



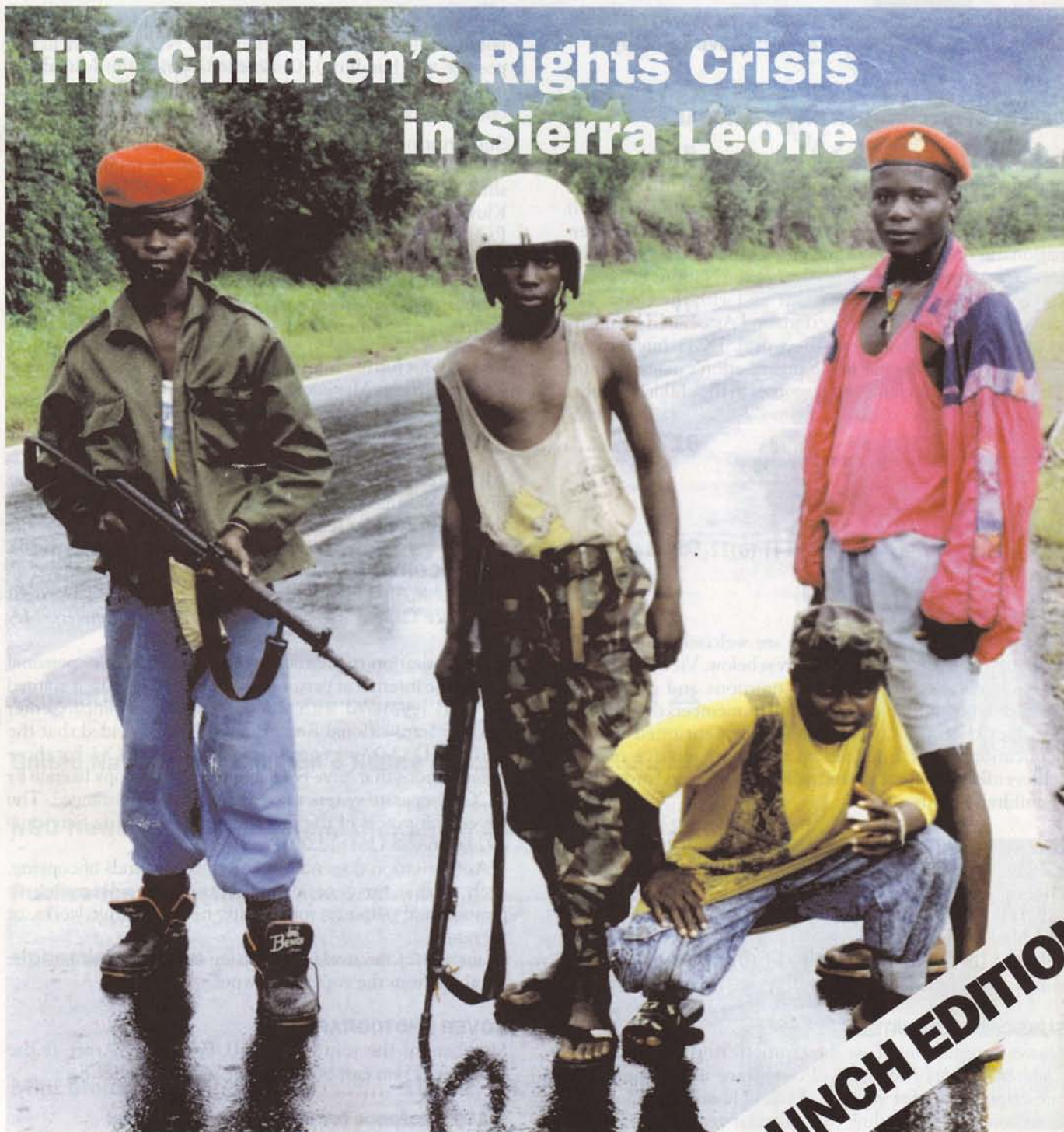
DEFENCE FOR CHILDREN  
INTERNATIONAL (DCI)

# International Children's Rights **Monitor**

*The Return of the International Children's Rights Monitor*  
by Philip Veerman

Sample issue · Summer 1999

## **The Children's Rights Crisis in Sierra Leone**



**RE-LAUNCH EDITION**

# International Children's Rights Monitor

**INTERNATIONAL CHILDREN'S RIGHTS MONITOR****Editor: Sharon Detrick • Lay-out: Steve Lambley**

A publication of

**DEFENCE FOR CHILDREN INTERNATIONAL**

Defence for Children International (DCI) is an independent non-governmental organisation founded as an international movement in 1979 (the International Year of the Child). It seeks to ensure on-going, systematic and concerted international action to promote and protect the rights of the child. It is in consultative status with the United Nations Economic and Social Council, with UNICEF and with the Council of Europe. It has 66 National Sections and Associated Members in 60 countries throughout the world. DCI's *International Children's Rights Monitor* is the organisation's major tool for making known problems and responses in the children's rights field.

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Members of the joint AFRC/RUF People's Army at the frontline, 15km east of Freetown. Source: UNICEF

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### Next issue



The next issue of the *International Children's Rights Monitor* (Vol. 13 No. 1 January 2000) will be dedicated to the 10th anniversary of the United Nations Convention on the Rights of the Child and the 20th anniversary of DCI.



# Editorial

## We Are Back!

## The Return of the *International Children's Rights Monitor*

by Philip Veerman



In 1983 Defence for Children International (DCI) published the first issue of the *International Children's Rights Monitor*. The *Monitor*, created as an advocacy tool for fueling and enlarging the debate on the rights of the child, offered various kinds of information: investigation reports, analyses, opinions, basis data, denunciations. The common denominator of the information provided was the perspective of the human rights of children. In 1983, when the United Nations Convention on the Rights of the Child was still being debated, the *Monitor* was a unique voice among the many publications on children and youth. The *Monitor* had an international perspective, including its critical but constructive coverage of the drafting of the Convention on the Rights of the Child. The *Monitor* also had a non-governmental perspective that was fresh and not paternalistic.

After DCI unfortunately had to stop with the *Monitor* in 1996, due to the enormous costs of regularly putting out such a publication, many colleagues in the field approached DCI to re-launch the *Monitor*. It became clear to the International Executive Council of DCI how much the *Monitor* was missed. And we became more aware of how valuable it had been to the international children's rights community. What was in fact amazing was that – in the years when the climate changed so dramatically, the Convention on the Rights of the Child was adopted, came into force and reached almost universal

ratification, and many other NGOs took up children's rights issues in their mandates – no other organisation launched an international news magazine on children's rights from a human rights and non-governmental perspective. We came to the conclusion that the *Monitor* was part of the special contribution that DCI, with its Geneva-based International Secretariat and 66 national sections and associate members in the field, can make to the promotion and defence of children's rights.

The International Executive Council of DCI has been looking for ways to re-launch the *Monitor*. The formula under which it has now become possible is in co-operation with the well-known publishing house, Kluwer Law International. Kluwer already publishes the *International Journal of Children's Rights*, which is an academic quarterly.

We are grateful that we can again contribute in this way to the debates and developments in the children's rights field. The *Monitor* will be open to all organisations and individuals working in this area. DCI's International Executive Council functions as the Editorial Board and sets the policy of the publication. It is assisted by an Editorial Advisory Board with experts from the field and other NGOs. Personally, it makes me very happy that among the members of the Editorial Advisory Board we can count on two former DCI staff members, Nigel Cantwell, the founder of DCI and now at UNICEF's International Child Development Centre in Florence, and Paulo David, former editor of the

*Monitor* and now at the United Nations Office of the High Commissioner for Human Rights, in Geneva, at the Secretariat of the Committee on the Rights of the Child, as well as Maurice Graber, the new Secretary General of DCI.

In fact, we have only solved part of the problem with the re-launch of an English-language *Monitor*. The French *Tribune* and Spanish *Tribuna* are not yet back, but in Brussels, Paris, Madrid, Bogota and other places, we are working hard to find arrangements similar to the one we were able to find with Kluwer Law International.

We have found for the *Monitor* an excellent editor, Sharon Detrick, already known to many as the compiler and editor of *The United Nations Convention on the Rights of the Child: A Guide to the "Travaux Préparatoires"* (1992). She recently finished her Ph.D. thesis on the Convention for the Vrije Universiteit in Amsterdam and in a few months will publicly defend it, as the Dutch academic tradition prescribes.

We are confident that the *Monitor* will offer a valuable and high quality advocacy tool. The next issue, the first official issue of the re-launched *Monitor* (Vol. 13 No. 1), is planned for late 1999 and will be dedicated to the tenth anniversary of the Convention on the Rights of the Child.

It is good to be back!

Philip Veerman is the President of Defence for Children International (DCI).

# A Young Perspective

## MYSA: Making a Difference

by Dorine Schreiner

In September 1998 I was part of a Digital School Internet project in Nairobi, Kenya. I was chosen because of my English (my mother is from the USA) and my writing skills. Two teachers created the Digital School at my high school in Voorburg, the Netherlands. A Dutch painter was in Nairobi at the invitation of the Dutch Embassy in Kenya to paint billboards on a little square in the centre of the city. The painter created a new billboard each day focussing on a different topic every day. People who walked by could write their opinion on a sheet of paper and at the end of the day it was hung up on the billboard so others could look at it. People in Kenya don't often have the opportunity to express their opinions. This project provided them the opportunity to openly show their feelings about

some important issues. My job was to interview people about the topic of the day and make pictures and write stories about their feelings on that topic. You can read more about this project on the Internet address below this article.

When I was in Nairobi, we also visited MYSA in Mathare. MYSA is a youth organisation based in the slum Mathare. MYSA stands for Mathare Youth Sports Association. Mathare is one of the biggest and poorest slums in Africa. It is in Nairobi, the capital of Kenya. Hundreds of thousands of people live in Mathare under severely poor conditions. It is one big garbage pile. The children play in garbage, most of them on bare feet. The Mathare River is not only the sewer for them, but also a place where they drink their water and wash themselves. Many people have diseases, but the people can't go to hospitals because they don't have enough money or because there are simply no hospitals. It is really sad to see the bad conditions that these people live in.

Education is also a big problem. Just a small group of children can go to school.

Most of the children I met can't go to school or they only go once in a while when their parents have saved enough money. I met a boy in Mathare who is almost 15 years old. He lives with his mother and his older sister in living quarters of 2 x 2 meters. His father died two years ago because of alcoholism. The boy's mother works really hard for her family but only earns about \$19 a month. Since his father's death, life actually has no meaning anymore for the boy. There has been no money for school for the past two years. The only thing he can now do is hang out with other street children to forget his problems. I'm glad



that there is an organisation like MYSA to help this boy on his way in life.

Bob Munro, a Canadian who worked for the United Nations for a long time, established MYSA in 1987. Munro still lives in Nairobi and still does a lot for MYSA behind the scenes as an honorary chairman, but he leaves the management of the organisation to the youth themselves. The idea is that children learn how to manage and plan things themselves. The youngsters who are in MYSA vary in age from 8 to 19 years. There are 30,000 kids who have joined MYSA since 1987. You can only join if you are really motivated to join. You can't be addicted to alcohol, glue, smoking or any other kind of drug. A lot of street kids in the streets of Nairobi are addicted to glue. Of course, the kids don't have a good life, but in spite of all their problems, they make something out of their life and have fun together. I had a lot of fun with them, too. The major problem for the kids who live in the streets is that they have no rights at all. For instance, an "Askari" (police officer) can just beat the children up if he feels like it and nobody seems to care. Kenya is a country with a lot of corruption. Street kids can be put into jail without reason and nobody will bail them out and of course they can't pay themselves. Sometimes the children may get out of jail and they are put in a special school for street children, but there they are often beat up and they run away again.

MYSA members have to clean up the mess in the slums. They do that in groups. It is one big mess in Mathare, so there's real work that has to be done. In exchange for the work, the kids can



Dorine Schreiner

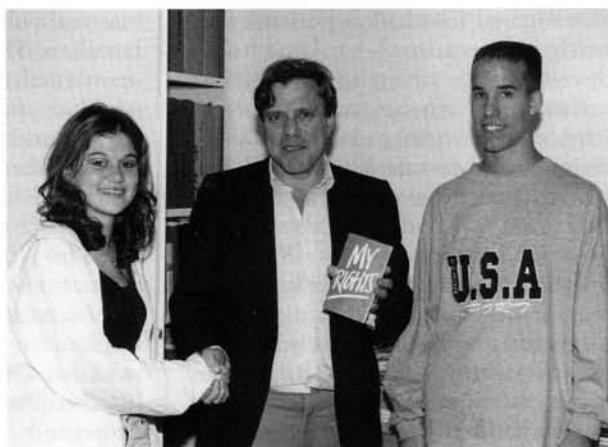
Dorine with street kids in Nairobi

### Tsvaim (Colours) Youth Group in Israel

In November 1997, Defence for Children International (DCI) – Israel began to co-operate with a group of young people from the north of Israel who were interested in forming a youth group concerned with the promotion and protection of children's rights. The group was inspired by the United Nations Convention on the Rights of the Child, and by projects in England and Scotland (Article 12 organisations), and by youth groups of DCI-Spain (ADIN), DCI-the Netherlands (KABAAL), DCI-Bolivia (Brigados), DCI-Cameroon and DCI-Japan. In February 1998, the official founding meeting of Tsvaim (Colours) – Young People for a Better Future took place and a board of youngsters was elected. A Tsvaim representative was also elected to participate in the Steering Committee of the Children's Rights Coalition, an initiative of DCI-Israel. 70 Israeli child and human rights organisations are working together in this coalition to write an alternative State report on the implementation of the Convention on the Rights of the Child by Israel. Tsvaim has also become involved in the "people to people" project of DCI-Israel and the Palestinian Youth Union in Ramallah (the West Bank).

participate in organised games and sports and follow photography courses. In addition, MYSA has a team of 75 kids who lead the younger children and teach them the dangers of AIDS. In the area where they live, there is a high rate of AIDS, especially amongst teenagers. The MYSA AIDS team gives out information to other children after the soccer games.

Soccer is very popular amongst the MYSA kids. In 1997 over 10,000 boys and girls on 640 teams from 60 slum villages participated in the MYSA sports, environmental cleanup and AIDS prevention projects. They play soccer on fields that are covered with mud, some



Philip Veerman (DCI-Israel) with members of Tsvaim

even on bare feet. The MYSA soccer club is called Mathare United. Mathare United also plays in the competition for the Kenyan Cup. MYSA has an exchange program with soccer clubs in Norway. Two Norwegian sponsors, The Stromme Foundation and the citizens of a town near Oslo, make sure that the best players from MYSA come yearly to Norway to play; travel costs and accommodation are all paid for.

The Shootback photography program, introduced in MYSA in August 1997, has also become popular in recent years. The Shootback team is made up of 32 boys and girls, ages 12-18, who were selected to

participate in the program for 18 months. They get 35mm cameras and are taught to take pictures of their lives or the problems in the slum. A professional photographer and a MYSA youth leader teach the kids how to use a camera and all about professional photography. Shootback shows exhibitions of their photography all over Kenya and in foreign countries. The MYSA children are very motivated to learn to take pictures. A lot of the kids want to become photographic journalists, but don't have enough money for their education. Some of the profits from the photo exhibitions go to education for these kids. When I was there, we gave MYSA a computer and two digital cameras on behalf of The Digital School and its provider bART Internet Services.

I am very glad I could participate in this project of the Digital School and bART Internet Services. I had never been in Africa before so it was a great opportunity for me to go there, especially because it was not a normal vacation, but a trip in which I had a lot of contact with the people who live there. I loved learning about the lives of people who are my age. I still write letters to two boys, who are part of the MYSA Shootback program. The photographs they took are shown on the Shootback website.

I hope there will be more help and support for street children and people in the slums so their situation will change. I think it's really good that wealthy countries give money to organisations such as MYSA because the young people get the opportunity to learn to work together as a team and to organise and manage things and also get the chance to even reach goals. They learn that there is a life off the streets and to possibly build up a future for themselves. If you want to know more about the MYSA Shootback photography program, The Painter is Travelling or my trip to Kenya, you can look at it on Internet at the following addresses:

Shootback: <http://www.mediazw.com/childseye>

Painter is Travelling: <http://painter.bart.nl/gum.html>

My Diary: <http://www.digischool.nl/kenia>

Dorine Schreiner is a 17-year-old girl from the Netherlands.



Peter and Dorine



# Viewpoint

## Child Rights in Action – Up Close and Personal

by Catherine Hester

**T**here are many organisations worldwide working to promote children's rights in a variety of contexts. Each has no doubt a clear set of objectives, strategies and outcome indicators, embedded in the fibres of the mission statement, all of which carefully reflect the buzz words of the genre: empowerment, meaningful participation, ownership, advocacy. But how clear a picture can you get for the feel of one such organisation by reading the blurb? How does it feel to be a part of the grass roots advocacy and action programmes? How do you translate the legal jargon of the Convention on the Rights of the Child to an economically impoverished town on the shores of Lake Victoria in Tanzania, for example? From one who has been there, seen it and, quite literally, bought the T-shirt, welcome to *kuleana*, Centre for Children's Rights, Mwanza, Tanzania.

