



CRIN Annual Report 2010-2011

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Introduction

CRIN's role as an information network catering to the children's rights community has shifted considerably in the past few years, as we have evolved into a more advocacy-focused and agenda-setting organisation. This prompted a rethinking of our strategic priorities in early 2010. We no longer view ourselves as 'just' a passive resource centre, although this remains an absolutely critical component of our work. The realisation that CRIN should be actively oiling the cogs of the global child rights community has transformed our belief in ourselves and in CRIN as an organisation with the power to enact measurable change. We hope our work in 2010 lays testament to this purpose.

The past year has given rise to momentous achievements in children's rights around the world. At the top of the list of accomplishments in 2010 has been the adoption by the UN General Assembly of the complaints mechanism for children under the UN Convention on the Rights of the Child – until now the only international human rights treaty with a mandatory reporting procedure to not have such a mechanism.

Yet despite this achievement, 2010 also presented us with lamentable regressions, as the rights of children and their representatives continued to be systematically violated on a massive scale in all regions of the world. New laws restricting freedoms of press and expression have been enacted amid growing attacks against human and children's rights defenders, with government tactics including brutish forms of oppression such as intimidation, imprisonment and even murder, as we have seen in Libya, Russia and Syria. Against this background, CRIN has begun to monitor restrictions on children's rights defenders around the world as part of its Transparency Campaign.

The Internet, however, firmly emerged in 2010 as the latest battleground for freedom of expression and freedom of information. WikiLeaks continued to test the boundaries of these freedoms by publishing classified documents that have thrown governments across the world into turmoil. Yet of momentous importance, we also saw the potential of the Internet as a new frontier for activism in the wake of the unprecedented rise of mass civil unrest in countries in the Middle East and North Africa, where people in their tens of thousands, the majority young people, have begun calling for greater freedoms and reforms.

The Arab Spring also saw the launch of CRIN's Arabic website. With it, we aim to break the language barrier that previously inhibited the reach of our work in the region, and in doing so, raise the profile of children's rights and contribute to creating a larger advocacy body in Arabic-speaking countries.

The past year also brought considerable obstacles to children's freedom to exercise their civil and political rights, notably their right to receive and access information. Some countries, including Lithuania, spuriously claimed to be addressing "public safety" and "child protection" in their enactment of laws that ban any information or mention of homosexuality, raising concern among activists that such laws would legitimise discrimination and foster hatred against the LGBT community. The same has occurred in relation to drug policies in other countries, where policymakers mistakenly believe that by denying children information on drug use they are protecting them, without realising that such information can in fact raise greater awareness among children and young people on the dangers of drug use.

Yet this view of children needing protection forms part of a dichotomous perception that categorises children as either good – that need protecting – or bad – that need locking up. Consequently, this has led to a tendency among States to split children into these two categories. Of significant concern is that some States have lowered (or proposed lowering) the age of criminal responsibility – some to as low as 10 or 12 years of age – including Denmark, Spain, Brazil and the Philippines, while in countries like Argentina and the United States, child offenders are treated as adults in criminal proceedings.

The issue of juvenile justice has therefore remained at the core of CRIN's work in 2010. Yet regrettably, we have not seen sufficient progressive law reform in this area. A glimpse of positive change, however, came with the Council of Europe's guidelines on child-friendly justice – the first of its kind – which seeks to minimise the challenges that children face at each step of a legal proceeding, and to foster change in the justice system so that children's rights and unique vulnerability are equally respected.

The past year continued to highlight the urgency for legal reform in criminal justice systems around the

world, as we continued to see child offenders being sentenced to inhuman forms of punishment such as of corporal punishment, life imprisonment and the death penalty. To give but only two country examples, three children were executed in Iran in the past year, while another was sentenced to death in Yemen. To challenge this injustice, CRIN together with other partners launched a new campaign to end the inhuman sentencing of children. The campaign has drawn international support, including by leading human rights experts such as the Chair of the UN Committee on the Rights of the Child, the (now former) Special Rapporteur on Torture, the Commissioner for Human Rights at the Council of Europe and the former Rapporteur on Children's Rights at the Inter-American Commission on Human Rights.

On the issue on violence against children, CRIN also unveiled its revamped violence microsite in 2010, the launch of which we accompanied with a look at what has happened since the UN Study on Violence Against Children was published in 2006, at the challenges that lie ahead, and what can be done about them collectively. In order to raise greater awareness on the issue, we also developed a series of reports that provide insight into the various forms of violence suffered by children in different corners of the world.

We have also seen in 2010 how the issue of violence against children in the home is being brought out of the shadows. The Council of Europe's (CoE) One in Five campaign, which urges States to ratify its Convention against sexual violence, has signaled the beginning of the recognition that violence against children largely occurs in the home – a place where legislation often fails to act – with the aggression being perpetrated at the hands of family, relatives and others known to the child.

The past year has also been dogged by ethnic discrimination against Roma people across Europe, with Denmark, France, Italy, Portugal and the Czech Republic featuring as repeated culprits. Throughout the year, CRIN monitored cases of social marginalisation of Roma children, who in some countries are segregated from mainstream schools and placed in ones intended for children with learning disabilities; while entire Roma communities are routinely forcibly evicted from their homes and made to relocate in marginalised areas lacking basic infrastructure. The CoE's Commissioner for Human Rights also called attention to the plight of tens of thousands of Roma living in Europe without a nationality. CRIN contributed to this issue by looking at children and statelessness, and the possibilities for realising children's right to a nationality.

All the examples above represent only a snippet of children's rights happenings around the world in 2010. Yet if the past year has proven one thing, it is that our work as children's rights defenders remains as urgent as ever. To ensure that the full scope of children's rights is recognised and respected, the global network must continue in its effort to raise their profile. It is CRIN's view, however, that the only way this can happen is for the entire children's rights network to work together. It involves partners at national, regional and international levels – be they NGOs, UN bodies or other state and non-state actors –acknowledging the power that a coordinated effort can have in influencing and helping to bring about widespread reform and social change. CRIN believes combined and synchronised advocacy is key to achieving this goal.

- The CRIN Team

About CRIN

Our vision

CRIN envisions a world in which every child enjoys all of the human rights guaranteed by the UN Convention on the Rights of the Child.

Mission

Guided by our passion for social and legal change, CRIN is building a global network for children's rights, increasingly focused on active advocacy. We press for rights, not charity, and advocate for a genuine systemic shift in how governments and societies view children.

Our foundation and inspiration is the Convention on the Rights of the Child (CRC), which we use to bring children's rights to the top of the international agenda. We launch advocacy campaigns, join and support international children's rights coalitions, and strive to make existing human rights enforcement mechanisms accessible for all.

The values that guide our work

- We believe that the only means of bringing long-term positive change to children's lives is through the strong and explicit promotion of their rights. We are not afraid to challenge harmful beliefs and practices concerning children. We recognise this will often be controversial.
- We believe that information is a powerful tool, indeed a prerequisite, for effective advocacy in children's rights and that it must be freely available and widely disseminated.
- We believe that it is by working together with a broad range of actors committed to a similar vision that we will be most effective and influential.
- We believe that children, civil society, and other activists all have the right to participate and express themselves freely and openly in all matters affecting them.

Our objectives include:

- To enable the child rights community, and others, to understand and work individually and collectively for the implementation the Convention on the Rights of the Child and other international and regional human rights standards.
- To educate and inform, particularly on new and emerging issues in children's rights.
- To focus on working with key networks and organisations, identified by their ability to achieve greater recognition of children's rights.
- To support and fuel the advocacy initiatives of members and other child rights organisations, for example by hosting petitions and providing a platform for joint campaigns.
- To lobby and advocate for the implementation of children's rights and their mainstreaming in all United Nations and regional human rights mechanisms.

- Chapter 1-

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CRIN's advocacy work in 2010 centred on three campaigns that break new ground in the area of children's rights. As an NGO, we recognise the importance of our role in bringing the full range of children's rights to the forefront of the agenda. For us, this includes identifying gaps in international advocacy and areas of children's rights that lack coordination or are deemed too controversial and consequently taken up less by organisations. By addressing issues we consider 'neglected', we seek to raise the profile of all children's rights and shed a renewed focus on the language of rights in all areas that affect children. This belief sets the premise for our following three campaigns.

Campaign to end the inhuman sentencing of children

As part of our continued work to follow up on the UN Study on Violence against Children, and representing our first campaign around a particular child rights issue, CRIN together with other partners has launched a campaign to stop children being lawfully sentenced to inhuman forms of punishment – understood to include sentences of corporal punishment, life imprisonment and the death penalty.

We are not talking about random acts of illegal violence, but extreme violence authorised by law, with sentences passed by adult judges and carried out by adults – adults who are paid to execute children, to tie them down and flog them, to lock them up and guard them, sometimes for the rest of their lives.

Research suggests that in at least seven States, child offenders can lawfully be sentenced to death by lethal injection, hanging, shooting or stoning. In some countries, children as young as 10 can be sentenced to life imprisonment. And in at least 40 States, children can still be sentenced to whipping, flogging, caning or amputation.

Sentencing children to death, to life imprisonment and to corporal punishment has been consistently denounced by UN Treaty Bodies and Special Procedures and by regional human rights mechanisms as a violation of human rights. The UN Study on Violence Against Children of 2006 further reiterated States' obligations to end these violent and extreme forms of sentencing. Yet while many organisations already work to challenge the death penalty, there has been no coordinated international campaign against life imprisonment and corporal punishment as a sentence lawfully handed down to child offenders.

