



**CRIN**

Child Rights Information Network

# review

Photo: Dean Chapman, Panos Pictures

## A Generation On: Enforcing children's rights

### Featuring:

■ The Convention on the Rights of the Child: Marta Santos Pais on translating ideals into action

■ Seen but not heard: Peter Newell and Thomas Hammarberg on making justice systems child-friendly

■ A birthday present for the CRC? Sara Austin on the need for a complaints mechanism

# NEW: CRIN’s media toolkit

Need advice about writing the perfect press release? Want to ensure your emails make it to the top of the pile? Wondering how you can get something published on CRIN?

We have compiled a media toolkit, a single site offering guidance on interacting with the media, advocacy and networking. The project is a work in progress, but elements include:

- Advice on writing press releases;
- How to get your emails read
- Advice on writing articles and reports, particularly with a view to publication on CRIN
- How to write for websites
- Guidelines for interviewing children and reporting on children
- Media contacts in your country

As an introduction, below are some summary tips for writing a good press release\*:

### Turning your press release into news

The first question to ask yourself is: **what is the story?** Journalists publish stories, not just information about your organisation. The better the story, the closer it will be to the front page. So make sure the information is newsworthy, and ask how you can make it of interest and relevance to readers. Can you issue the press release to coincide with a more recent news event?

**Know what you want to say.** This may seem obvious, but if you are not clear what it is you want, or want to say, the press release will reflect this.

**Who are you writing for?** This will affect how you write and what you say.

Once you are clear about the content of the press release, you can concentrate on **how to write it**, with our five-step guide.

**1. Keep it simple.** Good, clear writing is crucial and an otherwise interesting press release may be snubbed if written badly. Keep asking yourself: what is it I am trying to say? Then write as if you are recounting a story to a friend or family member. DON’T say, for example: “The National Group for the Protection of Child Rights has decided to integrate its strategic plan into national protection mechanisms through a process of consultations beginning with an event this September.” DO say: The National Group for the Protection of Child Rights is hosting a conference on 17 September 2007 on the subject of child protection in Swaziland. Avoid jargon and ‘UN-speak’.

**2. The What, Who, Where, When, Why, How rule.** In other words, what is happening/happened? Who is/was involved? Where is it/did it happen? etc. Journalists are taught that all this information should be in the first three paragraphs of any story.

**3. Keep it short.** Use short sentences and short words. Is each word in the press release absolutely necessary? For example, ‘policymaking process’ can just be ‘policymaking.’

**4. Make it accurate.** Check for grammar and punctuation, and keep it factual while avoiding exaggeration.

**5. Include ALL contact details:** address, email, telephone, website, fax etc. If issuing a call for information, applications etc, double check you have included the correct email address.

\*The complete guide includes examples and links.

Download the full media toolkit at this link: <http://crin.org/resources/infoDetail.asp?ID=15268&flag=report>

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Photo: Ernst Schade

# Editorial

A generation on from the Convention on the Rights of the Child (CRC) coming into force and we are still failing children.

Children constitute half the population in many developing countries. Six hundred million children live in absolute poverty, on less than one US dollar a day. Over one billion children experience severe deprivation of the basic necessities of life. Many other children cannot access or complete schooling, are exposed to debilitating or life-threatening diseases, exploitation and violence in the home, school or workplace.

As we approach the CRC’s 18th birthday it is only right that we assess its progress and reflect on the child rights climate internationally. There is some cause for celebration. Marta Santos Pais quite rightly showcases positive improvements in legislation and policies as well as resource allocation, data collection and mechanism creation. Ragne Birte Lund speaks of Norway’s recent, CRC inspired child rights based international development cooperation. There are stories of creative campaigns in Mongolia that have protected thousands of children from violence, of effective child rights lobbying in Central America and the UK, and of a model constitution which has strengthened court rulings on children’s rights in South Africa.

However, the general tone of this publication is clear; more needs to be done and we may need to think of new ways of doing it. In many countries child rights are at best sporadically implemented and at worst remain aspirational goals. In the words of British prime minister Gordon Brown we find ourselves in a ‘development emergency’ and need to establish new partnerships, new tactics and new tools to meet this challenge.

So what obstacles lie in our path? Yanghee Lee speaks of a lack of political will, the idea of children as passive victims rather than rights holders and of rights as luxuries that children have to earn. Peter Newell and Thomas Hammarberg question the extent to which children really have access to judicial remedies with which to hold others to account and the extent to which those that exist are child-friendly. Sara Austin argues that a complaints procedure for the CRC would make it more accountable to children and may contribute to enforcement. We are not a generation who can argue that there is a lack of resources, knowledge or capacity in this world - simply that they may need to be redistributed. The truth is there are no reasons for the current situation, only excuses.

So what can we do about it? We need to do more and to encourage others – particularly governments – to do more. We need to utilise the rights mechanisms that already exist. Francisco Quintana presents strategic litigation as an under used resource with inspiring stories of change achieved in Latin America, whilst Dr. Assefa Bequele urges civil society to engage more with the African Committee on the Rights and Welfare of the Child as a tool for change. We need to create ‘genuine global partnerships’ to pool our skills and resources and that might include reaching our hand out to sectors we are not familiar with including the private sector and academia. We need to convince donors of the importance of funding the creation of rights systems, advocacy and civil society capacity building as opposed to just service provision. We all need to take holistic approaches

to children as opposed to sectoral interventions. The coalition for child rights in Iraq shows us that this work is possible in all countries whatever the circumstances. There is no more room for excuses. Now is the time for enforcement. Now is the time for accountability. We cannot fail another generation of children.

**Jennifer Grant** *Guest Editor*

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# Measuring up to the challenge

Is the UN Committee on the Rights of the Child more than a talking shop? Are children seeing any real benefits from its actions? Yes, says Marta Santos Pais, who reports on a rigorous analysis of the UNCRC’s progress and the successful evidence it found.

The 18th anniversary of the adoption of the United Nations Convention on the Rights of the Child (UNCRC) by the General Assembly of the United Nations is a chance to celebrate the important achievements that have been made in implementing this widely ratified treaty. But it also presents a strategic opportunity to learn from experience, to reflect on good practices and to spark further action and drum up resources to overcome those challenges that still prevail. As the Convention reaches the age of majority, the time has come to ensure that the rights of all children are realised, whoever they are and wherever they live.

Over the last few years, important political commitments have been made and additional international standards adopted to promote, protect and fulfil children’s rights, and national laws and policies have been reformed in order to reflect those commitments. More attention has been given to child survival and development, and children’s access to education and health services has improved. Protection from violence, abuse and exploitation has been strengthened. Today there is better and more data gathered about children. This paves the way for stronger advocacy efforts, as they can be better informed. The same is true for policy-making and resource allocation.

But how much are children benefiting from the important changes introduced in national laws and policies? Beyond significant progress in sectors such as health and education, how far has the holistic approach of the Convention informed its process of implementation?

### Innocenti’s study

To address the important questions of UNCRC implementation, the UNICEF Innocenti Research Centre began a study in 2004 on the General Measures of Implementation. These investigate

important aspects such as law reform; independent institutions for children’s rights; national action plans on the rights of the child; co-ordinating governmental bodies to oversee and promote implementation of the UNCRC; monitoring of progress achieved; allocation of resources for children; awareness-raising, information and education on the rights of the child; and the participation of civil society, including children’s participation in the process of implementation. The study analyses progress among States Parties that have reported at least twice to the Committee on the Rights of the Child, representing all regions of the world.

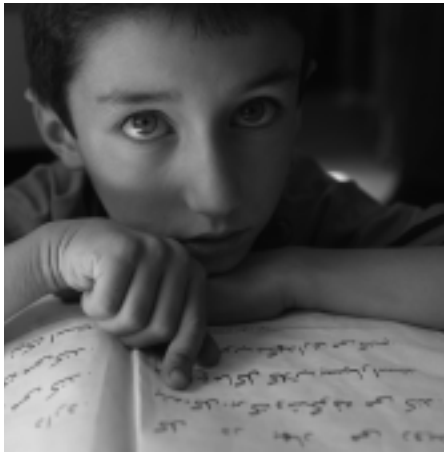


Photo: Madhuri Dass, Save the Children UK

The General Measures of Implementation are based on the commitment made by States Parties to the Convention to adopt all appropriate legislative, administrative and other measures for the realisation of children’s rights. The General Measures were highlighted in the agenda agreed upon by heads of State and government at the UN Special Session on Children, and their critical importance has been underlined by the Committee on the Rights of the Child. In turn, Innocenti’s study supports the Committee’s role by documenting, analysing and reflecting on positive experiences and persisting gaps in UNCRC implementation.

### Main findings

The study confirms the important changes generated by the Convention and is a source of reflection for advancing children’s rights.

- Extensive and substantial legislative reforms have been introduced by countries in all regions, through both the adoption of a comprehensive law on children and the enactment of legislation in key areas. Two-thirds of the countries reviewed have incorporated the UNCRC into their national legal framework. At the same time, the study emphasises two important challenges: that legislative measures alone cannot achieve effective implementation, and that law reform is a long-term process requiring ongoing efforts to identify and fill gaps in child rights legislation.
- The Convention has triggered important institutional reform, leading to the development of independent national institutions on children’s rights and governmental mechanisms to co-ordinate child-related activities. When the UNCRC was adopted, child rights institutions only existed in three countries (Norway, Costa Rica and New Zealand), but the number has steadily increased. While these institutions are promising, challenges persist, both in securing their independence and in promoting their establishment in countries where, as yet, they do not exist.
- The majority of countries reviewed have adopted a comprehensive national strategy, rooted in the Convention, with time-bound goals and targets to promote and safeguard children’s rights. The success of this strategy is dependent on high-level political and governmental support, consensus-building and partnerships, and mainstreaming within a national development framework.



Photo: Young Lives, Vietnam, 2002

- The establishment of government mechanisms to ensure a holistic and integrated approach to children’s policies and programmes is essential. Most countries reviewed by the study have established such mechanisms, often as an inter-ministerial commission, or in some cases as a line-ministry, to co-ordinate activities of departments in central government, and improve co-operation between central and sub-national authorities.
- Progress in realising children’s rights is closely associated with a State’s commitment to monitor change, acknowledge challenges and introduce adjustments in law, policy and practice. Today, there is more and better data on children and greater recognition of the need to strengthen national data systems. Yet some challenges persist, for example: filling data gaps on issues such as child poverty, the incidence of violence against children, and other child protection areas; evaluating the impact of policies and budgetary decisions on children; and involving children in the monitoring of their rights.
- Awareness, education and training are an essential part of the implementation of the Convention. Most countries reviewed by the study have carried out activities to enhance awareness of children’s rights and combat practices that compromise their safeguarding. Nearly half of the countries reviewed have introduced child rights into school curricula, and most of the countries examined have created a training programme for professionals working with and for children.
- Progress in putting the Convention into practice requires popular participation, engaging the active support of civil society organisations in community, national and international initiatives. The Innocenti study confirms an undeniable increase in action by civil society groups, a shift from a welfare to a human rights approach, and a much greater co-operation with State authorities in the promotion of children’s rights. This process is closely linked with the increasing participation of children, a unique feature in the process of the UNCRC implementation.