Mwanza is the second biggest city in Tanzania after Dar es Salaam, with a sprawling population of about a million people. It is geographically and geologically beautiful, an idyllic location that belies a community struggling to survive. A spate of droughts followed by excessive rains has caused hardship in the rural areas and is one of many factors driving youth into the city in search of a better life. Extensive urbanisation has a high price, and one of the manifestations of this – street children – provided the impetus for the setting up of *kuleana*.

Allow me to backtrack a little and give a subjective context to my

writing. From August '96 until August '98 I was employed by *kuleana* as their Curriculum Developer. The placement was organised through Voluntary Service Overseas (VSO), an organisation that places experienced professionals in developing countries to work alongside national colleagues and share skills and expertise. With a degree in psychology, primary teaching qualification, and seven years experience in both special needs care and mainstream primary education, this seemed an ideal opportunity for both professional and personal development.

*Kuleana* Centre for Children's Rights was founded in 1992 by Rakesh Rajani and Mustafa Kudrati, both of whom were born and brought up in Tanzania. Returning to their homeland after studying at American universities, they gave birth to what is now seen as one of the most well-respected and influential child rights organisations in East Africa. They endeavoured to move away from an understanding of children as the adults of tomorrow and instead to focus on the sanctity of childhood itself and on understanding children as proactive capable agents in their own development. The name *kuleana* is Swahili for "to nurture and support one another" and has become synonymous with good practice in the area of children's rights in Tanzania.

The *kuleana* mission statement embodies a well-thought out commitment to creating a world in which children are celebrated, where their human rights as defined by the Convention on the Rights of the Child are upheld. However, the translation of the rhetoric into meaningful action is a complex one, particularly in an impoverished though culturally strong community of over one million people. Every problem is compounded by many others: a think-tank on the issues surrounding poor school attendance cannot ignore the contributory impact of poor health and nutrition, poverty, limited resources, unreliable government wages, gender



A card from *kuleana*

bias and cultural diversity, to mention but a few. Therefore, *kuleana* embarked upon a multifaceted programme of both advocacy and direct service provision in and around Mwanza, situated in two separate sites in the town.

The *Child Rights Advocacy Centre* employs a multimedia approach to spreading the message of children's rights, from technicolored billboards, to posters, booklets, T-shirts and calendars, from radio programmes to training workshops, from lobbying to resource libraries. And on top of this a highly respected input to national and international policy development and decision making on all matters concerning the plight of children in Tanzania.

The *Street Children Centre* provides residential support for an average of 75 street children, and health and legal support to a further 300 children still living on the streets. The objective of the Centre is to reintegrate street children back into the community, often through tracing members of the extended family and facilitating the child's transfer to or reintegration into a safe and supportive home. In many cases this is considerably easier said than done. Once reintegrated it is hoped that the children will attend their local school, therefore the Centre also provides an on-site Bridging Education Unit, which uses child centred learning to prepare the street children to re-enter the formal education system. In addition to traditional learning opportunities, all the children at the Centre have two hours of Life Skills every week, which is

where my role as Curriculum Developer principally came in. There is a myriad of interpretations for the term Life Skills, but in the context of *kuleana's* work it refers to a series of participatory sessions promoting the development of social skills and basic health education, including HIV/Aids and sexual health. The commitment to using Life Skills as a medium for effecting positive behaviour change was firmly embedded in the philosophy of the Street Children Centre and a bank of materials had been developed over time. *Kuleana's* vision was to create a resource pack of these Life Skills, reflecting their experiences and achievements, which would be available to other organisations working in the same field.

In September 1996 I began to develop the *kuleana* Life Skills Resource Pack and now, over two years down the line, it is nearing completion. It contains an introduction, guidance notes and over 60 step-by-step lesson plans, has already been translated into Swahili, and is in the process of having my amateur cartoon enhancements added by a professional artist. This labour of collective love involved frequent rewrites and modifications, as feedback from many interested parties came in. The most valuable and often most cruel feedback was inevitably from the children themselves, via their teachers, as they sent back to my drawing board incomprehensible or uninspiring sessions. It is generally acknowledged that children – and adults – learn most efficiently when learning is centred on their own experiences and given a practical context. Children should not be seen as passive recipients of information but given structured opportunities to explore and become increasingly familiar with their physical and emotional world. Life skills are a valuable tool in this process, but only if seen as part of a wider context of both adults and children examining their relationships and striving to improve them. It is futile to encourage children to express their opinions in group-work sessions but allow them no meaningful opportunities to do so elsewhere. Life skills address community living skills, which affect adults as well as children. Although much of my time was occupied with the genesis of the Life Skills Resource pack, my responsibilities for running the Bridging Education Unit gave me licence to leave my keyboard and become involved in other projects.

In my heart of hearts I have to confess that I much prefer the company of children to that of a computer. I find them far less obstinate and confusing and much less likely to reduce me to tears. I was instrumental in encouraging the staff of the Centre to create explicit opportunities for regularly praising the children both in and out of the classroom. The impact of creating a culture of positive reinforcement was immeasurable, both on staff as well as children.

In addition to my work within *kuleana* I was privileged to have the opportunity to work with UNICEF Tanzania and the Tanzanian Government on COBET (Complimentary Basic Education in Tanzania). COBET is an education programme, at present in the pilot stage, which is designed to address the growing problem of out-of school children in Tanzania. The statistics on primary school non-attendance are an alarming indication of the gravity of the situation, particularly as regards the growing disparity between girl and boy children. COBET's flexible approach to learning and explicit emphasis on the girl child aim to redress the balance, and make basic education more accessible to millions of children.

There are many powerful images that I have taken with me from my two years in *kuleana*, many testifying to the indomitable resilience of children. Despite their pain most were able to retain the quintessential spirit of childhood once given the space to exercise it. But the images that hurt are of the other children, the non-street children, the living at home children, with their faces pressed up against the gates of the Street Children Centre, jealously eyeing the climbing frame and the roundabout; the children left by loving parents at the gate of the Centre because they do not have a budget for school fees and three meals a day and we do. I know that change is always slow to come but it is hard to explain that to these faces. *Kuleana* has excellent procedures for planning and reviewing the impact of their work, and is indeed a "learning organisation". But I wonder sometimes if we – and others – were asking the right questions in our meetings. What I wanted to know was: What goes through the mind of a street vendor when she reads the *kuleana* mural "Have you listened to your child today?" in the high street

of Mwanza? What does the child say to its parents when he or she reads a "Children have a right to play" *kuleana* poster? What goes on in the head of a street child when first entering *kuleana* Street Children Centre, with its brightly decorated buildings and child rights slogans? And how must it feel then to leave that place of safety and comparative luxury and go back to the village? My concerns are partly born out of the numbers of children returning to the streets, and partly out of my own inability to reconcile the differences between the life we made accessible in the Centre and the real world that the children returned to. As an *mzungu* (a white person) I struggled to exorcise the aura of a well-meaning outsider, but it is hard to do when everyone knows that at the end of your contract you will leave and go home. Many times I tried in vain to convince Tanzanian friends and colleagues that life in England is not such a Utopia, yet my words came out as patronising and shallow. I wonder if they would believe me if I told them now how many things I miss about Tanzania?

I returned to the United Kingdom in October 1998 and have been interested to see how Life Skills, or variations thereof, are increasingly entering the debate on mainstream educational needs. There is a frequently expressed fear that a steady and socially debilitating decline in the moral strength of today's children is threatening to undermine the social fabric of our communities. As we look for ways to address this apparent moral impoverishment of our youth, the argument for Citizenship Skills as part of the solution gets stronger. It is imperative that our commitment to the technological advancement of our world is matched by a commitment to the personal development of the people in it.

Catherine Hester is at present working as Curriculum Adviser to Oxfam in Wales.

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# The Children's Rights Crisis in Sierra Leone

by Philip Veerman

**S**antigie, a fifteen-year-old boy from Boumbuna in Sierra Leone, is still often on my mind. I visited him in Brookfield near Freetown where the International Committee of the Red Cross (ICRC) operates a small so-called "reconstructing surgical hospital". Two months before my visit to Sierra Leone the rebels came unexpectedly to his village. His parents and his five brothers and sisters could not run away in time. The rebels drove the family members to their hut and threw gasoline over it, and then put the hut on fire with everybody inside. Santigie was the only one to survive this atrocity because he was on the bottom of the pile of bodies of his family members, which gave him protection against the terrible heat. Nobody in his family survived. He dragged himself out of the smouldering remains of the hut to the bush where he managed to hide while in terrible pain until he was sure that the rebels were gone.

Margaret, the Australian nurse of the ICRC who showed my colleague Nana of DCI-The Gambia, Mathias, the Coordinator of the new DCI Section of Sierra Leone, and me around the hospital, told us that she had seen a lot of misery in the world (Afghanistan, Mogadishu and a few other places), but that Sierra Leone was until now the place where she had seen the worst human rights abuses. Margaret showed me Santigie's legs with hardly any skin on them. "We cannot perform any operation on him," Margaret explained, "because he is so undernourished that he will get infections immediately after an operation." While holding our hands he told us about the ordeal. He cried softly. And so did we. The prognosis was not good. The doctors told us that Santigie would very likely die.

We talked with Margaret about the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United

Front (RUF) and what has become their trademarks: cutting off hands and arms with machetes, which are very large and heavy knives. Because the blows with the machetes are delivered on the outside of the arms and hands, the victims normally survive, although terribly handicapped.

One example is the six-year-old Dumra, a girl from the North with whom we talked in Waterloo refugee camp. A year ago she and the others in her village heard shooting and they thought it was caused by gunfire from ECOMOG, the West African intervention force. However, it was the rebels entering the village. When they realised this it was already too late to flee. Many villagers, old and young, lost their lives due to machete wounds. Many, including children, were forced to put a hand – sometimes both hands – on a tree stump whereupon the hand – or hands – were chopped off. Dumra told us that she and other villagers, including many other children, had to queue up and approach the tree stump where their hands were

chopped off. "It was bleeding the whole night," Dumra told us.<sup>1</sup>

During my visit to Sierra Leone I saw many young people with hands, arms and legs cut off. In Waterloo camp (34 kilometres from Freetown) there was even an association for people with amputated limbs. The chairman of this association, Mutarr Jallah, introduced me to many children with amputated limbs. "I'd like to introduce you to more, but they have gone today to Freetown to beg."

Many armed conflicts in the world, for instance between the Armenians and the Azerbaijanis, the Serbs and the Albanians, the Hutus and Tutsis, the Israelis and the Palestinians, the Tamils and the Sinhalese in Sri Lanka, the Greeks and the Turks on Cyprus, can, in part, be explained by such concepts as ethnicity, identity and nationalism.<sup>2</sup> The conflict in Sierra Leone between the AFRC and RU, on the one side, and the government of the democratically chosen President Ahmad Tejan Kabbah, on the other, cannot be explained along those lines.<sup>3</sup> It is the

## Maputo Conference on the Use of Children as Soldiers in Africa

**F**rom 19-22 April a Conference on the Use of Children as Soldiers in Africa was held in Maputo, Mozambique. The conference was jointly organised by Save the Children and the Coalition to Stop the Use of Child Soldiers. The launching of a new report on child soldiers in Africa by the Coalition coincided with the opening in Maputo of the conference. In this report it is estimated that more than 120,000 children under 18 years of age are being used as soldiers across the African continent. Some of these children are no more than seven years of age. Algeria, Angola, Burundi, Congo-Brazzaville, the Democratic Republic of Congo, Liberia, Rwanda, Sierra Leone, Sudan and Uganda are amongst the countries most affected. The report is available on the web site of the Coalition to Stop the Use of Child Soldiers at <http://www.child-soldiers.org>. Copies in English, French and Portuguese can also be requested at e-mail address: [francoise.jaffre@wanadoo.fr](mailto:francoise.jaffre@wanadoo.fr). Source: CRINMAIL 19 April 1999



## The Coalition to Stop the Use of Child Soldiers: An Update on Activities

by Stuart Maslen

**T**he Coalition to Stop the Use of Child Soldiers is continuing to expand its advocacy and lobbying activities in favour of an end to military recruitment and use in hostilities of children under 18 years of age. Defence for Children International has recently joined the International Steering Committee as its seventh member; requests from international NGOs, particularly from Africa, Asia, or Latin America, to join the Steering Committee are welcomed. The Coalition is actively seeking to establish new coalitions at national level – Albania, Bangladesh, Cambodia, Colombia, the Czech Republic, Ethiopia, Guinea-Bissau, India, Indonesia, Japan, Malaysia, New Zealand, Nigeria, Peru, the Philippines, Poland, Senegal, Switzerland, Venezuela and the Federal Republic of Yugoslavia are just some of the countries we are particularly keen to target over the coming year. To join the Coalition, all that is required is a written endorsement of our objectives:

The adoption of, and adherence to, an Optional Protocol to the Convention on the Rights of the Child prohibiting the military recruitment and use in hostilities of any person younger than 18 years of age, and the recognition and enforcement of this standard by all armed forces and groups, both governmental and non-governmental.

A Regional Conference recently took place in Africa (Maputo, Mozambique, 19-22 April). This will be followed by regional meetings in Latin America (Montevideo, Uruguay, 5-7 July) and Asia (date and venue to be decided). Requests for further information or an invitation, or suggestions of participants should be forwarded to the Coalition Secretariat, 11-13 chemin des Anémones, 1219 Chatelaine (Geneva), Switzerland, Fax: (41) 22-917-8082; E-mail: [child.soldiers@wanadoo.fr](mailto:child.soldiers@wanadoo.fr). Details are also available on the Coalition's web site: <http://www.child-soldiers.org>.

Discussions at each of the Conferences will be informed by research published by the Coalition on national recruitment legislation and practice and, where conflict is ongoing, child participation in hostilities. The first of these reports – on the dramatic situation in Africa – was launched on 19 April 1999 in English, French and Portuguese. Those interested in contributing to the research should contact the Coalition's Researcher, Joel Mermet at the Coalition Secretariat or by E-mail: [Joel.Mermet@wanadoo.fr](mailto:Joel.Mermet@wanadoo.fr).

The Coalition's information booklet *Stop using Child Soldiers* is now available in its second edition in the following languages: English, French, German, Italian, Macedonian, Portuguese, Serb, and Spanish. Albanian, Russian and Swedish versions will be printed in the coming weeks. An Arabic version of the first edition is also available. In addition, posters for use indoors (in A1 size) and outdoors (billboard R4 format) are available in English, French, Portuguese and Spanish. Preparations are underway for a short video on child soldiers and a mobile photo exhibition. To request copies of materials or for further information please contact the Coalition's Communication Officer, Françoise Jaffre, at the Coalition Secretariat or by E-mail: [Francoise.Jaffre@wanadoo.fr](mailto:Francoise.Jaffre@wanadoo.fr).

*Stuart Maslen is Coordinator of the Coalition to Stop the Use of Child Soldiers.*

attempt of one group to obtain power by any means, including deliberate mutilation, often by amputation, rape and killing. It is complete regression, a concept of completely dehumanising "the enemy", and even their children, in order to kill, rape or amputate without remorse. Directly targeting children has become an instrument of terrorising the civilians.

The Special Representative of the Secretary-General of the United Nations for Children and Armed Conflict, Olara Otunnu, visited Sierra Leone in both March and May of 1998. During his visit in May 1998, when he travelled to the east of the country, it became clear that one of the most pressing challenges facing Sierra Leone was the "crisis of the

young": the plight of children affected directly or indirectly by the conflict.<sup>4</sup> As Amnesty International earlier reported, "children in Sierra Leone have often been the principal victims of gross human rights abuses."<sup>5</sup>

Before the ongoing civil war started in 1991, there were already many problems: in 1986 Sierra Leone had the highest under five mortality rate. According to a 1987 estimate one out of every four Sierra Leonean youngsters dies before the age of five. The World Conference on Religion and Peace report on a trip to Sierra Leone stated that, according to UNDP and the World Bank, "the conflict has brought Sierra Leone to the unfortunate distinction of being the world's poorest country".<sup>6</sup>

One of the most shocking things is that the civil war in Sierra Leone is also a war of children committing atrocities against children. We interviewed a few youngsters who had been captured by ECOMOG troops and released. They were now in a home of a Catholic charity. Junior K., now eighteen years old, told me that he was captured a few years ago by the rebels and forced to be a carrier, mainly of looted things from civilians. Another boy, John K., now sixteen, who characterised himself as a "good fighter", first carried weapons for the soldiers and, after a raid on a village, looted things. He lived from searching dead people ("those who went over the edge," he said) and often found a bit of



Philip Veerman

**Waterloo Displaced Persons Camp: this woman was heavily pregnant when the rebels cut off her hand**

money in their clothes. Mohammed B., now seventeen, was captured by the rebels in 1993, when he and his father were driving in the car to Togo. "Near the Mano junction", he told me, "the rebels shot my father dead. I became a carrier and walked hundreds of kilometres to the Liberian border with rocket launchers. I often had nothing to eat and I was able to keep going because they gave me amphetamine pills." Before a battle he was given gunpowder and hashish to smoke, or other drugs, making him ruthless.