Our aim is to achieve legal reform. Although some States claim that even though the execution of children is authorised in law but not carried out in practice, this is completely inadequate. As long as the law still authorises inhuman sentencing, the possibility of these gross violations occurring persists. The law has to be clear and clearly disseminated to the public and to all involved in justice systems.

To read more about the campaign, visit: http://www.crin.org/violence/campaigns/sentencing/

A number of international human rights experts have expressed their support to the campaign, including Professor Manfred Nowak, UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment who said: "[children deprived of their liberty are] among the most vulnerable and forgotten human beings in our societies. It is shocking that some governments remain inactive while children in detention are at a higher risk of abuse and ill-treatment, endangering their well-being at the time of detention and their future development"; and Professor Paulo Sergio Pinheiro, former Commissioner and Rapporteur on Children's Rights at Inter-American Commission on Human Rights, who has the following to say about the issue: "It is indeed horrific that any State still has laws that authorise its courts to sentence children to death, to life in prison or to corporal punishment. For most of us, it is inconceivable that adults can be implicated actively in such barbarity to children – yet thousands are every day, in governments and parliaments, in courts and in the administration of these punishments."

As part of the campaign, CRIN is developing detailed <u>country reports</u> on States that still authorise and hand down inhuman sentences to persons under 18. Their aim is to map the legality and application of inhuman sentencing of children around the world, expose States that are not complying with the CRC, and identify where advocacy is most needed. CRIN has currently published 30 reports, yet more will follow:

Antigua and Barbuda / Bangladesh / Barbados / Botswana / Brunei Darussalam / Dominica / Grenada / Guyana / India / Iran / Kiribati / Libya / Malaysia / Maldives / Nigeria / Pakistan / Qatar / Saudi Arabia / Somalia / St Kitts and Nevis / St Vincent and the Grenadines / Singapore / Sudan / Swaziland / Tonga / Tuvalu / United Arab Emirates / United States / Yemen / Zimbabwe

CRIN also prepared an <u>advocacy toolkit</u> to support organisations and individuals in States that are still subjecting children to inhuman sentencing, in order to work towards achieving a strong international and regional context for progress by providing advocacy ideas.

Other follow-up work to the UN Violence Study

New violence website

In June 2010, CRIN unveiled its revamped <u>website on violence against children</u>! It includes pages dedicated to the UN Study on Violence Against Children, relevant campaigns and petitions, news and reports, monitors the work of UN Special Representative on Violence Against Children, and has its own monthly e-newsletter, among other features. The website is available in <u>English</u>, <u>French</u>, <u>Russian</u>, <u>Spanish</u> and <u>Arabic</u>.

See: http://www.crin.org/violence/

To mark the launch of the new website, CRIN looked at the issue of <u>violence against children – beyond the UN Study</u>, in which we reflect on what has happened since the Study was published in 2006, and look at the challenges that lie ahead and what can be done about them collectively.

Forms of violence briefings

To raise greater awareness on violence against children more generally, CRIN has developed a series of reports that provide insight into the various forms of violence suffered by children in different contexts around the world as identified by the UN Violence Study, namely those found within the spheres of physical and psychological violence, neglect and exploitation.

The full list comprises the following briefings:

Abduction / Abandonment / Bullying / Child pornography / Dangerous, harmful or hazardous work / Death penalty / Deprivation / Domestic violence / Extra-judicial execution / Gang violence / Harmful traditional practices / Honour killings / Infanticide / Judicial use of physical punishment / Kidnapping / Psychological abuse / Psychological punishment / Sex tourism / Slavery / State neglect / State violence / Torture / Trafficking / Violence at work

These briefings are currently being translated into French and Spanish, and will also be available in all our working languages at a later stage.

Coalition work

As with most of CRIN's activities, we work in coalitions with other organisations. In relation to violence against children, CRIN is a member of the International NGO Advisory Council for follow-up to the UN Study, which plays a central role in identifying key priorities and follow-up activities in collaboration with the SRSG on Violence against Children, in ensuring civil society participation in such activities; in monitoring the implementation of the Study's recommendations by member states; and in making effective use of information channels and networks, such as CRIN, to keep the child rights community informed on all the above.

Transparency campaign: The future of children's rights – in whose hands?

CRIN has become increasingly involved in child rights governance issues. We played an integral part in the recent campaign for the appointment of a Special Representative to the UN Secretary General on Violence Against Children. Yet of concern is that the process for appointing candidates for some of the top child rights positions is neither transparent nor open. This included the role for the Executive Director of UNICEF, indeed possibly the most important role in children's rights.

In recognising that this issue had not been taken up before, CRIN took the first step in pressing for greater transparency by launching in 2009 a campaign to encourage and influence long-term positive changes in the appointment process of candidates to positions of considerable power and influence within the world of child rights. In our call for greater transparency, we asked: who are they? How are they chosen? And, most importantly, are they the best people for the job? CRIN's aim with this campaign is to stimulate open and transparent appointment processes, which focus on ability to promote and safeguard children's rights, in order to identify leaders with the appropriate commitment, skills and experience to work effectively for children's rights.

To read more about the campaign, visit: http://www.crin.org/resources/infodetail.asp?id=20623

Details on the campaign are also available in French, Portuguese, Russian, Spanish and Arabic.

Together with the NGO Group for the CRC, we closely monitor, and report on, elections to the Committee on the Rights of the Child. We also maintain close contact with other key child rights positions. We are aware of the critical importance of these roles, and the need to ensure that appointment procedures are open, rigorously scrutinised and focused on promoting and safeguarding children's rights.

CRIN's work on the campaign in 2010-11 comprised coverage of the election of members of the Committee on the Rights of the Child (CRC); and coverage of the election of members of the African Committee on the Rights and Welfare of the Child (ACERWC).

Nine seats of the CRC were to be filled when the terms of existing members expired in February 2011. Although NGOs cannot nominate candidates, they can play a role in lobbying their State to nominate a candidate who rates well according to a set of criteria for a strong member. Accordingly, the NGO Group for the Convention on the Rights of the Child published a factsheet on the election process which set out opportunities for NGO participation. CRIN's coverage of the appointment process included interviews of candidates in which we asked them about their experience in children's rights, what they think they can contribute to the Committee, what they think about key issues, their vision for the Committee and, importantly, how they see NGOs' role.

In Africa, civil society played a crucial role in recommending qualified and effective candidates to their respective governments to fill the vacancies of six members of the African Committee, whose terms came to an end in July 2010. Very few candidates had been nominated for these important posts in previous elections. So civil society had an important role to play this time round. To inspire civil society participation, a factsheet was compiled by the Civil Society Organisation Forum for the ACERWC to inform civil society organisations about the nomination process and flesh out specific criteria for potential members.

The next stage of CRIN's campaign will concern elections to the following positions concerning children's rights:

- Commissioner for Human Rights at the Council of Europe
- Special Representative to the UN Secretary-General on Children and Armed Conflict;
- Special Representative to the UN Secretary-General on Violence Against Children;
- Special Procedures of the Human Rights Council, including the Special Rapporteur on trafficking in persons, especially in women and children, and the Special Rapporteur on the sale of children, child prostitution and child pornography.

Although not exclusive to children's rights, the following upcoming appointments also have implications for the their rights, and so should also reflect appropriate commitment, skills and experience:

• UN High Commissioner for Human Rights

With the intention of extending the transparency campaign to also cover freedom of press and freedom of expression around the world, by the end of 2010-11 CRIN also begun monitoring restrictions on the work of human and children's rights defenders. For more details on restrictions on child rights defenders, see Chapter 4 in this report.

Establishing a complaints mechanism to the CRC

CRIN's advocacy work has also sought to empower children by setting up the legal tools to allow them to claim their rights directly in court. This took the form of our continued work on the campaign to establish a complaints mechanism, also known as a communications procedure, to the UN Convention on the Rights of the Child (CRC), which would allow children and their advocates, who claim that their rights have been violated by a State that is a party to the CRC, to bring a complaint before the relevant committee, provided that the State has recognised the competence of the committee to receive such complaints. It allows for appeals to be made when domestic or regional remedies fail or simply do not exist. Such a mechanism would be uniquely adapted to children, with reviews of cases and decisions being made with the best interests of the child in mind at every step of the legal process. And it would provide new pressure on States Parties to fulfil their obligations and also encourage them to provide effective remedies at national level.

The campaign to draft and adopt an Optional Protocol for a complaints mechanism to the CRC was launched in 2007. CRIN was one of the first organisations to join, later hosting the <u>campaign and petition</u> on its website, which was signed by almost 700 organisations from around the world. And after four years of campaigning and lobbying, CRIN is glad to announce that the first objective of agreeing on a <u>draft text</u> has been achieved!

CRIN kept abreast of developments throughout the campaign, working as part of the NGO Group for the CRC coalition of NGOs, issuing regular updates to the advocacy list established by signatures to the petition, and drafted and translated advocacy materials into French, Spanish, Arabic, Portuguese and Russian. One of these includes an updated version of our <u>Advocacy Toolkit</u> to support organisations and advocates in their campaign work.

