



Federal Ministry  
for Economic Cooperation  
and Development

# Young people in German development policy – a contribution to the implementation of the rights of children and youth

A BMZ Position Paper



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# 1. Context and scope

The cross-sectoral strategy “Human Rights in German Development Policy” (2011 Human Rights Strategy) of the Federal Ministry for Economic Cooperation and Development (BMZ) constitutes a **binding basis** for the human rights-based approach in German development policy. It makes human rights standards and principles a requirement for all development policy projects and a basis for all discussions pertaining to cooperation with national and international partners. **The human rights-based approach explicitly includes the rights of young people too**, in other words, the rights of children and of youth up to the age of 24.

The present paper sets out the position of German development policy with regard to the rights of young people. It illustrates how the BMZ Human Rights Strategy applies to young people, and both are binding for German development cooperation. The position paper is meant to be used to help **identify, appraise, plan, implement and evaluate** development projects that are of relevance for young people. In addition to that, it is intended to serve as an orientation aid for the (further) development of approaches to promote the rights of children and youth through German development cooperation. The position paper includes the relevant BMZ sector strategies (see Annex).

## 2. The rights of young people and their significance for development

Young people make up half the world's population – that is especially true in developing countries. In such countries, between 50 and 70 per cent of the entire population consists of children and youth, that is, people who are younger than 24 years of age. A large proportion of young people in the population can furnish a positive demographic dividend if their potential is fostered through good governance and a development orientation in government policy. If, on the other hand, youth – especially young men – lack prospects, frustration ensues; emigration, violence or radicalisation are possible consequences.

**Young people are a mixed group** – this age group includes newborns and toddlers, school-age children, adolescents on the verge of adulthood and young adults. Young people may experience additional discrimination because of their gender, religion or origin, or for other reasons such as disabilities. Despite this diversity, it makes sense in development policy to differentiate between children and youth, yet still consider them as a group. For one thing, children and youth are united by **their importance and their potential for the development of their societies**; and for another, in developing countries the **social divisions between the individual age groups are flexible**.

### THE LEGISLATIVE FRAMEWORK

The 1989 Convention on the Rights of the Child (hereafter referred to as the CRC) is the **foundation under international law** for the rights of children and youth up to the age of 18, the other international human rights conventions apply for young people over the age of 18. Given the lack of clear human rights rules and designations for the age group that sociologists describe as youth, this position paper will follow the **usage of the statistics division of the United Nations (UN)**. There-

fore, those up to 14 years of age will be termed children and those aged between 14 and 24 years will be described as youth. The umbrella term for the whole age group up to 24 years of age will be “young people”.

Germany and all the partner countries of German development cooperation have ratified the CRC and thus **made a commitment** in principle to **implement** it, even if some states have expressed reservations regarding individual stipulations in the CRC. The implementation of the CRC is monitored by the UN Committee on the Rights of the Child. The CRC and the “General Comments”, which are an interpretation of the content of human rights provisions by the Committee, offer many different openings for realising the rights of children and youth up to 18 years of age in various sectors. In the CRC and the other human rights conventions, the development opportunities and protection that young people can claim as their right are laid down as binding requirements. The CRC also lays down that people under 18 years of age must be included in development processes in accordance with their skills and abilities; this correlates to Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which lays down the right of all people to participate in shaping public affairs.

Many states fail to meet their obligations in terms of human and children's rights. They do not do enough to address extreme poverty and its consequences, such as malnutrition and disease, educational poverty and exploitative child labour. Misguided economic and social policies in many countries, and deficits in terms of the rule of law and democracy likewise impact negatively on the rights of young people and prevent them from participating in politics and political life. In many places bad governance also fosters violence, whether in the shape of armed conflicts or rising

criminality or the breakdown of society. Thus millions of young people have no chance of exercising their rights.

## THE PROBLEM AREAS

**Child mortality:** According to UNICEF, the United Nations Children's Fund, one in eight children under five dies in sub-Saharan Africa as a result of diseases that are for the most part easily avoidable and treatable. The **child mortality rate** is not just an important indicator in the health sector and for the right to life (Art. 6 CRC and ICCPR), but also **for development in every sense and for the priorities set by society**. Child mortality depends on a number of factors, including the degree of gender equality and corruption-free access to age-appropriate basic services. These factors include access for mothers and children to health care, education, safe drinking water and sanitation, and also adequate food.

**Maternal and child health:** Poverty is often passed on from one generation to the next, a path that is basically determined during childhood. When mothers experience malnutrition during pregnancy and when nursing, that has a direct impact on the child's development and there is little that can be done to remedy the situation. Mental and physical disabilities can result from malnutrition and food shortages in childhood; for example, about 1.5 million children are blind but 70 per cent of the cases of blindness in children could be avoided.

**Education:** Worldwide, there are more than 67 million boys and girls who do not attend school. Children with disabilities are at a particular disadvantage when it comes to education, about 90 per cent of them have no access to education. Almost half of all the children in the world who do not go

to school live in sub-Saharan Africa. In developing countries only about one quarter of the population has mastered basic skills like reading and writing, even if they finished school. The quality of the teaching is poor in many countries and education budgets are seriously underfinanced. Without education – whether formal or non-formal – children are unable to develop to their full potential. Without educated young people there can be neither sustainable growth nor social development.

