

## **CHILD RIGHTS CAUCUS**

### **A CHILD RIGHTS AGENDA FOR THE COMING DECADE for the 2001 General Assembly Special Session on Children**

**Draft - June 2, 2000<sup>1</sup>**

#### **PREAMBLE**

This document reflects discussions held by national and international NGOs from around the world.

Our aim is to promote full implementation and compliance with the Convention on the Rights of the Child (CRC).

We use the term children in an inclusive sense to mean all people under age 18 as defined in the CRC.

Caucus members are continuing to refine this document.

#### **INTRODUCTION**

Since the 1990 World Summit on Children, one of the greatest advances for children's rights has been the nearly universal ratification of the Convention on the Rights of the Child, committing governments worldwide to protect the human rights of children. However, failure to adequately implement the Convention allows millions of children to suffer unconscionable exploitation and abuse on a daily basis.

The greatest challenge for the UN General Assembly Special Session on Children and the Member States in this new millennium is to clearly adopt a rights-based approach in mobilizing the resources required to fully implement the Convention on the Rights of the Child.

The Child Rights Caucus encompasses a broad range of organizations committed to protecting and promoting the human rights of children. These organizations-from their different perspectives and areas of expertise-recognize and promote a holistic perspective to the implementation and monitoring of the Convention on the Rights of the Child.

---

<sup>1</sup> The document is currently being revised by the Caucus. The updated version should be available in September 2000.

## **OVERVIEW FOR IMPLEMENTATION AND MONITORING**

Governments must enforce and protect the rights recognized in the Convention. While a government may successfully rely on regional and private programs to help implement these rights, governments must recognize that regionalization and decentralization without adequate resources does not promote democracy and rights. Therefore, in implementing the Convention, governments must ensure that adequate financial and political support flows from national and sub-national governments to the grassroots and community level.

We recognize the importance of effective and sufficient international cooperation for implementing the Convention and the reinforcement of the 20/20 initiative that will benefit the community.

Combating poverty is of paramount importance in securing children's rights under the Convention. Debt relief policies that benefit a country can free a country's resources and allow those resources to be devoted to the social benefit of that country's children including their health, education and well-being.

We emphasize the essential monitoring role of the UN Committee on the Rights of the Child through reviewing State Party reports. In this regard, we urge countries to meet their obligations in submitting State Party reports. We also urge that the UN Committee on the Rights of the Child be provided with additional resources so that the Committee can more adequately fulfill its mandate.

In addition, systematic evaluation is required using indicators developed from the principles and provisions embedded within the Convention and other human rights instruments.

Emphasis must also be made on the role of the NGOs and other civil society actors to create local and national monitoring mechanisms to mobilize available resources to directly improve the situation of children.

## **GENERAL PRINCIPLES**

The analysis of various types of discrimination - on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status - must be conducted at all levels. This is the first step towards its elimination. This step

encompasses the best interests of each and every child through all institutions, services, and facilities responsible for the care or protection of children. In order to effectively implement and monitor the best interests of the child, the views of the child must be heard in all matters affecting her or his well-being. This is facilitated through meaningful partnerships within society that promote power sharing in decision making. Accountability for the implementation and monitoring process must ensure the survival and development of all children.

## **CIVIL RIGHTS, PARTICIPATION AND FUNDAMENTAL FREEDOMS**

### **Rights to Identity and Nationality (Birth Registration)**

#### ***Issues***

- X One third of all births - some 40 million babies annually- go unregistered worldwide. Legally non-existent, these children may be unable to enroll in schools, gain access to health care and social services, and may be vulnerable to exploitation, including under-age military recruitment.
- X Children's basic right to have a name and identity is not universally recognized.
- X Since the adoption of the CRC, this issue has not been adequately addressed.
- X A focus on the exploitation of children is essential, but without securing children's identity, exploitation cannot be adequately addressed.
- X It is easy to traffic in children when they don't exist in registries.
- X Children and parents face many barriers to registration.