How the CRC complaints mechanism is different

The CRC is the only international human rights treaty with a mandatory reporting procedure which does not have, in addition, an existing or draft communications procedure. This is a serious matter of discrimination against children. Yet prior to the adoption of the draft text, some critics argued the CRC did not need its own complaints procedure because those that already exist under other treaties are available to children already. However, as these instruments do not cover, separately or together, the full range and detail of rights in the CRC, they have hardly been used by children or their representatives. Conversely, the new mechanism under the CRC is uniquely adapted to children. Among others features, it specifies that:

- In reviewing communications, the Committee on the Rights of the Child must follow the principle of the best interests of the child and have regard to the rights and views of the child;
- The Rules of Procedure for using the complaints mechanism are to be child-sensitive;
- Safeguards must be introduced to prevent the potential manipulation of children, and the Committee can decline to consider communications found not to be in a child's best interests;
- The identity of any individuals involved in submitting a complaint, including child victims, cannot be revealed publicly without their express consent; and
- Communications must be submitted with the child victim's consent, unless the person submitting the complaint can justify acting on the child's behalf without that consent.

What happens next?

The draft text of the communications procedure will now be referred to the UN General Assembly, where another Resolution needs to be drafted and adopted. And once the Resolution is adopted, a signing ceremony is planned, after which the treaty opens up for ratification. It enters into force after its tenth ratification.

In the meantime, the civil society will soon begin preparing for the next stage of the campaign: getting States to commit to ratification as soon as possible!

To read more about the campaign, visit: http://www.crin.org/petitions/petition.asp?petid=1007

- Chapter 2-

We believe that accurate and targeted information is a powerful tool, indeed a prerequisite, for effective advocacy in children's rights, and that it must be freely available and widely disseminated

In 2010, efforts at CRIN got under way to boost the visibility of children's rights issues among international, regional and national human rights mechanisms, including those that do not have a specific focus on children. Many of these bodies, such as the UN Special Procedures and the Universal Periodic Review issue recommendations on children's rights. Our research, however, shows that children's rights are not consistently raised by these mechanisms, and that while those rights that could be described as less controversial, such as access to education, have been taken up by many, others – particularly aspects of children's civil and political rights – have been severely neglected.

We are therefore seeking to encourage children's rights advocates to become aware of and make use of the full arsenal of opportunities within the <u>UN and regional human rights mechanisms</u> to pursue children's rights advocacy. This work includes monitoring and publishing all recommendations and decisions on children's rights made by these bodies, and highlighting where the Convention on the Rights of the Child has been used in courts, with the aim of drawing attention to good examples as well as gaps and supporting advocates to make the most of all available options.

Children's rights and the UN Human Rights Council

Universal Periodic Review

CRIN began its efforts to monitor how children's rights are addressed by the broader human rights mechanisms by looking at the Universal Periodic Review (UPR) – a mechanism under which the Human Rights Council examines the human rights situation in every Member State of the UN. The human rights record of each State is examined once every four and a half years.

CRIN compiled reports detailing references to children's rights for the 112 countries* during the UPR's first seven sessions. From this data, CRIN carried out an analysis of children's rights and the UPR, The Status of Children's Rights, and assessed the ways in which children's rights organisations can effectively engage with this UN mechanism.

Key findings of the study:

- One in five mentions focus on children's rights: Approximately one fifth of all points made across the UPR process consider children's rights, but is this really satisfactory given children cut across all human rights clusters?
- States are avoiding more controversial issues: States tend to address and accept recommendations
 on 'softer' issues, such as education and health, and neglect, but reject recommendations on more
 controversial issues, such as <u>corporal punishment</u> or <u>juvenile justice</u>.
- *NGOs have an important role to play:* NGOs lag behind UN bodies and UN Member States in the extent to which they address children's rights in the UPR. Indeed, with States shown to avoid the more controversial issues, NGOs have an important role to play to address the full spectrum of children's rights issues and ensure neglected issues are brought to the forefront of the agenda.

An executive summary of the report's findings is also available in **French** and **Spanish**.

By October 2011, all States will have had their records reviewed under the UPR. After this, CRIN will publish a second edition of the Status of Children's Rights report.

Working Group for the Human Rights Council

CRIN is a member of the Working Group for the Human Rights Council, which seeks to encourage the mainstreaming of children's rights at the Human Rights Council. This has included undertaking communications activities, and research and analysis.

UN Special Procedures

CRIN advertises the upcoming visits of the UN Special Procedures in cooperation with the UN Office of the High Commissioner for Human Rights (OHCHR), in order to encourage organisations to submit information or get involved in other ways at the national level. CRIN also compiles all extracts on children's rights from all mandates in order to assess to what extent children's rights are addressed, or neglected. This should, hopefully support organisations in their research and advocacy.

Children's Rights and Business Principles Initiative

Children are particularly and uniquely vulnerable to human rights abuses, and yet are also least able to draw attention to violations of their rights. In relation to business enterprises, children's situation is especially precarious. While corporations are readily recognised as full legal persons in jurisdictions around the world, children almost universally are not. Unlike corporations, children cannot bring lawsuits, sign contracts, or even make simple financial transactions on their own.

In view of this, and as part of the consultation on the draft Guiding Principles for the Implementation of the United Nations 'Protect, Respect and Remedy' Framework, CRIN submitted in January 2011 comments to the UN Special Representative of the Secretary-General on Transnational Corporations and other Business Enterprises, Professor John Ruggie, on how children's rights should play a greater role in the drafting of the Guiding Principles. View CRIN's submission here.

In it, we highlighted that a child rights perspective has rarely played a part in the business and human rights agenda, and the Guiding Principles were no exception. Children remained virtually invisible in them, despite comprising almost half of the world's population, making it difficult to imagine that they could provide any practical guidance for States and business enterprise seeking to "protect, respect and remedy" the human rights of children. Accordingly, CRIN proposed a series of recommendations and amendments to the draft Guiding Principles to reverse this injustice, urging that they should overall provide clearer obligations and instructions for State and companies to respect children, their rights, and acknowledge their special vulnerability as children.

Later in the year, CRIN released a <u>summary report</u> on the Children's Rights and Business Principles Initiative, its objectives and developments to date.

CRIN's guide to using UN mechanisms

CRIN also produced an updated edition of its 'Guide to Using Mechanisms to Submit Complaints Alleging Violations of Children's Rights'. It provides a briefing on existing complaints procedures available to seek redress for violations of children's rights, including how the newly adopted Optional Protocol under the UN Convention on the Rights of the Child differs from existing complaints procedures. This guide will be updated regularly. Download it here.

Children's rights in regional mechanisms

Regional human rights mechanisms represent another tool for advocates to hold States to account for violating or failing to protect children's rights. Regional human rights mechanisms have so far been established for Europe, the Americas, Africa and Southeast Asia. CRIN aims to encourage the use of these mechanisms and

monitors developments in each system, sharing updates with our users.

Below are some of the main developments in these regional systems from 2010.

The Council of **Europe** signalled its intention to bring sexual violence against children at home out of the shadows with its "One in Five" campaign, which urges States to ratify its Convention against sexual violence. The campaign recognises that one in five children is a victim of sexual violence at home – a place where legislation often fails to act –, with the aggression being perpetrated by family members, relatives and others known to the child.

A new set of <u>guidelines on Child-Friendly Justice</u> was also produced by the Council of Europe in November 2010. CRIN was able to participate in crafting the guidelines, which are the first of their kind, and intends to develop an in-depth toolkit on child-friendly justice next year.

Meanwhile in the **Americas**, the Inter-American Commission on Human Rights held a number of hearings on children's rights issues, many highlighting different forms of violence experienced by children across the Americas.

The Commission heard that terrorist group the Shining Path in Peru continues to use children in its activities, and that children have been found in the Peruvian armed forces, in a hearing presented by the Coordinadora Nacional de Derechos Humanos (CNDDHH) with support from Save the Children. Read the full report here (in Spanish).

Complaints of State violence against Mapuche children in Chile were brought by Fundación Anide and others, who allege that members of the indigenous group have been violently repressed for claiming their ancestral territories. Children have reportedly received bullet wounds, suffered asphixiation caused by the effects of tear gas, been beaten and kicked, assaulted with firearms, tortured, threatened with death by drowning, treated inhumanely in detention, persecuted, experienced raids on schools and communities, and been kidnapped. Anti-terrorism legislation is being used to deal with children involved.

Meanwhile, the Commission heard an update on the situation of children, women, and persons with disabilities in Haiti and on the limited access to housing, food, and medical care since the 2009 earthquake. A later hearing focused on violence faced by women and girls in camps for internally displaced persons.

In Mexico, kidnappings of migrant children are rocketing. The Rapporteurship on the Rights of Migrant Workers and Their Families has expressed interest in conducting a country visit to investigate the situation.

The right to nationality in the Dominican Republic was the subject of two hearings at the Commission in 2010. The Justice Initiative presented a report demonstrating how the 2010 constitutional changes purport to legalise the government's discriminatory policies of the past six years, and reviews the impact of these changes on Dominicans of Haitian descent. Later in the year, the State reported that the civil register had been modernised where previously it had been the civil register had previously been managed by private parties which had serious implications for human rights, not least by facilitating the smuggling of children.

The work of the **Africa**n Committee of Experts on the Rights and Welfare of the Child gathered pace, with the body issuing Concluding Observations to Burkina Faso, Kenya, Mali, Tanzania and Uganda. The Civil Society Forum on the African Charter on the Rights and Welfare of the Child, which meets in advance of each Committee session, held discussions on three key issues: budgeting; maternal, infant and child health and development; and the role of children's rights in maintaining peace in Africa.