### More to be done

The Innocenti study clearly demonstrates the importance of the General Measures of Implementation in translating the ideals and principles of the Convention into tangible action to improve the lives of children.

In spite of the significant progress made, much remains to be done to achieve safe, secure and healthy environments for children and families, and to ensure that all children are able to develop their individual capacities to reach their full potential.

**Marta Santos Pais** is Director of the UNICEF Innocenti Research Centre



# 18 years on – a visible achievement

More accurate, impartial reporting, NGO coalitions, and joining forces with the private sector – Yanghee Lee assesses where we are now and shares her wish list for the future.

The major accomplishment of the first 18 years of the United Nations Convention on the Rights of the Child (UNCRC) is that children have become more visible and are increasingly recognised as rights holders. And yet we are still reminded daily of major violations of human rights across the world as those in power seek to maintain and extend their influence at the expense of denying rights to others.

So why are children and their rights still not being prioritised in some States? In many parts of the world, children’s rights seem to be conditional – something that is earned. There are duties and responsibilities a child is expected to fulfil in order to enjoy certain rights. There is also a traditional view of the child as immature, irrational and incompetent as well as prevailing views of childhood as a phase to pass through until a person becomes a mature, rational and competent adult. These views ensure that children are not seen as rights holders nor are their voices heard and respected by duty bearers.

It was also clear in our consultations with children during pre-sessions<sup>1</sup> that many children are not aware of their rights in general or under the UNCRC in particular.

The Committee on the Rights of the Child continues to emphasise the importance of awareness-raising efforts. While it may be true that the general public is now more aware of the UNCRC, it is clear that many rights holders remain in the dark. There must be more concerted efforts to inform and educate children about their rights so that they are able to exercise them.

## How can we use the UNCRC reporting process to strengthen child rights?

There are 193 States Parties to the Convention. The 18 dedicated members of the Committee are often bombarded with information about States Parties from a wide variety of sources. The State Party report is the basis of the review, but the members have to look to other sources to get a clear and accurate picture of the situation of children’s rights in the different States. Many UN agencies provide the Committee with information, along with intergovernmental agencies, non-governmental organisations (NGOs) and national human rights institutions. The importance of these reports cannot be stressed enough. But we have found that sometimes NGO reports do not tell the whole story. This is also true for the reports from some human rights institutions. It is of the utmost importance that the Committee receives reports that are accurate, unbiased, and comprehensive.

In some countries, NGOs have, on their own initiative, formed national coalitions and produced very comprehensive reports. I would strongly encourage NGOs to form national coalitions. This process in itself can generate dialogue within countries. Of course, this is only possible when governments allow NGOs to do their job. They need to operate in environments where they are not under constant scrutiny, are not denied access to necessary information, and are adequately funded so they can do their job properly.

One last point that I would like to emphasise is the role of the private sector

at all levels – local, regional and international. Upholding, promoting, and protecting children must include the active co-operation of the private sector. The realisation of children’s rights is ultimately the responsibility of the State. However, this process should be a joint effort. NGOs, and civil society more generally, must be involved, along with the active participation of children. Essential to this process is the acknowledgment by the private sector that the best interests of children should be the guiding principle in all their affairs.

There is absolutely no question that incredible progress has been made since the adoption of the UN Convention on the Rights of the Child 18 years ago. However, there is still a long way to go. Standards have been set, and now is the time to monitor how they are being put into practice. Many States are long overdue in reporting to the Committee on the Rights of the Child. This fact alone is an indication that the promises made by States are not being kept.

The leaders of the future must not be neglected in the present. Now is the time to seek better and all available means to improve the lives of children. We must all play a role in making this world fit for children.

**Yanghee Lee** is the Chairperson of the UN Committee on the Rights of the Child.



Photo: Madhuri Dass, Save the Children UK

1. Meetings the Committee holds with non-governmental organisations (NGOs) in advance of its meeting with the State Party concerned

# Walking the talk: forcing states to live up to their child rights obligations

The UNCRC needs a complaints process. Support is growing, but the obstacles are considerable, so how about an Optional Protocol, argues Sara L Austin.

**“A sober assessment of the human rights situation throughout the world would reveal the ritual failure of States Parties to comply with standards established in instruments such as the Convention on the Rights of the Child... It is high time to focus on improving the international machinery for the enforcement of human rights.”**

D A Balton, *‘The Convention on the Rights of the Child: Prospects for International Enforcement’*, Feb 1990 12 Human Rights Quarterly, 1, 131

States Parties need to comply with their obligations, but how do we ensure this? What are the challenges? As the international community welcomes the 18th anniversary of the United Nations Convention on the Rights of the Child (UNCRC), this is a good moment to assess precisely what those are.

One area warranting greater attention is the development of an international communications or complaints procedure on children’s rights<sup>1</sup>. There are many advantages to creating a complaints procedure for the UNCRC. But given children’s special status, there are also challenges in designing one that will be accessible and effective.

**The need for a new Optional Protocol**  
The UNCRC’s limitations regarding enforcement are in stark contrast to some of the other international human rights

instruments that provide frameworks for State, collective, and individual complaints. The UNCRC is the only international human rights treaty with a mandatory reporting mechanism that lacks either an existing or draft complaints procedure.

The UN treaty body complaints procedures and other mechanisms, such as the regional human rights systems, have been created to provide a forum for victims to seek redress. They can be used when domestic systems fail to enforce the relevant treaty, or when such domestic systems simply do not exist. Essentially, these regional and international systems provide a levelling off, to address inadequacies at the domestic level.

Back in 1999, the Committee on the Rights of the Child expressed its intent to “consider initiating discussions on an Optional Protocol to the Convention providing a mechanism for individual communications, to ensure the availability

of legal remedies at the international level with regards to the Convention on the Rights of the Child. The Committee encourages States Parties to support its efforts in this respect.”

In 2002, the NGO Kindernothilfe launched an international campaign calling for such a procedure. The campaign has steadily been gaining support with various child rights coalitions and agencies, as well as States Parties.

Most recently, a group of international agencies formed a coalition to lobby for the establishment of a new Optional Protocol to the UNCRC for a complaints process. (see end for further information).

**Facing the challenges**  
The most likely method of establishing a complaints mechanism would be the development of a new Optional Protocol (OP) to the UNCRC. This will require:

- building momentum for the Human Rights Council (HRC) to establish a UN Working Group with the mandate to begin drafting a Protocol
- working with the Working Group to influence the drafting to ensure a procedure appropriate for pursuing children’s rights
- lobbying members of the General Assembly to ratify the Protocol to bring it into force
- undertaking more campaigning to bring about widespread ratification.



Photo: Jenny Matthews/Network Photographers, Save the Children UK

Some States may challenge whether the full range of children’s rights is ‘justiciable’ (i.e. can be reviewed by a court). However, the Committee on the Rights of the Child has taken a clear position that all children’s rights “must be regarded as justiciable”. There are also numerous examples of national constitutions and courts that have successfully enshrined and enforced children’s rights, including economic, social and cultural rights, as well as various regional and international complaints procedures which cover them. And an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to provide a complaints procedure is currently being drafted. It is therefore clear that the UNCRC in its entirety can indeed be subject to an international complaints procedure.

Another consideration is how to ensure that the complaints procedure for the UNCRC is adequately resourced. The Committee and the Secretariat have risen to the challenge of the massive workload of reporting under the UNCRC and the two OPs, removing the backlog through the temporary two-chamber system, supported by additional resources. Similarly, with appropriate specialisation and additional resources, it could – like other Committees – process complaints. Other procedures have not been swamped. All have reasonable gate-keeping devices which could be incorporated.

Some options for dealing with the extra workload could include:

- meeting in parallel chambers more frequently or for longer periods

- one of the Committee’s chambers could exclusively handle periodic reports, while the other could handle complaints.

Another consideration which requires careful planning is the issue of how to handle complaints from children adequately. However, the Committee has recognised and encouraged children’s right to participation. Its thematic discussion day in 2006 focused on children’s right to be heard and a General Comment on Article 12 is likely to be adopted later this year. The drafting Working Group and the Committee, once the Protocol is adopted, would need to ensure that the mechanism is child-friendly. For example:

- Complaints received must, as far as possible, be dealt with urgently so as to take into account the age and special circumstances of the child or children, etc.
- The mechanism needs to result in meaningful remedies for individual children who have experienced violations of their rights.
- Decisions should also result in wider systemic changes in State policies and practice to benefit a wider group of children.

Another potential challenge arises from the ongoing debate on reform of the treaty body system and the proposal of the High Commissioner for Human Rights to establish a single unified standing treaty body. However, this proposal has never had the support of the Committee on the Rights of the Child (nor of several other

Committees monitoring other Conventions), nor of the wider children’s rights community because of the dangerous risk of a loss of focus on children’s rights. It would undermine the purpose and power of the UNCRC. If a centralised procedure for complaints is established at some stage in the future, children’s position will be relatively weak if no procedure linked to the UNCRC has been established.

**Conclusion**  
Perhaps the strongest argument in favour of an Optional Protocol is the one which declares that, as a matter of equality, children have the right to have a procedure linked to the UNCRC which covers the full range of their rights, to ensure greater accountability on the part of States Parties for their obligations.

A new Optional Protocol to the UNCRC, creating a complaints procedure, would give children and others acting on their behalf something they can appeal to when domestic or regional remedies either fail or simply do not exist.

The States Parties to the UNCRC and the Committee on the Rights of the Child must also ensure that such a mechanism is accessible to children and young people so they can meaningfully participate in the defence and realisation of their own rights.

**Sara L Austin** is Senior Policy Adviser, World Vision Canada and World Vision International

**For more information: There is a core group of agencies supporting the establishment of a communications procedure for the UNCRC, including: World Vision International, Save the Children UK, the Global Initiative to End All Corporal Punishment of Children, CRIN, Kindernothilfe and the World Organization Against Torture (OMCT).**

**States, organisations and individuals who are interested in supporting the proposal for an Optional Protocol to the Convention on the Rights of the Child to establish a communications procedure can find more information at:[http://www.crin.org/law/crc\\_complaints/](http://www.crin.org/law/crc_complaints/)**

1. Communications or complaints procedures refer to complaints or petitions brought to a treaty body by individuals, groups or their representatives. Here we will use ‘complaints’.



Factfile:

Article 4 of the Convention on the Rights of the Child obliges States parties to “undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention”. One way to ensure States live up to their commitments is to develop independent human rights institutions that focus on children.