In July 1998 Carol Bellamy, UNICEF's Executive Director, stated that: "Reintegrating child soldiers into society is among the most difficult and urgent problems facing Sierra Leone."<sup>7</sup> Save the Children UK reported several times in January and February that military action by the rebels, including incursions in the



Young victims of war at Waterloo Camp

### Children are Children except when they go to War!

by Rachel Brett

**A**t present, the Convention on the Rights of the Child – in its Article 38 – only prohibits the participation in hostilities and the recruitment into armed forces of those under the age of 15. This represents the only explicit lowering of the general age of protection applicable in the Convention, which Article 1 sets at 18 years. In order to rectify this deficiency, in 1984 the United Nations set up a Working Group to draft an Optional Protocol to the Convention. After five sessions, this process has still not produced a result. The reason is simple: some states do not want to provide this protection to those whom the Convention defines as children. Furthermore, they are seeking to prevent those who do from establishing these standards, even though they would only bind the states which chose to become parties to this Optional Protocol.

Over the years, there has been growing support for prohibiting the participation of under-18s in hostilities, for them not to be subject to compulsory recruitment (conscription), and for no recruitment of under-18s into armed opposition groups, but even on these points there is no universal agreement. There is greater divergence on the question of the minimum age for voluntary recruitment into government armed forces, and what constitutes recruitment. For example, does this include pupils in military schools and academies if they are members of the armed forces?

Faced with deadlock – principally the refusal of the USA (ironically one of the only two states in the world not yet a party to the Convention on the Rights of the Child) to accept a consensus on 18 as the minimum age for participation in hostilities – the Chair of the UN Working Group has been mandated to undertake broad informal consultations to try to find a way forward, with a view to completing the Protocol next year. Clearly, those who have problems will ensure that their voices are heard by the Chair, Ambassador Catherine von Heidenstam of Sweden, during her consultations. It is imperative that those who believe that under-18s should be protected from participation in hostilities, and that non-recruitment is the only real guarantee of this, ensure that their position is also taken into account. Those states not ready to accept this position should not be allowed to water down the standards, since in any case they can choose to stand aside from the Protocol.

*Rachel Brett is Associate Representative (Human Rights and Refugees) at the Quaker United Nations Office, Geneva.*

capital Freetown in early January 1999, had led to an estimated 5,000 deaths in Freetown alone. Eighty per cent of Eastern Freetown had been burned to the ground.<sup>8</sup> DCI-Sierra Leone told me that captured rebel child-soldiers or former child soldiers now living in Freetown were lynched. Some were hanged and afterwards their bodies were set on fire.<sup>9</sup>

Mr. Sam, the Deputy Commissioner for Democracy and Human Rights, whom I met in Freetown in December 1998, told me when I called him in February that he had been hiding. "Many people tell me," he said, "don't talk to me about human rights after what my family and I went through!" In July 1998, UNICEF's Executive Director, Ms. Bellamy, had already called for the need to ensure the safety of child soldiers who had been captured. And Amnesty International has reported that many families have rejected children forcibly recruited into rebel forces and have refused to take them back into their homes.

More than 120,000 children under 18 years of age are being used as child soldiers across Africa. Human Rights Watch reported in July 1998 that forces fighting on behalf of President Kabbah have also committed human rights abuses and that the most powerful of the Civil Defence Forces, the kamajors, have also recruited children.<sup>10</sup>

On 15 March 1999 the National Commission for Democracy and Human Rights appealed to the international community to "continue actively supporting efforts for the speedy

## Maputo Declaration on the Use of Children as Soldiers

**P**articipants in the African Conference on the Use of Children as Soldiers, held in Maputo, Mozambique, from 19-22 April 1999;

Appalled that more than 300,000 children under 18 years of age are currently participating in armed conflicts worldwide;

Acknowledging that poverty, injustice, displacement, lack of access to education, the proliferation of small arms and other factors contribute to the recruitment of children as soldiers;

Recognising the need to include children in building peace and reconciliation;

Welcoming and supporting the work of the Special Representative of the Secretary-General for Children and Armed Conflict to prohibit the recruitment and use of children in armed conflict;

Recalling with approval the Cape Town Principles and Best Practices on the Prevention of Recruitment of Children into the Armed Forces and on Demobilisation and Social Reintegration of Child Soldiers in Africa (27-30 April 1997), the Organization of African Unity/African Network for Prevention and Protection Against Child Abuse and Neglect Continental Conference on Children in Situations of Armed Conflict of June 1997, and Resolution 1659 (LXIV) on the Plight of African Children in Situations of Armed Conflict, adopted by the Council of Ministers of the OAU in July 1996, Yaounde, Cameroon;

Mindful that the African Charter on the Rights and Welfare of the Child prohibits the recruitment and use as soldiers of children under 18 years of age;

Welcoming the fact that the national legislation of the overwhelming majority of African States sets 18 years as the minimum age for military recruitment;

Welcoming the adoption of the Statute of the International Criminal Court that makes the conscripting or enlisting of children under the age of 15 years or using them to participate actively in hostilities a war crime, both in international and internal armed conflict and whether by armed forces or armed groups, while regretting that the age specified was not 18 years;

Alarmed that despite these standards African children, girls as well as boys, are currently taking part in armed conflicts across the continent in both governmental armed forces, including militia, and armed opposition groups, and are often subject to abuse or misuse as military "wives" or labourers, and that in many cases these include children under 15 years of age;

Determined to put an end to the use of children as soldiers;

1) Solemnly declare that the use of any child under 18 years of age by any armed force or armed group is wholly unacceptable, even where that child claims or is claimed to be a volunteer.

2) Call upon all African States to promote an environment that favours the safe and healthy development of children and to take all necessary measures to ensure that no child under 18 years of age takes part in armed conflict, in particular by:

- ending the recruitment of all children under 18 years of age into the armed forces and ensuring that measures are in place to prevent re-recruitment;
- establishing thorough recruitment procedures in particular for determining age;
- ensuring that birth registration is systematised and that identity documents are provided to children, and that in the absence of age documentation, the armed forces require sworn affidavits from parents or community elders that a recruit is 18 years or older;
- demobilising into safety all children, girls as well as boys, currently serving in the armed forces;
- ensuring the physical and psycho-social rehabilitation and effective reintegration into society of demobilised child soldiers;
- refraining from conscripting demobilised child soldiers;
- prohibiting the recruitment of all children into militia forces under their jurisdiction;
- bringing to justice those who continue to recruit or use children as soldiers;
- ensuring that children enrolled into military schools are not members of the armed forces and are treated in full accord with international and regional human rights law, in particular the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child;
- ratifying without delay the African Charter on the Rights and Welfare of the Child and the Statute of the International Criminal Court, to ensure their entry into force as soon as possible.

3) Condemn the use of children as soldiers by armed opposition groups and call upon these groups to end the recruitment of children and to demobilise or release into safety children already being used as soldiers.

4) Call upon African States to use their influence to bring pressure to bear on any government or armed opposition group which recruits or uses children as soldiers by refraining from providing them, whether directly or indirectly, with arms, military equipment, training or personnel.

5) Call upon African States to respect fully the provisions of international human rights and humanitarian law, in particular in the case of captured child soldiers, especially by:

- considering the broadest possible amnesty;
- recognising the need for justice and reconciliation and the importance of rehabilitation and reintegration; and



- ensuring that neither the death penalty nor life imprisonment without possibility of release is imposed for offences committed by persons below 18 years of age and that child participants in armed opposition groups are not charged with or convicted of treason.
- 6) Call upon African States to refrain from providing sanctuary to any armed opposition group recruiting or using children as soldiers.
- 7) Call upon African States actively to support:
- the adoption of an Optional Protocol to the Convention on the Rights of the Child setting 18 years as the minimum age for all military recruitment and participation in hostilities; and
  - the inclusion in the ILO Convention on the Worst Forms of Child Labour of a specific provision prohibiting the use of children as soldiers.
- 8) Call upon the Organization of African Unity to reinforce its action to promote an end to the use of children as soldiers across the continent, in particular by:
- requesting the Secretary General to submit an annual report on the use of children as soldiers;
  - intensifying its efforts to ensure the early entry into force of, and adherence to, the African Charter on the Rights and Welfare of the Child; and
  - ensuring that the issue of child soldiers is taken up on a systematic basis at relevant OAU meetings.
- 9) Call upon all governments, including those outside Africa, to provide adequate assistance to ensure the implementation of the above aims, in particular by providing resources for alternatives to children induced by circumstance to volunteer to join armed forces or armed groups, and for facilitating the demobilisation, rehabilitation and reintegration of child soldiers.
- 10) Call upon governments outside Africa to use their influence to bring pressure to bear on any government or armed opposition group which recruits or uses children as soldiers by refraining from providing them, whether directly or indirectly, with arms, military equipment, training or personnel.
- 11) Call upon the United Nations system to provide adequate assistance to ensure the implementation of the above aims, in particular by providing resources for alternatives to children induced by circumstance to volunteer to join armed forces or armed groups, and for facilitating the demobilisation, rehabilitation and reintegration of child soldiers, and call upon in particular the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund, the Office of the High Commissioner for Refugees, and the Office of the High Commissioner for Human Rights to intensify their efforts to ensure an end to the use of children as soldiers.
- 12) Call upon non-governmental organisations, in particular African NGOs, to work for the implementation of this Declaration and to disseminate it broadly.
- 13) Call upon African and international media to support efforts to end the use of children as soldiers, bearing in mind the imperative need to protect individual children from stigmatisation and to preserve their dignity, safety and self-respect.
- 14) Request the Government of Mozambique to present this Declaration to the 1999 Summit of the Organization of African Unity and to request the OAU Secretariat to disseminate the Declaration to all African Foreign Ministries.
- 15) Express their warm appreciation to the Government of Mozambique for hosting this Conference.

*Adopted in Maputo, Mozambique, on 22 April 1999.*



Philip Veerman

**Head wounds of Mohammed Masareen, 17 years old**

resolution of the conflict and the enhancement of the critical role of civil society in the process". Serious questions remain why the world community and especially the United Nations cannot do more. A Special Rapporteur of the United Nations (UN) dealing specifically with human rights violations against children in Sierra Leone can be of importance, and DCI called upon the UN – in the light of the current children's rights crisis – to appoint such a special rapporteur. The initial State report of Sierra Leone to the UN Committee on the Rights of the Child (due in 1992 and submitted in April 1996) should be updated and discussed with the Committee as soon as possible.<sup>11</sup> Such a session could be used to mobilise more (and co-ordinated) help for Sierra Leone by UN bodies such as UNICEF, UNESCO, WHO, as well as NGOs. But the NGOs should try to make the human rights abuses known to a wider public and, as Stanley Cohen promoted in another context, "use all legitimate methods of reaching beyond the elite circle who read human rights reports".<sup>12</sup>

Sierra Leone hardly reaches the headlines anymore. At the most it is covered in the "in brief" columns. That Sierra Leone is concealed from sight by lack of attention by the world's media plays in the hands of the weapon and diamond dealers who deliver small guns which children can easily take apart in exchange for profits from the diamonds coming from the areas under control by

the rebels. The lack of media attention also means that the chances are very slim that violators of human rights of children, those who have abducted children, have mutilated, amputated, raped them and have put them to work as child soldiers, will be brought to justice. The situation of children's rights in Sierra Leone cannot improve unless this country is placed higher on the world's political agenda.

Dr. Philip Veerman is President of the International Executive Council of Defence for Children International (DCI) and Director of DCI-Israel.

The new DCI section in Sierra Leone opened an office at 51 Bathurst Street in Freetown. Their postal address is: P.O. Box 1205, Freetown, Sierra Leone.  
Fax: (232) 22-224439.  
E-mail: DCISL@hotmail.com.

## NOTES

- 1 A New York based charity, the Leadership Council on Children in

Armed Conflict, advertised a six-year old girl from Sierra Leone: "Flora is 6 years old. Flora had nothing to do with the conflict between the government and rebels in Sierra Leone. During the attack on her village, armed rebels chopped off her hand in an act of senseless violence to terrorize her family and her village. As children all over the world head back to school, Flora wants to know one thing: "Will my fingers grow back?"

- 2 V.D. Volkan, *The Need to Have Enemies and Allies: From Clinical Practice to International Relationships* (1988).
- 3 However, an inter-religious response is very welcome. The World Conference on Religion and Peace (WCRP), for example, created an Inter-religious Council of Christians and Muslims in Sierra Leone in 1997.
- 4 Amnesty International, *Sierra Leone: 1998 – a year of atrocities against civilians*, p. 36 (November 1998).
- 5 *Ibid.*, p. 32.
- 6 Country programme cooperation, *Master Plan of Operations 1991-1995, the government of Sierra Leone and UNICEF* (June 1990); Wendy

Pomeroy, Project Director, World Conference on Religion and Peace, *Trip Report: Sierra Leone* (New York, 1998).

- 7 Statement of Carol Bellamy, Executive Director of UNICEF to the United Nations Special Conference on Sierra Leone, New York, 30 July 1998.
- 8 Save the Children UK, *Sierra Leone: Emergency Bulletin* (4 March 1999).
- 9 This also happened to the two former child soldiers in the weekend of 26-27 December 1998 when they were accused of being spies for the rebels and buried alive.
- 10 Human Rights Watch, *Sierra Leone: Sowing Terror, Atrocities against Civilians in Sierra Leone* (July 1998).
- 11 *Initial reports of States parties due in 1992: Sierra Leone*, contained in: United Nations Document CRC/C/3/Add.43 (3 June 1996). There are also NGO Complementary Notes (May 1997).
- 12 Stanley Cohen, *Denial and Acknowledgement: the Impact of Information about Human Rights Violations*, Jerusalem, The Minerva Center for Human Rights, the Hebrew University, p. 118 (1995).

## Mini Monitor

### ICMEC

In April the International Centre for Missing and Exploited Children (ICMEC), a British-American initiative, was launched. The Centre's aims are to find missing children worldwide and to prevent cross-border child abduction. The Centre provides immediate dissemination of pictures and information on missing children via the World Wide web, advocates for stronger laws to protect children, assists victim parents, and offers training to professionals and law enforcement agencies around the world. It will have offices in Washington, D.C. and London. Source: *Reuters news wire* 23 April 1999

### Human Rights Watch World Report 1999

In its World Report 1999 Human Rights Watch (HRW) gives an account reports of its activities on

serious abuses against children worldwide during 1998. HRW conducted research in 1998 to bring to the world's attention the effects on children of the war in Rwanda; the treatment of abandoned and orphaned children in orphanages and other non-penal institutions in Russia; the incarceration of children in adult lockups in Jamaica; conditions for children in Pakistan's police lockups, prisons and juvenile institutions; and children tried as adults and detained in adult jails in counties throughout the state of Maryland in the United States. In addition, HRW was – and is still – involved in the Coalition to Stop the Use of Child Soldiers. Source: *Human Rights Watch World Report 1999*

### Children of Conflict multimedia initiative

From 27 March BBC World Service launches a new initiative of over 70 radio programmes, giving children a

voice to describe the lives they are forced to live in the midst of armed conflict, including child soldiers in Sierra Leone and Burma, children brutalised by war in Chechnya, and war orphans in Rwanda and Somalia. Series have been produced in Swahili, Tamil, Sinhala, Portuguese for Africa, Burmese, Persian, Pashto, Somali, English for Africa and English. Source: BBC World Service home page at <http://www.bbc.co.uk/worldservice/education/children.htm>

### Senegal bans female genital mutilation

On 13 January the Senegalese Parliament approved legislation to ban female genital mutilation, responding to a campaign by Senegalese women. The campaign has been attributed to Tofhan, a private Senegalese women's organisation. Source: *International Herald Tribune* 19 January 1999

# A New ILO Convention to Eliminate the Worst Forms of Child Labour

by Michele Jankanish

**T**he spectre of girls and boys around the world toiling in mines, being sold for prostitution, forced to work as domestic servants and on plantations, exposed to hazardous substances and working conditions, and otherwise exploited for their work has propelled the problem of child labour to the top of the international agenda.

The past two years have been marked by significant action against child labour both from within and outside the International Labour Organisation (ILO). In 1997, there was a wave of unparalleled international attention to child labour with several high profile international meetings, notably those held in Amsterdam and Oslo. This interest continued and even gained momentum in 1998. The Global March against Child Labour, organised by non-governmental organisations, trade unions and human rights groups, vividly demonstrated the growing worldwide movement and commitment against child labour. The March, which involved millions of participants in more than 100 countries, was one of the most significant global events against child labour in recent years. It was a historic and unforgettable experience for the International Labour Conference and for the ILO.