In **Southeast Asia**, the Women and Children's Commission opened in April 2010, tasked with promoting and protecting women and children's rights, building judicial and administrative capacity, and promoting data collection and research. The Commission, a subsidiary body of the Inter-governmental Committee of Human Rights, held its first meeting in February 2010 and has developed a five-year work plan. However, it the body has been criticised by human rights organisations in the region for its lack of transparency and its policy of non-interference in the internal affairs of Member States – a considerable limitation on the Commission's protection mandate.

Children's rights in Court

Although the Convention on the Rights of the Child has been around for more than two decades, it has in many places just begun to make its way into the courtroom. Many countries have taken steps to incorporate the Convention into their national laws and policies, and these accomplishments must not be overlooked. Nevertheless, CRIN believes that for children to enjoy the full benefits of their rights under the CRC, they must be able to enforce them directly in court.

To encourage children and their advocates to think about bringing violations of the CRC to the justice system, CRIN has built a 'CRC in Court' database, which provides plain language summaries of judgements from high-level national and international courts around the world that address children's rights, including the right to be protected from all forms of violence.

The database comprises a collection of case law where courts have used the CRC in their decision-making process. Each decision is includes explanations of the background, significance, and lessons to be learned for children's rights. Case summaries also include excerpts from relevant judicial discussions of the CRC and, where possible, links to full text decisions.

The CRC has not always fared well in legal decisions, but we hope that reviewing CRC case law will prove to be inspirational and help us learn about the potential for (and limits of) advancing children's rights through litigation.

See: http://www.crin.org/law/crc in court/

Our <u>Strategic Litigation e-newsletter</u>, which provides the latest news and resources on children's rights in the courtroom around the world. This past year's themes include:

- Child-Friendly Justice and Children's Rights
- Monitoring and Enforcing Human Rights Decisions
- Strategic Litigation and Economic, Social and Cultural Rights
- Children's Right to a Clean Environment

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- Chapter 3 -

We believe that it is by working together with a broad range of actors committed to a similar vision that we will be most effective and influential

At the core of our work is how to best support child rights advocates around the world in order to strengthen the network as a whole. Part of this involves understanding the needs of our partners across regions, for which effective collaboration and networking is key. Indeed, there are few international conferences, outcome documents or reports on child rights that do not mention the need for cooperation, coalition building or networking between a broad range of actors — not just NGOs. The idea is to build a movement for children's rights. And the goal is for it to be piloted by likeminded actors that work together by sharing information rather than repeating it, by acknowledging areas that lack coordinated efforts in order to avoid duplication in our advocacy and outreach work, and by supporting one another to push for greater respect for children's rights.

This goal entails multiple activities including continuing to provide information and guidance on activities such as advocacy and lobbying, and identifying key partners (both existing and potential) in as many States as possible with whom to raise the profile of all child rights issues at a national and regional level, including law funds, media agencies, academics and academic institutions and UN bodies. CRIN's website will also continue to be used as a platform for facilitating global, regional and national advocacy by identifying new threats to children's rights as well as new opportunities for advocacy, and providing national perspectives on global and regional campaigns to help maximise their reach. The following are the partners we continued to work with in 2010, as well as the ways in which we assisted partners in seeking to raise the profile of children's rights in all regions.

NGO Group for the CRC and the UN Committee on the Rights of the Child

CRIN continued its cooperation with the NGO Group for the Convention on the Rights of the Child to provide coverage of the work of the Committee on the Rights of the Child. We report on the sessions of the Committee and make alternative reports and Concluding Observations in English available on the CRIN website. We post submissions and report on the Committee's Day of General Discussion. All these features are also recapitulated in our CRC CRINMAIL, which informs our users of and brings together in one place all core information relevant to the CRC.

We are in continuous contact with the NGO Group, always endeavouring to improve our working partner-ship, and occupy a seat on the Group's Executive Committee. CRIN kept abreast of developments throughout the campaign for the Optional Protocol for a complaints mechanism to the CRC in collaboration with the NGO Group, issuing regular updates to the advocacy list established by signatures to the petition. Together with the NGO Group, we also closely monitor, and report on, elections to the Committee. This past year we conducted interviews with the nine new members of the Committee to find out more about their backgrounds, achievements and contributions to children's rights. Read them here.

SRSG on Violence against Children and the International NGO Advisory Council for follow-up to the UN Study

In collaboration with the Special Representative of the UN Secretary-General on Violence against Children, we conduct follow-up to the UN Study of Violence against Children. Since the beginning of her mandate, CRIN has offered a <u>dedicated page</u> to the SRSG on which we post statements and reports issued by the SRSG.

CRIN is a member of the International NGO Advisory Council for follow-up to the UN Study, which plays a central role in identifying key priorities and follow-up activities in collaboration with the SRSG on Violence against Children, in ensuring civil society participation in such activities; in monitoring the implementation of the Study's recommendations by member states; and in making effective use of information channels and networks, such as CRIN, to keep the child rights community informed on all the above.

Ombudspersons

Children's ombudspersons, also referred to as 'independent human rights institutions' are first and foremost children's rights defenders. This is why CRIN has been working together with existing such institutions around the world. The Committee on the Rights of the Child has consistently emphasised the vital role of children's ombudspersons in monitoring, promoting and protecting children's rights, and they should be given a broad mandate in law, specific functions, powers and duties relating to children and their rights as per the Convention on the Rights of the Child.

CRIN has worked in partnership with the European Network of Ombudspersons for Children (ENOC) for over six years, providing web hosting services, information and encouraging its members to participate in international children's rights advocacy. CRIN also works with other similar institutions around the world and aims to link up with all the existing ones.

As part of its transparency campaign, CRIN has also been monitoring restrictions, or threats, to children's ombudspersons across regions. We will also increasingly support those campaigning for the development and establishment of such institutions in countries where there are none or where their mandates are not in line with the recommendations of the Committee. More on children's Ombudspersons here.

Council of Europe

As one of the leading regional bodies working in defence of children's rights, CRIN supports the Council of Europe's (CoE) activities, including by advertising CoE events and campaign on our website, such as the conference in May on Promoting Action to Combat Violence against Children, and the One in Five campaign to promote legal, educational and other measures needed to combat all forms of sexual violence against children. Details of the campaign are available on our website in English, French and Spanish.

CRIN also has a <u>guide</u> to the CoE, also available in the above three languages, on which we provide useful information to our users, such as how NGOs can participate in the CoE's work, and what relevant mechanisms can be used to hold governments to account if they do not respect or protect children's rights.

Supporting national actors

In our outreach efforts, CRIN endeavours to support the work of national organisations and advocates who work in children's rights. One such way is by providing useful advice in the form of toolkits, with which we support others to take up campaigns at a national level and supply them with examples of what has and has not worked elsewhere. The following is a list of toolkits we produced in the past year:

- Updated Advocacy Toolkit on Ending the Inhuman Sentencing of Children (English)
- Child-Friendly Justice and Children's Rights (English / Spanish)
- Updated Advocacy Toolkit on the Complaints Mechanism for Children (English)
- Updated Media Toolkit for organisations with media activities (English / French / Spanish / Arabic)
- Guide to Using Mechanisms of the UN to Submit Complaints Alleging Violations of Children's Rights (English)

Also look out in 2011 for our coverage of national campaigns against inhuman sentencing of children!

Supporting international campaigns

CRIN takes advantage of its website as an online advocacy platform, supporting international campaigns by hosting them or offering addition publicity on them. On our <u>campaigns page</u>, we have hosted the campaign for the universal ratification of the two Optional Protocols to the CRC on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, as well as the campaign for a complaints mechanism under the CRC. We have also given coverage to the Council of Europe's One in Five campaign against the sexual abuse of children.

Other campaigns that CRIN hosts on its website in collaboration with other organisations and bodies includes the <u>call</u> by the International Labour Organization (ILO) for global protections of domestic workers, currently comprising between 50 and 100 million people worldwide, the vast majority women and girls. CRIN is pleased to announce that in 2011, the Human Rights Council adopted the landmark <u>Convention on Decent Work for Domestic Workers</u>, which effectively establishes global standards for domestic workers' labour rights!

To view our campaigns page, visit: http://www.crin.org/violence/campaigns/index.asp

A two-way information network

Although CRIN's role as an information network and resource centre has evolved in the past year to include more advocacy-focused activities, these remain fundamental components of our work. We continue to provide coverage on news, publications and events, as well as guides, toolkits and other resources to support and bolster the work of children's rights organisations and advocates. Yet this activity works two-way, as those we support, also contribute to the principle of information sharing by notifying us of local and national cases, and by submitting publications and events through our info@crin.org email information service to be posted on our website.

- Chapter 4-

Children and their advocates have the right to participate and express themselves freely and openly in all matters affecting them

In 2010, we saw how children's rights continue to be curtailed in the name of 'child protection'. At CRIN, we received a steady trickle of reports of dangerous and counter-productive attempts to limit children's access to information about a range of issues from sex education, drug use and sexuality – information which is crucial for children to make informed choices and express themselves freely.

No one would argue against protecting children, yet protection is merely one, albeit fundamental, aspect of children's rights. To imply otherwise diminishes the importance of other crucial rights, and creates confusion. Through a series of editorials and news coverage of issues we consider 'neglected', CRIN has argued for coverage of the full range of children's rights and a renewed focus on the language of rights.

Towards the end of 2010, CRIN's work to promote civil and political rights took a regional focus, as the world's attention turned to the mass civil unrest reverberating across the Middle East and North Africa, where protesters — many of whom were children - gathered in their thousands to demand greater freedoms, respect for human rights, and for long-standing heads of repressive governments to step down. This work culminated in the launch of CRIN's full website in Arabic, which provides comprehensive coverage of children's rights issues in Arabic, with a regional focus on the Middle East and North Africa — more below!