In November 2002, the Committee on the Rights of the Child published its General Comment no. 2 on the development of such mechanisms. This was further expressed in its General Comment no.5 (2003) on General Measures of Implementation for the Convention on the Rights of the Child. These measures outline ways in which the Convention can be implemented.

General Measure number two is on the development of independent human rights institutions for children. Today, there are a number of such institutions already established around the world, but more needs to be done to encourage all States create such an institution. In this factfile we give you some basic information about the role and responsibility of such an institution.

What is an Ombudsperson for children?

Ombudsperson offices are often referred to as Independent Human Rights Institutions. An ombudsperson or ombudsman means “Representative”. Other words sometimes used to refer to a similar role include: Commissioner, Bureaux, mediator, and defender.

An ombudsperson is an individual who acts as a “citizen defender”, dealing with complaints from the public about injustice and maladministration by government agencies. Some receive complaints from individuals and might have the authority to mediate between citizens and authority. Others might have the power to bring cases to court.

Why establish an Ombudsperson?

- To improve the performance of public administration
- To improve government accountability to the public
- To improve citizens’ access to the administration

Essential characteristics of an Ombudsperson include:

- Independence from the government: an ombudsperson should stand above party politics, be totally impartial and fair and be able to criticise and make recommendations [See also the *Paris Principles*]
- Broad powers to investigate: An ombudsperson must be free to look into any issue that falls within their mandate without prior approval from the authorities.
- Offices must be adequately resourced, free from government financial control and able to handle complaints free of charge.

An Ombudsperson for children

The first specialised ombudsperson for children was established in Norway in 1981. The role of an ombudsperson for children is to:

- Promote and protect the rights and interests of children
- Improve access to existing rights
- Promote recognition of human rights not yet embodied in legislation or practice

Why an Ombudsperson for children?

- Children are a particularly vulnerable group: they are vulnerable to human rights violations and are dependent on adults
- Children have no political power: they have no vote and no access to lobbies that influence government agendas
- Children have limited access to complaints mechanisms, legal systems and courts

Activities of an Ombudsperson for children

- Influencing policy makers and practitioners to take greater account of the rights of children
- Providing a voice for children and a channel of communication between children and government
- Ensuring that children have effective means of redress when their rights are violated
- Monitoring the government’s compliance with the CRC (Article 4), including monitoring the government’s reporting obligations, and producing a supplementary report to the official State Party report
- Raising awareness of child rights among children and adults by producing and disseminating information about children’s rights and the UNCRC, training professionals working with children, working with the media to increase awareness, etc.

In their work, Ombudspersons should ensure that:

- Their work is directly informed by the views of children;
- The views of the children are reflected in proposals, reports, responses, research and strategies;
- Structures are established through which children’s views can be directly and effectively represented.

Further information

To see if your country has an ombudsperson, go here: <http://www.ombudsnet.org/enoc/network/index.asp>

Website of the European Network of Ombudspersons for Children: <http://www.ombudsnet.org/enoc/>

CRIN information page on Ombudspersons for Children: <http://www.crin.org/GMI/Ombudsperson.asp>

Closed court – how children are not getting a fair hearing

Thomas Hammarberg and Peter Newell condemn tokenistic participation and systems in which unfriendly processes prevent young people from challenging breaches of their rights.

One of the more progressive norms in the United Nations Convention on the Rights of the Child (UNCRC) relates to the right of children to express their views freely in all matters affecting them. Everyone has the right to freedom of expression, but the Convention goes further and, as contained in Article 12, requires that children’s views should be given due weight in accordance with the age and maturity of the child.

The Committee on the Rights of the Child has highlighted this article and designated it as one of the four General Principles of the Convention. The second part of Article 12 – less often quoted – states: “For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

This obligation has not been put into practice as widely as it needs to be and further discussion is necessary. In many States children, or children above a certain age, do have a right to have their views heard in hearings concerning custody and access following the separation or divorce of their parents. Some States recognise children’s right to be heard in asylum and immigration applications and appeals.

But much more needs to be done to overcome prevailing tokenism.

The procedural laws are generally unclear and judges and others involved are usually ill trained in dealing with child hearings. And while there may be increasing respect for children’s right to be heard in proceedings affecting them, there is less discussion of the right of children and their representatives to initiate and pursue court action to challenge breaches of their rights.

As the Committee on the Rights of the Child emphasises in its General Comment No 5 on General Measures of Implementation for the UNCRC: “For rights to have meaning, effective remedies must be available to redress violations. This requirement is implicit in the Convention and consistently referred to in the other six major international human rights treaties. Children’s special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights. So States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives...”

It is vital that children should have remedies at national level for breaches of their rights, remedies that relate to the full range of rights covered by the



Photo: Young Lives, Ethiopia 2004

Convention – that is, civil and political and economic, social and cultural ones. But when national remedies fail to produce justice for children, or where real judicial remedies simply do not exist, children and their representatives also need access to international and regional human rights mechanisms. A serious evaluation of children’s access to effective remedies for breaches of their rights at national level is needed in many, probably most, countries. But it is also necessary to study how accessible to children and child-friendly international mechanisms are. Hopefully, such a review will encourage reviews at national level too.

The mechanisms detailed in the box overleaf provide everyone, including children, with the possibility of pursuing complaints about breaches of their rights under various human rights instruments, at regional or international level. In each case, the procedure must have been accepted by the State in which the child is living. In most cases, complaints can only be submitted by or on behalf of actual victims of an alleged violation of the relevant human rights instrument. And in most cases there is a requirement for the applicant to demonstrate that they have exhausted any available domestic remedies before applying.

International and regional human rights complaint/communications mechanisms which can be used by children and their representatives

Human rights treaty bodies

Four of the human rights treaty bodies – the ones established to monitor compliance with international human rights instruments – can under certain circumstances consider individual complaints or communications from individuals, including children and their representatives. States must have accepted the procedure. These four treaty bodies are listed below.

- Human Rights Committee, under the International Covenant on Civil and Political Rights (ICCPR): States must have ratified the First Optional Protocol to the ICCPR.
- Committee to Eliminate Racial Discrimination, under the Convention on the Elimination of All Forms of Racial Discrimination: States must have made the necessary declaration under Article 14 of the Convention.
- Committee against Torture, under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: States must have made the necessary declaration under Article 22 of the Convention.
- Committee to End Discrimination against Women, under the Convention on the Elimination of all Forms of Discrimination against Women: States must have ratified the Optional Protocol to the Convention.

Detailed information on these procedures and how to use them is available at:

<http://www.ohchr.org/english/bodies/complaints.htm>

Three recent Conventions

These include individual complaints/communications procedures which will come into force once they have been accepted by a sufficient number of States:

- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: States must make the necessary declaration under Article 77 of the Convention.
- Convention on the Rights of Persons with Disabilities (not yet in force as at September 2007): States must ratify the Optional Protocol to the Convention.
- International Convention for the Protection of All Persons from Enforced Disappearance (not yet in force as at September 2007): States must make the necessary declaration under Article 31.

Optional Protocol

Drafting has started on an Optional Protocol to provide a communications procedure for the International Covenant on Economic, Social and Cultural Rights.

Regional

Africa

- African Commission on Human and Peoples’ Rights: an individual, group or organisation can submit a complaint to the African Commission under Article 56 of the African Charter on Human and Peoples’ Rights; for details see [http://www.achpr.org/english/\\_info/communications\\_procedure\\_en.html](http://www.achpr.org/english/_info/communications_procedure_en.html)

A Protocol to the Charter has established the African Court on Human and Peoples’ Rights.

- African Committee of Experts on the Rights and Welfare of the Child: under Article 44 of the African Charter on the Rights and Welfare of the Child, the Committee of Experts may receive communications from any individual, group or recognised organisation and investigate; for details see <http://www.africaunion.org/child/home.htm>

Europe

- European Court of Human Rights: here individuals may lodge an application with the court if they consider that they have personally and directly been the victim of a violation of the rights and guarantees set out

in the Convention or its Protocols. The violation must have been committed by one of the States bound by the Convention.

- European Committee of Social Rights: under a Protocol which came into force in 1998, collective complaints of violations of the European Social Charter and Revised Social Charter may be lodged with the European Committee of Social Rights by certain organisations, including NGOs holding participative status with the Council of Europe and approved for the purpose; for details see [http://www.coe.int/T/E/Human\\_Rights/Esc/4\\_Collective\\_complaints/](http://www.coe.int/T/E/Human_Rights/Esc/4_Collective_complaints/).

Americas and Caribbean

- Inter-American Commission and Court of Human Rights: individuals, groups or organisations can submit complaints to the Inter-American Commission on Human Rights (Article 44, American Convention on Human Rights). If the complaint meets certain requirements, and the State has accepted the procedure, the Commission will refer it to the Court; otherwise, the Commission may respond itself. For more information, see <http://www.cidh.org/>.

Other mechanisms

There are other international and regional mechanisms, relevant to children’s rights, which may include in their mandates the taking of certain actions in response to individual communications or complaints. These include communications or complaints from children or their representatives, for example, to certain Working Groups and Special Rapporteurs, and may concern the right to freedom of expression and opinion, torture, the sale of children, child prostitution and child pornography, etc. For further information, see <http://www.ohchr.org/english/bodies/chr/special/communications.htm>

Explanations of all these mechanisms can be found at: [www.crin.org/law/mechanisms\\_index.asp](http://www.crin.org/law/mechanisms_index.asp)



Photo: Borut Peterlin, Save the Children UK

Making mechanisms child-friendly

To initiate a debate, we propose some basic requirements to ensure that the mechanisms outlined in the box are genuinely accessible to children and their representatives, and are child-friendly in the way they work:

- Children and those working with and for them need to know these mechanisms exist and that they are accessible to children.
- States which have accepted any of these mechanisms need to guarantee children unrestricted access to use them. For instance, they must ensure that there is no legal principle requiring parents’ consent for such action. Today, this is a real problem in several European countries, and others in all regions, where children cannot make individual applications to domestic courts, let alone to international mechanisms.
- Children should be able to apply at any age. When others are acting on behalf of children, there should be some process whereby the mechanism strives to ensure that the application is being pursued in the child’s best interests and, where the child has capacity, with their consent. Also, it should be possible for groups of children to make complaints.