**Child labour:** Poverty is also the reason why **more than 215 million children between the ages of 5 and 17** are obliged to work, with almost half of them labouring under dangerous conditions that are banned under international law. Child labour takes many forms and is found in many different sectors of the economy; it can be forced labour or debt bondage, working in private households or in the industrial sector; however, the biggest share (about 60 per cent) of child labourers can be found in the agricultural sector. Only about one fifth of working children receive payment; the overwhelming majority of child labour takes place in family-run businesses. Although we are seeing a global decline in child labour, in sub-Saharan Africa the number of working children is on the increase. This is caused in part by the high mortality rates in Africa due to HIV and AIDS. Child labour is often linked to child trafficking, also for the purpose of commercial sexual exploitation.

**Employment:** Unemployment rates are several times higher for people between 18 and 24 years of age – both those with and those without formal education – than for adults. This is true in many countries, even for young university graduates. Many of them work in the informal sector under precarious conditions for low wages and without any kind of social security. If these young people do not receive any careers help or advice – for example, through trained youth social workers, tailor-

made training courses, micro-finance and targeted labour market reforms – then they have no chance of making use of their individual skills and becoming fully-fledged members of society.

**Violence:** Many developing countries are characterised by relatively rigid, patriarchal systems; youth are way down towards the bottom of these socio-political hierarchies. That is also one of the reasons why youth are easily mobilised: in some countries they are the leaders of movements for more human rights and democracy, or they are active in lobbying for the conservation of the natural environment. The relative openness of the youth to new ideas can, however, also be used by violently inclined, criminal groups. They exploit young people with no prospects, especially young men, for their own purposes. In addition, children and youth are often the victims of violence. They can experience **violence** from a range of **public and private sources:** they may be recruited as soldiers or used as civilian shields, they are mistreated in prisons and orphanages, or they may be sold into prostitution, the pornography industry or other forms of modern slavery. In many societies, daily violence against children ranging from violent chastisement in the family home and in school to female genital mutilation and other harmful practices is tolerated.

### THE CAUSES

The **reasons** why governments are less diligent about observing their human rights obligations towards children and youth compared to their obligations towards adults are, **in particular, as follows:**

→ Because of their age, their physical and mental development and their dependence on family or other communities, boys and girls are

particularly vulnerable to having their rights abused.

- Because of rigid hierarchies between the sexes and between generations, youth mostly exist on the fringes of society. Even when children and youth are already carrying out adult tasks, the seniority principle means that they are expected to submit to the authority of their elders. As a result, they are often unable to organise themselves effectively and participate in activities in their own right.
- Children and youth do not have enough of a lobby. Their interests, their wellbeing and their rights are often not taken into account in politics and in the doings of administrative authorities.

### THE APPROACHES TO IMPLEMENTATION

In recognition of Germany's human rights obligations, German development policy is directed towards **supporting Germany's partner countries in implementing the international human rights agreements, including the CRC and its optional protocols.** Measures under bilateral cooperation take into account within the framework of the respective cultural and regional context the needs of the various age groups and their respective social situation. They support the **development and strengthening of government and non-governmental structures for the protection, participation, development and promotion** of young people. **Human rights education** measures are meant to empower children, youth and their representatives to exercise their rights and protect them from violation of their rights. Involving youth in development cooperation projects and in the community life of the societies in which they live is a good way to enhance their



**organisational and participatory skills.** Reforming **national legislation and building structures and capacities in politics and administration** serves to **strengthen the institutions concerned** for the task of enforcing the rights of children and youth through concrete measures. Furthermore, **networks and organised cooperation** amongst the relevant actors serve to improve the living conditions of young people and to give policy directed at young people the necessary weight in the institutional setting of the partner countries. This “capacity development” at the national, regional and local levels (multi-level approach) and also sector-based and cross-sectoral activities are particularly effective. The need to **complement the work of non-governmental organisations**, which often focus on a particular region and/or topic and on younger children, is thus met. All in all, German development policy contributes to improving the general climate for the realisation of young people’s rights and to **mainstreaming this task in government action.**

## 2.1 CHILDREN’S RIGHTS ARE HUMAN RIGHTS

Children’s rights are an integral component of the international protection of human rights and are summarised prominently in the CRC. The Convention is supplemented by two optional protocols covering agreements on measures for prohibiting the involvement of children in armed conflict and for banning the sale of children, child prostitution and child pornography. In June 2011, the UN Human Rights Council adopted a draft third optional protocol with a complaints procedure for cases involving the abuse of children’s rights, including the possibility to lodge an individual complaint (see Annex).

The majority of the rights contained in the CRC and its optional protocols correspond to the guarantees provided by other international human rights agreements or follow them closely. **Children’s rights are thus special rights but are not separate rights:** they are civil, political, economic, social and cultural human rights for the under-18 age group. Germany and all its partner countries have ratified the CRC and thus made a fundamental commitment to respect, protect and fulfil children’s rights within their territory (see Overview 1). The CRC envisages that all states shall take appropriate measures to realise economic, social and cultural children’s rights. To do this, they must exhaust all the possibilities available to them; international cooperation should support these efforts (CRC Art. 4). Art. 32 of the UN Convention on the Rights of Persons with Disabilities emphatically reaffirms this orientation within development cooperation.

### Overview 1: Respect for, protection and fulfilment of children's rights

Obligation to	Description	Examples of non-fulfilment
<b>Respect</b>	The state and its institutions must not violate children's rights.	Exclusion of pregnant girls, street kids or children with disabilities from educational establishments.
<b>Protect</b>	The state should take action to prevent third parties (e.g. businesses) from curtailing children's rights directly or indirectly.	Lack of oversight of companies that engage in prohibited forms of child labour; failure to enforce the ban on child marriage.
<b>Fulfil</b>	The state should adopt appropriate and targeted measures aimed at the full realisation of children's rights.	Access to education only in urban areas or only for children from high-income families.