The normative work of the ILO on child labour also advanced in 1998. ILO member States showed a renewed determination in the fight against child labour by making the prohibition and elimination of the

worst forms of child labour the focus of new standards. The June 1998 Session of the International Labour Conference made substantial progress toward a new Convention and Recommendation on the worst forms of child labour by completing its first discussion and adopting the text of a proposed Convention and Recommendation.<sup>1</sup> The Conference will debate the instruments for a second time and vote on their final adoption in June 1999.<sup>2</sup> This article highlights the issues surrounding the proposed Convention and Recommendation concerning the prohibition and immediate elimination of the worst forms of child labour.

## **The problem of child labour**

Clearly the problem of child labour is quite enormous in scale and widespread throughout the world, especially the developing world. It is found in small villages and in big cities, in the lanes of destitute slums and on the brightly-lit boulevards of major world capitals. ILO estimates indicate that, in developing countries alone, there are at least 250 million working children between the ages of 5 and 14. Half of them are working all day long, in many cases 12 to 15 hours a day. Of these, 61 per cent are found in Asia, 32 per cent in Africa, and 7 per cent in Latin America. While more than half of all the world's child workers are in Asia, Africa has the highest incidence of child labour: about 41 per cent of children under the age of 15 are working.

Too many children work in plainly dangerous and hazardous situations and experience serious illness and injury from their work. They are found in mines, in factories making glass bangles, matches and fireworks, in deep-sea fishing, in commercial agriculture and so on. Children are susceptible to all of the dangers that are faced by adults in the same situation, but work hazards that affect adults affect children even more strongly. They are also much more vulnerable than adults to physical, sexual and emotional abuse, and suffer more devastating psychological damage from living and working in an environment in which they are denigrated or oppressed. Very young children and girls are even more vulnerable.

Given the socio-economic circumstances of some countries and the lack of adequate resources and infrastructure, the complete elimination of child labour is bound to take time. But this can be no excuse for continuing to condone situations that are an insult to human rights and to the dignity of children as individuals. Therefore, choices must be made about where to concentrate available human and material resources. Hence there is a move toward a new international legal instrument that focuses on the worst forms of child labour to complement existing standards.

## **The Minimum Age Convention, 1973 (No. 138)**

The ILO Minimum Age Convention, 1973 (No. 138) is the fundamental



international standard on child labour, and one of the core labour standards of the ILO covered by the *ILO Declaration on fundamental principles and rights at work*, which was adopted by the International Labour Conference in June 1998. The Convention has the following major components:

- It obliges ratifying States "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons".
- It requires member States to fix the minimum age for admission to employment or work.
- It establishes that the minimum age should not be less than the age of completing compulsory schooling and, in any case, should not be less than 15 years of age. A country whose economy and educational facilities are insufficiently developed may fix the age for admission to employment or work at age 14.
- It sets a higher minimum age of 18 for hazardous work or work "which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons." It,

#### Minimum age in accordance with Convention No. 138

General minimum age	Light work	Hazardous work
<i>In normal circumstances:</i>		
15 years or more (not less than compulsory school age)	13 years	18 years (16 years conditionally)
<i>Where economy and educational facilities are insufficiently developed:</i>		
14 years	12 years	18 years (16 years conditionally)

however, allows authorisation of a lower age of 16 if the health, safety and morals of the young persons are fully protected, and the young persons receive adequate specific instruction or vocational training in the relevant branch of activity.

- Finally, it allows a lower age for light work from 13 to 15 years of age, provided that the work is not hazardous to the child's health or development, and does not hinder the child's education. A minimum age for light work at 12 instead of 13 can be set in countries where the basic minimum age of 14 is allowed.

#### Focusing on the worst forms of child labour

Convention No. 138 is and will remain the fundamental international standard on child labour. The number of ratifications has been on the increase over the last couple of years. Currently, 72 States have ratified the Convention. As mentioned above, the ultimate goal of Convention No. 138 is the total abolition of child labour. However, it is widely recognised that this will take time. A growing international consensus has emerged stressing the need to immediately proceed with the abolition of "the most intolerable forms of child labour", namely the employment of children in slave-like and bonded conditions and in dangerous and hazardous work, the exploitation of very young children, and the commercial sexual exploitation of children. This has prompted the development of new standards on the worst forms of child labour to ensure that these forms are the priority for national and international action. The new standards will:

- identify priority areas of action;
- focus on the worst forms of child labour in one Convention;
- ensure that immediate action is taken, irrespective of the level of development;
- ensure special protection for younger children and girls; and
- call for global co-operation and action.

#### Content of the proposed Convention and Recommendation concerning the prohibition and immediate elimination of the worst forms of child labour

The proposed Convention and Recommendation apply to all children under the age of 18 in conformity with

#### ILO Convention No. 138

The International Labour Organisation (ILO) has adopted a number of international conventions concerning child labour, minimum age(s) for employment and conditions of work of young persons. The principal treaty regarding minimum age for employment is ILO Convention No. 138 (1973 Convention Concerning Minimum Age for Employment). This Convention was initiated and adopted because it was considered timely to establish a general instrument to replace the existing conventions on the subject of minimum age for admission to employment, which were applicable to limited sectors only. As at 10 January 1999, ILO Convention No. 138 had a total of 69 States Parties:

Albania, Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominica, El Salvador, Equatorial Guinea, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iraq, Ireland, Israel, Italy, Jordan, Kenya, Kyrgyzstan, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Nepal, Netherlands, Nicaragua, Niger, Norway, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, San Marino, Slovakia, Slovenia, Spain, Sweden, Tajikistan, United Republic of Tanzania, The former Yugoslav Republic of Macedonia, Togo, Turkey, Turkmenistan, Ukraine, United Arab Emirates, Uruguay, Venezuela, Yugoslavia, Zambia.

the general age stipulated in the United Nations Convention on the Rights of the Child and the minimum age for hazardous work in Convention No.138. The basic obligation of ratifying States is to take measures to prohibit and immediately eliminate the worst forms of child labour. The expression "worst forms of child labour" comprises:

- all forms of slavery and practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom;
- the use, procurement or offering of a child for prostitution, production of pornography or pornographic performances;
- the use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
- work which, by its nature or the circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of children.

Countries are to design and implement programmes of action to eliminate the worst forms of child labour. In addition, all necessary measures are to be taken to ensure the effective implementation and enforcement of the provisions of the Convention, including the designation of appropriate mechanisms to monitor implementation and the provision and application of penal sanctions or, as appropriate, other sanctions. Other significant measures to be taken by ratifying States are those to prevent the entry or return of children into the worst forms of child labour, to remove them from such labour, and to give them the assistance necessary for their rehabilitation and social reintegration. Certain groups of children are in need of special protection and thus particular attention is given to the special situation of girls and other children at special risk. Finally, the proposed Convention promotes international co-operation and assistance by requiring member States to take steps, as appropriate, to assist one another in giving effect to the provisions of the Convention.

### Outstanding issues

The second discussion of the proposed Convention and Recommendation by the International Labour Conference (ILC) in June 1999 is likely to focus on several major issues. These include: the proposed explicit insertion of children

in armed combat or military activities and the denial of access to education into the definition of the worst forms of child labour; the definition of hazardous work; and the role of NGOs and other concerned groups in the Convention.

### Child soldiers and the use of children in armed conflicts

During the first Conference discussion, there was considerable debate about whether to add an explicit reference to child soldiers or the use of children in armed conflicts in the definition of the worst forms of child labour. Because of the differences of opinion expressed, it was decided to postpone further debate on the issue until the 1999 Session of the Conference. There are a considerable number of countries which believe that the Convention should explicitly indicate that children in armed conflict or military service is a worst form of child labour, while others have argued that the issue should be left to the debate in the United Nations working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. Another view is that the subject is adequately covered by the provisions in the proposed Convention which provide that national authorities are to determine which work is likely to jeopardise the health, safety and morals of children.<sup>3</sup>

### The role of education

One of the most contentious issues at the Conference was whether the denial of access to education should be taken as a criterion for determining the worst forms of child labour. The Conference rejected this idea. Instead, it included in the text of the proposed Convention several references to the importance of education in combating child labour, including in the rehabilitation and reintegration of child workers. The issue is likely to resurface, however, as the comments received by the ILO show that some governments and numerous workers' organisations support including work that systematically denies children access to education in the definition of the worst forms of child labour. Other governments and some employers' organisations oppose it as it risks bringing all child labour into the Convention, thus jeopardising the narrower focus of the new Convention. It is also observed that

### Proposed Convention

Ratifying States are to:

- apply the Convention to children under 18;
- take measures to prohibit and immediately eliminate the worst forms of child labour;
- designate monitoring mechanisms;
- adopt programmes of action;
- ensure effective enforcement, including penal or other sanctions;
- take measures for prevention, removal, rehabilitation and social reintegration;
- take account of the special situation of girls;
- take steps to assist each other through international co-operation or assistance.

### Proposed Recommendation

The Recommendation provides for:

- design and implementation of national programmes of action which aim at:
  - identification and denunciation of the worst forms of child labour;
  - prevention, removal, rehabilitation, and social reintegration of the children;
  - giving special attention to:
    - younger children;
    - hidden work in which girls are at special risk;
    - children with special vulnerabilities or needs;
  - identifying and reaching out to communities where children are at risk;
  - raising awareness and mobilising society.
- determination of the types of work that are hazardous;
- compilation of data;
- establishment of monitoring mechanisms to ensure effective implementation;
- designation of certain worst forms of child labour as criminal offences;
- effective enforcement measures.

access to education is not the only factor that will ensure that children will be in school rather than at work. The lack of quality education, the cost

of education, discrimination against working children and their mistreatment in school all exacerbate the child labour problem and often lead to work as the only alternative for many children. Therefore, access to quality education which is affordable to the children involved becomes an issue. In addition, education strategies and methods of delivery need to be available to meet the immediate needs of children removed from the worst forms of child labour.

#### Hazardous work and the scope of the Convention

The proposed Convention lists as one of the worst forms of child labour "work which by its nature or the circumstances in which it is carried out is likely to jeopardize the safety, health or morals of children." The determination of which work is likely to jeopardise the safety, health or morals of children is to be made at the national level after consultations with employers' and workers' organisations. There are two major concerns. The first, raised primarily by worker's organisations, is that the Convention should spell out specific criteria for determining hazardous work so that the flexibility at the national level is reduced. Some governments support this position to provide further clarity at the international level of what is meant by hazardous work. The second issue is the desire for further flexibility by some governments in making the determination. Because of the broad scope of the Convention (no exclusion for any sector) and the age (all persons under age 18), some want to ensure that the provision applies only to the truly "worst" forms of child labour.

#### Non-governmental organisations and other concerned groups

Another issue debated during the first discussion and which is likely to be raised again is the role of NGOs, especially whether to require consultations by governments with "other concerned groups" or "NGOs" in the Convention. Provisions on determining which work is hazardous and on adopting programmes of action require consultations with employers' and workers' organisations. The Conference decided not to include other concerned groups in the text of

the Convention, and left such a reference in the Recommendation. Some governments, however, suggest including such a reference particularly concerning programmes of action. While the employers' and workers' organisations argued against such a reference for fear of undermining the tripartite structure of the ILO, there is support from some workers' organisations for consultations with the concerned children and their families consistent with a proposal from some NGOs.

#### Conclusion

While some issues remain to be resolved, the comments provided to the ILO by governments, employers' and workers' organisations indicate overwhelming support for new ILO standards specifically focused on the worst forms of child labour.

In summary, the proposed Convention concerning the prohibition and immediate elimination of the worst forms of child labour differs from existing standards in that it focuses on the worst forms of child labour, requiring priority action in the form of immediate elimination; explicitly lists some of these worst forms with flexibility at the national level to determine which hazards bring other work into the category of the worst forms; provides for monitoring mechanisms and programmes of action; requires measures of prevention, rehabilitation and reintegration; requires giving special attention to children at special risk and the situation of girls; and calls for international co-operation and assistance. The proposed Convention has a singular mission to put an immediate stop to the worst forms of child labour.

The debate on the new ILO instruments will be concluded by the International Labour Conference in its 87th Session in June 1999. Once adopted, a new Convention and Recommendation will help to prioritise action and ensure that appropriate measures are taken to bring about the immediate elimination of the worst forms of child labour. The new standards will advance the commitment to ensuring that children are protected at least against the worst hazards as part of the transition towards the total elimination of child labour as called

for in ILO's Minimum Age Convention, 1973 (No. 138).

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#### NOTES

- 1 Following the 1998 Session of the International Labour Conference, governments, employers' and workers' organisations commented on the texts of the instruments (ILO *Child Labour*, Report IV (1) International Labour Conference, 87th Session, 1999). Based on the comments the International Labour Office has prepared a report in two parts for the 1999 discussion (ILO: *Child Labour*, Report IV (2A) and (2B) International Labour Conference, 87th Session, 1999). The first part summarises the comments and gives a brief Office commentary. The second part contains the current draft text of the proposed Convention and Recommendation that will be presented to the Committee in June 1999 for discussion.
- 2 The discussion will take place in a Committee on Child Labour established by the Conference. The Committee will proceed with a general discussion by the delegates on the proposed new standards followed by an examination of the Articles in the proposed Convention and the Paragraphs in the proposed Recommendation. The discussion is based on proposed amendments, if any, submitted by the delegates. The Committee will send to the full Conference its recommended texts. The Conference votes in plenary session on the final adoption of the proposed Convention and Recommendation, which must receive two-thirds of the votes cast by the delegates present to be adopted.
- 3 In particular the hazardous work provision in Article 3 (d) and Article 4 of the proposed new Convention.



# European Law and Chastisement by Parents

## A Comment on *A v. United Kingdom*

by Michael Freeman

In September 1998 the European Court of Human Rights unanimously held in *A v. United Kingdom* that the law on the United Kingdom, which allows parents to inflict reasonable corporal chastisement, is in breach of Article 3 of the European Convention on Human Rights.<sup>1</sup> This states that: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment". The Court found that the law in the United Kingdom did not provide "adequate protection" to children. It stated:

**"Children and other vulnerable individuals, in particular, are entitled to State protection, in the form of effective deterrence, against serious breaches of personal integrity."**

The case related to a boy who had been repeatedly beaten, between the ages of five and eight, by his stepfather with a garden cane. The stepfather had been acquitted on the ground that his assaults amounted to reasonable chastisement. The English common law allows this defence,<sup>2</sup> and the statute which makes it an offence wilfully to assault a child is derogated from by a sub-section which excludes from the offence actions taken by parents, teachers and others having the lawful charge of a child by way of punishment.<sup>3</sup> Teachers in the United Kingdom can no longer, as of 1998, use corporal punishment.<sup>4</sup> There have been calls in the United Kingdom for the

freedom to smack to be taken from parents too,<sup>5</sup> but nothing has yet come of these demands, and they are probably not supported either by public opinion or by the government.<sup>6</sup>

The Court accepted, following the earlier case of *Costello-Roberts v. United Kingdom*,<sup>7</sup> that ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. It reasoned, as it had done in *Costello-Roberts*, that:

**"The assessment of this minimum is relative: it depends on all the circumstances of the case, such as the nature and context of the treatment, its duration, its physical and mental effects and, in some instances, the sex, age and state of health of the victim."**

It is hardly surprising that A's punishment was held to violate Article 3, as thus interpreted.

The Court, following its usual practice, limited itself to the specific facts of the

case before it. It did not therefore rule on the legal propriety of corporal punishment which falls short of the violence used in A's case. This is inevitable, given the way the Court works, but unfortunate because the United Kingdom can respond, and it is thought will, by ruling out inhuman or degrading punishment, whilst preserving the right of parents (and possibly others) to smack. This was its response to *Costello-Roberts*.<sup>8</sup> The Court did not think it necessary to examine whether the inadequacy of the legal protection provided to A against the ill-treatment that he suffered also breached his right to respect for private life under Article 8. In *Costello-Roberts*, the Court had observed that the possibility that circumstances might exist in which Article 8 could be regarded as affording a protection that went beyond that given by Article 3 was not excluded. And, in an earlier case, the Commission concluded that a complaint was actionable under Article 8 where children were struck with a

In its concluding observations on the initial State party report of the United Kingdom the Committee on the Rights of the Child suggests that the State party undertake measures to help "change societal attitudes towards the use of physical punishment in the family and foster the acceptance of the legal prohibition of the physical punishment of children". It also recommends the adoption of legislative measures to prohibit the use of corporal punishment in privately funded and managed schools.

leather strap on the hand and the buttocks at school.<sup>9</sup> The Commission in *A v. United Kingdom* agreed with this interpretation, but did not consider the applicability of Article 8 on its merits to the facts of the case. Those who want to see an end to all smacking of children may find that challenges to corporal punishment using Article 8 may prove more successful. As Geraldine van Bueren has written: "The concept of privacy encompasses the concept of bodily integrity."<sup>10</sup>

There is no reason why punishment would have to be severe to come within Article 8's scope. The Court did not consider whether Articles 13 or 14 of the Convention had been violated.