- The mechanisms must be genuinely accessible to children. Decision-makers involved in each mechanism should review all aspects of their procedures to ensure that this is the case. In particular:

– information about the mechanism should be disseminated in child-friendly language and in places where children and their representatives are – in particular, to children in schools (including as part of the regular curriculum), hospitals and other institutions, including those where children may be detained

– if the procedure includes a hearing, all aspects of it should be reviewed to ensure it is child sensitive. See UN Guidelines in Matters of Justice for Child Victims and Witnesses of Crime

– any hurdles on applying should be carefully reviewed from a children’s perspective. For example, the common condition that applicants must have exhausted domestic remedies should be applied sensitively in the case of children: decision-makers involved in the mechanisms should be very careful not to reject applications unless they are confident that domestic remedies are effective and genuinely available to children. Similarly, time limits on making an application should be treated flexibly in the case of child applicants, who might not have access to information on the mechanism

– consideration should be given to fast tracking applications from or on behalf of children, with an understanding of children’s sense of time and the urgency of remedying breaches of their rights during their childhood. Decisions should be arrived at as rapidly as possible, subject to the need for full consideration of the case. Any process for enforcement of the decision should also be speedy

– the process should be designed so as to guarantee the anonymity of the applicant when necessary and requested

– those involved in the mechanisms, as decision-makers or judges and as secretariat or support staff, should receive special training. Training should also be available for lawyers and others representing children before the mechanisms

– summaries of decisions on applications concerning children should be issued in child-friendly language.

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# Strategic litigation: a powerful tool in preventing abuse

Go to court and help the children of tomorrow, as well as today, says Francisco Quintana.

Children continue to be abused and have their rights violated in Latin America and the Caribbean, but the law can be a powerful ally in the battle for justice.

Strategic litigation uses international law to fight individual cases, and, by forcing States to enact legislation protecting children, can blaze a trail for others to follow.

The very term ‘strategic litigation’ sounds heavy and complex, and indeed it can be. But with committed human rights lawyers and civil society groups working together, the process can be simplified and real gains can be made.

Both the Inter-American (I-A) Commission and the Court have addressed children’s rights abuses. The Commission created the Children’s Special Rapporteurship in 1998 to focus on juvenile justice, children’s exploitation, and children’s economic and social rights. It has also hosted a thematic hearing on children’s rights in the region, and adjudicated in several cases. In the last decade, the Court has made an important contribution in this area of law, generating legal rulings that have led to change and debate.

Civil society in the Americas has also come a long way by strengthening the capacity of those who work with and for children. This has helped identify the incidence of violence against children, and spawned response and prevention programmes. It has also enabled the prosecution of perpetrators of violence against children and ensured that national laws, policies, and programmes fully comply with international standards.

Take a closer look at the I-A system’s (IAS) successes and evidence of strategic litigation is never far behind. As a result, the repercussions may linger long after

the individual case in question. Of course, strategic litigation must be undertaken with the individual victim’s interests in mind. However, there are approaches to litigation which maximise chances of success and deepen the wider impact of particular cases.

Planning is central to the process. Before going ahead, the goals of litigation and the issues to be addressed need to be absolutely clear, as does the forum (UN or IAS for example), the anticipated legal costs and the availability of evidence.

Strategic litigation may:

- clarify the law in a country or region
- lay legal foundations so other cases can be mounted elsewhere
- educate State officials in the language and philosophy of social justice for children
- shed light on violations by publicising information (documenting injustice)
- promote government accountability at international level
- prompt a greater public understanding of the issues involved
- empower groups involved
- achieve justice for victims and their families
- help advocate for the adoption of measures to prevent further violations.

The Center for Justice and International Law (CEJIL) is a non-governmental organisation of lawyers that helps local



Photo: Casa Alianza, Mexico

NGOs bring human rights cases within the Inter-American system. The following examples show how, with CEJIL’s help, a number of local children’s rights groups have used the law successfully.

## In Guatemala

In the case of *Villagrán Morales vs Guatemala*, street children were the issue which stimulated fresh attitudes to the protection of young people’s rights within the IAS. This was the first time that the I-A Court had addressed the interpretation of Article 19 of the American Convention on Human Rights – which deals with children’s rights – in a contentious case. The case shed light on the extreme poverty, marginalisation and exclusion that children face in Guatemala. It also highlighted a pattern of social cleansing of at-risk children and youth who are assumed to be associated with gangs in the country. After three years, the case was finally referred to the Court in Costa Rica. Villagrán Morales represents a good example of strategic litigation for both victims and States. For the former, it showed that international justice within the IAS is a real possibility when justice is denied at the individual country level. For States, it set standards for the effective implementation of children’s rights in the three key branches of power: the executive, the legislative and the judiciary.

## In Honduras

*Villagrán Morales* had another function, as seven years later it provided the foundation for a similar case in *Servellón García and Others*, in Honduras. This also related to the social cleansing of at-risk children and youth assumed to be associated with gangs. Here the Court ordered the State to carry out a number of institutional and social reforms. These included the training of personnel working with at-risk

youth to ensure their safety, designing a public awareness campaign to protect children from violence, and creating mechanisms to ensure due process in cases relating to the execution of children.

## The Dominican Republic

*Yean and Bosico vs the Dominican Republic* was the first case where the Court has ruled on the prohibition of racial discrimination in access to nationality under the American Convention. Here, two girls of Haitian descent were denied the right to nationality and education because of their ethnicity. In October 2005, the Court ordered the State to compensate the victims financially, publicly declare its responsibility for violating their right to education, and implement substantive structural changes in its civil records office. The judgment is perhaps most notable for the comprehensive way in which it dealt with the topic of nationality and State power, namely: the prohibition against discrimination; the prohibition against Statelessness; and the prohibition against the arbitrary deprivation of nationality.

## In Paraguay

The massive overcrowding and inadequacies of prison buildings incarcerating young people in Paraguay came to international attention through the case of the *Instituto de Reeducación del Menor Panchito López vs Paraguay*.

In its July 2004 sentence, the Court ordered reparations for the victims and their families, including cash payments, vocational training and psychological therapy. The State was required to publish its plans for the short, medium and long terms about how it planned to meet international standards when handling young people in conflict with the law.

Also in Paraguay in September 2006, the Court ordered the State to make reparations to the family of Gerardo Vargas Areco, a boy under 18 who was believed to have been tortured, and then killed, while in the military. As a minor, his recruitment into military service was illegal. Beyond the monetary payments and public recognition of international responsibility, the State was ordered to design and implement courses to train its military forces in international standards on the treatment of youth in the military, and to eliminate the illegal practice of recruiting minors for service.

## In Chile

The procedure at the I-A Commission level generally provides the opportunity to engage in a friendly agreement with the State concerned, agreements which have to be approved by the supervisory body in Washington DC. The case of *Monica Carabantes Galleguillos vs Chile* resulted in such an agreement. The State publicly apologised to a Chilean high school student who was expelled after falling pregnant. The State also agreed to pay for the victim’s university education and her daughter’s high school and university education. A further equally important aspect of this case was that Chile was obliged to adopt new legislation on students’ access to public education that would prevent future discrimination against pregnant students and students with young children, especially nursing mothers.

The guidelines established by the I-A human rights bodies are extremely important for strengthening the effective recognition of the panoply of children’s rights in this region. However, there are still certain crucial, unresolved matters necessary for the complete achievement of this objective.

It is necessary that both the Commission and the Court specify:

- the principle of children’s independence as they grow up vis-à-vis the obligation of the family, society, and the State to guarantee children’s rights
- the right of children to participate in all matters that involve them

- the State’s responsibilities in protecting children from violence within and outside the home
- children’s right to education and to be free from discrimination, particularly in regard to cultural stereotypes
- the right of young people to an identity.

Moreover, it is necessary that States demonstrate their support for the international standards already established by the Inter-American human rights bodies when defining public policies and adapting institutional practices involving children. It should be noted that, although considerable progress has been made in a great majority of countries in the region regarding the harmonisation of domestic legislation with international standards, a troublesome gap still exists in practice and must be resolved.

The strategic litigation and advocacy tools available to the Inter-American human rights mechanisms should continue to be wielded. These are vehicles for timely responses to threats facing human rights. They are also extremely useful weapons in the development of the rule of law, and in the realisation of a society where there is complete recognition of children as individuals whose comprehensive rights are guaranteed.

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Photo: Leticia Valverde, Save the Children UK

# Constitutional rights strengthen the case for going to court in South Africa

Jacqueline Gallinetti describes a mini-charter for children whose far-reaching value is increasingly being recognised.

Explore section 28 of the South African Constitution and what you will find there amounts to a mini-charter for children’s rights.

The overall contribution of this part of the Constitution, the nation’s supreme body of law, is to afford children special protections and ensure that children’s rights are justiciable, a matter of law that the South African courts can rule on.

Where courts of law have ruled on children’s cases, the result has been a general enrichment of the body of law informing children’s rights.

The rights contained in section 28 have been the subject of constitutional litigation on various occasions and the Constitutional Court has had the opportunity to interpret the rights in a number of seminal cases.

In particular, the courts have most frequently pronounced on section 28(2), which provides that a child’s best interests are of paramount importance in every matter concerning the child. The best interests provision in Article 3 of the UN Convention on the Rights of the Child is regarded more as an interpretive principle than a right. However, section 28(2) was held by the Constitutional Court to constitute a right rather than a principle in the matter of *Minister of Welfare and Population Development v Fitzpatrick and others* 2000 (3) SA 422 (CC).

The South African Constitution (Act 108 of 1996) itself contains a comprehensive Bill of Rights for everyone. But in section 28 special rights for children are spelt out. These state:

**Every child has the right to:**

- a name and a nationality from birth;
- to family care or parental care, or to appropriate alternative care when removed from the family environment;
- to basic nutrition, shelter, basic health care services and social services;
- to be protected from maltreatment, neglect, abuse or degradation;
- to be protected from exploitative labour practices;
- not to be required or permitted to perform work or provide services that:
  - are inappropriate for a person of that child’s age; or
- place at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development;
- not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be:

- kept separately from detained persons over the age of 18 years; and
- treated in a manner, and kept in conditions, that take account of the child’s age;
- to have a legal practitioner assigned to the child by the State, and at State expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
- not to be used directly in armed conflict, and to be protected in times of armed conflict.

A child’s best interests are of paramount importance in every matter concerning the child.

In this section ‘child’ means a person under the age of 18 years.

The section contains a wide spectrum of rights that range from protection against abuse; the right to family life; protection against child labour and worst forms of child labour, in particular a prohibition on the use of child soldiers; juvenile justice rights (known in South Africa as child justice) and the right to a family.



Photo: Stephanie Yates

This dealt with the adoption of a South African child by a foreign couple and resulted in the ruling that a blanket ban on intercountry adoption was unconstitutional. In the adoption arena it was the right of non-discrimination that was at issue in a matter brought to ensure that biological fathers of children born out of wedlock have a voice in adoption proceedings. The Constitutional Court held that this right was outweighed by the best interests of the child when deciding on the actual outcome of the matter as far as the placement of the child was concerned. In both matters, the Constitutional Court used the best interests principle to achieve a result that would be most beneficial for the child.

Section 28(1)(g) has also been widely used by South African courts to ensure that children in conflict with the law are only detained as a last resort and for the shortest appropriate period of time. In 1998, minimum sentence legislation was enacted and 16- and 17-year-olds were included in the law, but the procedure for them was different from that for adults.