The CRC defines children as **legal subjects in their own right**. It reaffirms the responsibility of family members, who should be supported by the state as they seek to carry out their role. The understanding of holders of rights and duty-bearers under child law **is the basis for concrete rights and obligations**. Children have their own rights that they can claim from those responsible for caring for them and from the state, and the state has a binding obligation towards children and towards their carers. Additionally, the "best interest of the child" is the **binding yardstick for policy and for administrative action** where people under the age of 18 are concerned.

The **CRC applies to all people** until they have completed their 18th year of life, regardless of their social, geographical, religious or ethnic background or other factors. It puts a special focus on protecting and supporting children in vulnerable situations, e.g. orphans or children with disabilities (principle of non-discrimination). The key contents and illustrative measures for implementing the CRC are:



## Overview 2: Categories of children's rights and illustrative measures for their implementation

Rights category	Illustrative measures for implementation
<p><b>Right to protection:</b> Protection from any form of physical or mental violence and from exploitation.</p>	<p>Ban on and measures to combat exploitative child labour and physical punishment in schools and in the family; effective measures to combat child marriage; judiciary and penal practice aligned with the needs and rights of children and youth of both sexes.</p>
<p><b>Right to participation:</b> The right to be heard and taken seriously as an independent legal person; the right to participate in all measures that concern children; the right to social and political participation and to have a say in matters that affect them.</p>	<p>Age-appropriate presentation of relevant information; active participation of children and youth in measures that affect them; participation and representation in schools; establishment of bodies and other entities for joint decision-making, and political participation for children and youth at local government level.</p>
<p><b>Right to development and promotion:</b> The right to acquire skills and knowledge that are necessary for development and independence.</p>	<p>Establishment of an accessible system for registering births; effectively combating infant and child mortality; accessibility of free, inclusive primary education for all; relevant forms of education and careers advice, e.g. through trained social workers.</p>

In addition to the CRC and its optional protocols, there are other relevant human rights instruments for this age group. These include the African Charter on the Rights and Welfare of the Child, which was inspired by the CRC, and the African Youth Charter – with youth being defined as every person between the ages of 15 and 35 years. The International Labour Organization has adopted a number of **important agreements on abolishing and regulating child labour**. They include Convention 138 concerning the Minimum Age for Admis-

sion to Employment (1973) and Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). The first of these commits signatories to introduce a legal minimum age at which children can be employed; the second prohibits above all exploitative forms of child labour such as slavery, debt bondage and forced labour. It also envisages the adoption of national action plans to combat child labour (see Annex).

## 2.2 CHILDREN AND YOUTH ON THE INTERNATIONAL DEVELOPMENT POLICY AGENDA

Children and youth are of key importance for development success and are therefore increasingly being taken into account in international development policy. The realisation of children's rights is thus linked to a number of the **Millennium Development Goals (MDGs)**, even though children's rights are not explicitly mentioned therein. **MDG 2** focuses on the realisation of the right to universal primary education. It is closely linked to the right to education (CRC Art. 28, 29; ICESCR Art. 13, 14). This right forms the basis for the call for access to free primary education for all, for a reduction in school drop-out rates, for appropriate vocational training and for improvements in educational quality and content. **MDG 4** focuses on reducing **child and infant mortality**, a binding commitment for the states parties of the CRC (Art. 24). Improving maternal health (**MDG 5**) is one of the keys to reducing child mortality and a human rights obligation on all states (CRC Art. 24 d; CEDAW Art. 12). Progress on this MDG can only be achieved **if discrimination against girls and women is ended** (as envisaged, inter alia, in MDG 3). Such discrimination is a crucial factor in the sluggish progress that has

been made on improving maternal health and is thus one of the causes for the still very high rates of child mortality in many regions. **MDG 7** focuses on improved access to safe drinking water and sanitation, without which the health-related MDGs cannot be achieved – children in particular are especially likely to be affected by water-borne diseases; therefore Article 24 (2) c of the CRC commits the states parties to implement pertinent measures. A children's and human rights-based approach to poverty reduction in general and to the implementation of the MDGs in particular can ensure that young people, especially those in vulnerable situations, are better reached by and included in these efforts.

Within the framework of the United Nations Agenda 21 the importance of young people for sustainable development was recognised in Rio in 1992. The Rio Declaration on Environment and Development makes explicit reference to the creativity, ideals and courage of the world's youth. Since then, youth have been accorded the right to participate in and be involved in shaping international negotiations. For the Rio+20 Conference (in 2012), youth representatives have already formulated their demands for sustainable development and inter-generational equity.

## 3. Contribution by development policy to promoting the rights of young people

### 3.1 ORIENTATION OF GERMAN DEVELOPMENT POLICY

Since the end of the 1990s, there have been **major successes** within German development cooperation with regard to **promoting youth**. Regional priorities here have been Africa, Latin America and South-East Europe. Effective approaches have been support for the formulation of legislation in line with international human rights agreements, strengthening state partners with fixed responsibilities for youth, training “multipliers” in youth social work, cooperation with civil society, and youth participation, for example, in the elaboration and implementation of municipal action plans.

German development policy takes a **dual approach** to the continuing challenges with a view to achieving more systematic realisation of the rights of young people: As part of mainstreaming the human rights-based approach in German development cooperation, **more attention** is being paid to the rights of young people to protection, participation, development and promotion. They are also being **integrated into general and sector-based procedures and decision-making processes in development cooperation**. At the same time, German development policy is providing support for **specific projects** to protect and promote young people and their rights, and this is being done as far as possible in cooperation with civil society players.