The explosion of civil unrest in the Middle East and elsewhere also led to a new phase of our transparency campaign to monitor restrictions on children's rights advocates – without the efforts of whom CRIN would not exist. Look out for campaign updates on the issue in 2011.

Removing the "protective" cordon around children's rights

In May 2010, we launched a new-look CRINMAIL to assess the impact on children of Belgium's proposal to prohibit the wearing of veils which cover the face in public places. The draft law was ostensibly approved to protect women and girls and promote their equality, as well as to ensure public security. But the government declared that fines would be imposed on those who infringe the ban – in effect criminalising those it purported to protect.

Thomas Hammarberg, Commissioner for Human Rights at the Council of Europe, warned that women and girls who wear the veil could effectively find themselves under house arrest: "Prohibition of the burqa and the niqab would not liberate oppressed women, but might instead lead to their further alienation in European societies. A general ban on such attires would constitute an ill-advised invasion of individual privacy..."

Furthermore, those interviewed by the media elicited a range of religious, political and personal arguments for wearing the veil, demonstrating that for many this is not a result of gender discrimination, but a personal choice. Read the editorial here.

Sadly, the use of 'protection' as a facade for discrimination is all to familiar for children's rights advocates as we saw in 2010 as governments restricted children's access to information on sexuality and drug use.

In <u>Lithuania</u>, for example, children's right to receive and access information on homosexuality was restricted under the guise of "protection", as the country's Parliament approved discussion at the start of 2011 on a draft law to criminalise the "public propagation of homosexual relations". This follows a 2009 amendment of the Law on the Protection of Minors from the Detrimental Effects of Public Information banning the discussion of homosexuality in schools, as well as any reference to it in public information, such as advertising, that can be accessed by children.

Despite claiming to protect children, such legislation only serves to set a dangerous precedent that vindicates homophobia, hate crimes and social discrimination against the lesbian, gay, bisexual and transgender

(LGBT) community, including LGBT children. Furthermore, such laws restrict young people's right to access information, as well as their right to express themselves freely on all subjects without fear of reprisals. We also noted that homophobic language used by adults at schools is often at the root of homophobic bullying – as is the failure to intervene in such cases. And on a more practical note, we reflected on how curtailing children's access to information is counterproductive when it can help protect them in fact. The need for comprehensive sex education in schools, for example, tailored to children of differing sexualities, is necessary if children are to understand how to best protect themselves from sexually transmitted diseases such as HIV. Such education also serves to increase awareness on different sexualities and in turn promote tolerance among schoolchildren. Indeed as one Member of the European Parliament said: "[i]t is crucial to allow young people to speak, think and act, in the respect of others who are different. Young people need education not isolation."

With specific mention to the situation in Lithuania as well as other countries, and to commemorate the International Day Against Homophobia held on 17 May every year, CRIN looked at issues related to <u>children</u> and <u>sexuality</u> to argue against discrimination and for children's right to freedom of expression and access to information which promotes tolerance and choice.

Meanwhile <u>Hungary</u>'s new Constitution fails to include sexual orientation within the protected grounds of discrimination, placing it among an increasingly small group of nations to explicitly omit legal protections for sexual minorities. <u>Uganda</u>'s proposed Anti-Homosexuality Bill is still in the works, and if eventually approved, would criminalise homosexuality with life imprisonment, while "serial offenders" would receive the death penalty. And in one notably disturbing case specifically affecting children in <u>Malaysia</u>, authorities singled out 66 schoolboys for displaying effeminate tendencies, and sent them to "corrective" boot camps to "fix" their behaviour.

Similarly in December 2010, <u>Venezuela</u> approved a new Law of Social Responsibility in Radio and Television, which aims to set viewing standards in all text, image and sound received in the country partly to "<u>protect...children</u> from crude language, sexual content, and violence," despite rights activists saying that this effectively restricts editorial freedom in Venezuela.

This protectionist view is evident in drug policies aimed at protecting children from the use of drugs. In an analysis on <u>children and drug use</u>, CRIN notes that such policies do not always take into account children best interests or their right to access information, noting that some States promote a zero tolerance policy with "just say no" campaigns and deny harm reduction services for those under 18. Yet this restriction can be counterproductive when the information that is being denied them can in fact help protect them, as is the case with raising greater awareness among children and young people on the dangers of drug use.

Still on the issue of children's civil rights, on World Press Freedom Day 2010 CRIN reflected on the importance of freedom of expression for children – an issue that is rarely part of children's rights advocacy, at least as a stand-alone issue, yet is critical for the realisation of all children's rights (as well as for our work here at CRIN!). Indeed for children, being free to exercise their right to freedom of expression means that they can hold and express opinions and receive information on issues such as sexuality and drugs, and actively have their say on issues that concern them. Moreover, freedom of expression for children also means that they can describe the ways in which their rights are being fulfiled and respected, or, otherwise, infringed. In fact, this right is a good marker for gauging perceptions of children in any society, because the extent to which children are able to express their opinions and feelings can show how much they are recognised as rights holders.

CRIN has additionally looked at children's rights issues in UN bodies that are not specifically child focused, to determine the extent to which children's rights are featured, and which children's rights in particular. For example, CRIN has been monitoring the work of the UN Special Rapporteur (SR) on freedom of opinion and expression since 2008. Look out for our findings report later in 2011.

Children's freedoms of expression and association in the Middle East and North Africa

Towards the end of 2010, CRIN's work on upholding children's civil and political rights took a regional focus, as the world's attention turned to the mass civil unrest reverberating across the Middle East and North

Africa, where protesters gathered in their thousands to demand greater freedoms, respect for human rights, and for long-standing heads of repressive governments to step down.

Soon after the calls for democracy spread in a ripple effect from Tunisia to Egypt, and then to Libya, Yemen, Bahrain and Syria, and to a lesser degree in neighbouring countries, CRIN began preparing weekly updates on the human rights situation in the region, monitoring developments (and regressions). We paid specific attention to how the events affected children, adolescents and young people, namely through their direct participation in protests, their arrest and detention because of it, their forced recruitment into armed forces, and even their torture and murder at the hands of security forces.

CRIN took particular notice that at the heart of the protests was the youth movement, and that children and adolescents were accompanying their parents to demonstrations to voice their own demands for greater freedoms and reforms. The presence of children in the protests, however, did not stop repressive regimes from indiscriminately firing on crowds and arresting participants in a desperate bid to silence all opposition. These circumstances set the premise for an analysis of children's right to freedom of association, in which we looked at how violations of this right affect children across the world.

To start with, CRIN posed the question: if children cannot associate freely with one another, how can they be expected to build friendships, form views about the world, participate actively in society and stand up for their rights and those of others later in life? We then proceeded to cover how some States explicitly prohibit children and adolescents from joining or forming associations, or set conditions to do so. For example, in Japan, children cannot join an association until they turn 18 without permission from their parents. In Costa Rica, the law provides that under-18s have the right to freedom of association, except for political or lucrative activities. In Lebanon, children are prohibited outright from participating in, creating, or being members of associations or organisations. And in the United Kingdom and other countries, there have even been initiatives to inhibit children and young people from using public spaces, such as the 'mosquito' – an electronic device that emits high pitched frequencies heard only by children and young people – used to stop young people gathering in public places, which moreover restricts their right to meet and associate freely with others.

CRIN concluded with the message of the UN Committee on the Rights of the Child, which encourages States to not only refrain from banning children's participation in the public sphere, but to create an environment respectful of children's right to freedom of association, and actively support and encourage children to pursue participation in child-led organisations and initiatives so that their representation is guaranteed.

To gain a direct insight into how children view the issue of freedom of association and expression, CRIN had the chance to <u>interview</u> four teenagers belonging to youth clubs in Lebanon, and learnt that, for them, the most important of all rights is freedom of expression, "because it will allow children to speak more openly about all [other] rights," and to "become more responsible...and active in achieving their rights instead of being passive receivers of rights!"

Launch of Arabic website & CRINMAIL

The Arab Spring also saw the launch of CRIN's new <u>Arabic website</u>! Arabic became CRIN's fourth working language in 2007. And in 2008, CRIN opened its first regional desk in Cairo, Egypt to improve coverage of child rights issues in the Middle East and North Africa (MENA) and to recruit new members from the region.

CRIN's hope with the Arabic website is for it to serve as a reference point for rich and comprehensive information, providing continuous coverage of children's rights news and related activities and events at the international level, including in the MENA, as well as information on treaties and conventions, research, and resources in general. The website includes its own CRINMAIL, which is distributed once a week, and covers the latest news, reports and events in the MENA region and elsewhere.

By making these available to rights advocates as well as children in Arabic-speaking countries, CRIN aims to break the language barrier that previously inhibited the reach of our work in the region, and in doing so, move towards creating a larger body of children's rights advocacy. Indeed, CRIN's aim with the Arabic website is to give a stronger voice to children and their advocates, and in turn raise the profile of children's

rights and the issues that affect them.

See: https://www.crin.org/arabic

Further to CRIN's work in the MENA region, in 2009 we were also invited to work in partnership with Save the Children Sweden to develop a civil society network for children's rights in the MENA called the Manara Network. For more details on our work since then, click on the information page here (in Arabic).

