Children’s protection and civil rights

Children not only have rights to health, nutrition and education, they have rights to protection, freedom from violence and exploitation, and to “a safe and supportive environment.” The seventh major goal of the World Summit for Children called for the protection of children in especially difficult circumstances, particularly in situations of armed conflict, but this goal was not well defined at the time. According to the Plan of Action, children in especially difficult circumstances included orphans and street children, refugee or displaced children, child workers, children trapped in prostitution or sexual abuse, disabled children and delinquent children. In the decade since, a much clearer understanding has developed of the issues central to protecting children and guaranteeing their civil rights.

Role of the family

A child’s first line of protection should be the family. As the World Summit Plan of Action states, For the full and harmonious development of their personality, children should grow up in a family environment, in an atmosphere of happiness, love and understanding. Accordingly, all institutions of society should respect and support the efforts of parents and other care-givers to nurture and care for children in a family environment. The Convention on the Rights of the Child includes similar provisions.

Many countries, even those with economic difficulties, provide some financial assistance to at least the most needy families. Day care is an important form of support, for example, especially for families in which one or both parents are employed. In many countries, safety nets ensure the right of all children to medical services, education and adequate nutrition when the family is unable to pay. Parent education and counselling programmes also help parents provide their children with a safe and nurturing environment and meet the challenges of raising children in a rapidly changing world.

But in other countries, families receive little or no support. A critical situation exists, for example, in countries where the shock of structural adjustment or economic transition has stoked poverty and unemployment while leaving the government with less money to provide an effective safety net. Children are also at greater risk in countries where, in the absence of effective public programmes, informal community-based mechanisms are the only available sources of support.

Adverse economic conditions not only undermine the ability of parents to provide children with living conditions that are conducive to healthy development but also strain the stability of the family itself. Many countries report increases in the number of children living with one parent or in unstable arrangements as a result of economic hardships, HIV/AIDS, armed conflict, divorce and abandonment. Such families are disproportionately affected by poverty, often due to discrimination against women in employment. The role of the extended family, and its ability to support the raising of children, is also diminishing in many countries. This phenomenon has been accelerated by the HIV/AIDS pandemic, especially in sub-Saharan Africa where several countries report that the number of children orphaned by AIDS has outstripped society’s
capacity to offer any form of alternative care, leaving growing numbers of children to fend for themselves.

One favourable trend is the decline in female fertility in every region of the world. This is important not only because of the benefits of birth spacing for child and maternal health but also because smaller family size enhances the ability of parents to provide their children with conditions conducive to healthy development. The decline in the fertility of girls aged 15 to 19, also reported by many countries, has positive consequences for the education, development, equality and other basic rights of the adolescent girl.

Despite their key role in nurturing, supporting and protecting children, families all too often fail to offer this ideal environment. In extreme cases – such as situations of sexual abuse and child trafficking – they are part of the problem for children, rather than the solution.

According to WHO, each year 40 million children under the age of 15 are victims of family abuse or neglect serious enough to require medical attention. Social mobilization around child-rights issues during the decade has led to a much greater recognition of the magnitude and urgency of this problem, and new initiatives to address physical and sexual abuse have been taken in many countries. Some of these protect children, while others protect women and girls. Violence against women and children is related: Violence against mothers has serious psychological consequences for children in the household, contributes to the disintegration of families and perpetuates the cycle of violence. Girls are not the only victims, however; the victimization of boys is also widespread. Important measures are now being taken to counter this kind of domestic abuse, such as awareness programmes for children, telephone hotlines and shelters for children who are fleeing abuse; legal reform, including heavier penalties for those responsible; obligatory reporting of abuse by professionals; restrictions on the employment of convicted offenders; new procedures to protect child victims from the ordeal of giving testimony directly in criminal investigations and trials; and sensitization of police and prosecutors. All comprehensive programmes include a component designed to provide victims with psychosocial and, if necessary, medical assistance. Many governments cooperate closely with NGOs in this area.

Children deprived of a family environment have the right to special protection, assistance and alternative care. Placing children in institutions should be avoided and done only as a last resort. In the past, too many children were institutionalized unnecessarily. Sometimes this was due to poverty, because parents felt that it was the only way to ensure that their children would be fed, clothed and sheltered. At other times parents felt unable to deal with their child’s disability or had to relinquish the child due to social stigma. This underscores the importance of providing families in difficult circumstances with the support they need to shoulder their responsibilities, an approach that both respects the child’s right to a family environment and is more cost-effective.

Over the decade, recognition of the principle that children should only be institutionalized as a last resort increased substantially. In some cases, legislation has
been revised to incorporate this principle; in others, the emphasis has been on increasing the availability of alternatives such as guardianship and foster care. Countries are also increasingly working on the presumption that when a child has to be separated from the family, it should be on a temporary basis, with every effort made to address the underlying causes so that the child can return.

In some parts of the world, however, the issue is not excessive reliance on institutionalization. The problem is over-reliance on informal or traditional forms of adoption or fostering, or on private child-care institutions or international adoption networks, which, as a result of the weakness of the public sector, frequently operate in a legal vacuum with little or no supervision. There has been growing recognition that while these networks and groups can make an important contribution to providing alternative care, the competent authorities must take steps to ensure that they operate in ways that are guided by the best interests of the child and are compatible with the full range of children’s rights.

**Priority actions for the future on the family**

- Strengthen programmes to support families in their child-rearing responsibilities, including through parent education and counselling.