In a range of cases, the courts debated the interpretation of the provisions relating to 16- and 17- year-olds, and the matter was finally resolved by the Supreme Court of Appeal in *B v S* 2006 (1) SACR 311 (SCA), which held that minimum sentences do not apply to 16- and 17-year-olds. A constitutional argument was invoked, namely, that the Constitution provides that children should not be detained except

as a last resort, and a minimum sentence implies a first resort of imprisonment.

The proactive manner in which the courts have interpreted the rights has been of great importance given the fact that South Africa still does not have a separate juvenile justice system, despite the Child Justice Bill 49 of 2002 being introduced into parliament over five years ago.

The manner in which the Constitutional Court has used the rights contained in section 28 as well as other rights in the Bill of Rights to provide a positive outcome for children is demonstrated in the matter of *Christian Education South Africa v The Minister of Education* 2000 (10) BCLR 1051 (CC). The central issue here was whether the enactment of a blanket prohibition of corporal punishment in schools violated the rights of parents of children in independent schools to practise their religion freely.

The main argument of the applicant was that the teacher’s right to impose corporal punishment (with the consent of parents) was a vital element of their religion and that the blanket ban on corporal punishment contained in section 10 of the South African Schools Act constituted an interference with their religious and cultural beliefs and was therefore unconstitutional.

The Education Ministry, which opposed this application, relied on the equality clause. This is the right to human dignity, the right to freedom of security of the person (which

includes the right not to be treated or punished in a cruel, inhuman or degrading way) and the rights of children to be protected from maltreatment, neglect, abuse or degradation. Entrenched in the Constitution, the equality clause has been used in support of the abolition of corporal punishment in schools. The court found the relevant section of the South African Schools Act to be reasonable and justifiable as the effect did not substantially infringe the applicant’s right to freedom of religion, belief and opinion.

While the South African courts have not had occasion to interpret some rights contained in section 28, for instance section 28 (1)(e) which states that a child has the right to be protected from exploitative labour practices, where judicial pronouncements have been made, they have resulted in a richer jurisprudence of children’s rights.

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# Standing strong on rights: how the African Charter is making its special mark

The African Charter on the Rights and Welfare of the Child stands out for being the only comprehensive regional instrument of its kind in the world. And NGOs can be credited for its visibility, says Assefa Bequele.

The African Charter grew out of the feeling by Member States that important aspects of life in Africa had been missed by the United Nations Convention on the Rights of the Child (UNCRC). The Charter, while upholding those standards described in the UNCRC, tries to address the specific problems that African children face. In this sense, it is more comprehensive than the UNCRC, but more importantly challenges traditional African views that conflict with children's rights, attitudes concerning child marriage, parental rights and obligations towards their children, and children born out of marriage.

The Charter pulls no punches in that it expressly proclaims its supremacy over "any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the Charter". It includes provisions which prohibit harmful cultural practices, the recruitment of children in armed conflict, and marriages or betrothals involving children.

The establishment of a Committee has also been provided for in the Charter. The African Committee of Experts on the Rights and Welfare of the Child is entrusted with

the task of promoting and monitoring the Charter's implementation. This 11-strong group was established in 2001 and is now starting to receive country reports. However, the main thrust of its monitoring and promotional work has focused on three important courses of action.

The first has been to choose June 16 as the Day of the African Child. The Committee has been using this date to draw attention to the plight of Africa's children and the obligations of Member States by selecting themes to celebrate. Topics covered so far have included: To Each Child an Identity



Photo: Ernst Schade



Photo: Ernst Schade



Photo: Ernst Schade

(2003), The African Child and the Family (2004), Africa's Orphans, Our Collective Responsibility (2005), Right to Protection: Stop Violence against Children (2006) and Combat Child Trafficking (2007). The events accompanying the celebration of this special day have proven to be unusually and surprisingly effective in rallying civil society organisations and governments across the continent around children's issues.

The hearings and deliberations of the Committee are another important arena for its promotional work. These provide a forum for reflection, debate and dialogue with various partners and actors on critical issues, for example, polio, armed conflict and the impact of HIV and AIDS. They have also led to the adoption of, among others, the Committee's rules of procedure, guidelines for the preparation of initial reports by Member States and guidelines for the consideration of communications.

The third area of Committee action has been the undertaking of advocacy and investigative missions to Member States, for example, the Sudan and Uganda, to lobby for the ratification and application of the Charter.

The African Committee of Experts recognises the need to co-operate with civil society organisations and institutions that are concerned with the well-being of children. These organisations help to project its work and popularise the principles and provisions of the charter through advocacy at national and regional level. They also pave the way for the implementation of the principles at national and community level. Hence their importance and also the reason for the Committee's adoption of the Criteria for Granting Observer Status

to Non-Governmental Organisations (NGOs) and Associations with a view to formalising the participation of non-governmental actors in its work.

The guidelines for NGO participation are quite inclusive and make it fairly easy for NGOs to join in. Some of the ways NGOs and associations will be allowed to participate include:

- attending opening and closing ceremonies of the Committee sessions
- participating in the Committee's meetings
- accessing documents
- being invited to participate in closed sessions dealing with issues that concern them
- making statements on issues that concern them, provided the statement has been sent to the Committee in advance.

Accreditation is relatively straightforward, and with it observers can attend both the informal and formal Committee sessions and are allowed to take part in the Committee's discussions.

On the whole, the relationship between NGOs and the Committee has been predominantly smooth, close-knit and co-operative. NGOs can contribute to the work of the Committee by delivering first-hand information and advice which provides invaluable insights into the situation of children and a good basis for engaging States Parties on relevant laws and practices.

The role of NGOs has been essential to keeping the African Charter alive and

helping the Committee to propel it forward in the face of challenges. The reality is that African governments have been either unwilling or unable to fully comply with the requirements of the Charter in, for example, reporting on the extent to which they honour their obligations and commitments. So far, only four countries – Egypt, Mauritius, Rwanda and Nigeria – have submitted their report to the Committee. This is a very sad commentary on the attitudes and position of African governments.

Furthermore, as a result of various institutional and resource constraints on the African Union, the Committee has not been able to get the necessary support from the Secretariat to do its work competently.

Undoubtedly, the presence and active interest of NGOs has been the single most important factor in the development, promotion and high visibility of the African Charter and, by extension, the heightened and growing interest in children's rights and well-being in Africa. Without NGOs, the African Charter on the Rights and Welfare of the Child might well have ended up being yet another paper in the long trail of African resolutions and declarations. I hope NGOs will continue to work with the Committee to strengthen the impact of the African Charter in the region.

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# Focus and follow-ups – why Norway’s new international strategy won’t be sidelined

Political consensus was the springboard and clear priorities have been the engine, but more practical action is needed, urge Ragne Birte Lund and Kate Halvorsen.

Two years after its launch in 2005, the Norwegian Development Strategy for Children and Young People in the South, *Three Billion Reasons*, has had time to settle and it is therefore a good moment for a review: to look at what led up to its creation and its progress so far.

*Three Billion Reasons* replaced the previous strategy, in place since 1991, which had been largely ignored by both development and foreign policy sectors.

The emphasis for this new international initiative is therefore on follow-up action and creating structures and systems to make its implementation a dynamic process. It serves as a new tool for including children and youth as target groups within the broader policies and programmes of development and international relations.

### Goals

The strategy has two overarching goals: to help implement the United Nations Convention on the Rights of the Child (UNCRC) and its two Optional Protocols, and to contribute to the Millennium Development Goals (MDGs).

The strategy, which is a guide for action, focuses on four key areas for support and advocacy: education, health, protection and participation.

Other priority areas are closely linked to the broader objectives of Norwegian foreign and international development policy:

- protecting children and adolescents affected by armed conflict, child rights and concerns of children in peace and reconciliation processes and peace-building
- combating violence against children
- promoting the UNCRC principle on the right to participation.

### Putting it into action

The strategy for children and youth is not a substitute for, but a supplement to, the work of integrating children’s issues throughout Norwegian development policy. With this in mind, a two-pronged approach has been taken to implement the strategy. On the one hand, targeted support and advocacy on behalf of children and adolescents continues to be an important aspect of the policy. On the other hand, the rights of children and adolescents are also being mainstreamed in ongoing and general programmes and policies on issues such as peace-building, human rights and humanitarian assistance, gender equality, good governance and democracy, the environment and oil/energy.

The first step for putting the new strategy into practice was to appoint an ambassador for children’s affairs. During the first two years, attention focused on working with multilateral processes and follow-up within the specialised agencies and funds and programmes, as well as on mechanisms put in place to promote child rights.

Some initiatives that Norway has been involved in include:

- playing an active role in the process leading to the UN Study on Violence against Children and supporting follow-up efforts at global, regional and country levels
- supporting international efforts to protect children affected by armed conflict, including the 10 year review of the Machel Study *Impact of Armed Conflict on Children*.
- following up the plan of action *A World Fit for Children* – the outcome document of the UN Special Session on Children that took place in May 2002. We hope the commemorative event to be held in December this year, which will serve as a five-year review of the Special Session, will concentrate on the new challenges of protecting children from violence and other forms of harm.



Photo: Michael Amendolia, Save the Children UK



Photo: Young Lives, India, 2003

As one of the main donors to UNICEF, Norway encourages a strong emphasis on rights-based approaches in UNICEF’s work as well as further protection efforts in support of the UN Convention of the Rights of the Child. Norway is also an important donor to the United Nations Population Fund (UNFPA) for its work on reproductive rights.

Norway follows up the same themes at bilateral level as at international level. We have taken some initiatives at bilateral level to ensure that children’s issues are addressed more consistently in development policy and in our dialogues and policy discussions with partners of governments concerned.

In terms of civil society co-operation, Norway continues to support a number of national and international child rights-specialist agencies as well as those that focus on specific child-related issues, such as children associated with armed forces and groups, violence against children, juvenile justice and trafficking, and children and young people’s participation.

### The way forward

There is no doubt that the political consensus on promoting child rights within the current Norwegian government and previous governments has been important for the development and implementation of a new strategy on children and youth. Although it has never been a high-profile topic nor pushed to the top as a main policy, support for the promotion of child rights has been constant and undisputed.

It gives Norway a crucial starting point for dialogue and co-operation. But that is not enough. We need to see practical results, and further efforts are needed to create better synergies between global initiatives and plans of action, for example between gender and equality and overall policies of promoting good governance, strengthening civil society and combating poverty.

The action points of the strategy and the appointment of the ambassador for children’s affairs are other positive aspects. The ambassador is operating at the most senior level in the Foreign Ministry. In addition, she serves as a focal point and co-ordinator for all the cross-cutting activities at different levels.

Awareness-raising and training is needed internally before colleagues can take adequate and appropriate action related to children and adolescents. In order to do this, more tools need to be developed such as guidelines, checklists, workshop models for in-house and partner training, reporting and planning skills, mapping of experts and agencies working with children, and advocacy skills training.

It is important to work at political and programme level simultaneously, which is a challenge because the two areas demand different skills and approaches.