#### ***Governments should***

- X Establish and promote a comprehensive civil registry system in all countries, fully accessible and affordable to all parents and families.
- X Develop time-specific action plans to ensure registration and provide necessary documents for every child in all countries.
- X Require annual country-specific status reports on birth registration setting targets for improvement and plans for follow-up.
- X Raise public awareness of both citizens and government officials about this issue.

## **Discrimination**

### ***Issues***

Discrimination creates and perpetuates a vicious cycle of poverty, deprivation, ignorance, social exclusion and vulnerability to human rights abuse.

### ***Governments Should***

- X Make special efforts to ensure that girls have full access to education, and that education is gender-sensitive.
- X Make special efforts to ensure inclusive education for children with disabilities.
- X Ensure the child's right to his or her own language, and to practice his or her own culture and religion.
- X Ensure that each child receive equal protection and access to food, education, health and other services without any type of discrimination.

## **Children and the Justice System**

### ***Issues***

Far too often children around the world are brought to trial and sentenced in ways that violate their rights under the CRC and other international standards. Once detained, they may be held with adults and subjected to violence at the hands of the guards and other inmates. In addition, children in confinement are frequently denied adequate food, medical and mental health care, education, and access to basic sanitary facilities.

### ***Governments should:***

- C** In accordance with international standards, establish and maintain juvenile justice systems where re-socialization and not only punishment is the central focus. In so doing, ensure a child's right to education and access to medical care including mental health services.
- X Train officials in the justice system, including all police officers and correctional facility staff on the rights of the child. Make every effort to ensure that this training is multi-disciplinary, and that each of the functions is aware of the roles and responsibilities of others.
- X Develop and utilize alternatives to detention and ensure that social workers are involved in this process wherever appropriate. Ensure

- that the child is detained only as a last resort for the shortest possible time, and never detained together with adults.
- X Ensure that rehabilitation is the primary objective of any detention or incarceration of the child.
  - X Abolish the use of the death penalty for offenses committed before the age of 18, and ensure that no child is subjected to life imprisonment without possibility of parole.
  - Ensure that children under interrogation and in courts are adequately represented if possible by trained lawyers.

## **Participation**

### ***Issues***

Although the CRC guarantees children the right to be heard and exercise freedom of expression, children are frequently denied the opportunity to participate in activities that affect their lives and futures.

### ***Governments should:***

- X Ensure the child's right to freedom of expression, association, and organization, while respecting and promoting the family's primary responsibility in nurturing and protection of children.
- X Ensure that the child is given opportunity to be heard in court proceedings affecting the child.
- X Establish participatory structures and forums through which the child may express his or her views and ensure that such views are represented in all decisions taken by public authorities which affect children.
- X Ensure the availability of a wide variety of sources of information to the child at age-appropriate times, recognizing that parents have a prior right to choose the kind of education that shall be given to their children.

## **CHILD RIGHTS TO SURVIVAL AND DEVELOPMENT**

### **Poverty**

#### ***Issues:***

- X Poverty alleviation is central in advancing the rights of children.
- X Governments must recognize the immeasurable benefits to children and all of society that will ensue as poverty is eliminated.

- X Poverty exists in developing countries, and remains a reality in industrialized countries.

***Governments should:***

- X Make poverty eradication a top priority.
- X Develop a coordinated debt reduction strategy.
- X Ensure binding codes of conduct on transnational companies and effective taxation of international financial markets - to generate resources for poverty reduction.
- X Ensure access to credit for poor people by establishing a Global Poverty Eradication Fund.
- X Ensure programs to provide children with greater access to technology.
- Re-examine the balance of resource allocation between defence spending and social investment.

**Education**

***Issues:***

Education is a basic human right of all children. It is a valuable tool through which one can shape the values of society and combat all forms of discrimination. 130 million children of school age in the developing world – 21 percent of all school age children in the world – have no access to basic quality education. Millions more receive substandard education, sometimes in abusive environments. Girls are disproportionately denied education and make up nearly 60 percent of the children not in school. Children with disabilities are also disproportionately excluded from basic education with their peers.