The decision in *A v. United Kingdom* leaves the law in an uncertain and unsatisfactory state. Would the Court have come to the same conclusion if the cane had been used only once, or if the child had been older, or it had not been used with "considerable force", or if a slipper (as in *Costello-Roberts*) or a strap had been used? And what if A had been a girl? Would a lesser infliction of punishment have been held to violate Article 3? How relevant was it that the punishment was inflicted by a step-parent? The European Court is reluctant to grasp the nettle and come to the conclusion – to which it will be forced inevitably and soon – that all hitting of children is inhuman. The Italian Supreme Court in the *Cambria* case appreciated this.<sup>11</sup> They were influenced not only by their own Constitution and laws built upon this, but also by international norms, particularly the United Nations Convention on the Rights of The Child. Their decision relied on a number of articles in the Convention, notably the non-discrimination principle in Article 2, the emphasis on a child's best interests in Articles 3 and 18, and Article 19's prohibition of the use of violence against children. The Court's opinion in *Cambria* looks to the Preamble to the Convention and its recognition of

The European Commission and Court of Human Rights have reviewed several cases in which children have argued that being subjected to corporal punishment, as a criminal penalty or as a disciplinary sanction in schools, constitutes degrading treatment or punishment under Article 3 of the European Convention on Human Rights. See, for example, *Tyrer* judgment of 25 April 1978; *Campbell and Cosans* judgment of 25 February 1982; *Warwick v. the United Kingdom*, Commission Report 18 July 1986; *Costello-Roberts* judgment of 25 March 1993.

children's needs to develop fully and harmoniously and to be brought up in the spirit of "peace, dignity, tolerance, freedom, equality, and solidarity".

The European Court should read the arguments of the Italian court. It should also look to the experiences of other European countries. In eight, the corporal punishment of children by parents is outlawed by legislation. As it is well-known Sweden took the lead in 1979.<sup>12</sup> The Swedish law is only part of a strategy to create a new culture of childhood, one in which children are persons and rights-holders, but it is a highly significant part.<sup>13</sup> Finland (in 1983), Norway (in 1987), Austria (in 1989), Cyprus (in 1994) (Cyprus goes further and outlaws violence in the presence of children), Denmark (finally in 1997 after a half-measure in 1985), Latvia in 1998 and Croatia (as from the beginning of 1999) have followed the Swedish initiative (if not necessarily the Swedish legislative model). Belgium, in the wake of its sex abuse scandal, is about to do so,<sup>14</sup> and the new government in Germany is committed to prohibiting all corporal punishment. In the light of this thrust in the direction of upholding a child's dignity, the European Court's ruling in *A v. United Kingdom* is hesitant and timid. It must know that it will have to follow norms being established in so many of its constituent members. And, as the Italian Court reasoned, the practice of hitting children is prohibited by the Convention on the Rights of the Child. All members of

the Council of Europe have ratified the Convention. The Committee on the Rights of the Child, which is charged with monitoring compliance with the Convention, is unequivocal on corporal punishment:

“ The Committee has paid particular attention to the child's right to physical integrity.... It has stressed that corporal punishment of children is incompatible with the Convention and has often proposed the revision of existing legislation, as well as the development of awareness and education campaigns, to prevent child abuse and the physical punishment of children.<sup>15</sup> ”

It has, indeed, criticised many countries, including the United Kingdom<sup>16</sup> (but also Canada,<sup>17</sup> Poland,<sup>18</sup> Portugal,<sup>19</sup> the Ukraine,<sup>20</sup> Belgium<sup>21</sup> and Germany<sup>22</sup>) for allowing corporal punishment against children to continue.

There is a concern that outlawing the physical punishment of children will lead to greater interference with the lives of parents, making child-rearing more difficult, and leading to more prosecutions of parents and more care proceedings and other administrative interventions. But this is not the experience of Sweden or of other countries which have passed such legislation. And, on the contrary, it is likely that prohibiting parents from using corporal chastisement will lead to fewer prosecutions because there will be less abuse, and to fewer care proceedings. Also that in time it will have the effect of cutting down on delinquency and reducing the amount of violent crime and domestic violence. But even were it not likely to have these beneficial side-effects, it is legislation that all countries, which call themselves civilised, should pass. This would obviate the need for the European Court to pronounce on the

In its initial State party report to the Committee on the Rights of the Child, the Swedish government stipulates that the Code of Parenthood and Guardianship explicitly provides that: "A child is entitled to care, security and a good upbringing. A child shall be treated with respect for his person and individuality and may not be subjected to corporal punishment or any other offensive treatment..."

subject again! But that won't happen, and it will have to rule, I suspect, quite soon. It is to be hoped that next time it will get the opportunity to rule on less severe punishment than A suffered, and that it will be able to look at parental chastisement within the context of Article 8.

Michael Freeman is Professor of Law at University College London, Faculty of Laws, and Editor-in-Chief, *International Journal of Children's Rights*.

## NOTES

- 1 Judgment of 23 September 1998.
- 2 *R v. Hopley* (1860) 2 F and F 202.
- 3 Children and Young Persons Act 1933 s.1(7).
- 4 School Standards and Framework Act 1998 s.131.
- 5 See Peter Newell, *Children Are People Too* (London, 1989). There is now an umbrella pressure group called "Children are Unbeatable".
- 6 Both the Prime Minister and the previous Minister in charge (Paul Boateng) have expressed satisfaction with the European Court's decision but said they approve of parents being able to smack.
- 7 [1994] E H R R 112.
- 8 Education Act 1996 s.548(2) and s.549(2).
- 9 App No. 10592/83 v. *United Kingdom* 9 E H R R 278.
- 10 *The International Law on the Rights of the Child* (Dordrecht, 1995), p. 251.
- 11 *Foro It II* 1996; 407.
- 12 See D. Olson, *Brigham Young University Law Review* (1984), pp. 447-456.
- 13 See J. Durrant and G. M. Olsen, 19

- Journal of Social Welfare and Family Law* (1997), pp. 443-461.
- 14 Belgian Senate 1997-1998 Session: Proposal for a Law Inserting an Article 371 bis into the *Code Civil*.
- 15 Committee on the Rights of the Child, UN Doc. CRC/C/34, Annex IV, p. 63 at B. Violence against children (1994).
- 16 See UN Doc. CRC/C/15/Add.34, para. 31 (1995).
- 17 See UN Doc. CRC/C/15/Add.37, paras. 14, 25 (1995).
- 18 See UN Doc. CRC/C/15/Add.31, para. 30 (1995).
- 19 See UN Doc. CRC/C/15/Add.45, para. 15 (1995).
- 20 See UN Doc. CRC/C/15/Add.42, para. 29 (1995).
- 21 See UN Doc. CRC/C/15/Add.38, para. 15 (1995).
- 22 See UN Doc. CRC/C/15/Add.43, para. 30 (1995).

## Mini Monitor

### Kosovar children separated from their families

According to reports from neighbouring countries of Kosovo, many children were separated from their families when fleeing Kosovo. Save the Children, for example, has set up a family tracing centre at Stan-kovic in Macedonia, which works together with the International Committee of the Red Cross. Source: *Reuters news wire* 21 April 1999; *Human Rights Watch* home page at <http://www.hrw.org> - Crisis in Kosovo

### Cambodia, Thailand, Laos, China, Vietnam and Myanmar: regional project to combat cross-border trafficking in women and children

On 1 April Cambodia joined five other countries, Thailand, Laos, China, Vietnam and Myanmar, in a regional project aimed at combating cross-border trafficking in women and children. The three-year project starts this year and will be funded by the United Nations. It aims to boost dialogue on the issue; to support anti-trafficking community projects; and to step up



Vietnamese girl child

Jannike Ringelberg

transit point for the trafficking of women and children, and more than 300,000 women and children are currently caught up in such practices. Source: *Reuters news wire* 1 April 1999

### Mine Ban Treaty enters into force

On 1 March 1999 the Mine Ban Treaty entered into force. Article 17 provides that the treaty shall enter into force on the first day of the sixth month after the fortieth instrument of ratification has been officially deposited. Burkina Faso deposited the fortieth instrument of ratification on 16 September 1998. As of 31 March 1999 seventy-one countries have ratified the Mine Ban Treaty, and a total of one hundred and thirty-five countries have signed or acceded to the treaty. Seventeen of forty signatories in Africa have ratified; nineteen of thirty-three in the Americas; eight of eighteen in Asia / Pacific; twenty-four of thirty-nine in Europe / Central Asia; and three of five in Middle East / North Africa. Source: *ICBL home page* at <http://www.icbl.org>

enforcement measures. Paul Mathews of the United Nations Development Programme (UNDP) is project-coordinator. According to Cambodia's Minister of Women's Affairs, Mu Sochua, Cambodia has become a



# Convention Update

## Election of five new members of the Committee on the Rights of the Child

On 16 February 1999 the Seventh Meeting of States parties to the Convention on the Rights of the Child took place at the United Nations Headquarters in New York to elect five new members of the Committee on the Rights of the Child. The new members replace those members whose terms expired on 28 February 1999. The new members are: Mr. J. Doek (The Netherlands), Mrs. A. Ouedraogo (Burkina Faso), Ms. J. Karp\* (Israel), Ms. A. El Guindi (Egypt) and Mrs. E. Tigerstedt-Tähtelä (Finland). The other five members who will continue to serve on the Committee until 28 February 2001 are: Mr. F. Fulci (Italy), Ms. N. Mboi (Indonesia), Mrs. E. Mokhuane (South Africa), Mr. G. Rabah (Lebanon) and Mrs. M. Sardenberg (Brazil).

\* re-elected

### New members

Mr. J. Doek – The Netherlands: Professor of Family and Juvenile Law

Mrs. A. Ouedraogo – Burkina Faso: Teacher of Linguistics, Ministry of Foreign Affairs; also active within the United Nations Specialized Agencies Service, Department of Multilateral Co-operation, Central Directorate for Multilateral Co-operation

Ms. J. Karp – Israel\*: Deputy Attorney General of the State of Israel

Ms. A. El Guindi – Egypt: Secretary-General of the National Council for Childhood and Motherhood

Mrs. E. Tigerstedt-Tähtelä – Finland: Ambassador to Zagreb (retired 1 November 1998)

Source: *United Nations Document CRC/SP/24* (1998)

## Tenth anniversary of the Convention on the Rights of the Child

20 November 1999 is the tenth anniversary of the adoption of the Convention on the Rights of the Child by the General Assembly of the United Nations. The annual thematic debate, or discussion day, of the Committee on the Rights of the Child has been postponed to the year 2000, and a two-day workshop is to be held instead during the Committee's twenty-second session (20 September – 8 October 1999) to commemorate the tenth anniversary of the Convention. The workshop is being co-organised with the United Nations Office of the High Commissioner for Human Rights and is entitled: "The Convention on the Rights of the Child: a decade of achievements and challenges". Source: *Web site of the UNHCHR* (<http://www.unhchr.ch>) at *Committee on the Rights of the Child, Notes on sessions*

[See in this Monitor *Upcoming Events*]

## Twentieth session of the Committee on the Rights of the Child (11-29 January 1999)

At its twentieth session the Committee on the Rights of the Child considered initial reports from Austria, Belize and Guinea and the second periodic reports of Sweden and Yemen. The Committee decided to schedule for consideration at its twenty-first session (17 May – 4 June 1999) the initial reports of Barbados, St. Kitts & Nevis, Benin and Chad, and the second periodic reports of Honduras and Nicaragua. Source: *Web site of the UNHCHR* (<http://www.unhchr.ch>) at *Committee on the Rights of the Child, Notes on sessions*

## Nineteenth session of the Committee on the Rights of the Child (21 September – 9 October 1998)

At its nineteenth session the Committee on the Rights of the Child considered initial reports from Ecuador, Iraq, Kuwait and Thailand and the second periodic report of Bolivia. Bolivia inaugurated the

second round of reporting on the implementation of the Convention on the Rights of the Child, as its report was the first periodic report considered by the Committee. Source: *United Nations Document CRC/C/80* (1998)

## Discussion Day on children living in a world with HIV/AIDS

During its nineteenth session (21 September – 9 October 1998), on 5 October 1998, the Committee on the Rights of the Child held a general discussion on children living in a world with HIV/AIDS. Approximately 100 participants attended the meeting, including four adolescents from Nepal. Participants took part in one of three working groups on, respectively, non-discrimination, prevention and care, and reports from these groups were discussed in plenary. A set of recommendations was formulated by the Committee on the basis of recommendations from the working groups and the general discussion that followed. Source: *United Nations Document CRC/C/80* (1998)

## Rights of children with disabilities: a working group in consultation with the Committee on the Rights of the Child

At its nineteenth session (21 September – 9 October 1998) the Committee on the Rights of the Child was informed that the working group on children with disabilities would soon be in a position to start its work. The establishment of this working group was recommended by the Committee as an outcome of its discussion day of 6 October 1997 on children with disabilities. The Committee was informed that the working group would be chaired by Mr. B. Lindquist, Special Rapporteur of the United Nations Commission on Social Development on disabilities, and that it had received necessary funds to employ a coordinator, Mr. D. Cowley. Members of the working group would include representatives from the Committee, United Nations agencies and bodies, and leading NGOs in the field of the rights of persons with disabilities and children's

rights. At its twentieth session (11-29 January 1999) the Committee was informed that the working group on the rights of children with disabilities had held its first meeting in London on 23-24 January 1999. At the meeting it was agreed that the primary purpose of the working group would be to strengthen and support the work of the Committee in monitoring and promoting the rights of children with disabilities, and a plan of action was adopted. Source: *United Nations Document CRC/C/80 (1998) & Web site of the UNHCHR* (<http://www.unhchr.ch>) at *Committee on the Rights of the Child, Notes on sessions*

### **Recommendation on children in armed conflict**

During its nineteenth session (21 September – 9 October 1998), the Committee on the Rights of the Child held an informal meeting with the Chairperson-Rapporteur of the (inter-sessional open-ended) working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. The Committee also adopted a recommendation on children in armed conflict. In this recommendation the Committee notes that the working group has met yearly since 1995 and that it was unable, at its fourth session held in February 1998, to reach agreement on a

draft text which could be adopted by consensus. The Committee expresses its concern at the delays experienced in the process of drafting and adopting the optional protocol, and invites States parties to make every effort to facilitate its adoption before the tenth anniversary of the Convention on the Rights of the Child. The Committee also recalls its major recommendation on the fundamental importance of raising the age of all forms of recruitment of children into the armed forces to eighteen years and the prohibition of their involvement in hostilities. And it expresses the hope that States that are not yet in a position to accept the eighteen-year age limit will not prevent the adoption of the optional protocol by other Governments. On 11 January 1999, during the Committee's twentieth session (11-29 January 1999), some members attended the fifth session of the (inter-sessional open-ended) working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, and submitted the text of the Committee's recommendation. On behalf of the Committee, Mr. Y. Kolosov addressed the working group and stated that the draft optional protocol should be expedited. Source: *United Nations Document CRC/C/80 (1998) & Web site of the UNHCHR* (<http://www.unhchr.ch>)

at *Committee on the Rights of the Child, Notes on sessions*

[See in this Monitor *The Coalition to Stop the Use of Child Soldiers: An Update on Activities* by Stuart Maslen & *Children are Children except when they go to War!* by Rachel Brett]

### **Question of a draft optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography**

The report of the fourth session of the (inter-sessional open-ended) working group of the United Nations Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography is contained in United Nations Document E/CN.4/1998/103. The fifth session of the working group was held from 25 January to 4 February 1999. Two members of the Committee on the Rights of the Child, Mrs. J. Karp and Mrs. E. Mokhuane, attended the session. In the statement submitted by Mrs. J. Karp the Committee's viewpoint was confirmed that priority should lie with the strengthening of the implementation of existing standards. Source: *Web site of the UNHCHR* (<http://www.unhchr.ch>) at *Committee on the Rights of the Child, Notes on sessions*

## **Mini Monitor**

### **Children's rights situation in Mexico**

At the twenty-first session of the United Nations Committee on the Rights of the Child (17 May – 4 June 1999), the Mexican Coalition in Support of Children (Colectivo Mexicano de Apoyo a la Niñez) is presenting its IV Report on the Rights and the Situation of Children in Mexico 1994-1997: Facts Make a Mockery of Rights. Source: *CRINMAIL* 8 April 1999

### **Japanese bill banning child prostitution and child pornography**

A group of Japanese legislators have put forward a bill to ban

child prostitution and child pornography, which they will try to get passed by Parliament before its session ends in June. The bill prohibits sexual relations with persons under the age of eighteen years in exchange for money, and bans the sale and distribution of child pornography. The proposed law would apply to Japanese citizens for acts conducted abroad as well as in Japan. The proposal calls for a revision of the bill in three years. Source: *Reuters news wire* 31 March 1999