It is encouraging that other governments are also revising and developing new road maps for child rights and child protection based on the UN Convention on the

Rights of the Child. We have to work in partnership with other governments, international organisations and civil society. We have to find better ways to listen to the voices of children and young people. Finally, we have to make much more strategic use of the work of the Committee on the Rights of the Child as we are approach the Convention’s 18th anniversary.

Download *Three Billion Reasons* at this link: [http://odin.dep.no/ud/english/doc/plans/03\\_2181-220018/dok-bn.html](http://odin.dep.no/ud/english/doc/plans/03_2181-220018/dok-bn.html)

**Ragne Birte Lund** is the Ambassador for Global initiatives on child rights and child protection, Department for UN, Peace and Humanitarian Affairs, Norwegian Ministry of Foreign Affairs.

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# Lobbying, legislation and a lasting legacy: improving the lives of children in Honduras

Robyn Braverman describes how a progressive agenda was achieved to protect the most vulnerable.

The success of this story can be summed up in a sentence: Honduras now has an action plan, with specific timescales, designed to improve the lives of its children.

Getting there has taken eight years of determination, concerted lobbying, unwavering focus and tremendous political will, and of course the combined efforts of Save the Children UK, its NGO partners and the Honduran government.

The foundation was Save the Children UK’s advocacy programme, launched after Hurricane Mitch in 1998, which operated on two levels. The first concentrated on taking action related to thematic programmes covering child labour, juvenile justice, commercial sexual exploitation and emergencies. The second centred on general campaigning for public policies that benefited children.

The programme involved a range of lobbying activities, research, awareness-raising and network-building. One of its chief aims was to work with the highest levels of government in drawing up, approving and implementing legislation and public policies designed to protect the nation’s children.

The basis of the whole endeavour hinged on the belief that institutional weaknesses in the Honduran State had prevented it from fulfilling its undeniable responsibility, ratified in numerous international agreements, to protect children’s rights.

The advocacy strategy was, therefore, geared towards assisting the government to reduce the vulnerability of its children and young people. This involved promoting legislation that could create an adequate



Photo: Save the Children UK

legal framework for protecting children and establish the mechanisms necessary to ensure those protections were effective on the ground.

It was clear from the outset that the implementation of effective child protection would need significant political will to marshal the considerable technical and financial backing required.

Save the Children UK turned to civil society organisations, for help in keeping the government on track and holding it accountable. It also found it necessary to lobby, directly and through partners, against legislative proposals that were potentially harmful to children.

The programme devised a high-profile campaign which featured each major candidate in the most recent presidential contest signing the Pact on Childhood and Adolescence, and ensuring these got maximum media coverage.

By doing this, the candidates committed themselves in public to improving protection for children. Save the Children UK also promoted the approval of a general framework for child protection called the Youth Law, or *Ley de Juventud*. Parallel

initiatives supported by the programme included the development of a National Action Plan for Childhood and Adolescence and a National Opportunities Plan.

Campaigning also took place to get adequate funding for existing child protection mechanisms. There was training too for national NGOs and youth groups in budget literacy so that they could argue effectively for more money to be allocated in the national action plans to fight child labour and sexual and commercial sexual exploitation. This tactic was also employed to get a presidential programme underway for the prevention, rehabilitation and reintegration of gang members. Training and materials were also put together for government officials responsible for carrying out child-friendly policies.

There was also progress for the programme in other areas including legislation, policy formation and training in child labour, commercial sexual exploitation, emergency preparedness and juvenile justice.

Other successes in general lobbying covered the creation of a consensus for support of child protection policies through the Presidential Pact and related Investment Agenda for Childhood and Adolescence. Work with children via the Youth Forum resulted not only in passage of the general Youth Law, but also in thousands of children gaining a voice in the process and learning from the experience of participating in a national advocacy campaign.

So, Honduras now has, in the National Action Plan for Childhood and Adolescence, a guide which provides

## Tips for successful child rights advocacy

■ Political advocacy requires a secure knowledge base and a well defined plan of action. Effective lobbying starts with a convincing analysis of the problem to be addressed. This should include comparisons of alternative approaches, feasibility studies and cost benefit analysis. Those doing the campaigning must be able to articulate an array of convincing arguments, backed by data from the most reliable sources.

■ It is helpful to quickly identify the key actors, or those who will be the targets or allies of your lobbying efforts. Map the power structures most pertinent to your cause so that you are sure to lobby the people who actually have decision-making power or influence over policy. It is also worth considering hedging your bets by lobbying potential decision-makers during national election campaigns – that was very useful in Honduras.

■ Direct lobbying of decision-makers should be reinforced via a media campaign and the mobilisation of civil society around a particular issue. In Honduras, those involved found it particularly rewarding to directly involve children in advocacy.

■ When working to mobilise civil society you should draw from as broad a base as possible, bringing all the pertinent institutions and sectors together in pursuit of the protection of children’s rights. Each will bring a unique set of skills to the complex task of shaping public policy, which requires effective communications, media relations and proposal writing. The co-ordination and maintenance of alliances requires constant attention.

a timeline for specific actions designed to improve the lives of its children. The plan establishes mechanisms for government, civil society and international co-operation and division of labour. Furthermore, it prioritises action in those parts of the country with the most pressing needs. National NGOs are involved in consortia trained to lobby for adequate financing of children’s services during the congressional budget process.

Despite tremendous advances on paper, however, resources have not flowed as easily as ink in Honduras and the establishment of a progressive agenda did not forestall the proposal of regressive legislation and policy. The programme adopted a strategy of intense direct lobbying with government officials and other key individuals in an effort to create the social capital necessary for change. In recognition of the gap between stated policy and State action, the training of hundreds of individuals from Save the Children UK’s civil society partner organisations and government took place on the workings of the budgetary process.

In all of this, the media proved to be a powerful ally once time and resources had been invested in educating reporters and editors on the issues of children’s rights. Unquestionably, they were receptive when offered quality information. Media efforts were given an extra boost when politically important national partners delivered the message.

The incorporation of children gave advocacy efforts credibility, in part because of its explicit recognition of children as protagonists with rights and demands rather than as passive beneficiaries. The processes were informed by the children’s own perspective on their needs as well as their ideas for addressing them. Their actions in presenting these views were a motivational factor for adults. Efforts to involve children should include activities appropriate to different ages so as to allow for the broadest possible participation.

The creation of adequate child protection mechanisms in an atmosphere of limited resources is a long-range proposition, and efforts to achieve this end should be imbued with a spirit of persistence, clarity of objectives and group cohesion.

Still, it is important to celebrate achievements at each step of the process in order to maintain motivation.

Save the Children UK’s insistence on backing its arguments with unassailable information and underpinning its word with faithful delivery created relationships of trust and credibility with national partners. This enabled their active co-operation and the unification of diverse partners around common goals.

Advocacy work that focuses on children’s rights and stimulates child participation should expect to encounter a conservative backlash that favours punitive reaction over prevention when dealing with youths in conflict with the law. Some in Honduras claimed that Save the Children UK’s emphasis on children’s rights eroded traditional family values and relationships. Politicians often find it more expedient to capitalise on the social stigma surrounding youth rather than trying to tap into their potential. This is a good reason for building as broad a base of support for advocacy efforts as possible. Articulate children who know the issues well are their own best defence.

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A CD Rom is currently being compiled on lessons learnt from this initiative. For more information, contact Annie Bodmer-Roy at [A.Bodmer-Roy@savethechildren.org.uk](mailto:A.Bodmer-Roy@savethechildren.org.uk)



Photo: Anna Kari, Save the Children UK

# Pushing for change: a case study in child rights campaigning

Children’s rights coalitions should be the eyes and ears of the Committee on the Rights of the Child in the run-up to a State examination, argues Carolyne Willow, who tells all about seizing the media spotlight and the attention of politicians.

Soon after the UN voted to adopt the United Nations Convention on the Rights of the Child (UNCRC), James Grant, the then head of UNICEF, described this new human rights treaty as the children’s Magna Carta.

The UNCRC has now come of age, yet children’s status as full human beings with individual needs, preferences and capabilities has yet to take root. Just five

years ago, global leaders acknowledged that the world is still not fit for children and reaffirmed their commitment to the Millennium Development Goals (MDGs) and the UNCRC.

The UN Committee on the Rights of the Child is a tremendously important body, persuading and sometimes demanding that individual States do much better for their children as well as issuing

authoritative guidance on children’s rights issues. But this group of 18 adults cannot alone protect the human rights of two billion children. That responsibility lies with the broader children’s rights movement, especially national coalitions.

The Children’s Rights Alliance for England (CRAE) was established in 1991, a few months before the United Kingdom (UK) ratified the UNCRC in 1991. CRAE now

has over 380 member organisations and engages in various children’s rights advocacy initiatives, from trying to transform the juvenile justice system to extending voting rights to 16- and 17-year-olds to promoting UNCRC education in schools.

When the Committee on the Rights of the Child last examined the UK, in 2002, there was a lot of media debate. CRAE briefed journalists in advance of the Concluding Observations – or recommendations made by the Committee – being issued, and had high-profile commentators available for interview. We wrote to politicians and persuaded civil servants involved in the reporting process to run seminars bringing together government officials and NGOs for detailed discussions on the Committee’s observations and recommendations. After about six months, interest started to fade, so we decided to publish an annual report entitled *State of children’s rights in England*, using the Committee’s 78 recommendations as the framework.

Every year since November 2003, we have reviewed government action on each of the Committee’s Concluding Observations, and summarised overall progress. In 2003, we concluded that there had been significant progress on 26 of the Committee’s 78 recommendations, but by 2006 this had reduced to only 12 areas of significant progress. With the exception of one year, when there was no coverage at all, our reports have been covered widely in the press, including on the front page of national newspapers. The Committee next examines the UK in 2008. In preparation for this, CRAE released extracts of its draft report to a national Sunday newspaper with an estimated 800,000 readership. The material made front-page news, with the headline ‘The report that every parent in Britain should read’.

We circulate a copy of our annual children’s rights reports to government ministers, members of Parliament and civil servants, sparking debates in the House of Commons. When draft legislation is passing through Parliament, we use the Concluding Observations to drive through positive change. We also quote from the Committee’s general comments and discussion days. For example, during the passage of the Bill

establishing England’s Children’s Commissioner, CRAE highlighted at every opportunity the Committee’s recommendation that the role must be compliant with the Paris Principles, which set out standards for national human rights institutions for children, and quoted its advice.

We were able to achieve 11 significant improvements to the legislation – for example improvements relating to the Children’s Commissioner’s duty to have regard to the UNCRC and independent powers to establish an inquiry and enter premises. However, the general role of the commissioner remains too narrow in representing the views and interests of children, rather than in promoting and protecting their rights.

We have used the Committee’s Concluding Observations on the UK in our submissions to other UN and European human rights bodies.

