest effectively in early childhood development
  - ❑ address bullying through effective preventive programs in schools
  - ❑ develop parent training programs
  - ❑ develop community based services for children and families at risk, as alternative to ineffective institutional care
  - ❑ develop adolescent-friendly (including confidential) services
  - ❑ protect rights of adolescents in juvenile justice system
  - ❑ abandon controversial “zero tolerance” policies aimed at reducing youth violence (ASBOs in the UK, “mosquito” devices, reducing age of criminal responsibility, etc.)
-

# Global and regional challenges in the field of protection of children's rights

---

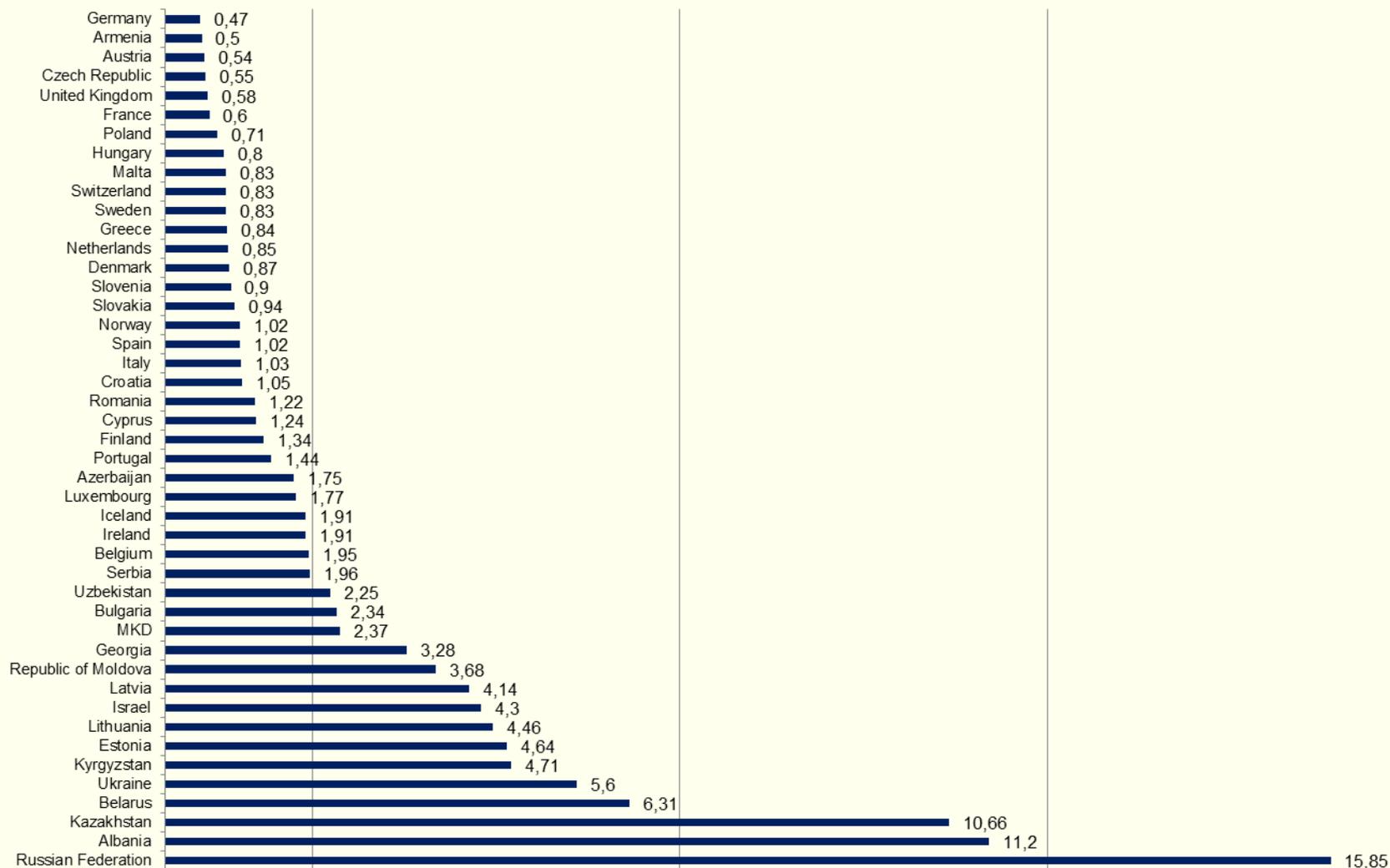
- ❑ Millennium Development goals: reducing poverty, infant and maternal mortality, access to primary education, focus on issues: HIV/AIDS, immunization, gender equality, etc. With SDGs and Agenda 2030, broader approach is needed. The SDGs are relevant to all European countries, and prevention of violence, discrimination and intolerance is one of crucial issues
  - ❑ Central and Eastern Europe (CEE): 30 new democracies in Europe and Central Asia, undergoing the prolonged process of challenging transition
  - ❑ CEE region: high rates of destructive and self-destructive behavior, including violence against children, juvenile delinquency, bullying
  - ❑ CEE region: lack of community-based and family focused services for families at risk; large number of children living in institutional care
  - ❑ Retrogressive tendencies in different countries, globally and in European region. Selective approaches to human rights in general and to human rights of children.
-