***Governments should:***

- X Provide free and compulsory education for every child throughout his or her childhood.
- X Ensure girls have full access to education and ensure ways of preventing girls from dropping out.
- X Ensure equal access to quality education in a safe environment without discrimination of any kind.
- X Commit to the philosophy that education is a lifelong process beginning in early life from the preschool/early childhood age through primary school and into adolescence.
- X Implement specialized measures to ensure education for the child not normally reached or best served by the education system including: children in the custody of the juvenile justice system and

- in institutional care, orphans, child laborers, and victims of armed conflict including child soldiers, refugee and internally displaced children.
- X Undertake the process of analyzing schoolbooks and published lesson plans in order to ensure that discrimination against women, minorities, the disabled or any other group is not promoted in schools.
  - X Ensure that education fosters a respect for human rights and ensure that school discipline is administered in a manner respecting the child's human dignity and does not include corporal punishment.
  - X Involve teachers, parents, and children in the process of reforming the education system to be inclusive, comprehensive and non-discriminatory, encouraging ownership, accountability, and relevance.
  - X Encourage teachers to be socially responsible and incorporate information about human rights and other issues covered under the Convention into their lessons such as health, including reproductive health, child labor and discrimination. Ensure legal protection for teachers who provide this information.
  - X Stress the benefits of education among members of the population and provide incentives for attendance in school without criminalizing non-attendance.
  - X Ensure that associated or hidden costs of education, such as books, uniforms, supplies and school fees do not prevent any child from attending school.
  - X Recognize that children may need to learn in their first language and implement lesson-plans that fulfill this need.

## **Health**

### ***Issues:***

Despite substantial gains in health and immunization rates in the last decade, each day over 30,000 children under the age of 5 die from preventable causes. Globally, one in ten children will not live to see their fifth birthday. More than one million adolescents die prematurely each year due to a variety of reasons including injuries, illness, violence, suicide, and pregnancy related complications, which is a main cause of death of young women age 15-19. More than 585,000 women die each year from pregnancy-related causes, and 50 million are living with disabilities following complications from pregnancy or delivery. The growing HIV/AIDS epidemic has orphaned over 10 million children under the age of 15, and

each day thousands of children are infected with HIV. Children continue to remain at risk from disease, malnutrition, poor water quality, accidents, injury and environmental contaminants. They are especially susceptible to pollutants in the environment such as pesticides, persistent bio-accumulative toxins, radiation, lead and other metals, and other harmful substances that may cause death and affect neurological, psychological, cognitive and hormonal development, cause reproductive disorders, cancer, and developmental disorder.

***Governments should:***

- X Encourage sustained attention to the 1990 health-related goals of the Summit which have not been fully attained and identify key issues for a new global health agenda.
- X Ensure to the maximum extent possible the survival and development of the child by implementing measures that will allow each child to be born healthy and live healthy.
- X Ensure that all children, without any form of discrimination, have access to free primary health care that meets the highest possible standards.
- X Develop programs, including distribution of educational materials, that will target the family, children and the health provider community. Such programs should promote positive growth and development and address prevention of accidents, nutritional needs, disease transmission and prevention, the dangers and risks of environmental pollution, preventive health care, pre-natal and post-natal care and family planning.
- X Establish and/or promote programs for safe motherhood.
- X Ensure that every child infected with HIV or orphaned or affected by HIV/AIDS has full and equal access to health care and supportive services.
- X Recognize a child's special vulnerability to many chemicals and substances in their environment. Quality of water, air and food affect a child's health, quality of life and ability to learn and develop.
- X Promote policies and laws that ensure equal access to clean water and sanitation and provide children with clean air and clean energy.
- X Immediately move to implement policies that have been shown in other countries to lower levels of a child's exposure to pollutants in the environment, such as removing lead from gasoline.
- X Maintain focus on protection, promotion and support of breast-feeding despite the challenges of HIV/AIDS and environmental concerns.