We have translated the Concluding Observations for children, so that they know what government ministers are meant to be doing to uphold their human rights treaty. This year we managed to obtain a major grant to establish a three-year child-led research and advocacy project, focused on the UNCRC’s reporting

process and the UK’s forthcoming examination. The project is called Get Ready for Geneva, and more than 80 children are already actively engaged as children’s rights investigators, local children’s rights champions, and members of the website and communications team. The project website gives information about the UNCRC and the reporting process, and collects children’s views and experiences. There are online surveys, polls and a ‘PM Swap’ where children get to describe what they would do if they were prime minister for a week.

Once the next set of Concluding Observations on the UK are issued, children will select their priorities and set up campaigns to achieve the changes recommended by the Committee.

It is not only the UK Concluding Observations that fuel our national advocacy. Our government is considering a British Bill of Rights. Here, we have found the Committee’s consistent recommendation of incorporation of the UNCRC, as well as its General Measures of Implementation, most useful. We have used the UK and other countries’ Concluding Observations when lobbying in Parliament for participation rights for school students, when defending the



Photo: Anna Kari, Save the Children UK





Photo: Effie Fotaki, Save the Children UK

privacy rights of young people in trouble with the law, and when opposing new restraint powers for prison staff. The State and NGO reports available on the Committee’s website are an invaluable source of information which enables us to make international comparisons – very popular with the British media and something politicians often take note of.

Our primary task as a children’s rights coalition is to defend the rights children have and to push for greater implementation of the UNCRC. The Committee’s body of principles is as important to us as legally binding judgments of, say, the European Court of Human Rights. Children’s rights coalitions should serve as the eyes and ears of the Committee in the run-up to a State examination. Once recommendations are issued, we have a duty to translate pieces of paper into concrete action. We must be creative and persistent in using the tools given by the Committee: the UNCRC is helping to transform young lives but children are still not enjoying the childhood that our rich world owes them.

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Children’s Rights Alliance for England:  
[www.crae.org.uk](http://www.crae.org.uk)  
Get ready for Geneva:  
[www.getreadyforgeneva.org.uk](http://www.getreadyforgeneva.org.uk)

# New dawn for Mongolia’s children as abuse and violence are outlawed in schools

Historic high-profile group campaign wins battle for nation’s hearts and minds, explains Olonchimeg Dorjpurev, who led the drive.

Change for the better has arrived for Mongolia’s young people.

After 18 months of intense campaigning by Save the Children and other groups, the country’s parliament has banned all forms of abuse and violence, including corporal punishment, in schools.

It is only the third time in Mongolian history that campaigners in any sphere have achieved change at this level.

The hope is that this will signal an end to the corrupt practices that have deterred thousands of children from going to school and the extensive discrimination experienced by poor children, who have had to suffer teachers imposing illegal fees and forcing them to buy books and writing materials.

The government is now committed to spending as much money on alternative schemes as on formal education, a move that will bring young people in remote areas who don not attend school into the fold. The needs of children with disabilities will also have to be taken into account when the national education budget is allocated.

## How it all began

I joined Save the Children UK in April 2005 when I returned to Mongolia determined to make a difference after graduating from Columbia University. When I was learning about the issues around the education and protection rights of children in Mongolia, I saw significant gaps in the safeguarding of children’s rights. Our team then analysed policy using an approach based on the United Nations Convention on the Rights of the Child (UNCRC).

The small size of the country, a relatively free media and emerging democracy were the main external factors behind the success of the advocacy campaign we devised.

The following also helped achieve our goals:

- the passion and ambition of all those involved
- forging alliances with 20 different groups who mobilised their resources to deliver an advocacy message that provoked general demand for change
- a media campaign. Close collaboration with journalists turned education, violence and discrimination in schools into topics for nationwide debate. The media in Mongolia is one of the main tools for shaping public opinion and influencing decision-making. This is not just a channel for delivering information, but a means for the public to have their say.

In Mongolia, organisations have to fund journalists’ expenses if they want to be featured. We were strapped for cash so, in order to gain exposure, we staged a competition for the most effective coverage of violence and corporal punishment issues and organised weekly open hours to provide the media with information. Alongside this, we sent in articles for publication, which in turn triggered more media attention.

During the campaigning, a group of children with disabilities protested against the discrimination they had encountered in the shape of sexual harassment and corporal punishment in schools. They held a protest march to the Ministry of

Education. Also, following the publication in main newspapers of children’s accounts of their experiences, adults started writing in about what had happened to them at school. Children talking on radio and TV, with their peers supplying feedback, were other important drivers of change.

The research on corporal punishment in schools undertaken in Mongolia as part of the UN Study on Violence against Children helped us understand what was really going on and enabled us to convince others. Our most powerful tools were quotes from the children themselves and served to silence our opponents. Fact sheets, case studies and films also played their part in influencing the public.

However, change would have been impossible without the human rights lawyers who helped us understand the legislative system and enabled us to argue the case with politicians.

We conducted a series of meetings with teachers, facilitating discussions to involve them in the advocacy efforts to ban corporal punishment. This was extremely valuable when we came to justify our proposals to MPs.

The UN Committee on the Rights of the Child issued its Concluding Observations for Mongolia in May 2005. We immediately organised a campaign to disseminate the recommendations to the public and those involved with the National Authority for Children. This took place prior to the advocacy campaign and served as an excellent reference point.

Lobbying politicians was vital. Limited by the channels we could use, we identified

those MPs who backed our proposals. Our 20-strong alliance sought out people who could influence the MPs. A lobby group on child development and protection within Parliament was set up and was a critical element in the whole process.

**The learning curve**

The main things we learned or did right were:

- We were clear about what we wanted to achieve and why.
- We remained confident and optimistic about our purpose, and this communicated itself to others.
- Competent lawyers undoubtedly strengthened the quality of the challenge we mounted. And we helped our cause by remaining flexible and responsive – situations change and it is important to be ready for this.

- There is no written guide and instruction to suit each particular situation and place, despite the existence of numerous advocacy toolkits and theories. Nothing beats common sense learned from practical experience. The greatest wisdom is knowing that change can happen.

**The next steps**

Our next task is to ensure that the new law is implemented. Together with the advocacy alliance organisations, we have identified strategies and will be embarking on an awareness-raising campaign on the law, duties and rights. Then we will be promoting ways in which parents and communities can remain vigilant and how offenders can be brought to book.

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Photo: Kullwadee Summalop, Save the Children UK (Mongolia)

# From ashes to understanding – how Iraq’s children are gaining a voice

Children’s rights campaigners in Iraq are overcoming the toughest of conditions, but nothing is going to sway them from their commitment to make a difference. And now they want to hear from CRIN members, so get in touch, urge Aram Shakaram and Peter Dixon.

A vibrant new children’s rights network is emerging, spurred on by the prospect of making a difference in Iraq, the country where appallingly dangerous conditions have forced out most international NGOs over the past two years.

The backdrop for the birth of the network could not be more depressing, as it is no secret that the situation for those working for children’s rights in Iraq has worsened steadily, with the deteriorating economy and security situation combining to make even the simplest intervention a major challenge.

But the foundations of the Iraq Child Rights Network have been laid through Iraqi civil society involvement in a number of child rights-focused initiatives. Perhaps unusually for such coalitions, its initiation has been triggered by perceptions of the possibility of making a difference other than the more routine stimulus of contributing to the child rights periodic reporting cycle of the UN Committee on the Rights of the Child.

The network has developed from several collaborations of Iraqi NGOs engaging with different aspects of children’s rights that overlapped in terms of members and engagement. The added value of working together was established through these initiatives in a number of ways.

A Partnership for Development programme, funded by the UK government’s Department for International Development (DfID), brought together staff from over 30

NGOs – providing an opportunity both to access information, master new concepts and raise awareness of children’s rights. This opportunity also contributed to a culture of sharing and exchanging ideas and supporting each other.

A collaborative project, developed as an offshoot of this, gathered a cross-section of activists and child rights-focused NGOs to engage with the consultation for the Iraq constitution in 2005. There was no mention of rights for children in the first draft of this, but the Child Rights Constitution Network contributed to the inclusion of seven child rights provisions in the final document.

A final key one-year programme run in 2006 brought staff from 12 NGOs together in four workshops to develop an in-depth understanding of child rights and rights-based approaches to development programming. This network, nicknamed Roses, enabled a strategic group of NGO programming staff to develop competencies together over an extended period and to learn to appreciate the value of sharing and collaborating on analysis and planning.

The NGO members involved in each of these (and other) collaborative initiatives overlapped considerably, and by the end of 2006, with these projects coming to an end, the need to put the informal relationship on a more formal and substantial footing became obvious. A series of facilitated workshops at the end of 2006 and beginning of 2007

provided the opportunity to develop a mission and mandate and the basic principles of operation. The participants in these workshops were able to bring their own practical experiences together with international learning.

And now the Iraqi Child Rights Network (ICRN) has a founding membership of 18, has been through a consultation process resulting in by-laws and ways of working, and is in the process of its first planning cycle. It is backed by a group of international agencies who agreed between themselves a set of supporting principles.

The ICRN is presently working on a child rights analysis focusing on children and violence generally, with specific attention to the IDP (internal displaced persons) situation and on violence and schools. A core element of its work will be facilitating the voices of Iraqi children to be heard, including children outside the country. Iraqi children are invisible and their rights not upheld, and this is unacceptable given the worsening situation.

So what are the lessons from this undertaking? Investment in developing a child rights perspective beforehand made a big difference. It enabled a group of NGOs to join forces, unified by a clear mission. This group was therefore able to quickly identify rights-related challenges that it could tackle as a network. Already, it is evident that the network is regarded as a potentially valuable source. The first press release resulted in a deluge of requests for information.





Photo: Save the Children UK

And the challenges are considerable. In the normal course of events, well-funded, operational NGOs would be able to contribute at least to the core running costs of a network's administration and find ways to finance development work from their own means. Currently in Iraq, independent sources of NGO funding are drying up. The network has survived by functioning on a frugal basis, providing as much as they can as individuals and in kind, and with some basic support from UNICEF and Save the Children.

Finding funding on a sustainable basis will not be easy, however. Information management, networking and taking on collaborative initiatives in such an insecure environment are made more expensive by not being able to bring everyone together

in Iraq easily. At least one co-ordinating meeting per year has to take place outside of Iraq, at a significant cost.

But put aside those obstacles and what comes to the fore is an amazing difference that even five years ago would have been impossible to envisage. It was rare to be able to have a workshop in Iraq using child rights and the UNCRC as a framework. Now, ways of thinking about children and responding to their situation have changed. A significant component of civil society sees children as rights holders, not as objects of charity. The network is looking to create links with and explore opportunities of support from those who are committed to improving the rights of children – so please make contact!