Crackdowns on children's rights defenders

In 2010 we saw how human rights defenders and journalists around the world continue to be targets of State sanctioned crackdowns on freedoms of information and expression.

CRIN continues to monitor and report on the worrying attempts to censor or repress child rights activists in different regions in the world.

In countries with histories of human rights abuses and where State violence is taking place, Governments have denied entry to foreign press, blocked international news networks, and detained reporters. Government tactics to rein in journalists and human rights activists and organisations include brutish forms of oppression such as intimidation, imprisonment and even murder, as we have seen in Libya, Russia and Syria. Cyber activism is also targeted by sophisticated censorship and blocking mechanisms such as denial-of-access and malware attacks, as occurs in Burma and China. During the Arab Spring uprisings, some authoritarian regimes resorted to cutting the nation's Internet and telephone services, and even electricity to entire cities, in a desperate bid to silence all communications.

Here at CRIN, freedom of the press and freedom of expression are core to our work and values. When the work of journalists and human rights defenders is hampered, this has an immediate effect on CRIN's coverage of children's rights issues, as without the work of these advocates, CRIN would not exist. We understand that change is not possible without the 'democratisation of information', and that if people do not have access to information about children's rights, including children, then those rights cannot be upheld.

Accordingly, to commemorate the 2010 World Press Freedom day, CRIN released a special edition CRINMAIL, in which we called for greater freedoms, including the dissemination and exchange of information and children's right to freedom of opinion and expression. The CRINMAIL spotlights how legal standards in some countries have become increasingly restrictive for human and children's rights defenders. For example, Ethiopia adopted a law that requires the re-registration of all civil society organisations, with many ending up having to shut down, and foreign organisations working on certain issues, including human rights, no longer allowed to operate. In Honduras, a 2009 decree adopted by the then-de facto government restricted fundamental rights including those of personal liberty and freedom of association, with four child rights advocates among those named as being at risk. While in China, efforts to silence national human rights defenders intensified as authorities shut down a Beijing-based legal aid and research organisation and disbarred 53 Beijing lawyers. As part of the editorial, CRIN also provided a list of organisations that work on the issue of press freedom, including those led by young people.

CRIN also observed Human Rights Day 2010 by writing an <u>editorial</u> in which we pay homage to human and children's rights defenders, highlighting State-sponsored clampdowns on the work of these advocates around the world.

– Chapter 5 –

We educate and inform, particularly on new and emerging issues in child rights. We undertake research and produce knowledge on such issues to encourage and inspire child rights advocates to address them

One of CRIN's core objectives is to break new ground in child rights advocacy by addressing new and emerging or neglected issues with the aim of raising their profile. This is part of our intention, in line with our strategic priorities and mission statement, to avoid duplication of work being undertaken elsewhere, and to ensure that violations to the full range of children's rights are brought to international attention. It may entail issues about which little research exists, on which few organisations work, and articles of the Convention on the Rights of the Child that have not yet been interpreted. Children's freedom of religion, age discrimination, statelessness, and juvenile justice are some of these issues.

Age discrimination

Although age discrimination is not readily associated with children, it is in fact a form of discrimination that affects them. To shed light on this neglected area of research, in 2010 CRIN wrote a <u>Global Report on Status Offences</u>, that is, acts that would not be criminal if they were committed by adults. This means that a status offender's conduct is considered unacceptable not because it is harmful, but solely on the basis of age. Basically, status offence laws affect children because they are children. And because of this, status offences discriminatorily stigmatise, victimise, and criminalise young people.

Status offences take many different forms, with some examples including curfew violations, running away, begging, bad or anti-social behaviour, gang association, participating in protests, and even simple disobedience. For example, in Nigeria children can be detained for "defying adult authority"; in Denmark, children may be put in detention for their "difficult behaviour"; in Belize, children can be detained for being "out of control"; and in Russia, different curfews are set for different age groups of children, with parents being fined if their children are caught outside during the stipulated hours.

CRIN believes that status offences are a form of age discrimination and should be eliminated. Not only are they unfair, they curtail the freedom children need to grow and develop, and prevent children from becoming integrated into adult society. For instance, in many States while adults can fully enjoy their political rights, children are explicitly prohibited by law from participating in protests or forming or joining associations. In this restrictive environment, how can we expect children to form views about the world, participate actively in society and stand up for their rights and those of others later in life? Ultimately, status offences not only fail to respect children's rights, they are in conflict with children's best interests.

The Global Report on Status Offences gives an overview of such cases with examples from around the world. It also contains a section on how to challenge curfew laws as a first step towards seeking the abolition of all status offence laws affecting children.

The report is also available in **Spanish**.

Juvenile justice

Whether children and adolescents come into contact with the law as offenders or complainants, victims or witnesses, and in situations outside conflicts with the criminal law, such as asylum-seeking children, refugee and unaccompanied children, and children incarcerated with their mothers, CRIN believes that upholding their rights is a matter of practical concern in all regions and all legal systems. Regardless of how children become caught up in the legal system, it is equally important that they are met with a system that understands and respects both their rights and their unique vulnerability.

However, the principles of child-friendly justice are not always respected. For example, some States have lowered (or proposed lowering) the age of criminal responsibility – some to as low as 10 or 12 years of age –

including <u>Denmark</u>, <u>Georgia</u>, <u>Spain</u>, <u>Argentina</u>, the <u>Philippines</u>, <u>Korea</u> and <u>Brazil</u>. And in other countries, children are also subjected to harsh legal punishments such as sentences of corporal punishment, life imprisonment and the death penalty (for further details, see section on inhuman sentencing campaign in Chapter 1).

CRIN has been actively involved in child-friendly justice reform, advocating for children's rights to be taken into account before, during and after legal proceedings that involve them. The premise for reform is that justice systems should appreciate and minimise the challenges that children face at each step in each aspect of a legal proceeding, building confidence in the view of the justice system as a solution to children's legal issues rather than another of an already long list of problems.

Notably, CRIN took a strong role in the crafting of the Council of Europe's <u>guidelines on Child-Friendly Justice</u>, which were adopted in November 2010. We attended hearings, made numerous written submissions, and helped to engage children in the crafting of the guidelines. CRIN has also been invited to participate in the drafting of similar guidelines for Africa.

Freedom of religion

When Belgium agreed to outlaw full-face veils, CRIN took the opportunity to look at the <u>impact of the ban on children</u>, as well as how policies that ban wearing religious symbols in schools, which impose a secular or neutral school dress code, affect children's right to freedom of religion or belief.

We highlighted the words of the former UN Special Rapporteur on Freedom of Religion or Belief, Abdelfattah Amor, who noted that the policy of assimilating children of minorities by not allowing them to wear religious symbols contribute to the loss of their identify. And taking other considerations into account, we concluded that in order to fulfil children's rights freedom of religious expression as well as freedom to information, they must not be compelled to follow a belief system they do not adhere to, even a secular one, as it restricts them from exploring different belief systems, expressing opinions, and developing their own beliefs as well as learning to respect those of others.

Statelessness

Being legally recognised as a citizen of a country grants individuals not only the right to a nationality, but a host of other legal, economic and social rights. Because of this inter-rights dependency, people without citizenship – that is, people who are stateless – are among the most vulnerable in the world.

In the aptly named 'No documents – No rights', the Council of Europe's Commissioner for Human Rights Thomas Hammarberg last year called attention to the plight of Roma living in Europe, who in addition to being economically and socially marginalised and ethnically discriminated against, tens of thousands are without a nationality, and as a result, also often denied basic rights such as education, healthcare and social assistance. CRIN contributed to the debate by addressing the issue of children and statelessness in a guest editorial by Sebastian Kohn from the Justice Initiative, in which we look at why and how children become stateless, the consequences of statelessness for children, and the possibilities for challenging statelessness and realising children's right to nationality.

Around five million children around the world are believed to be stateless, which is often a direct result of parents' own statelessness, as most countries grant citizenship by descent, that is, to the children of citizens, and not according to country of birth. Therefore the consequences of statelessness among children often start before they are even born. For example, stateless pregnant women are frequently denied adequate pre-natal and post-natal care. This means that stateless infants and children do not receive immunisations and other essential medical care, which can seriously compromise their health.

Later down the line, many stateless children will be refused access to primary education, and in most countries around the world secondary education is also denied. In the Dominican Republic, for instance, children must hold identity documents as a pre-requisite for school enrolment. Other key consequences of statelessness for children include restricted freedom of movement and arbitrary deportations because

stateless children are often unable to obtain passports or other travel documents, and greater likelihood of growing up in extreme poverty, as statelessness jeopardises parents' economic opportunities, which can leave families economically marginalised and often the target of social discrimination.

CRIN's editorial advocates that efforts to challenging statelessness should be a combination of birth registration campaigns, pressure from the international community, and litigation.

Birth registration is the single most important way to provide children with a legal identity. But as already highlighted, not all countries grant citizenship according to country of birth. In fact, there are even cases where States use birth certificates to make sure certain children remain stateless by explicitly stating on the certificate that the individual in question is a non-citizen. In the Malaysian state of Sabah, for example, a child of Indonesian descent with 'foreigner' written on her birth certificate is unlikely to be able to enrol in school. Birth registration must therefore be improved both in terms of numbers as well as substance, to prevent the perpetuation of statelessness and to ensure that children who would otherwise be stateless obtain nationality when their births are registered.