### 3.2 PRIORITY AREAS FOR DEVELOPMENT COOPERATION

Derived from the problem areas that have been identified, the following policy fields form the focus of German development policy measures:

In the **health sector**, promoting maternal and child health plays a key role in both bilateral and multilateral projects. Most recently, the **Muskoka Initiative on Maternal, Newborn and Child Health** was adopted at the G8 summit in 2010. Germany’s involvement in this Initiative takes the form of an additional contribution of 400 million euros over a period of five years.

There are 1.3 billion people in developing countries aged between 12 and 24 years; this age group therefore plays a key role in programmes to **promote sexual and reproductive health**. Health programmes that are tailored to and accessible for each age group are important, in particular for the prevention of sexually transmitted diseases – including HIV – and unwanted pregnancies.

→ Germany is involved in multilateral initiatives to improve maternal and child health. In bilateral projects support is provided for measures specifically targeting children and youth. These measures are based on a human rights concept and therefore include age-appropriate improvements in access to information, health services and contraceptives, especially condoms. Peer-to-peer approaches, social dialogue processes, and social and youth work are used to help fight female genital mutilation; the targeted inclusion of boys and young men in these activities supports efforts to promote gender equality and non-violence. German development cooperation in the health sector will continue to be based on furthering hu-

man rights. Increased support will be directed towards integrating health-related measures for children and youth with structure-building activities in other sectors, for example, social protection and education.

**Education** is a cross-cutting issue in German development cooperation. The effective implementation of the right to education involves **access to high-quality education for girls and boys** regardless of their origins or socio-economic status. This calls for **inclusive education systems** that are just as much tailored to the needs of children and youth with disabilities as they are to the needs of girls and boys living in poverty, in conflict areas, in rural regions or in multilingual societies. In order to facilitate quality education for all, there must be an inclusive school infrastructure (e.g. accessibility and school buildings in rural areas), flexible curricula, adequate numbers of teachers, good teacher training and support for informal education options. Inclusive education systems impact on efforts to combat child labour, improve nutrition and child health, and realise children's participation rights.

→ The **new BMZ Education Strategy** envisages, inter alia, the expansion of Germany's involvement in the education sector and the coordinated linking of all support measures with a view to making education more holistic and inclusive. The aim is to also reach the 67 million children of primary school age who are not going to school right now for reasons of poverty or marginalisation, or because they live in fragile states. Important priority areas of German development cooperation in this regard are advising education ministries on the planning of national education systems, supporting the implementation of relevant steps and providing special assistance for disadvantaged groups. Initial experience with non-formal education programmes has been positive and

these efforts will need to be expanded due to the high demand for them in partner countries. In order to be able to offer youth a long-term perspective, more support is to be directed towards education programmes providing practical life skills, secondary education and pre-vocational training. Young people's participation, human rights education, and democracy and peace education are to be integrated into the development of innovative curricula and the training of teaching staff. At the same time, special attention will be paid to making education more and more accessible and thus available to all.

→ Basic and further training is an increasingly important aspect of **media development**. Those working in the media are offered advice and training through the Deutsche Welle Academy so that they can produce radio and television programmes for young target groups. Local vocational training institutions receive support for the development of media-related training courses; and measures in the field of information and communications technology help young people to use new media in ways that are relevant for work.

**Promoting employment as part of social, economic and education policy** is a key part of job training for the large and still growing number of young people in our partner countries and of helping them to find employment. Being able to earn a living is also a prerequisite for a decent life and for realising one's human rights. Many children and youth in developing countries do not have the possibility to pursue the path of formal education or they quit education early, sometimes because of the low quality or the overpriced cost of the education on offer. Although others may finish primary and secondary school, their education is not tailored to the requirements of the labour market. As a result,

young people frequently fail to find work in the formal sector although they may have graduated from school or university, and businesses cannot find adequately trained workers. With qualifications that are not what the labour markets want or need, these young people are stranded in the informal sector where conditions are precarious and their future prospects are limited.

- Support is provided through German development cooperation for **job creation** approaches that take human rights at work into account – in other words decent working conditions, a ban on child labour and social protection (ICESCR Art. 7; International Labour Organization’s Decent Work Concept). The internationally guaranteed right to work (ICESCR Art. 6) is also increasingly being integrated into these activities, in order to help overcome gender-based discrimination and help support particularly disadvantaged groups such as people with disabilities or members of ethnic minorities. Since large numbers of young people in developing countries are not engaged in the formal sector, the necessary strategies also involve reaching them in the informal sector and getting sustainable support for education and employment more effectively established there. In addition to the provision of training and counselling for the informal sector, employment promotion activities are increasingly being linked to general social policy efforts.
- German development cooperation efforts in connection with **social policy and social protection** will be directed towards the following goals among others: improving the information basis for social policy, strengthening social adjustment procedures, peaceful resolution of social conflict and making training courses for (youth) social work more professional. Other

instruments are microcredit and microinsurance for young people in the informal sector, along with basic protection models specially for children and youth. A consistent governance orientation is of key importance in order to establish these instruments effectively and sustainably in the socio-political structures of the partner country.

- High rates of youth unemployment often correlate to high rates of child labour – hence support for effective efforts to promote youth employment creates alternatives to child labour. German development cooperation is a significant factor in the **fight against exploitative and dangerous forms of child labour**. The German government contributes an average of about one million euros a year to support the **International Programme on the Elimination of Child Labour**, which the International Labour Organization has been running since 1992. Through joint efforts by **private sector companies** and German development cooperation, support is being given for the **elaboration of voluntary codes of conduct** in the coffee, cocoa and other sectors. Such codes also include a ban on all forms of exploitative child labour. In all projects and programmes, even greater attention will be given in future to ensuring that **both the private sector and state duty-bearers** and other actors are included and alternatives to child labour are developed for children and their families.