For more information, contact Nazim Ahmed Ali, ICRN General Coordinator. Email: [lcrin\\_iraq@yahoo.com](mailto:lcrin_iraq@yahoo.com)

# Child Rights News Desk

CRIN round-up on recent developments in child rights

## UN Human Rights Council: All countries now face human rights audit

The Universal Periodic Review (UPR) is a new mechanism of the UN Human Rights Council under which the human rights record of all UN Member States will be subject to the Council's scrutiny.

The UPR emerged in response to criticism that the Council always singles out the same countries, such as Sudan, Cuba and Israel, for naming and shaming on their poor human rights records while other States with similar records - Zimbabwe and China, for example - escape comment for reasons for political reasons.

Whilst the exact terms of the UPR are still being debated, the first countries up for review are: Bahrain, Ecuador, Tunisia, Morocco, Indonesia, Finland, United Kingdom, India, Brazil, Philippines, Algeria, Poland, Netherlands, South Africa, Czech Republic, and Argentina. The process is due to begin in April 2008.

NGOs will be able to submit information on country reviews. The Council will also consider information from the UN human rights treaty bodies which include the Committee on the Rights of the Child, in a joint report compiled by the UN Office of the High Commissioner for Human Rights.

Look out for pointers on how child rights NGO can participate in the UPR on the CRIN website at <http://www.crin.org/chr/news>.

For more on child rights mechanisms and how to use them, go to page 34.

## Update on follow up to the UN Study on Violence against Children

An NGO Advisory Council was formed in 2007 to support strong and effective follow-up to the UN Secretary-General's Study on Violence against Children. The Advisory Council hopes to work alongside the Special Representative on Violence against Children should the UN General Assembly create this mechanism in its annual resolution on child rights.

The Advisory Council recently presented a petition signed by over 1,000 organisations from over 130 countries at the 62nd session of the General Assembly calling for the UN to establish a Special Representative on Violence against Children. It is hoped that this year's Omnibus resolution on the rights of the child calls for such a mechanism to be established. Negotiations between Member States are underway.

Find out more here: <http://www.crin.org/violence>

## Lobby your government on new UN standards!

A new UN Convention on the Rights of Persons with Disabilities was adopted by the UN General Assembly on 13 December 2006. However, the Convention is yet to enter into force as only seven countries – Croatia, Cuba, Gabon, Hungary, India, Jamaica, and Panama – out of a required 20 have ratified the Convention. All the provisions in the new Convention apply to children with disabilities as well as adults, but there are some additional measures included to address the specific situation of children.

Read more about child rights in the new Convention at this link: <http://www.crin.org/resources/infoDetail.asp?ID=11797&flag=report>

See: <http://www.crin.org/Law/instrument.asp?InstID=1048>

The UN General Assembly also adopted a new Convention on the Protection of All Persons from Enforced Disappearance in December 2006.

See: <http://www.crin.org/Law/instrument.asp?InstID=1090>

## UN Special Session on Children: what now?

A commemorative high-level plenary meeting will be held in New York from 11 - 12 December 2007 to evaluate progress in implementing 'A World Fit For Children', the outcome document of the UN Special Session which took place in New York in 2002.

Read more here: <http://www.crin.org/themes/ViewTheme.asp?id=10>

# Legal tools: a resource for child rights advocates

When governments fail to recognise and respect children’s rights, they must be held to account. However, few child rights violations are brought before the international and regional human rights mechanisms which can be used to hold States to their legal obligations.

At CRIN, we receive many enquiries from individuals or NGOs, in the developed and developing world, who are unaware of the national and international legal obligations entered into by their State. Others do not know how these obligations can be enforced.

CRIN is developing a guide for child rights advocates on how to use human rights complaints mechanisms to challenge breaches of children’s rights. The goal of the legal tool is to make the international, regional and national laws and mechanisms which exist well known and freely accessible to those who need them on the ground.

The guide will include the following:

- A summary of the international and national laws that protect children’s rights.
- An explanatory guide identifying the international, regional and domestic mechanisms that can be used to vindicate breaches of children’s rights.
- Links to national and international decisions in which those mechanisms have been used successfully in the past.
- A guide to States showing examples and best practices for implementing the CRC.
- A forum for debating what changes should be made to the existing laws and mechanisms to make them more accessible and sensitive to the needs of children and their advocates.

This is an ongoing project and parallel language versions are gradually being developed in Arabic, French and Spanish.

Visit our introduction page:  
[www.crin.org/law](http://www.crin.org/law)

## Navigation

### By instrument

Instruments are legal tools used to designate, define and harmonise international human rights standards. Instruments include treaties and protocols, declarations, resolutions, advisory opinions, standards and guidelines as well as case law.

To find national, regional and international instruments related to child rights, search our child rights legal database at:  
<http://www.crin.org/Law/search.asp>.

### By mechanism

Mechanisms are international, regional or national bodies which monitor the implementation of instruments. Mechanisms include the UN Committee on the Rights of the Child and national courts of law.

To gain a basic grasp of international and regional human rights systems and learn what channels exist for challenging breaches of child rights, visit CRIN’s online explanatory pages which are indexed at:  
[http://www.crin.org/law/mechanisms\\_index.asp](http://www.crin.org/law/mechanisms_index.asp). These pages include information on accessing the United Nations, African, European, inter-American human rights systems as well as a guide to the General Measures of Implementation.

### By country

Country resources can be accessed from the CRIN homepage at [www.crin.org](http://www.crin.org). Over the coming months, the information below will be made available for all countries. To see an example, go to CRIN’s page on South Africa:  
<http://www.crin.org/reg/country.asp?ctryID=254&subregID=4>

- Existing legislation implementing the provisions of the CRC, and suggestions for reform
- Child rights jurisprudence, possible avenues for seeking redress, and best practice examples of strategic litigation

- All CRC documentation such as Alternative Reports by NGOs and Children’s Commissioners, information and guidelines on involving children in preparing Alternative Reports, Concluding Observations, reports on workshops following up Concluding Observations, States Parties reports, submissions for Days of General Discussion

- CRIN member organisations in that country

- News, reports, events and other country-related resources

## Glossaries

To cut through the jargon of international human rights law, CRIN has published some basic glossaries.

### Human Rights Glossary

<http://www.crin.org/resources/infoDetail.asp?ID=4709&flag=report>

### A to Z of Child Rights

<http://www.crin.org/resources/infoDetail.asp?ID=13423&flag=report>

### Glossary on the Inter-American System of Human Rights

<http://www.crin.org/resources/infoDetail.asp?ID=13930&flag=report>

### Glossary on the European System of Human Rights

<http://www.crin.org/resources/infoDetail.asp?ID=14805&flag=report>

### Glossary on the African Human Rights System

<http://www.crin.org/resources/infoDetail.asp?ID=15209&flag=report>

## Other useful websites:

**Center for Justice and International Law (CEJIL)** aims to achieve the full implementation of international human rights norms in the Member States of the Organization of American States (OAS) through the use of the Inter-American System for the Protection of Human Rights and other international protection mechanisms.  
<http://www.cejil.org>

**Council of Europe (CoE).** See the CoE’s new database of case law of the European Court of Human Rights relevant to child rights. [http://www.coe.int/t/transversalprojects/children/caselaw/default\\_en.asp](http://www.coe.int/t/transversalprojects/children/caselaw/default_en.asp)

**Interights** aims to enforce human rights through law, providing protection and redress, in particular regions and on issues of strategic focus; to strengthen human rights jurisprudence and mechanisms through the use of international and comparative law; and to empower legal partners and promote their effective use of law to protect human rights.  
<http://www.interights.org>

**Organisation Mondiale contre le Torture (OMCT), Handbook Series.** This series consists of four volumes, each one providing a detailed guide to the practice, procedures, and jurisprudence of the regional and international mechanisms that are competent to examine individual complaints concerning the violation of the absolute prohibition of torture and ill-treatment.  
<http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleSet=Publication&articleId=6877>

**The Universal Human Rights Index (Index)** is designed primarily to facilitate access to human rights documents issued by the UN human rights treaty bodies and the special procedures of the Human Rights Council.  
<http://www.universalhumanrightsindex.org>

**UN Office of the High Commissioner for Human Rights (OHCHR).** The OHCHR website has a section on international human rights law.  
<http://www.ohchr.org/english/law/>

## UNICEF Innocenti Research Centre.

UNICEF Innocenti’s website has a ‘CRC Knowledge Navigator’ which offers information-handling tools that can strengthen access to data and effective information exchange.

**Yale University, Representing Children Worldwide – How children’s voices are heard in protective proceedings.** Representing Children Worldwide is a research project which compiles information and resources on how children’s voices are heard in child protective proceedings around the country and around the world in the year 2005. The website provides a summary of the practices of the 194 signatories to the United Nations Convention on the Rights of a Child (UNCRC) with respect to this question, as well as background information on the jurisdiction’s child protective practices and web resources and contact information for further research in this field.  
<http://www.law.yale.edu/rcw/index.htm>



# Information

The Child Rights Information Network (CRIN) is a membership-driven organisation and network of more than 1,800 child rights organisations around the world. It strives to improve the lives of children through the exchange of information about child rights and the promotion of the United Nations Convention on the Rights of the Child.

## A website

Updated regularly, the website, which is a leading resource on child rights issues, contains references to thousands of publications, recent news and forthcoming events as well as details of organisations working worldwide for children. The site also includes reports submitted by NGOs to the UN Committee on the Rights of the Child. CRIN also offers two thematic websites on rights based programming and violence against children.

CRIN also hosts the websites of: The NGO Group for the Convention on the Rights of the Child, the European Network of ombudspersons for Children (ENOC), the Better Care Network (BCN) and the European Children's Network (EURONET).

## An email service

CRIN offers a number of email updates, in English, French, Spanish and Arabic, as well as thematic updates. The main CRINMAIL is sent out twice a week and provides information on the latest news, reports and events on child rights issues. To subscribe or read online, go to: [www.crin.org/email](http://www.crin.org/email).

## A review

Published yearly, the Review (formerly the CRIN Newsletter) is a thematic publication that examines a specific issue affecting children.

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Bookmark CRIN's website to learn more, or email us to contribute news or information.

CRIN is supported by the Norwegian Ministry of Foreign Affairs, Plan International, Save the Children Sweden, Save the Children UK, UNICEF and World Vision International.

## Previous issues

CRIN Newsletter 12, March 2000:  
Education;

CRIN Newsletter 13, November 2000:  
Children and Macroeconomics;

CRIN Newsletter 14, June 2001:  
The Special Session on Children;

CRIN Newsletter 15, March 2002:  
Mainstreaming Child Rights;

CRIN Newsletter 16, October 2002:  
Children and Young People's Participation;

CRIN Newsletter 17, May 2003:  
Children's Rights and the Private Sector;

CRIN Newsletter 18, March 2005:  
Rights Based Programming with Children:  
an introduction;

CRIN Newsletter 19, May 2006:  
Children and Violence;

CRIN Newsletter 20, February 2007:  
Child Rights and Emergencies.