The international community can pressure States through the current international human rights system to tacking the problem of statelessness, including in reports to UN treaty bodies, which issue recommendations on the basis of the human rights conventions; through cooperation with UN agencies such as the UN Refugee Agency, UNICEF or the OHCHR to ensure that their respective mandates are effectively implemented in this field, or with Special Rapporteurs who can also exert political influence.

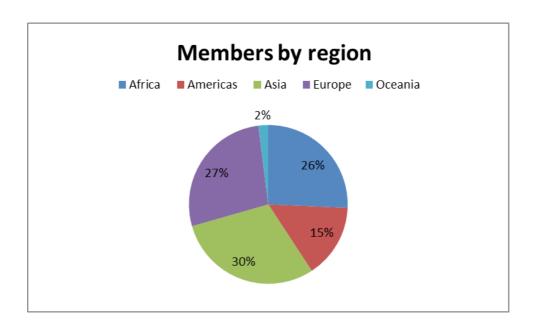
Litigation can also go a long way in obtaining remedies for individuals, clarifications on ambiguous points of law, and – if pursued strategically – policy change beyond the court room.

Aside from the issue of statelessness which severely affects Roma communities in Europe, CRIN continues to monitor their human rights situation by providing regular updates on violations across Europe on its website and in CRINMAIL.

- Chapter 6 -

Information for Action – Facts and Figures

Organisations on CRIN



CRINMAIL

CRINMAIL is the flagship publication of our work on children's rights. It is a regular email news and information list, produced in English, French, Spanish and most recently in Arabic, that covers both general child rights issues as well as the five thematic areas of our work (see below). Issues offer a selection of news items, events, reports, calls for participation and job announcements. After 15 years in circulation, we revamped the CRINMAIL in May 2010, to provide a more analytical take on the week's news, connect child rights happenings across the world, and provide follow-up on stories.

In addition to supplying information and support, CRINMAIL affords an excellent opportunity to launch advocacy campaigns, highlight neglected or emerging issues, and promote the work of child rights advocates and organisations around the world. Across the nine different lists of CRINMAIL, there are over 9,800 subscribers. Anyone can subscribe to the list free of charge and submit information for inclusion.

Subscriptions to CRINMAIL have historically increased by almost 20 per cent each year, depending on the edition, and the trend continued in 2010.

CRIN offers nine different lists of CRINMAIL:

- <u>CRINMAIL English</u>: This is CRIN's original list, with more than 1,000 editions and over 7,400 subscribers. Distributed once a week.
- <u>CRINMAIL Arabic</u>: Includes news updates, resources and events relevant to Arabic speaking countries. Distributed weekly.
- <u>CRINMAIL French</u>: Distributed monthly, plus special editions.
- <u>CRINMAIL Spanish</u>: Distributed monthly, plus special editions.
- <u>CRINMAIL Children and Armed Conflict</u>: Distributed monthly.
- <u>CRINMAIL Violence against Children</u>: Is an update on the UN Study on Violence against Children.

- Distributed when required.
- <u>CRINMAIL CRC</u>: Distributed during sessions of the Committee on the Rights of the Child, or when necessary.
- <u>CRINMAIL HRC</u>: Covers children's rights and the UN Human Rights Council. Includes updates on the activities of the NGO Group subgroup on the HRC and coverage of the actual sessions of the HRC (sent out daily during sessions of the HRC, also called 'Children Have Rights Too').
- <u>CRINMAIL Strategic litigation</u>: Includes updates on global developments in strategic litigation for children's rights. Distributed when required.

Email information service

CRIN receives about 100 email enquiries per week, mostly involving questions about children's rights and the implementation of the Convention on the Rights of the Child, and questions about CRIN itself. Our target is to always respond to emails within three days of receipt. The enquiry desk also moderates and approves submissions of resources and feedback posted on the website by our users. About 20 to 30 resources are submitted to CRIN for publication each week, varying from press releases and calls for information to new reports and job adverts.

Working languages

Ensuring key resources are available in as many languages as possible is central to the work of CRIN. As an information hub, it would be discriminatory and contrary to our core values to publish information in just one language. We are therefore always looking to broaden our dedicated team of volunteer translators.

CRIN's working languages are English, Arabic, French and Spanish, with additional materials available in Chinese, Farsi, Japanese, Portuguese and Russian.

2010 saw the launch of CRIN's new <u>Arabic website!</u> Arabic became CRIN's fourth working language in 2007. And in 2008, CRIN opened its first regional desk in Cairo, Egypt to improve coverage of child rights issues in the Middle East and North Africa (MENA) and to recruit new members from the region. The website includes its own <u>CRINMAIL</u>, which is distributed once a week, and covers the latest news, reports and events in the MENA region and elsewhere.

In June 2010 CRIN also unveiled its <u>mini-website in Russian</u>, the resources on which include information on the full range of children's rights, details about global campaigns, and explanations of how to use international human rights mechanisms to challenge breaches of children's rights.

In 2010, we also ensured that materials for the <u>campaign to end the inhuman sentencing of children</u> were available in English, Arabic, French, Portuguese, Russian and Spanish.

Events

CRIN continued its coverage of events related to children's rights across the globe in 2010. This included conferences, workshops, academic courses, treaty body sessions at the UN, all of which are listed in our Events page, and advertised in the English CRINMAIL.

See our Events page: http://www.crin.org/resources/events/

Of special significance, in October 2010 CRIN launched the <u>campaign to end the inhuman sentencing of children</u> at the UN General Assembly in New York City.

Special features

From the Frontline

In 2010, CRIN continued with its <u>From the Frontline</u> interview series, which we hope give important issues a human face. Subjects interviewed in 2010 were members of a child-led organisation in Hong Kong and of the African Movement for Working Children and Youth.

Toolkits, reports & factsheets

In 2010, CRIN continued to develop our growing list of information/advocacy guides. Surveys and website traffic reports have demonstrated that such tools are the most read of all CRIN's resources. Those produced in the past year are:

- Child-Friendly Justice and Children's Rights (English / Spanish)
- The Status of Children's Rights in the UN Universal Periodic Review (English / French / Spanish)
- Guide to Using Mechanisms of the UN to Submit Complaints Alleging Violations of Children's Rights (English)
- Updated Advocacy Toolkit on Ending the Inhuman Sentencing of Children (English)
- Global Report on Status Offences (English / Spanish)
- Updated Advocacy Toolkit on the Complaints Mechanism for Children (English)
- Summary report on the Children's Rights and Business Principles Initiative (English / Spanish)
- A Factsheet on Children's Rights (English / Spanish)
- Updated Media Toolkit for organisations with media activities (English / French / Spanish / Arabic)

CRIN quizzes

In the past year, we continued with our <u>CRIN Quiz</u> feature, which aims to both entertain and inform. This feature included an End of Year quiz, and other weekly editions on the round up of the week's news and events.

Jargon of the Week

In July 2010, CRIN began developing an A to Z of Child Rights Jargon, which seeks to promote the use of

clear language among child rights advocates. It consists in identifying examples of NGO-speak, for which we suggest plain English alternatives. Our aim with it is to make children's rights more accessible through the use of clear language that is widely understood. New additions to the list appear in the Jargon of the Week feature in the English CRINMAIL.

Social networking

CRIN has also delved into the realm of social networking to help spread the word of children's rights and expand the reach of our work and advocacy in general. On our <u>Facebook</u> page, we post leading news stories on child rights issues, which regularly incite comments and produce debate between our 225 "friends".

Our <u>Twitter</u> account is also updated daily with news stories, publications, and important statements, and currently has 1,557 "followers".

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Next on the agenda

Information sharing

At CRIN we appreciate the critical role of information sharing on child rights as a speedy and efficient means of denouncing violations and advocating for greater respect of children's rights. Our role as a resource centre catering to the children's rights community, however, has shifted in the past year as we have moved to become a more advocacy-focused organisation, which has prompted a rethinking of our communications strategy. Consequently in 2011, we will continue to develop the provision and distribution of high quality information about child rights, as one of our core services. Yet one remaining challenge involves determining how best to share and disseminate information so that all those working on children's rights have easy and equitable access to it. One aspect of this is knocking down the language barrier in children's rights, in response to which CRIN will continue to make more information available progressively in languages other than English, including Spanish, French and Arabic, and were possible also Russian, Chinese and Portuguese.

Also look out in 2011 for a 'Children's Rights Wiki', which will bring all information on children's rights in every country together in one place, and in which we will actively encourage national NGOs to assist, namely in the translation of country pages to the respective national language.

Promoting the Convention on the Rights of the Child (CRC)

As the CRC forms the basis of CRIN's work (and existence!), we are always seeking to increase its respect and use as a legal instrument. To this end, our activities in the coming year will include: 1) examining the true status of the CRC in every State party – whether incorporated or not, and whether it genuinely takes precedence over national laws; 2) monitoring its application and use in high-level national courts and make this information available for use by advocates in all States; 3) monitoring how international and regional human rights systems and mechanisms are addressing children's rights and encourage their effective use by children's rights advocates; and in particular, 4) continuing to play a leading role in the campaign for the ratification and effective use of the complaints mechanism under the CRC.

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Ethical work practices

CRIN aims to promote children's rights through information sharing and networking in a manner consistent with our stated ethical values and principles. We believe we have a responsibility to act in an ethical way and be mindful of our environmental impact.

We recognise that our operations have an effect on the local, regional and global environment. As the aim of our work is to bring about change in society, in communities, in groups and in individuals, this should be linked to any impact we may have on the environment.

We therefore identified the following main interlinked guiding principles which are informed by our core values. CRIN is committed to practice that is transparent, accountable, honest, non-discriminatory and conducive to open communication with partners.