The **governance** of a country is crucial for the realisation of the rights of young people. It is what determines how power is exercised and political decisions are implemented. These questions regarding the legitimacy and performance of the state need to be considered through the lens of human and children’s rights, with a view to creating

effective structures and capacities in the governance sector for the realisation of those rights. A special focus of German development cooperation is legal certainty and access to the law, especially for disadvantaged segments of the population. These generally include children and youth, especially those living in poverty. If a state guarantees the basic principles of the rule of law and legal certainty, then it puts in place a framework for regulated but still free interaction between all members of society. The aim in promoting the rule of law is to strengthen the role of the law as a guiding force in society and as an instrument of protection for the individual.

- In strategic fields of action in the governance sector, German development cooperation actively supports the rights of young people, increasingly making use of the implementation guidelines from General Comment No. 5 (2003) of the UN Committee on the Rights of the Child.
  - In the field of action **Constitutional and Legislative Reforms**, partner countries are helped by means of policy advice to bring their legislation and administrative procedures into line with the stipulations of the CRC and its optional protocols. This is done by raising awareness within the legal system as a whole regarding what these rights entail, thereby making it possible for the Convention to be implemented; where appropriate, relevant amendments are supported (e.g. specialised courts, reforms to the (youth) criminal penal system).
  - In the field of action **Media**, the support for young people provided via German development cooperation is channelled above all via the political foundations, which focus on young people working in the media,

supporting and networking them, also with a view to promoting forms of expression specifically directed towards the youth. Expanding access to information and communications technology is a contribution to improving the political involvement of young people and to more transparency.

- At the **local government level**, the marginalisation of young people can be countered effectively. Dialogues between state duty-bearers, parents/guardians, and young people and the bodies representing them are easy to initiate at this level and positive outcomes are tangibly evident in the day-to-day lives of all stakeholders. One focus of German development cooperation activities in the fields of **decentralisation, municipal development and urban planning and development** is therefore on young people. The emphasis here is on the accessibility of social services tailored to children and youth and on the effective involvement of young people in plans for development in the public sphere. In addition, gender and intergenerational dialogues spark reflection within society on the role of young men and women, and on their relationship to the older generation and towards one another. Using a community-based approach, processes to overcome rigid hierarchies and achieve stronger social cohesion can thus be initiated.
- Public **administration and finances**: Transparent, fair and functioning public finance systems are an important basic requirement for taking the needs of children and youth into special account. They not only mobilise the necessary funding but also foster a good relationship between citizens and their governments. Officials working in



relevant ministries and local authorities are enabled to create the legal, administrative and budgetary framework for effectively realising young people's rights to protection, promotion and participation. German development cooperation will in future place greater emphasis on supporting non-governmental initiatives seeking to establish child-friendly budget planning, and on promoting the development of pertinent instruments and supporting lobby work.

- In order to improve access to state services, German development cooperation supports **corruption prevention efforts** in the fields of health and education too. This is especially beneficial to mothers and children.

For millions of children and youth, a life in **peace and security** is a distant vision: various forms of criminal violence now cause more deaths than armed conflicts that are primarily politically motivated. In metropolitan areas in particular, the main perpetrators and victims are often younger than 30. In addition, it is estimated that, worldwide, about one billion children and youth are affected by armed conflicts: as refugees, internally displaced persons and asylum seekers, but also as combatants or auxiliary personnel in armed units. Child soldiers are often forcibly recruited, or they may join the troops because of poverty and a lack of opportunities, or because they hope for protection and a better chance of survival for themselves and their families. Girls and young women in particular often experience sexual violence in these circumstances. Trauma, the breakdown of family and social structures, and the destruction of health and education systems can cause whole generations to suffer extreme disadvantages.

- In international institutions and programmes, the German government is a strong

advocate for protecting children and youth from violence, and works closely with the UN Special Representative for Children and Armed Conflict. In addition, there are projects under technical and financial cooperation and also Civil Peace Service activities that are concerned with the **rehabilitation of civilians** in crisis areas and post-conflict situations. Apart from offering support for coping with trauma, these projects focus in particular on (peace) education, employment, health and political participation, and also on contributing to the restoration of elementary infrastructure and basic social services. In order to avoid stigmatisation, the projects target both ex-combatants and other children and youth who have been affected by war. Similar approaches, as well as the social inclusion of children and youth, are also implemented as part of **development-oriented emergency and transitional aid**.

- Effective protection against violence always requires that the causes and the symptoms are addressed. Exemplary activities under German development cooperation can be found in both sector-based measures and within projects for **preventing youth violence in urban areas in particular**. The main focus is on the **positive potential of youth**, who can overcome cultures and economies of violence or prevent them from arising. Those who are able to have an influence on the lives and behaviour of young people, for example, parents, teaching staff, social workers and also the police, are therefore part of the prevention efforts. Project approaches under financial and technical cooperation are built upon three pillars: investment in urban development with a view to preventing violence, actively involving young people through support for participatory decision-making



processes, and cross-sectoral measures to promote social cohesion. The projects for the prevention of and protection against violence will increasingly be aligned with General Comment No. 13 (2011) of the UN Committee on the Rights of the Child on children's rights to freedom from all forms of violence.