- X Apply the WHO code on the marketing of breast-feeding substitutes.
- X Ensure that minors have access to independent legal representatives in cases of involuntary psychiatric hospitalization.

## **Disability**

### ***Issues:***

Children with disabilities have the same human rights as all other children. The voices of children with disabilities and their families are not being adequately heard. These children will and do fall victim to growing poverty, government cutbacks, segregating education, social exclusion, and eugenic potential of genetic technology. 150 million children and youth globally have a disability and face discrimination in access to life-saving treatments, health care, childcare services and education. Access to each of these services is a human right that should not be denied to any child including one with a disability.

### ***Governments should:***

- X Ensure that children with disabilities are treated with equality, respect, and dignity as valuable members of society.
- X Ensure that children with disabilities are included in national child development schemes.
- X Ensure that needed rehabilitative services are available to children with disabilities.
- X Recognize that segregation and institutionalization of the disabled are not acceptable policies because they deny these children a basic right of participation, the opportunity to develop mutually respectful relationships with their non-disabled peers and the opportunity to develop capacities to make social and economic contributions.
- X Value all children equally under the law, in public policy decisions and in practice regardless of genetics and other characteristics.
- X Ensure that all communities including community services, schools, health care and recreation are universally designed and operate inclusively.

## **Parent/family support**

### ***Issues:***

The Convention on the Rights of the Child recognizes the importance of parents in the development of children. Disintegration of the family is

becoming a problem world-wide, particularly as it contributes to the poverty of women and children.

- X The disintegration of families across the globe is undermining the rights of children.
- X Children right to grow up in a safe, stable, and nurturing environment is increasingly threatened.

***Governments should:***

- X Ensure that families are supported in order to provide a safe, stable, and nurturing environment for children.

**PROTECTION FROM VIOLENCE AND EXPLOITATION**

**Armed Conflict**

***Issues:***

Contemporary armed conflict has forced as many as 25 million children worldwide to flee their homes and has drawn 300,000 children into service as soldiers. Every year, millions of children are physically injured, disabled, scarred mentally, or killed as a result of armed conflict. The rights of girls in particular are violated during armed conflict through mass abductions and systematized rape.

***Governments should:***

- X Universally ratify and enforce the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and ensure that no child under the age of eighteen is voluntarily recruited.
- X Ratify the Rome Statute for the International Criminal Court and actively prosecute those responsible for war crimes against children, including attacks against educational institutions and enlisting or using children under the age of fifteen in hostilities.
- X Universally ratify and enforce the Mine Ban Treaty, and take concrete steps towards reducing the availability of small arms.
- X Establish an international reporting system for any violations of rights of children particularly in situations of armed conflict.
- X Protect internally displaced, refugee and other war-affected children from sexual and labor exploitation and recruitment by government and other armed forces, and ensure their right to education, health and safety.

- X Ensure that children are not adversely affected by the imposition of sanctions.
- X Conduct mandatory training in child rights for all military personnel that are seconded to the UN for peacekeeping duties.
- X Ensure that a child's right to education is never jeopardized by providing resources for education as a fourth pillar of humanitarian assistance during armed conflict (i.e. in addition to food, shelter and health care).
- X Encourage community involvement in the demobilization and reintegration of child soldiers.
- X Given the growing attention to adolescents in armed conflict, involve children themselves in the design of peer counseling, vocational training and economic alternatives programs, with special attention to the rights of girls.

## **Violence Against Children**

### ***Issues:***

Violence against children is pervasive and frequently carried out with impunity. Physical and psychological abuse is perpetrated against street children by police, against children in correctional or other institutions by guards or employees, against child workers by their employers, against students by their teachers, and sometimes against children by family members.

### ***Governments should:***

- X Ensure that any child who is detained, institutionalized, in residential care or in school is protected from torture or cruel, inhuman or degrading treatment or punishment, including corporal punishment, rape, and sexual abuse.
- X Investigate vigorously and promptly all reports of "disappearances," torture, and abuse of any child, prosecute those responsible, and report on all such investigations publicly and promptly.
- X Ensure that the child and his or her family have direct access to complaint mechanisms that initiate and conduct investigations.
- X Ensure protection for street children from physical and sexual abuse by police and from arbitrary detention, and allocate resources to help the child whose only alternative is to survive on the world's streets.