### **Netherlands launches missing children web site**

In April a division of The Netherlands National Police Agency, the *Divisie Centrale Recherche Informatie* / National Criminal Intelligence Division (CRI),

together with Computer Associates International Inc., launched a multilingual web site designed specifically to reunite missing children with their families (<http://www.missingkids.nl>). Computer Associates International Inc. donated software and services to develop the English and Dutch language web site, which will post information and photographs of missing children in The Netherlands the moment a case is opened. The site is modelled after a similar site of the National Centre for Missing and Exploited Children (<http://www.missingkids.com>), a non-profit organisation based in the United States. Source: *Reuters news wire* 26 April 1999

# United Nations and Children's Rights

## Committee against Torture

During the twentieth session of the Committee against Torture, which was held at the United Nations Office at Geneva from 4 to 22 May 1998, the Committee decided to designate thematic rapporteurs who, on the basis of reports of States parties and other information available to them, would bring to the attention of the Committee issues related to women's rights, children's rights and discriminatory practices relevant to or affecting the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Mr. Sørensen was designated as rapporteur for children's rights issues. *Annual report of the Committee against Torture*, contained in: *General Assembly Official Records, Fifty-third session, Supplement No. 44 (A/53/44) (1998)*

## Special Rapporteur on the right to education

Last year a Special Rapporteur on the right to education, Katarina Tomasevski, was appointed by the Commission on Human Rights. In January she submitted her preliminary report in which she describes the approach she intends to pursue, including the examination of primary education through a 4-A analytical scheme: education has to be available, accessible, acceptable and adaptable. Source: *Preliminary report of the Special Rapporteur on the right to education*, Ms. Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33, contained in: *United Nations Document E/CN.4/1999/49*

## UNICEF report "Generation in Jeopardy"

UNICEF has released a report titled

"Generation in Jeopardy", which identifies a range of social and health problems affecting children in the former East bloc, from inadequate standards of education and nutrition to spreading diseases, including AIDS. According to Alexandre Zouev, a UNICEF official, children and other socially vulnerable groups are the worst hit by the vast social upheaval throughout Central and East Europe, the Commonwealth of Independent States and the Baltic countries since the collapse of the East Bloc. Source: *Reuters news wire 27 April 1999*

## Secretary-General's Special Representative for Children and Armed Conflict proposes special agenda for action for Kosovo children

At the conclusion of a four-day mission to the former Yugoslav Republic of Macedonia and Albania (10-13 April), Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, proposed the adoption by the international community of an Agenda for Action for the Children of Kosovo. He stated that children constitute over sixty-five per cent of those expelled from Kosovo. Source: *Home page of the UNHCHR at <http://www.unhchr.ch>*

## Draft Convention Against Transnational Organised Crime

The Commission on Crime Prevention and Criminal Justice, in Vienna, is working on the preparation of a draft optional protocol on the trafficking in women and children that would complement the draft Convention Against Transnational Organised Crime. This new legal instrument is expected to be ready by 2000, and will address the need to standardise and promote

improved international co-operation in the penalisation and prevention of the sale of children and any form of sexual exploitation of children, and the protection of victims. Source: *Home page of the UNHCHR at <http://www.unhchr.ch>*

## UNICEF programme to fight trafficking of women and children in China

In April UNICEF announced a programme to fight the trafficking of women and children in China, which will be carried out in co-operation with the Ministry of Public Security. The programme is targeted at young children who are abducted, trafficked and sold for commercial sex, and young women who are abducted or trafficked as unwilling wives, or taken away to brothels. According to UNICEF Executive Director, Carol Bellamy, the plan will focus on three areas: "sensitivity training" for police officers; re-integration of abducted women into society; and working to boost overall awareness of the problem. Source: *Reuters news wire 23 April 1999*

## UNICEF: The Progress of Nations 1998

In UNICEF's *The Progress of Nations 1998* attention is given to birth registration, the "first" right. Unity Dow states that a birth certificate is a child's official proof of identity and existence. Proof of birth is needed for a number of services, and it offers a degree of legal protection. Furthermore, civil registration is also the basic tool by which a government counts its citizens and plans the schools, health centres and other services they need. While the industrialised countries register virtually all their children, she continues, civil registration systems are still rudimentary



in many developing countries. An estimated one third of all births, about forty million babies, go unregistered every year. Source: *The Progress of Nations 1998*, UNICEF

#### **UN Special Rapporteur on the sale of children, child prostitution and child pornography reports on sports exploitation**

In her annual report United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, Ofelia Calcetas-Santos, expresses her concern over child trafficking for use in sports. The Special Rapporteur reports that in the Gulf States, mainly in the United Arab Emirates, the lives of young boys are being put at risk for the entertainment of spectators at camel races. For many years the boys, sometimes as young as four years of age, have been trafficked from countries in South Asia to supply the demand for camel jockeys. The children are attached to the camels' backs with cords, and the camels are made to run down a track. Children fall risk of being trampled to death by the other

camels on the track. In 1993, the Camel Jockey Association of the United Arab Emirates finally prohibited the use of children as jockeys. New evidence, however, clearly indicates that the rules are being ignored. Information from Anti-Slavery International suggests that new trafficking routes are opening up from north-east and west Africa. In October 1997, police intercepted traffickers in Mali taking young Mauritanian children to the Gulf, and there have been reports of young Sudanese camel jockeys working in Qatar. During her recent mission to Belgium, the Special Rapporteur learnt that children, particularly boys, are being trafficked for competitive sports. Mainly from African countries, boys are being brought to Belgium illegally to become soccer players. They are picked up by unofficial managers who visit countries such as Nigeria for this purpose, brought to Belgium and then taken from club to club by the managers who try to find them a place. If no place is found for them, they often are abandoned and, having come into the country illegally, they are placed in a very vulnerable position. Source:

*Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, Ms. Ofelia Calcetas-Santos, contained in: *United Nations Document E/CN.4/1999/71*

#### **UNESCO expert meeting "Sexual Abuse of Children, Child Pornography and Paedophilia on the Internet: An International Challenge"**

In January some 300 experts and representatives of national and international organisations attended an expert meeting organised by UNESCO on sexual abuse of children, child pornography and paedophilia on the Internet. A Declaration and Action Plan were adopted by the experts at the close of the meeting, under the aegis of UNESCO. Measures in the Action Plan include the call for UNESCO to favour research, information exchange and co-operation, including the establishment of a clearing house and task force on child pornography and paedophilia on the Internet. Source: *Home page of UNESCO at <http://www.unesco.org>*

## Mini Monitor

#### **First conviction under 1996 Honduran Statute which makes foreign travel for the purpose of engaging in sex with a minor a federal crime**

On 2 March 1999 a federal court in Honduras made its first conviction under a 1996 Statute which makes foreign travel for the purpose of engaging in sex with a minor a federal crime. After a five-week trial, a United States citizen was found guilty of all charges levelled against him. The majority of the charges related to the sexual exploitation of Honduran boys. Source: *Casa Alianza home page at <http://www.casa-alianza.org>* – *News Briefs 4 March 1999*

#### **Special Rapporteur for Children in the Americas**

The Inter-American Commission on Human Rights (ICHR) has appointed for the first time a Special Rapporteur for Children in the Americas. Hélio Bicudo, from Brazil, will report to the ICHR throughout its sessions. Based in Washington, the Inter-American

Commission on Human Rights is part of the Organization of American States (OAS). It is responsible for monitoring the implementation of the 1969 American Convention on Human Rights. Source: *Casa Alianza home page at <http://www.casa-alianza.org>* – *News Briefs 14 January 1999*

#### **Canadian ruling on child pornography**

In a decision issued on 13 January, a British Columbia Supreme Court judge ruled that Canadians have a constitutional right to possess child pornography if it is for private use and not for distribution. The ruling is not binding on other cases until upheld by the Canadian Supreme Court, but it can be considered in other legal disputes on the issue. The judge dismissed two counts of simple possession against a man from Vancouver, holding that the threat to privacy and freedom of expression posed by the broad language of the Criminal Code ban outweighed its limited benefits to society. British Columbia announced on 18 January that it would appeal the court ruling. The British Columbia Appeals Court began hearings on 26 April reviewing the trial judge's decision.

Source: *Reuters news wire 26 April 1999*

#### **Child domestic workers in Costa Rica**

A study commissioned by Anti-Slavery has been carried out by Defence for Children International (DCI)-Costa Rica as part of a series of studies on child domestic work. In March, DCI-Costa Rica held a national seminar to present the results of the study. The recommendations from the seminar will be sent to the government, and DCI-Costa Rica will be following up with practical action for child domestic workers. DCI-Costa Rica found that national laws making it illegal for children under fifteen years of age to work have done little to eliminate child labour, including child domestic work. A household survey, in 1998, revealed that 10,157 girls between five and seventeen years old were working as domestics. 1,042 were between five and eleven years of age, and 1,731 were twelve-to-fourteen year olds. Source: *Anti-Slavery Reporter (April 1999)*

# NGO News

## **CRIN's 10th anniversary of the Convention on the Rights of the Child calendar**

Throughout 1999, the co-ordinating unit of the Child Rights Information Network (CRIN) will be gathering information about activities and projects that celebrate the tenth anniversary of the United Nations Convention on the Rights of the Child. This information will be posted on a special section of CRIN's website (<http://www.crin.org/ngo.nsf>). It will also be made available through the CRINMAIL and newsletter. Source: CRINMAIL 12 March 1999

## **NGO Group for the Convention on the Rights of the Child**

On 31 March the NGO Group for the Convention on the Rights of the Child and the Child Rights Information Network (CRIN) launched a NGO Reports Database on CRIN's web site (<http://www.crin.org/ngo.nsf>). This database holds the full text of all the NGO reports submitted to the United Nations Committee on the Rights of the Child, the body established to monitor the implementation of the Convention on the Rights of the Child by States parties. These reports are submitted by NGOs, National Coalitions and Networks as "alternative reports" to the reports which States parties are required to submit to the Committee. Source: CRINMAIL 31 March 1999

## **Children's House in Cyberspace**

Children's House in Cyberspace can be found at <http://childhouse.uio.no>. Children's House is a co-operative initiative by AIFS, CIDEF, Children's Rights Centre, Childwatch, Consultative Group, CRIN, Family Life Development Centre, IIN, NOSEB, Rädda Barnen, ISCA, UNICEF, UNESCO, World Bank and WHO. It has ten floors: Early Childhood, NGO's, Child Health, Children's Rights, Child Research, Learning, Conferences, Training, Information Resources, and News. The Child Rights Floor offers a series of links to web sites containing

substantive information on children's rights issues. In collaboration with Defence for Children International, this floor also provides an electronic version of the DCI kit on international standards concerning the rights of the child. The NGO Floor contains relevant information and a link to [children@risk](mailto:children@risk), an international initiative to fight child pornography on the Internet. Children@risk was presented by Redd Barna (Save the Children Norway), in co-operation with the Norwegian Commissioner (Ombudsman) for Children, at the first World Congress Against Commercial Sexual Exploitation of Children (Stockholm, August 1996) to fight child pornography on the Internet.

## **IRC/ISS**

The International Social Service (ISS) has established an International Resource Centre on the Protection of Children in Adoption (IRC). A section of the ISS web site is devoted to the IRC (<http://childhub.ch/iss>). The information provided is grouped under six headings: About the IRC; International Conventions; The rights of the child and adoption; Bank of bibliographic data; Interesting documents; and Useful addresses and links. The site is currently in English but, if means allow, it will also become available in Spanish and French. Source: IRC/ISS Newsletter No. 12 November 1998

## **Children and Armed Conflict Unit**

The Children and Armed Conflict Unit is a joint project of the Children's Legal Centre and the Human Rights Centre of the University of Essex, which is located in Colchester, Essex, United Kingdom. The Unit's web site (<http://www2.essex.ac.uk/c&acu>) gives information by issue/theme and by country/conflict. It now has over 50 country specific links pages.

## **AFCW**

The formation of an African Forum for Child Welfare was realised during the

WorldForum '98 held in Manila, Philippines. The International Forum for Child Welfare already has Asia-Pacific and European Forums. The Secretariat of the AFCW will be based in Nairobi, Kenya. Source: Eurochild No. 12 January-February 1999

## **EURONET**

On 27-28 January EURONET launched a report to the European Parliament which contained recommendations for the main elements of a European Union children's policy. Source: Eurochild No. 12 January-February 1999

## **Global March Against Child Labour**

On 1 May The Global March Against Child Labour released the first issue of its new child labour news service. This first issue can be requested from the Child Rights Information Network (CRIN) at e-mail address: [crin@pro-net.co.uk](mailto:crin@pro-net.co.uk). Source: CRINMAIL 6 May 1999

## **DCI-Sierra Leone report**

In April 1999 a report by Matthais A. Seisay was released by Defence for Children International (DCI) - Sierra Leone entitled: *The Dilemma of the Sierra Leonean Child. What Hope for the Future?* According to Seisay, reports from the Ministry of Education, the Ministry for Gender and Children's Affairs, the National Commission for Democracy and Human Rights (NCDHR) and the National Commission for Reconstruction, Rehabilitation & Resettlement suggest that: over 900,000 children (under 19/8) are displaced and traumatised; approximately 10,000 are unaccompanied and visible in the urban centres (Freetown, Bo, Kenema and Makeni); approximately 70,000 elementary school age children (6-14) have missed 5-8 years of school (66% are ten and below); about 6,000 live and work in the streets as beggars, carriers, touts, prostitutes, drug pushers' apprentices, petty thieves, etc.; upward of 3,000 are still serving as child combatants.

## **The International Network on Juvenile Justice**

### **Networking to Implement International Standards**

*by Kirsten Di Martino*

Ten years after its adoption by the United Nations General Assembly, in 1989, the Convention on the Rights of the Child continues to be hailed as a landmark in international efforts to strengthen the promotion and protection of children's rights. Its entry into force on 2 September 1990, seven months after its opening for signature, and its almost universal ratification make it unique. A constant source of inspiration, the Convention has led to reforms in many countries, and new legislation, national and international plans, special policies and strategies are constantly being introduced. Despite these efforts, the situation of children who come into conflict with the law and who are deprived of their liberty around the world is alarming. Many countries, faced by a real or perceived rise in the incidence and increasing seriousness of juvenile offences, are adopting more stringent measures. Liberal, child-orientated reforms are being superseded by the old punitive ideology of "law and order", driven by politicians under pressure from the general public and sectors of the media. New measures include lowering the age of criminal responsibility to lower the limits for the penalty of imprisonment; pleading for the prosecution of minors who commit serious crimes as if they were adults; creating special prisons for the very young; implementing legislation providing for the "three strikes and you are out" approach to sentencing; and even advocating the extension of the death penalty for younger and younger children. This is in clear contradiction with the guiding spirit of the Convention, the best interests of the child.

Closing the gap between standards and practice is the challenge for the next decade. Although primary responsibility for implementing international standards remains with national governments, it is clear that many countries have virtually no chance of complying with its provisions unless provided with appropriate technical and economic assistance. The international community can make a vital contribution where obstacles persist. United Nations agencies, non-governmental organisations (NGOs), academic institutions and individual experts are already active, and encouraging signals are becoming visible. A number of countries have sought assistance from the international community.

The experience of the United Nations Committee on the Rights of the Child over the last decade shows that juvenile justice is of great concern in all regions of the world and in relation to all legal systems. Of the almost 100 States considered by the Committee to date, half have been recommended to seek international technical assistance/advisory services in this field.<sup>1</sup> Poor economic conditions, lack of appropriate infrastructures, lack of access to relevant information, lack of clarity as to the real meaning and implications of many of the principles and provisions enshrined in international standards and, more fundamental, lack of a real commitment to the cause of children in especially difficult circumstances/at risk appear to be the main obstacles hindering greater compliance.

Yet, international assistance remains "sporadic and marginal".<sup>2</sup> The Committee on the Rights of the Child as well as the United Nations High Commissioner for Human Rights have repeatedly stressed the need for enhanced international co-operation and co-ordination to implement international standards, as expressly recommended in Articles 4 and 45 of the Convention. The importance of involving NGOs and civil society and, in particular, children and young people in this process has also been stressed on numerous occasions. Equally, linking international efforts with work undertaken at the national level is key to bringing about concrete and long lasting changes.

To enhance this participation and meet these recommendations and concerns, Defence for Children International launched the International Network on Juvenile Justice (INJJ) in January 1997. In the same year, the United Nations Guidelines for Action on Children in the Criminal Justice System were adopted.<sup>3</sup> The Guidelines recognise that "juvenile justice should be given due attention internationally, regionally and nationally" and that co-operation should therefore be strengthened by making use of existing international networks on juvenile justice. The Network brings together some 150 non-governmental organisations, academic institutions and individual experts active in the field of juvenile justice from all over the world.

The objective of the Network is to facilitate the implementation of international standards on the rights of the child and juvenile justice, through monitoring and promotion. Monitoring involves the systematic and objective evaluation of the degree of compliance with the relevant standards. The Network supports the NGO Group for the Convention on the Rights of the Child by monitoring national juvenile justice systems, the implementation of the UN Convention on the Rights of the Child and other relevant treaties in the field of juvenile justice. Briefings are organised in Geneva for national NGOs and the official delegations from the States parties under review at every session and pre-session meeting of the Committee on the Rights of the Child.