Children are particularly affected by the **destruction of the vital natural environment**; the impacts of climate change, dwindling natural resources and decreasing eco-system services also raise the risk of social conflicts, armed combat and massive population movements. Worldwide, at least three million under-fives die each year as a result of environmentally related diseases, and one third of all diseases that frequently lead to disabilities are caused by environmental risk factors. Younger children especially are adversely affected, for example, by the lack of access to safe drinking water and food, and to firewood and medicinal plants. The loss of biodiversity also results in a loss of development options and of potential for growth and employment. Other consequences of climate change, such as rising sea levels affecting coastal regions and island states, have an especially strong impact on the plans young people in particular may make for their future lives.

The destruction of the vital natural environment is shifting the balance of intergenerational equity, to the disadvantage of young and future generations. All environmental risks have direct and indirect impacts on the rights of children and youth: "The right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (ICESCR Art. 12; CRC Art. 24) implies a healthy environment and corresponding protection measures, likewise the right to life (CRC Art. 6). Non-governmental organisations therefore use the term "ecological children's rights" for the rights of children and subsequent generations that are restricted or violated by environmental or climate change. The lack of

access to natural resources and eco-system services also has a negative impact on other human rights, such as the right to education, when the distances that must be covered to get safe water or firewood keep getting longer and longer.

→ Therefore, one objective of the German development cooperation contribution to efforts aimed at conserving biological diversity and eco-system services is to allow children and youth to have a fair share in the services that nature provides, to protect them from the dangers arising from the destruction of the environment, and to preserve the development opportunities of future generations. In the fields of education and municipal development, support is increasingly being provided for activities that build on the potential of young people to lobby for sustainable development and for their rights in this regard. The **human rights dimension of climate change and its impacts** demands, however, that all players do even more in terms of research and education: in consultation with civil society, Germany identifies effective approaches so as to get young people more involved in disaster preparedness and post-disaster response.

→ Measures in the field of **rural development – which is the most important key to permanently overcoming hunger** – should also increasingly address the aspect of the rights and potential of young people. Whilst the aim of humanitarian emergency assistance in the case of food shortages is to provide children with food immediately, food security – which is an aspect of rural development efforts – is a more long-term matter and is essential for young children's development in particular. Another aspect is recognising young people as small-scale producers and entrepreneurs and motivating and enabling the pertinent state bodies to support them.

### 3.3 EXPERIENCES AND APPROACHES AT THE BILATERAL, EUROPEAN AND MULTILATERAL LEVELS

Sweden and Norway are **bilateral donors** deserving particular mention. The Swedish International Development Cooperation Agency has had good **successes with community-based approaches**, for example, to regulate youth employment and reintegrate youthful first offenders. Measures were particularly sustainable when they were mirrored by **improvements in legislation**. Sweden and Norway have also been successful in using various mainstreaming instruments, for example, **on-the-ground training for duty- and rights-bearers** together with embassy staff, establishing **contact persons for children's rights** in embassies and at headquarters and, last but not least, **check lists for programme design and assessing project impacts** on children.

Within the **framework of the European Union (EU)**, the Member States and the Commission have made a commitment to step up the coordination of measures to improve children's rights, and to develop an integrated EU-wide strategy in pilot countries. One aspect here is that the Commission, together with the Member States, should urge partner countries to take account of children's rights throughout all poverty reduction strategies, and to adopt and implement national plans of action against child labour. In addition to mainstreaming children's rights in all development cooperation programmes, the Commission also carries out specific projects on children's rights, both within the framework of the thematic programme "Investments in People" and within the framework of the European Instrument for Democracy and Human Rights. Furthermore, at the European level there is also a series of guidelines on children's rights, above all on protecting children from violence. These guidelines also shape EU development policy.

The BMZ is pushing for the implementation of these children's rights guidelines to be improved. That includes continuing and further developing specific EU cooperation on the basis of a report on the implementation of the measures in pilot countries, which is to be presented by the Commission. Furthermore, the BMZ will be keeping a close eye on the implementation of the EU Agenda on the Rights of the Child (2011) and on the piloting of the implementation of the EU Guidelines on Children and Armed Conflict.

Under the **OECD-DAC**, an informal network on Governance and Children's Rights was set up in mid-2011. This network can help ensure that the rights of children gain political visibility within the OECD-DAC and that partner countries realise that the implementation of the CRC is a general matter of governance. The BMZ is supporting the formation of the informal network on Governance and Children's Rights and the resulting policy developments.

At the **UN level**, UNICEF is a vital player that is also supported by Germany. Although initially a children's fund, since the end of the 1990s, UNICEF has increasingly aligned its approach to the CRC, making corresponding adjustments to its interventions and instruments. UNICEF activities in this regard include helping states parties with their reports on the implementation of the CRC. UNICEF is now focusing more on a holistic approach, aimed at systemically integrating the protection, participation and promotion of children. Like UNICEF, the **non-governmental organisations** engaged in advocacy for children have increasingly aligned their efforts with the CRC in recent years or have adopted a children's rights approach for the implementation of their work. That includes improving child protection in non-governmental development cooperation. The BMZ engages regularly in dialogue on the topic with the umbrella organisation

of German development non-governmental organisations. One focus of the work of many non-governmental organisations is on help towards self-help, especially for marginalised children, and on involving them in decision-making. This latter aspect

remains a huge challenge in both non-governmental and official development cooperation. Targeted project assistance through German development cooperation supports the work done by German children's rights organisations.

## 4. Challenges and future outlook

The importance of the rights of children and youth for development is widely acknowledged internationally. In order for these rights to be realised, they and the corresponding government obligations must be implemented more systematically. Up to now, efforts on behalf of young people have been fragmented; most interventions are limited to individual sectors or problems, and are often also restricted to a single level. Many measures are strongly characterised by an approach based on target groups and needs, without paying sufficient attention to the fact that young people have rights. As a result, the measures lack sustainability and have little structural impact.