- X Conduct education campaigns to change attitudes about traditional practices harmful to children, and ensure their abolition.
- X Ensure the protection of children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

### **Child Labor, Bonded Labor and Contemporary Forms of Slavery**

#### ***Issues:***

Over 250 million children between the ages of five and fourteen work in industrialised and developing countries—at least 120 million full time. Between 50 and 60 million children between the ages of five and eleven work in hazardous circumstances, and millions of children toil in "invisible work" as domestic child workers and agricultural workers. Multinational corporations as well as individual employers have a responsibility to ensure that their companies do not employ children in exploitative labour.

#### ***Governments should:***

- X Universally ratify and implement ILO Convention 182 on the Worst Forms of Child Labor, as well as take into consideration and implement as far as possible Recommendation 190 of this Convention.
- X Provide quality education and vocational alternatives for children vulnerable to economic exploitation, including financial support for school attendance, when necessary.
- X Investigate and vigorously prosecute agents and employers responsible for using a child for abusive child labor.
- X Conduct public education for youth that are at risk of being exploited as domestic workers, and bring special attention to "hidden work" where girls are at special risk.
- X Ensure that any child removed from abusive child labor is not treated as a criminal, receives educational, vocational and other appropriate forms of assistance, and is promptly reunified with his or her family wherever it is safe to do so.

### **Sexual Exploitation**

#### ***Issues:***

Millions of children worldwide are sexually exploited for commercial purposes through prostitution, trafficking or pornography. Others are sexually abused by care givers, employers, police or national security forces. The growth of child pornography on the Internet has been explosive. Very little has been done to prevent this phenomenon.

***Governments should:***

- X Implement the Stockholm Agenda for Action from the 1996 World Congress Against Commercial Sexual Exploitation, and assess its implementation through a global follow-up conference in 2002.
- X Vigorously prosecute those who sexually exploit a child or profit from the practice.
- X Ensure that the child who has been subject to sexual exploitation is not treated as a criminal, but receives psychological counseling, health care, education and vocational training, and other appropriate assistance, including prompt reunification with his or her family, whenever it is safe to do so.
- X As a matter of priority, conduct campaigns to change the attitudes of adults who consider children as acceptable objects of sexual interest.
- X Introduce measures to abolish early and forced marriage.
- X Introduce measures to abolish child prostitution.
- X Implement the concluding recommendations of the 1999 Vienna Commitment Against Child Pornography on the Internet.

**Trafficking**

***Issues:***

Children are trafficked all over the world for a variety of reasons. They are used as child soldiers, as labourers, as slaves, put up for adoption, and recruited or forced into prostitution and pornography. Inter-governmental agencies should assume their responsibility to put into place mechanisms to prevent the development of trafficking in refugee camps and to protect vulnerable displaced populations.

***Governments should:***

- X Pass legislation, with strong enforcement, making trafficking of children a crime.
- X Alter immigration laws to prevent criminalization of children who have been trafficked, and to protect children in general.
- X Ensure that receiving countries take responsibility to prevent a trafficked child from being repatriated to an abusive or harmful situation.
- X Provide services to trafficked children to protect their rights especially if they will be used as witnesses in the prosecution of traffickers.

## **CONCLUSION**

State parties should use new Plans of Action to be adopted by the UN Special Session for Children as a means to implement and monitor the principles and provisions of the Convention. They must promote public awareness and visibility of the Convention, Plans of Action, and the monitoring process.

It must be recognized that countries are at various stages of development in implementing the Convention. Some countries lack the legal systems, institutions, and policies that make effective implementation possible. Therefore countries must be strongly supported through international cooperation for legal reform and development of institutions, and programs that will build capacity for conformity with the provisions of the Convention.