Promotion includes research, dissemination of information, advocacy, networking, training on the effective use and application of existing standards and norms as well as the implementation of technical assistance and advisory services projects. To achieve these aims, the Network has developed a systematic database of all relevant documentation and information in this area, including information on all partners of the Network, their expertise, activities, the type of assistance they can provide and how they can be reached.



The Network also provides technical support to the development of social and legal defence/centres for children as well as the co-ordination and implementation of national training programmes for professionals working with children in conflict with the law. The Network is part of the United Nations Co-ordination Panel on Technical Advice and Assistance in Juvenile Justice, established in 1997,<sup>4</sup> together with the Committee on the Rights of the Child, UNICEF, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention and UNDP. This Panel serves as a conductor for "best practices" in the field of juvenile justice, representing an important working partnership in an area that badly needs practical co-ordination in order to promote the implementation of UN standards in juvenile justice. The Panel facilitates the identification of common

problems, the compilation of examples of good practices and the analysis of shared experiences and needs, which in turn should lead to a more strategic and concerted approach to advisory services and technical assistance in juvenile justice.

Following an initial strategic meeting in November 1997, the Co-ordination Panel met for the first time in June 1998. The United Nations High Commissioner for Human Rights, who opened the meeting, emphasised the vital role of NGO participation, through the International Network on Juvenile Justice, in its work.

To facilitate and strengthen even further this co-ordination, the International Network on Juvenile Justice launched a new periodical in 1998, *Juvenile Justice Worldwide*. Created to promote and extend the work of the Network, this publication welcomes short articles about projects, voices from the field, examples of good practice and violations of the rights of the child and juveniles. *Juvenile Justice Worldwide*

comes at a time when many countries are turning the clock back. Hopefully, it will change the direction.

Kirsten Di Martino is Co-ordinator of the International Network on Juvenile Justice.

- 1 As of the 20th session of the Committee on the Rights of the Child (January 1999).
- 2 *Report of the Secretary-General: Children and juveniles in detention*, contained in: United Nations Document E/CN.4/1998/35 (1998).
- 3 Developed at an expert meeting at Vienna in February 1997 on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice.
- 4 ECOSOC resolution 1997/30 of 21 July 1997.

## Mini Monitor

### USA executes child offender

Sean Sellers was executed by lethal injection in Oklahoma State Penitentiary on 4 February for crimes committed when he was sixteen years old. The Organization of American States (OAS), the United Nations High Commissioner for Human Rights, Defence for Children International (DCI), the American Bar Association and Amnesty International were among those who appealed for the execution to be stopped. A total of ten child offenders have been executed in the United States since 1990. According to Amnesty International, this is one more than in the rest of the world combined during that period. Source: *Amnesty International News Release – AMR 51/22/99 (4 February 1999)*

### Inter-American Commission on Human Rights Report on imprisonment of minors with adults in Honduras

In a report published on 19 March the Inter-American Commission on

Human Rights assesses the phenomenon of the imprisonment of minors in adult prisons in Honduras over, at least, a two-year period from the beginning of 1995 until the end of 1996, and gives recommendations with which Honduras must comply. In the report the Commission states that Honduras "has failed to carry out its obligation to respect and guarantee the rights to personal integrity (Article 5); personal liberty (Article 7); judicial guarantees (Article 8); and judicial protection (Article 25); established in the (American Convention on Human Rights), in offence of those minors detained in prison centres for adults". The Commission recommends that all judges of minors who become aware of the detention of a minor in an adult jail should take the legal actions necessary; that the public functionaries responsible for the practise of imprisoning minors with adults should be investigated and sanctioned; that those who sanctioned or tolerated the practise of physical aggression against minors while they were in prison should be investigated; and that compensation

should be paid to the minors who were held with adults. Source: *Casa Alianza home page at <http://www.casa-alianza.org> – News Briefs 19 March 1999*

### USA Labour Department report on child labour

A Labour Department report on child labour, *By the Sweat and Toil of Children*, was released in U.S. Congress in March. The report covers Bangladesh, Brazil, Egypt, Guatemala, India, Kenya, Mexico, Nepal, Nicaragua, Pakistan, Peru, the Philippines, South Africa, Tanzania, Thailand and Turkey. Source: *Reuters newswire 25 March 1999*

### USA bill on intercountry adoption

On 22 March a bill was introduced to the U.S. Senate implementing the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Source: *IRC/ISS News Bulletin No. 15 (March 1999)*

# Publications

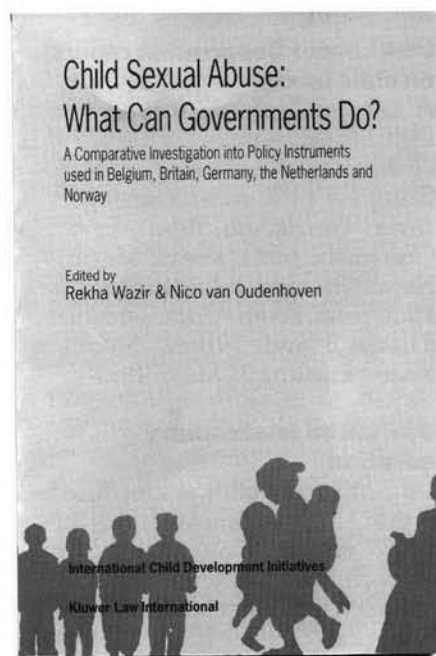
## **Child Sexual Abuse: What Can Governments Do?**

A Comparative Investigation into Policy Instruments Used in Belgium, Britain, Germany, the Netherlands and Norway

Edited by R. Wazir and N. van Oudenhoven

The core of this book is formed by an investigation of policies of governments and their use of policy instruments in the area of child sexual abuse by family members or friends in five Western European countries, Belgium, Britain, Germany, the Netherlands and Norway. A description is given of the prevailing situation and recommendations for improvement are made. The editors place these observations in a wider perspective and formulate pointers for policy makers that are applicable to the whole West-European region.

ISBN 90-411-1034-8. 142 pages. Nijhoff Law Specials, Vol. 37, 1998. Published by Kluwer Law International, P.O. Box 85889, 2508 CN The Hague, The Netherlands. E-mail: sales@kli.wkap.nl



## **Are Children Protected Against Violence in Europe?**

The European Forum for Child Welfare, with the support of the European Commission, has published a comparative study on the laws, policies and practices in the 15 Member States of the European Union to protect children against violence. The objective of the study is to identify the gaps in the provision of the protection of children and to highlight positive initiatives and examples of good practice.

119 pages. 1998. Available in English, Spanish, French and German from: EFCW, 53 Rue de la Concorde, B-1050 Brussels. Tel: (32) 2-511-7083. Fax: (32) 2-511-7298. E-mail: efcw@dproducts.be

## **CD-ROM on Child Abuse and Neglect**

A new edition of "Child Abuse and Neglect CD-ROM" is available, free of charge, to qualifying organisations worldwide, including libraries, universities, social service agencies, health care providers, researchers, policymakers and professional associations, all those with an interest in child maltreatment issues. Coverage includes: Child Abuse and Neglect Documents Database, National Organisations Database, 1998 Child Abuse and Neglect State Statutes Series, User Manual Series and Child Maltreatment Issues Research Review Series.

National Clearinghouse on Child Abuse and Neglect Information, Attn: CD-ROM, 330 C. Street SW, Washington, D.C. 20447, USA. Tel: (1) 800-FYI-3366 or (1) 703-385-7565. E-mail: nccanch@calib.com

## **United National Mechanisms for Use by National NGOs in the Combat against Sexual Exploitation of Children**

Prepared by NGO Focal Point on Sexual Exploitation of Children

This publication is written for national

groups and for NGOs that are active in the field of children rights. It aims at promoting the acknowledgement of the mechanisms and tools of the United Nations, explaining the way to use them in the combat against the sexual exploitation of children.

NGO Group for the Convention on the Rights of the Child, Focal Point on Sexual Exploitation of Children, c/o Defence for Children International (DCI), P.O. Box 88, 1211 Geneva 20, Switzerland. Tel.: (41) 22-740-4711. Fax: (41) 22-740-1145. E-mail: focalpoint-sexex@pingnet.ch

## **Impact of the Convention on the Rights of the Child in Yemen**

By T. Nelke et al.

The Yemen Study is a Radda Barnen project, which studied the experience of Yemeni governmental and non-governmental institutions, as well as international organisations, in implementing the Convention on the Rights of the Child in Yemen. The resulting report looks at the progress made so far and concentrates on issues of institutional capacity rather than the implementation of specific articles of the Convention.

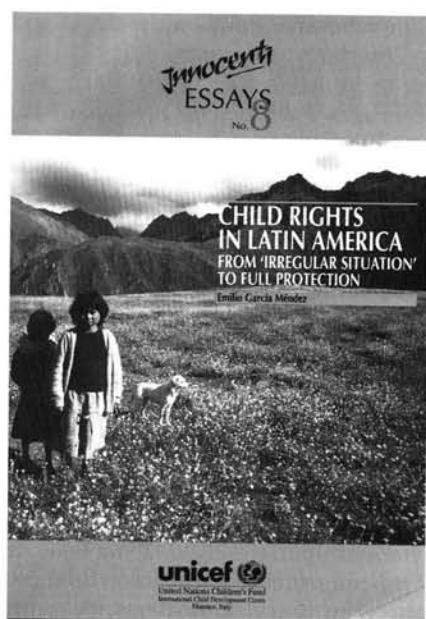
70 pages. For more information contact: Lisa Woll, Study Director. Tel.: (1) 202-462-0020. E-mail: lwoll@erols.com. Eva Geidenmark, Radda Barnen. E-mail: eva.geidenmark@rb.se

## **An Introduction to the Convention on the Rights of the Child**

By C. Lundy

This book provides a basic explanation of the United Nations Convention on the Rights of the Child: its origins, context, content and application.

128 pages. Available from: Full Circle Press, R.R.#4, St. Thomas, Ontario, Canada N5P 3S8. Fax: (519) 775-0099. E-mail: ecurtis@netcom.ca



### Child Rights in Latin America

From "Irregular Situation" to Full Protection

By Emilio García Méndez

This study contains essays on the challenges faced by countries in Latin America which have begun a process of legislative reform in the implementation of the Convention on the Rights of the Child.

ISBN 38-85401-39-2. 32 pages. 1998. Innocenti Essay, no. 8. Published by UNICEF International Child Development Centre, Piazza SS. Annunziata 12, 50122 Florence, Italy

### Implementation Handbook for the Convention on the Rights of the Child

Prepared for UNICEF by R. Hodgkin and P. Newell

The *Implementation Handbook* is a practical tool for all those involved in implementing the principles and provisions of the Convention on the Rights of the Child and realising the human rights of children. Under each article of the Convention, the *Handbook* records and analyses the interpretation by the Committee on the Rights of the Child, the United Nations body of independent experts established to monitor progress by States parties. The *Handbook* adds analysis of relevant provisions in other international instruments, comments from other United Nations bodies and global

conferences, as well as illustrative examples of implementation from countries around the world. It emphasises the Convention's holistic approach to children's rights: that they are indivisible and interrelated, and that equal importance should be attached to each and every right recognised therein.

ISBN 92-806-3337-6. 681 pages. 1998

### The State of the World's Children 1999 Education

According to Carol Bellamy, Executive Director of UNICEF, the consequences of illiteracy are profound, even possibly life-threatening. They flow from the denial of a fundamental human right: the right to education. In this UNICEF report, highlights are given of individual schools and of entire national education systems that are putting the new standards of the "education revolution" into practice.

ISBN 92-806-33899. 132 pages

### A School for Children with Rights

By Thomas Hammarberg

This lecture study analyses, in the light of the Convention on the Rights of the Child, eight areas for progressive reform: universal access, equal opportunities, the appropriate content of education, cultural roots and global values, new methods of learning, mutual respect, pupil participation, and the role of teachers, parents and the community.

ISBN 88-85401-36-8. 32 pages. 1998. Innocenti Lecture 2. Published by UNICEF International Child Development Centre, Piazza SS. Annunziata 12, 50122 Florence, Italy

### Intercountry Adoption

Innocenti Digest, no. 4

Each Innocenti Digest is compiled to provide reliable and easily accessed information on a critical children's rights concern. They are designed as a working tool for executive decision-makers, programme managers and other practitioners in child-related fields. Innocenti Digest No. 4 on intercountry adoption deals with matters such as the international normative framework; abuses of intercountry adoption; high-risk situations; and good practice.

ISSN 1028-3528. 24 pages. December

1998. Published by UNICEF International Child Development Centre, Piazza SS. Annunziata 12, 50122 Florence, Italy

### childRIGHT: A Journal of Law and Policy Affecting Children

The January/February 1999 issue of this journal includes items on the Centre for Child Law in South Africa, young people's own experiences of poverty and social exclusion, and UNICEF's 1999 report on *The State of the World's Children*. There is also coverage of the following news items: new guidelines on child prostitution, government acts on teenage smoking, dealing with released sex offenders, and the effects of cheap holidays on children.

Available from: The Children's Legal Centre, University of Essex, Wivenhoe Park, Colchester, Essex CO4 3SQ, United Kingdom. Tel: (44) 1206-872466. Fax: 01206-874026. E-mail: [armedcon@essex.ac.uk](mailto:armedcon@essex.ac.uk). Web site: <http://www2.essex.ac.uk/clc/publications.html>

### The Human Rights of Street and Working Children

A Practical Manual for Advocates

By I. Byrne and the Consortium for Street Children U.K.

This guide for experienced advocates and non-specialists explains how to use regional and international treaties and mechanisms for the protection and defence of street and working children when national law fails.

Available from: Intermediate Technology Publications, 103-105 Southampton Row, BG-London WC1B 4HH, United Kingdom. Tel: (44) 171-436-9761. Fax: (44) 171-436-2013. E-mail: [orders@itpubs.org.uk](mailto:orders@itpubs.org.uk)

### Papers on Children and HIV/AIDS

The SCF (UK) Office for South and Central Asia Region (OSCAR) has published two papers on Children and HIV/AIDS: "HIV/AIDS and Children: A South Asian Perspective" by Sadia Ahmed, 39 pages, March 1998; and "HIV/AIDS Prevention Strategies for School Age Children in South Asia: Examples and Possibilities" by Rajeev Tewari, 44 pages, December 1998.

Available from: Samina Khwakhali, OSCAR. E-mail: [samina@scfoscar.org.np](mailto:samina@scfoscar.org.np)



**Children Living with HIV/AIDS**

Guidelines for Children's Participation in HIV/AIDS Programmes  
By Children and AIDS International NGO Network (CAINN)

This guide includes an explanation of why children should participate, how to listen to children, and how to support and prepare them, and protect their confidentiality.

The guide can be found on web site [http://www.pedhivaid.org/education/children\\_living.html](http://www.pedhivaid.org/education/children_living.html)

**Abandoned to the State: Cruelty and Neglect in Russian Orphanages**

This Human Rights Watch report, published in December 1998, describes the state of care of children in Russian orphanages and child institutions, which currently hold 200,000 children.

ISBN 1-56432191-6. Available from: Human Rights Watch, 350 Fifth Avenue, 34th Floor, New York, NY 10118-3299. Tel.: (1) 212-290-4700. Fax: (1) 212-736-1300. E-mail: [hrwnyc@hrw.org](mailto:hrwnyc@hrw.org)

**Towards an EU Human Rights Agenda**

Prepared by the International Save the Children Alliance Europe Group

This publication seeks to focus attention on the need for the institutions of the European Union to play their part in upholding respect for children's rights. Three viewpoints are studied: children's rights in the European context; in EU external relations; and between Member States.

68 pages. Available from: Rädda Barnen, Swedish Save the Children, SE-107 88 Stockholm, Sweden. Tel.: (46) 8-698-9000. Fax: (46) 8-698-9014. E-mail: [rbpublishing@rb.se](mailto:rbpublishing@rb.se). Web site: <http://www.childrightsbookshop.org>

**What Works for Working Children**  
By J. Boyden, B. Ling and W. Myers

This book examines the subject of child work from a broad perspective that includes not only work which is detrimental to children, but also that which is essentially harmless or beneficial. It is concerned with how to perceive the effects of work on children's well-being and development, as well as

how to intervene in children's work when necessary to defend their best interests.

300 pages. Published with UNICEF by: Rädda Barnen, Swedish Save the Children, SE-107 88 Stockholm, Sweden. Tel.: (46) 8-698-9000. Fax: (46) 8-698-9014. E-mail: [rbpublishing@rb.se](mailto:rbpublishing@rb.se). Web site: <http://www.childrightsbookshop.org>

**Old Enough to Work, Old Enough to Have a Say**

Different Approaches to Supporting Working Children

By D. Tolfree

This case study describes and analyses five Rädda Barnen's programmes for – and of – working children in, respectively, Bangladesh, El Salvador, Ethiopia, Peru and Senegal.