The **rights of children** are a **particular** challenge for policy and practice. This is still true when organisations adopt a human rights-based approach – the human rights orientation in development policy makes it easier to take children’s rights into account but does not automatically ensure that this is done.

At the level of **political steering**, the following contributions are needed:

- The rights of children and youth must be taken into account in the **implementation of the cross-sectoral strategy “Human Rights in German Development Policy”** – this is particularly necessary when BMZ procedures, guidelines and handbooks are being drafted and reviewed.
- The **demographic trends** in the respective countries must be incorporated into **political steering instruments** such as policy dialogues, and country and sector strategies, and taken into account in the design of development programmes.

- **Reference materials for children’s rights** (Concluding Observations and General Comments of the UN Committee on the Rights of the Child and of other UN committees, recommendations from UN Special Rapporteurs etc.) need to be used more effectively for shaping human rights-based cooperation. Elements relating to **child welfare** need to be emphasised.
- Official and non-governmental agencies need to be commissioned with carrying out projects or project components that specifically promote the rights of children and youth, so as to **support partner countries** in realising their human rights obligations.

At the level of **implementation**, the following contributions are needed:

- Aspects relating to the rights of children and youth need to be added to existing **standard instruments** (e.g. for analysing actors, target groups and impacts) and tested in cooperation projects.
- **Indicators** need to be added to measures for realising the rights of children and youth, and used to steer them. The indicators should be developed using a participatory approach where possible. Such indicators are above all relevant for development cooperation projects, but also for illustrating the realisation of children’s and human rights in partner countries. **Sector-specific check lists** can make formulating indicators easier.
- An **inclusive, child rights perspective** must be incorporated into the tried and tested methods of supporting and promoting children and youth – above all for youth participation and for the prevention of youth violence – and must be implemented in cooperation projects.

- In cooperation with partner countries it is necessary to orient **sectoral and cross-sectoral projects** more systematically towards promoting the rights of children and youth, also taking into account suitable civil society approaches.
- The **publication of examples of successful practice** to improve the general conditions for realising the rights of children and youth makes dissemination easier.
- **Suitable training courses** for national and international experts on integrating the rights of children and youth in planning and implementation are a prerequisite if these rights are to be mainstreamed in projects.

## Annex

### UN CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

The CRC came into force in 1990 and is legally binding for the 193 states currently party to it. The UN Committee on the Rights of the Child, set up in accordance with Article 43 of the Convention, monitors its implementation. The rights guaranteed by the CRC include the following (extracts), amongst others:

**Article 1:** Every person under 18 years of age is regarded as a child unless national laws decree that adulthood begins earlier.

**Article 2:** All rights apply without exception for every child.

**Article 3:** In the case of political, legal and social decisions, the best interests of the child shall be a primary consideration.

**Article 4:** Governments shall undertake all appropriate measures for the implementation of the rights laid down in the Convention.

**Article 6:** Every child has the inherent right to life. The state is explicitly obligated to ensure the survival and development of the child.

**Article 7:** Every child has the right from birth to a name. Each child also has the right to a nationality.

**Article 12:** Every child has the right to express their views freely. Each child has the right to be heard in all matters or proceedings that affect him or her.

**Article 18:** Both parents have the common responsibilities for the upbringing and development of the child. The state makes a commitment to render appropriate assistance to the parents for the fulfilment of this task.

**Article 19:** The state shall protect the child from all and every form of abuse by parents or guardians and shall set up suitable social programmes to prevent abuse and help abused children.

**Article 24:** Every child has the right to the highest attainable standard of health care. The state's most important tasks are therefore to provide basic health care, preventive medical care, health education through sex education and information campaigns, and to reduce infant mortality. Hence all states are called upon to promote and encourage development cooperation in order to enable all the children in the world to have access to health services.

**Article 26:** Every child has the right to benefit from social security including social insurance.

**Article 28:** Every child has the right to education and it is the duty of the state to make free primary education compulsory, to develop various forms of higher and further education, and to enable children to attend university on the basis of capability. The necessary discipline in schools should not infringe on the rights of the child nor should it compromise their dignity. Development cooperation should promote the realisation of this right.

**Article 30:** Children of minorities and indigenous peoples have the right to preserve and practise their own culture and follow their own religion and use their own language.

**Article 32:** Every child has the right to be protected from doing work that would endanger their health or hamper their education and development. The state shall lay down the minimum age for admission to employment and regulate all working conditions.

**Article 34:** The state shall protect children from sexual exploitation and sexual abuse, such as prostitution and pornography.

**Article 38:** All states shall instigate measures to ensure that children under the age of 15 do not take a direct part in hostilities. No child under the age of 15 may be recruited into the armed forces.

**Article 40:** A child in conflict with the law has the right to treatment that upholds their dignity and self-respect, takes account of their age and aims to reintegrate them into society. The child has the right to a proper legal hearing and to have their citizen's rights respected, and to receive legal counselling for their defence. Judicial proceedings and institutional care are to be avoided if at all possible.

*Adapted from: Compass – A Manual on Human Rights Education with Young People, website: [www.kompass.humanrights.ch](http://www.kompass.humanrights.ch)*

## OTHER HUMAN RIGHTS TREATIES AND CHILDREN'S RIGHTS REFERENCE DOCUMENTS AT UN LEVEL

**Optional protocols:** Some of the treaties and covenants are supplemented by optional protocols. There are two additional protocols to the CRC: the optional protocol on the involvement of children in armed conflict (2000), and the optional protocol on the sale of children, child prostitution and child pornography (2000). In June 2011, the Human Rights Council adopted the draft for a third optional protocol; this protocol will establish a complaints procedure, among other things.