1. Ethical Financial Management

CRIN is committed to work with financial companies that are ethically driven. We accordingly work with the following:

- Charities Aid Foundation (CAF) Bank

The charities Aid Foundation is a registered charity that works to create greater value for charities and social enterprise. They do this by transforming the way donations are made and the way charitable funds are managed. CAF Bank focuses exclusively on delivering charity banking services.

- The Pension Trust

The Pensions Trust is an occupational pension scheme providing pension arrangements solely for employees of organisations involved in social, educational, charitable, voluntary and not-for-profit sectors. The Pensions Trust is a not-for-profit organisation and is not an insurance company.

- CaSE Insurance

CaSE Insurance returns 40 per cent of its profits to the charity sector through Charities Aid Foundation Bank.

2. Information Technology

CRIN strives to identify the most environmentally friendly technologies and whenever possible to adopt them.

- Solar Powered Website

CRIN has opted for environmentally focused IT solutions to reduce the environmental impact of its IT services and reduce its energy requirements. The Green IT Company has supported CRIN to move to a solar powered Virtual Server.

Solar Energy Host is the conscious solution for green web hosting in an age of global warming and climate change. CRIN website is hosted by AISO (Affordable Internet Services Online) using solar energy that means the energy powering the CRIN website comes directly from the sun!

AISO is a green web hosting company committed to help fight pollution and preserve our natural resources by owning and operating their own green data centre and network that is powered by solar panels, not energy credits.

In the New Year, we will be moving our office server into the Cloud, also 100 per cent solar powered.

- Open Source

CRIN decided to opt for using Open Source and an operational system called Ubuntu, instead of the mainstream Windows. The term "open source" refers to software that can be freely redistributed, analysed and modified by anyone. Its fundamental features are to be free, open and collaborative. As CRIN believes information should be made freely available in a variety of formats, using Open Source is entirely in line with CRIN's values.

3. Publications

CRIN's activities are based on the belief that information is a powerful tool for realising children's rights. As information is CRIN's main tool to achieve its objectives, it is important that the ethos of copyrights adopted by CRIN reflects the organisation's overarching principles.

- Copyrights

In line with the Open Source principles, CRIN has adopted the Creative Commons licensing. The non profit organisation Creative Commons was influenced by the Open Source software movement, and released a set of free copyright licences in 2002. These tools enable creators, or authors, to publish their content more easily, to have their creative works found by others more readily, and most importantly, to have their creative works used on more flexible terms than the traditional "all rights reserved" approach of default copyrights protection.

Creative Commons licensing provides CRIN with the dual function of keeping its copyrights and ensuring that CRIN's work is credited but also allowing free access to CRIN information materials and publications.

4. Green Policy

CRIN endeavours to contract services that have a green policy or that are eco-friendly. Wherever possible and appropriate, for instance by purchasing recycled goods. These include:

- Green Stationary Supplies

CRIN strives to purchase recycled stationary supplies. One of CRIN's suppliers is The Green Stationary Company.

- Recycled Furniture

CRIN decided to furnish its new office with second hand furniture only. This has proved to be both environmentally friendly and cost effective. CRIN purchased all the furniture from First Fruit Warehousing, which works in partnership with Green-Works, to sell used, recycled office furniture and re-manufactured office furniture received from large corporate donors. In addition, they employ people with a history of unemployment and/or homelessness, and provide training and support to help them move into wider employment.

- Local Council Recycling Scheme

CRIN subscribes to the Southward Council Recycling scheme that includes the collection of plastic bottles and cans, paper and car.

– Printing

CRIN encourages staff to minimise printing, use recycled paper, double sided printing, re-use paper and envelopes, etc. We are also reducing the amount of publications we print and limit them to those who do not have regular internet access.

Energy

CRIN attempts to minimise energy consumption as much as possible, by for instance, ensuring computers are switched off and not using air conditioning. And as mentioned earlier, the CRIN website is solar powered.

- Chapter 9 -

Who we are

CRIN in London

Veronica Yates – Director
Jenny Thomas – Senior Child Rights Officer
Ed Renshaw – Child Rights Officer
Sabine Saliba Boutruche – Child Rights Officer
Nasser (Alissa) Atallah – Child Rights Officer
Patrick Geary – Legal Coordinator
Victor Sande-Aneiros – Writer and Web Editor
Theresa O'Neill – Administrative and Finance Officer

CRIN Globally

The extent of CRIN's reach would not be possible without the help of dedicated volunteers – whether as office interns or home-based translators around the world. In particular, we would like to thank: Leo Ratledge, Vaida Majauskaite, Alia Masood, Cecilia Barbry, Sophie MacMillan, Isla Woodcock, Laure Tresbosc, Edna Medina, Nina Mackellow, Irene Victoria Massimo, Nadiahtul Zahraa Tengku Adnan, Lizzie Schroder and Catherine Capone.

Our **Arabic** translators: Mervat Chahin and Hivin Kako. Our **French** translators: Chérine Kubat, Floriane Begasse, Lucille Teppa, Maria Frade, Mathilde Bachler, Maud Bernard d'Heilly, Nina Moyano, Suzanne Daurat and Carole Josserand. Our **Spanish** translators: Emma Martinez Diaz, Marie-Helene Dubois, Pablo Almirón, Ara Yoo, Luis Reategui, Ana Rodriguez Gomez, Alexandra Vrinceanu, Sandra Young, Rocio Martinez, Nina Moyano, Ana Bravo, Margarita Zaldivar, Maria Lidon Mateo, Ion Zubizarreta, Blanca García Puente and Nuri Gimferrer. Our **Russian** translators: Alena Volchek, Vica Schmidt, Irina van der Vet, Evgeniya Gataulin, Oksana King. CRIN would also like to thank Save the Children Norway in Russia for assistance with proofreading. Our **Portuguese** translators: Roberta Levy, Cris Saragoça and Dianna Currie.

A special debt of gratitude is due to Graham Mile for his work on our website; Encription Ltd for kindly helping us to improve website security; Skadden, Arps, Slate, Meagher & Flom LLP for their continued pro bono legal services; Sharon Owen for helping us develop our violence website; and Simon Flacks for assisting us in developing CRIN's resources. Many thanks also to Sacha El Masry for setting up our IT system in our new office; John Mason for his photo; and finally Omar and everyone else at NaganJohonson for continuing to make us feel so welcome in our office.

CRIN Trustees

CRIN is supported in its work by a Board of Trustees composed of representatives of international children's rights organisations and other experts within the field of children's rights. The role of the Board is to oversee the financial and strategic management of CRIN's work. Current members are:

Peter Newell, Global Initiative to End All Corporal Punishment of Children – **Chair** Mike Annison, Christian Aid – **Treasurer**Gema Vicente, Independent Consultant – **Secretary**Elda Moreno, Council of Europe
Sebastian Kohn, Open Society Justice Initiative
Knut Haanes, Deputy Ombudsman, Norway
Eva Geidenmark, Save the Children Sweden
Bill Bell, Save the Children UK
Andres Guerrero, UNICEF

Donors

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Chapter 10 –
 Finances - CRIN income and expenditure for year ending 31 March 2011

	Fu	stricted ınds Designated	Restricted Funds	2011 Total Funds	2010 Total Funds
Incoming Resources					
Incoming Resources from Generated Funds					
Voluntary income					
Bank Interest Other income	3,182 367	-	-	3,182 367	110 1,763
Incoming Resources from Charitable Activities	137,925	256,757	46,933	441,615	316,603
Total Incoming Resources	141,474	256,757	46,933	445,164	318,476
Resources Expended					
Cost of Generating Funds	177	-	-	177	-
Charitable Activities	70,547	205,608	34,628	310,783	242,278
Governance Costs	5,278		587	5,865	5,810
Total Resources Expended	76,002	205,608	35,215	316,825	248,088
Net Incoming Resources	65,472	51,149	11,718	128,339	70,388
Balance brought forward at beginning of Year	61,556	126,497	12,232	200,285	129,897
Balance carried forward at end of Year	£127,028	£177,646 ———	£23,950	£328,624	£200,285

The charity had no gains and losses other than those noted above. All income is derived from continuing activities. Some restricted and unrestricted grants and donations were received towards the end of the financial year and are carried forward in designated funds to fund the activities of CRIN during 2011/12.

Balance sheet as at 31 March 2011

	20:	11	2010	
Fixed Assets		3,440		6,575
Current Assets				
Debtors Cash at bank and in hand	1,200 346,675		53,936 180,524	
Less: Current Liabilities	347,875		234,460	
Creditors: amounts falling due within one year	22,691		40,750	
Net Current Assets		325,184		193,710
Net Assets		£328,624		£200,285
Represented by:				
Funds				
Restricted Unrestricted - general - designated		23,950 127,028 177,646		12,232 61,556 126,497
		£328,624		£200,285

"For those of us committed to the rights of all children, CRIN is indispensable." (Academic institution, Canada)

"I think [the CRINMAIL] is very important to keep experts, civil servants, NGOs and State institutions informed about child rights issues." (International children's NGO, Nicaragua)

"Is there any option of establishing a West African CRIN desk?" (International children's NGO, Senegal)

"You people at CRIN are really doing a great job!" (Child rights expert, Norway)

"...[Y]our work supporting children's rights around the world is exceptional thanks to your news reports, contributions and analyses, which many of us professionals find invaluable. Keep it up." (International NGO, Peru)

Contact us

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