200 pages. Published by: Rädda Barnen, Swedish Save the Children, SE-107 88 Stockholm, Sweden. Tel.: (46) 8-698-9000. Fax: (46) 8-698-9014. E-mail: [rbpublishing@rb.se](mailto:rbpublishing@rb.se). Web site: <http://www.childrightsbookshop.org>

**Children of War**

A Newsletter on Child Soldiers

Rädda Barnen's newsletter is published four times a year with the purpose of campaigning against the use of child soldiers by spreading information and creating increased understanding of the subject.

ISSN 1400-9277. Order by e-mail: [henrik.hagstrom@rb.se](mailto:henrik.hagstrom@rb.se)

**In the Firing Line**

In this Amnesty International report child soldiers tell their stories of war.

ISBN 1-873328-346. 120 pages. 1999. Published by Amnesty International, 1 Easton Street, London WC1 8OJ, United Kingdom. Tel: (44) 1714135500

**After the Guns Fall Silent:**

The Enduring Legacy of Landmines  
By S. Roberts and J. Williams

This book, published by the Vietnam Veterans of America, is intended as a contribution to the debate on, and understanding of, the effects from landmines on communities worldwide and the implications for international peace and development. It is a

comprehensive study on the direct and indirect effects of landmines.

554 pages. Published by: Rädda Barnen, Swedish Save the Children, SE-107 88 Stockholm, Sweden. Tel.: (46) 8-698-9000. Fax: (46) 8-698-9014. E-mail: [rbpublishing@rb.se](mailto:rbpublishing@rb.se)

**Stop Using Child Soldiers**

Coalition to Stop the Use of Child Soldiers and the International Save the Children Alliance

The aim of this booklet is to raise awareness regarding the issue of child soldiers. It gives an overview of the issue, describes the phenomenon and the relationship to the child labour issue. It is a useful source of information for those who want to acquaint themselves with this topic and is aimed primarily at government policy makers, international NGOs and the general public.

Published by: Rädda Barnen, Swedish Save the Children, SE-107 88 Stockholm, Sweden. Tel.: (46) 8-698-9000. Fax: (46) 8-698-9014. E-mail: [rbpublishing@rb.se](mailto:rbpublishing@rb.se)

**Mini Monitor****Aunstrum Villagran and others (case number 11, 383)**

In the last week of January *Aunstrum Villagran and others* was brought before the Inter-American Court of Human Rights, in Costa Rica. The case involves the alleged torture and murder of five street children and youths by law enforcement authorities in Guatemala City in 1990. Source: *Casa Alianza owner-rapid-response* 25 January 1999

**Cease-fire in Sierra Leone**

Ahmad Tejan Kabbah, president of Sierra Leone, and the rebel leader Foday Sankoh announced a cease-fire on Tuesday, 18 May, after talks in Lome. [See in this Monitor *The Children's Rights Crisis in Sierra Leone* by Philip Veerman.]

# Upcoming Events

## **Children's Rights: National and International Perspectives**

July 7-9, 1999, Dunedin, New Zealand

This international conference is being organised by the Children's Issue Centre at the University of Otago. The conference will feature an array of New Zealand and overseas speakers.

For further information contact: Children's Issue Centre, Professor Anne B. Smith, University of Otago, Box 56, Dunedin, New Zealand. Tel.: (64) 3-479-5087. Fax: (64) 3-479-5039. E-mail: [anneb.smith@stonebow.otago.ac.nz](mailto:anneb.smith@stonebow.otago.ac.nz) or [kate.marshall@stonebow.otago.ac.nz](mailto:kate.marshall@stonebow.otago.ac.nz)

## **IFCW WorldForum Conference "Empowering Children" and IFCW General Assembly**

August 30 – September 4, 1999, Helsinki, Finland

This conference marks the tenth anniversary of the United Nations Convention on the Rights of the Child as well as the tenth anniversary year of the International Forum for Child Welfare (IFCW). The theme of the conference is empowering children and it is meant for people working in the field of child welfare, including child-care, policy and research. Child welfare and children's rights issues will be discussed. Barriers, possibilities and mechanisms of empowerment will be identified from the child's point of view as well as from an economic point of view.

For further information contact: Cong-Creator Ltd., P.O. Box 762, FIN-00101 Helsinki, Finland. Fax: (358) 9-4542-1930. E-mail: [secretariat@concreator.com](mailto:secretariat@concreator.com). Web site: <http://www.concreator.com/ifcw99>

## **The Convention on the Rights of the Child: A Decade of Achievements and Challenges**

September 30 and October 1, 1999, Geneva, Switzerland

The annual thematic debate, or

discussion day, of the Committee on the Rights of the Child has been postponed to the year 2000. Instead, a two-day workshop will be held during the Committee's twenty-second session (20 September – 8 October 1999) to commemorate the tenth anniversary of the adoption of the Convention on the Rights of the Child on 20 November 1989 by the General Assembly of the United Nations. The workshop is being co-organised with the United Nations Office of the High Commissioner for Human Rights. The main objective of the meeting will be to highlight major achievements and constraints in the implementation of the Convention on the Rights of the Child, and to identify measures needed to improve implementation in the future.

For further information contact: Paulo David, Secretary Committee on the Rights of the Child, United Nations Office of the High Commissioner for Human Rights, Palais des Nations, 1211 Genève 10, Switzerland. Tel.: (41) 22-917-93-01. Fax: (41) 22-917-90-22. E-mail: [pdavid.hchr@unog.ch](mailto:pdavid.hchr@unog.ch). Mrs. Laura Theytaz-Bergmann, NGO Group for the Convention on the Rights of the Child, c/o Defence for Children International (DCI), P.O. Box 88, CH 1211 Geneva 20, Switzerland. Tel.: (41) 22-734-0558. Fax: (41) 22-740-1145. E-mail: [dcingo.group@pingnet.ch](mailto:dcingo.group@pingnet.ch)

## **20th Anniversary DCI**

October 1, 1999, Geneva, Switzerland

Defence for Children International (DCI) is organising a social event to mark its twentieth anniversary. It will take place at the *Palais des Nations* after the closing of the two-day workshop which will be held during the twenty-second session of the Committee on the Rights of the Child to commemorate the tenth anniversary of the Convention on the Rights of the Child (see above).

For more information contact: Maurice Graber, Secretary General, Defence for

Children International (DCI), P.O. Box 88, CH-1211 Geneva 20, Switzerland. Tel.: (41) 22-734-0558. Fax: (41) 22-740-1145. E-mail: [dc-hq@pingnet.ch](mailto:dc-hq@pingnet.ch)

## **7th Australasian Conference on Child Abuse and Neglect: Moving Forward Together**

October 17-20, 1999, Perth, Western Australia



This conference is being organised by Family and Children's Services of the Government of Western Australia in co-operation with ISPCAN. The conference aims to promote continued improvement of an integrated agency response to child abuse and neglect; and to provide professionals with current research and information on child care and protection services and programs.

For further information contact: Leanne Hartill, Convenor, 7th Australasian Conference on Child Abuse and Neglect, Family and Children's Services, 189 Royal Street, East Perth 6004, Western Australia. Tel.: (61) 08-922-22784. Fax: (61) 08-922-22763. E-mail: [leanehe@fcs.wa.gov.au](mailto:leanehe@fcs.wa.gov.au). 7th Australasian Conference on Child Abuse and Neglect, Conference Secretariat, Promaco Conventions Pty Ltd, P.O. Box 890, Canning Bridge, Western Australia 6153. Tel.: (61) 08-9332-2900. Fax: (61) 08-9332-2911. E-mail: [promaco@promaco.com.au](mailto:promaco@promaco.com.au)

## **International Congress on Child Social and Cultural Worlds**

January 19-22, 2000, Braga, Portugal

This congress is being arranged by the Institute of Child's Studies at the University of Minho. It is being held on

the occasion of the tenth anniversary of the United Nations Convention on the Rights of the Child. The meeting will provide an opportunity for multi-disciplinary debates, attended by people involved in research, intervention and decision-making concerning childhood and children.

For further information contact: Piip – Instituto de estudos da Criança, Universidade do Minho, Avenida Central 100, 4710 Braga, Portugal. E-mail: piip@iec.uminho.pt

### **International Seminar on Juvenile Justice in the Context of the Rights of the Child – National and Global Perspectives**

November 17-20, 1999, New Delhi, India

This seminar is being organised by Butterflies in order to develop strategies for updating the juvenile justice system and promoting mechanisms for sharing experiences in the administration of the juvenile justice, and the approaches pursued for the rehabilitation of the neglected and delinquent juveniles in conflict with the law. It is hoped that the seminar will help in building a foundation for a broad-based network of legal experts, social activists and human rights activists and link up with other networks primarily to promote national and global lobbying on issues pertaining to violations of children's rights. The seminar also aims at identifying priority areas for research and developing training strategies for various categories of officials concerned with the administration of juvenile justice, such as government officials, police, social workers and human rights activists.

For further information contact: International Seminar on Juvenile Justice, Butterflies, U-4, First Floor, Green Park Ext., New Delhi 110 016, India. Tel.: (91) 11-6163935. Fax: (91) 11-6196117. E-mail: bflies@sdalet.ernet.in

### **Entering the New Millennium: Children's Rights and Religion at a Crossroads**

November 21-24, 1999, Nazareth, Israel

Defence for Children International – Israel Section, Wia'm Palestine: Center

for Conflict Resolution, and the City of Nazareth invite international and local participation in "Entering the New Millennium: Children's Rights and Religion at a Crossroads". This international conference, marking the tenth anniversary of the United Nations Convention on the Rights of the Child, will be the first forum ever to feature a dialogue on the rights of children in the context of the 1981 United Nations Declaration of Freedom and Belief. Mrs. Mary Robinson, United Nations High Commissioner for Human Rights and former President of Ireland, has been invited to give the keynote address. The objective of the conference is to make concrete progress on advancing children's rights and tolerance within and among the three monotheistic religions. Religious leaders, academic scholars and children's rights specialists from all over the world, as well as children from Belfast, Yugoslavia, Israel and Palestine will discuss the intersection of children's rights and religion, and how to advance children's rights and religious tolerance in the next millennium. Topics include family law matters, education for tolerance, early marriage, religious rites of passage, child abuse, children in strife and religion and the right to identity. The conference will provide transportation to Amman, Jordan on 24 November, where the World Conference on Religion and Peace will be held from 25-30 November.

For further information contact: Defence for Children International (DCI), 42 Aza Street, Jerusalem 92384, P.O. Box 8028, Israel. Tel.: (972) 2-563-3003. Fax: (972) 2-563-1241. Email: dci\_il@alternat.com. or Wia'm Palestine, P.O. Box 326, Bethlehem, Palestine. Tel.: (972) 2-277-0513 or (972) 2-274-1243. Email: sadwan@bethlehem.edu

### **International Interdisciplinary Course on Children's Rights**

December 10-17, 1999, Ghent, Belgium

The International Interdisciplinary Course on Children's Rights is organised by the Children's Rights Centre at the University of Ghent in Belgium. From 10-17 December the fourth edition of this course will take place at Novotel Ghent. The course's primary aim is to contribute to an intensive study of the

background, motivation, strategies and main themes of the children's rights concept. It is meant for professionals, from governmental as well as non-governmental organisations, who are working on the implementation of children's rights on a national or international level. Also academics, people who are professionally working with children in different domains (lawyers, teachers, social workers, etc.) and child advocates working in a broad social field are invited to take part.

For further information contact: Kathleen Vlieghe, The Children's Rights Centre (I.I.C.), University of Ghent, Henri Dunantlaan 2, B-9000 Ghent, Belgium. Tel.: (32) 9-264-62-81. Fax: (32) 9-264-64-93. E-mail: Kathleen.Vlieghe@rug.ac.be. Web site: [http://allserv.rug.ac.be/~fspieessc/uk\\_education.html#125](http://allserv.rug.ac.be/~fspieessc/uk_education.html#125)

## **Mini Monitor**

### **European Parliament resolution on the illegal trafficking of babies from Guatemala**

On 13 January the European Parliament approved a resolution wherein it calls on the Commission and the Member States of the European Union to bring sustained pressure on the Guatemalan government to promote national adoptions; to ratify the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption; to strengthen its international adoption laws; and to put into effect the Juvenile and Adolescent Code. It also calls upon the Member States of the European Union to ensure that only non-profit making public bodies or organisations accredited by the State are permitted to act as inter-mediaries in adoption procedures. The European Parliament states that, in 1997 alone, over 2,000 international adoptions were carried out by a small group of lawyers in Guatemala at an average cost of US \$ 15,000 – 20,000. Source: Council of Europe home page at <http://www.coe.fr/index.asp>



New

# A Commentary on the United Nations Convention on the Rights of the Child

by Sharon Detrick, *Children's Rights Consultancy International, Voorschoten, The Netherlands*

This book provides a commentary on the United Nations Convention on the Rights of the Child, which was adopted by the General Assembly of the United Nations on 20 November 1989. *Part One* contains a general introduction to the Convention on the Rights of the Child, and deals with matters such as the drafting history, the contents, direct application, horizontal effects, limitations, the Committee on the Rights of the Child, and the Convention's final provisions. *Part Two* contains an article-by-article commentary, the aim of which is not to give an interpretation of the precise nature and scope of States parties' obligations but, rather, to identify the materials, or sources, which provide guidance in that regard. In the identification of such materials, attention has been paid to the general rules of treaty interpretation, as set forth in the Vienna Convention on the Law of Treaties.

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Acknowledgements. Table of abbreviations. Text of the Convention on the Rights of the Child. Introduction. **Part One: The Convention on the Rights of the Child: An Overview. Part Two: Part I of the Convention on the Rights of the Child. (Articles 1-41): A Commentary.** 1. Definition of the child. 2. Non-discrimination. 3. Best interests of the child. 4. General measures of implementation. 5. Parental guidance. 6. The right to life, survival and development. 7. Name and nationality. 8. Preservation of identity. 9. Separation from parents. 10. Family reunification. 11. Illicit transfer and non-return. 12. Respect for the views of the child. 13.

Freedom of expression. 14. Freedom of thought, conscience and religion. 15. Freedom of association and peaceful assembly. 16. Protection of privacy. 17. Access to appropriate information. 18. Parental responsibilities. 19. Abuse and neglect. 20. Children deprived of their family environment. 21. Adoption. 22. Refugee children. 23. Disabled children. 24. Health and health services. 25. Periodic review of placement. 26. Social security. 27. Standard of living. 28. Education, including vocational training and guidance. 29. Aims of education. 30. Children belonging to a minority or an indigenous group. 31. Leisure, recreation and cultural activities. 32. Economic exploitation. 33. Drug abuse. 34. Sexual exploitation and sexual abuse. 35. Sale, trafficking and abduction. 36. Other forms of exploitation. 37. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment; the sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment; children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings. 38. Children in armed conflicts. 39. Physical and psychological recovery and social reintegration of the child. 40. The administration of juvenile justice. 41. Savings clause. Concluding remarks. Appendices. Selected bibliography. Index.

Martinus Nijhoff Publishers, The Hague  
Hardbound, ISBN 90-411-1229-4, May 1999, 836 pp.  
NLG 425.00 / USD 255.00 / GBP 150.00

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# The International Law on the Rights of the Child

by Geraldine Van Bueren, *Professor of International Human Rights Law, Director,  
Programme on International Rights of the Child, University of London, Queen Mary and Westfield College, UK*  
INTERNATIONAL STUDIES IN HUMAN RIGHTS VOLUME 35

This volume draws upon the author's own experience to highlight the complexities behind the global violations of children's rights. Analysis and description are interwoven to provide a coherent study of the international status of children and the rights which attach to this status, both for those familiar and unfamiliar with international law. The author demonstrates the potential of international law in protecting the rights of children, even in states which are restructuring their economies. To be effective, international law cannot be used in isolation and the text seeks to place the rights of the child in their cultural and historical contexts.

All royalties from *The International Law on the Rights of the Child* are being donated to the International Save the Children Alliance to assist them in their work with children.

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Introduction. 1. A History of the International Law on the Rights of the Child. 2. The Definition and Status of the Child in International Law. 3. The Family and the Rights of the Child in International Law. 4. The Right of Children to Preserve their Identity. 5. The Right of the Child to Freedom of Expression. 6. The Right of the Child to Freedom of Thought, Conscience and Religion. 7. The Administration of Juvenile Justice and the Prevention of Juvenile Delinquency. 8. The Rights of Children Deprived of their Liberty. 9. The Right of the Child to Education. 10. The Right of the Child to be Protected against Exploitation. 11. The Right of the Child to Survival and Development. 12. The Rights of Children in Armed Conflicts. 13. The Rights of Children with Special Needs. 14. The

Implementation of the International Rights of the Child. Index. **The International Save the Children Alliance.**

'Ms Van Bueren combines skilfully an enormous amount of factual material with careful legal analysis and comment. [...] This book will rapidly become indispensable to children's rights lawyers ...'

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**Roger J.R. Levesque for Fordham International Law Journal**

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