### General Comments of the UN Treaty Bodies:

In the General Comments, the pertinent UN Treaty Bodies formulate authoritative interpretations of the human rights conventions. These are guidelines for the implementation of the human rights commitments. The UN Committee on the Rights of the Child is the treaty body for the CRC and, up to 2011, it had published thirteen General Comments defining state obligations more specifically and providing guidelines for the implementation of the CRC. They are therefore also very relevant for development policy.

### Concluding Observations of the UN Treaty

**Bodies:** All states parties must report regularly to the treaty bodies. After reading the states' reports and, if appropriate, parallel reports from non-governmental organisations, the treaty bodies give the states recommendations for improving the realisation of the CRC and its optional protocols.

**Reports by UN Special Rapporteurs:** Special Rapporteurs are independent experts who are appointed by the UN Human Rights Council to address specific thematic human rights issues or countries, to receive complaints and to conduct country visits. There are two Special Rapporteurs active in the field of children's rights, the Special Rapporteur on the



sale of children, child prostitution and child pornography (appointed in 1990), and the Special Rapporteur on trafficking in persons, especially women and children (appointed in 2004).

#### SELECTED REGIONAL HUMAN RIGHTS TREATIES:

**African Charter on the Rights and Welfare of the Child:** The Charter, inspired by the CRC, entered into force in 1999. Forty-six African countries have ratified the Charter.

**African Youth Charter:** The Charter lays down the rights of young Africans between the ages of 15 and 35; Article 12 commits the states to draw up comprehensive youth policies. It entered into force in 2010 and has been ratified by 24 African countries.

#### SOME OTHER INTERNATIONAL REFERENCE DOCUMENTS OF RELEVANCE TO HUMAN RIGHTS:

**International Labour Organization, Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999):** ratified by 174 states, the Convention also commits signatories to eliminate all forms of slavery and of work that by its nature or due to the circumstances in which it is carried out will probably be harmful to children's health, safety or morality.

**International Labour Organization, Convention 138 concerning the Minimum Age for Admission to Employment (1973):** ratified by 161 states, the Convention introduced a minimum employment age of 15 years.

**UN Convention on the Rights of Persons with Disabilities:** Article 7 emphasises the rights of children with disabilities and commits the states

parties to ensure that all necessary measures are taken so that children with disabilities can enjoy the same human rights and basic freedoms as other children. Article 32 underlines that the rights of people with disabilities must be taken into account not just within their own country but also in international cooperation.

#### SELECTED EUROPEAN REFERENCE DOCUMENTS:

**Treaty of Lisbon of 13 December 2007,** especially the Treaty on European Union (TEU); in Article 3 (5) it explicitly covers the protection of children's rights in the EU's foreign trade.

**Guidelines for the Promotion and Protection of the Rights of the Child (2007):** The Guidelines establish the principles and objectives of EU policy for the protection of children, especially from violence.

**Update of the EU Guidelines on Children and Armed Conflict (2003/2006/2008):** The Guidelines provide assistance and identify tools to protect children in armed conflicts.

**Communiqués from the European Commission:** Towards an EU Strategy on the Rights of the Child, 4.07.2006, COM(2006) 367 final; A Special Place for Children in EU External Action, 5.02.2008, COM(2008) 55 final; An EU Agenda for the Rights of the Child, COM(2011) 60 final. The communiqués are soft law and constitute a commitment by the Commission for its actions.

**Council Conclusions:** Council Conclusions regarding child labour 14 June 2010, 10937/1/10, Rev. 1. This includes a call by the Commission and the Member States to their partner countries to take steps to adopt and implement national action plans against child labour and fixed-term programmes to end the worst forms of child labour by 2016 at the latest.

## **RELEVANT BMZ STRATEGIES**

**BMZ, Human Rights in German Development Policy.** Strategy. BMZ Strategy Paper 4 | 2011

**BMZ, Minds for Change – Enhancing Opportunities.** BMZ Development Policy Strategy, 2011

**BMZ, Rural Development and its Contribution to Food Security.** Strategy, BMZ Strategy Paper 1 | 2011

**BMZ, Promotion of Good Governance in German Development Policy.** BMZ Strategies 178, 2009

**BMZ, Sector Strategy: German Development Policy in the Health Sector.** Strategies 187, 2009

**BMZ, Health and Human Rights.** BMZ Special 165, 2009

**BMZ, Sector Strategy on Social Protection.** Strategies 190, 2009

**BMZ, Development Policy Action Plan on Gender 2009-2012.** BMZ Strategies 185, 2009

**BMZ, Sexual and Reproductive Health and Rights, and Population Dynamics.** BMZ Special 149, 2008

**BMZ, Biological Diversity.** Strategies 166, 2008

**BMZ, Development-oriented Transformation in Conditions of Fragile Statehood and Poor Government Performance.** Strategies 153, 2007

**BMZ, Water Sector Strategy.** Strategies 152, 2006

## Abbreviations and acronyms

<b>BMZ</b>	Federal Ministry for Economic Cooperation and Development
<b>CEDAW</b>	UN Convention on the Elimination of All Forms of Discrimination Against Women
<b>CRC</b>	Convention on the Rights of the Child
<b>EU</b>	European Union
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ILO</b>	International Labour Organization
<b>MDGs</b>	Millennium Development Goals
<b>OECD-DAC</b>	Organisation for Economic Co-operation and Development - Development Assistance Committee
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children's Fund
<b>VENRO</b>	Association of German development non-governmental organisations

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