## General Comment N.13 (2011): The right of the child to freedom from all forms of violence

---

- No violence against children is justifiable; all violence against children is preventable
  - Need for paradigm shift towards respecting and promoting human dignity of and physical/psychological integrity of children as holders of their rights rather than perceiving them primarily as “victims”
  - Children’s right to be heard and to have their views
  - Primary prevention, through public health, education, social services, of all forms of violence is of paramount importance
  - Role of families. Controversial tendency to protect traditional family values.
  - Widespread and intense violence applied against children in state institutions and by state actors
  - Definition of violence (all forms included!)
  - Harmful effects of “mental violence”
  - Harmful effects of corporal punishment (banned only by 29 states worldwide)
  - Violence among children (such as bullying)
  - Institutional and system violations of child rights
  - How to address “youth violence” and challenging behavior of adolescents
-

## Rates of homicides among 10-29 year old people in European region (WHO, 2010)



# Thematic reports of Special rapporteur on the right to health (2014-2016): key messages

## Right to health in early childhood

---

- The health, survival, and healthy development of young children must be at the centre of the post-2015 agenda and other global, regional, and national processes.
  - More needs to be done to ensure child survival despite progress made. However, it is not enough just to prevent children from mortality. Beyond survival, children have a right to thrive and develop in a holistic way to realise their full potential. The right of young children to healthy development is crucial to promote the right to health through life and to foster sustainable human development. Investments in healthy development and well-being in early childhood is not a luxury and must be valued equally with lifesaving medicines and bio-medical interventions.
-

# Thematic reports of Special rapporteur on the right to health (2014-2016): key messages

## Right to health in early childhood

---

- ❑ Youngest children are rights-holders
  - ❑ Broader approaches needed when investing in children's health to include the detrimental impact of violence and early childhood adversity
  - ❑ Ban corporal punishment of children in all settings, including in families and promote awareness that violence against children is prohibited
  - ❑ Promote indicators and benchmarks to monitor progress in the right to health in early childhood, including in areas of emotional and social development
  - ❑ Equip primary health care services with appropriate psycho-social interventions for child development & and train health professionals on its importance
  - ❑ Continue to implement Guidelines for the Alternative Care of Children and eliminate placement of young children in institutional care. Implement CRPD!
  - ❑ Prohibit discrimination against intersex people, including by banning unnecessary medical or surgical treatment, and adopt measures to overcome discriminatory attitudes and practices
-

# Thematic reports of Special rapporteur on the right to health (2014-2016):

## Key messages

### Adolescence: special focus on sexual and reproductive health, mental health, drug use and drug control

---

- ❑ Provide psychosocial interventions at the community level, avoid institutionalization and excessive use of psychotropic medications
  - ❑ Ensure universal access to sexual and reproductive healthcare services
  - ❑ Provide access to confidential, adolescent-responsive and non-discriminatory sexual and reproductive health information, services and goods
  - ❑ Decriminalize abortion
  - ❑ Provide age-appropriate, comprehensive and inclusive sexuality education
  - ❑ Seek alternatives to punitive or repressive drug control policies
  - ❑ Protect adolescents from violence and neglect, including in family settings, by upholding their right to confidential services and counselling without parental consent
  - ❑ support families to increase the abilities of parents to raise children and adolescents in a competent and confident manner, and reinforce skills to manage situations in a non-violent way
  - ❑ Avoid policies and measures designed to protect families and family values that undermine the human rights of individual family members, including women, adolescents and younger children
-

# Conclusions

---

- ❑ Not to be lost in a troubled world, a compass is needed
  - ❑ This is UDHR, UN CRC and other UN human rights conventions, European Convention on Human Rights.
  - ❑ Human rights are universal and indivisible. There is no hierarchy in human rights. Children are right-holders. They are not a property of their parents or state.
  - ❑ Financial resources are important. Even more important are our attitudes. Democracy and modern human rights based framework is the best remedy and vaccine
  - ❑ European region remains among global human rights leaders. It is very important to keep the bar on the same high level and to demonstrate mature response to current challenges.
  - ❑ *“Control over migration movements can only be gained by opening regular, safe and affordable channels for migration; but States continue to erect walls, use barbed wire fences and take deterrence measures such as systemically detaining migrants, including children...Freedom should be the default position, as it is for citizens and regular residents.” (Francois Crepeau, UN Special Rapporteur on the human rights of migrants)*
  - ❑ The role of Human rights institutions and the Ombudspersons for Children is of crucial importance.
-