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**The plight of AIDS orphans**

The global devastation of HIV/AIDS is cruelly depriving millions of children of the chance to live, grow and develop in the caring and supportive environment of their families. Some 2.3 million children under 15 became orphans in 2000 due to AIDS-related deaths – one every 14 seconds. At least 10.4 million children currently under age 15 have lost their mother or both parents to AIDS. Even if no new infections occurred after the year 2001, the proportion of children orphaned would remain disproportionately high until at least 2030. The situation in sub-Saharan Africa is especially acute.

The rapid increase in the number of orphans is placing ever greater stress on already overbur-
• Ensure the development of comprehensive national programmes for the prevention, detection and treatment of neglect and physical or sexual abuse of children.
• Ensure that all children deprived of a family environment have access to appropriate forms of alternative care where their rights are fully safeguarded.

Civil rights and freedoms

The World Summit Declaration made it clear that all children must be given the chance to find their identity and realize their worth in a safe and supportive environment. It further recognized that children should, from their early years, be encouraged to participate in the cultural life of their societies, and it appealed to children to act as special partners in meeting the challenge of the Summit goals.

LEGAL PROTECTION OF CHILD RIGHTS

By the end of 1997, all but two countries had ratified the Convention on the Rights of the Child. In addition, many States parties to the Convention continue to remove reservations that they had initially registered. No other human rights instrument has dened communities and families. The impact of AIDS is also straining government capacity to provide assistance, deliver services and ensure that the rights of all children are met. Studies in countries in eastern and southern Africa show that an orphaned child is more likely to be malnourished, sick and/or out of school than are other children. Orphans under age five are at special risk of neglect. They may be malnourished through lack of breastfeeding and limited availability of alternative foods, and sick because caregivers lack the time or knowledge for proper care.

A parent’s death increases a child’s vulnerability to abuse and exploitation. Orphans are more likely than are other children to be sexually abused, pressured to marry at a younger age or forced into the workplace to ease the financial burden on their guardian. Orphans and widows are often disenfranchised within their extended family and lose their inheritance and other legal entitlements upon the death of a husband and father. Orphans and other children affected by HIV/AIDS are more likely to work in exploitative situations; to be at risk of violence, abuse and neglect; or to be in conflict with the law. In many cases, orphans are forced to form ‘child-headed households’, assuming adult roles and responsibilities at an early age. Others eke out a living on the streets. Such children, especially girls, are at particular risk of sexual exploitation and HIV infection.

Families and communities are the primary social safety nets for orphaned and vulnerable children, and countless examples around the world show how communities are mobilizing to meet the problem. However, the sheer scale of the orphan crisis is overwhelming, and governments, NGOs, civil society and faith-based organizations, international agencies and donors are grappling with how to take action on a wider scale. From the global process of consultation and debate stimulated by the Durban AIDS Conference in 2000, a set of guiding principles for such efforts has emerged. These highlight the need to reinforce the caring and coping mechanisms of families and communities; enhance linkages among AIDS prevention activities, home- and service-based care, and support for orphans and vulnerable children; include AIDS orphans within the broader spectrum of vulnerable children targeted for assistance, paying special attention to gender issues; involve children and adolescents as part of the solution; strengthen the role of schools; and vigorously combat stigma and discrimination.
amassed such a level of support in so short a time. The Convention has helped inspire the development of other international human rights standards, including the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and new standards for intercountry adoption, child labour and juvenile justice.


At the national level, many new constitutions have included provisions explicitly guaranteeing children’s rights, while existing constitutions have been amended to incorporate such rights. Countries worldwide have also undertaken reforms to bring their national legislation and codes into closer conformity with the principles and provisions of the Convention on the Rights of the Child. Many of these initiatives follow the recommendations by the Committee on the Rights of the Child and have included:

- Laws to protect children from discrimination, especially in access to education and in the acquisition of citizenship and nationality;
- Increased legislative focus on the protection of children from violence, including within the family, and the prohibition of corporal punishment;
- Legislative measures for the care of children separated from their parents, often focused on reducing reliance on institutional care, establishing adoption procedures and fostering systems, and regulating intercountry adoption;
- Actions to counter harmful traditional practices, including laws prohibiting female genital mutilation (FGM) and early and non-consensual marriages;
- Laws raising to 18 years the minimum age for recruitment into military forces;
- New laws to prohibit child prostitution, child trafficking and child pornography;
- Labour laws setting minimum ages for employment, prohibiting the worst forms of child labour, recognizing the role of education as a key preventive measure and regulating working conditions;
- Specialized juvenile-justice systems, setting minimum ages for criminal responsibility, requiring due process, viewing the deprivation of liberty increasingly as a last resort and ensuring the separation of juveniles from adults in detention centres.

Several areas of national law reform increasingly have involved international cooperation, as reflected in extraterritorial legislation on sexual exploitation and trafficking, and in bilateral and regional agreements to combat the sale of children.

For all of these positive developments, the process of reshaping national laws for the full protection of children’s rights has only begun. There is a continuing need to ensure that new laws reflect the provisions and principles of the Convention, especially those of non-discrimination, participation and the best interests of the child. Law enforcement officials, the judiciary, teachers, child welfare professionals and others
who work with children need to be trained and supported to fully understand the content and significance of new laws and regulations, to develop commitment to the changes involved and to apply them. Children and adults alike need to be made aware of new laws and the remedies and procedures made available through them.

RIGHT TO NAME, NATIONALITY AND IDENTITY

During the 1990s, there was growing awareness of the importance of prompt birth registration as an essential means of protecting a child’s right to identity, as well as respect for other child rights. Failure to register births promptly has been linked to the trafficking of babies. The lack of a birth certificate may prevent a child from receiving health care, nutritional supplements and social assistance, and from being enrolled in school. Later in childhood, identity documents help protect children against early marriage, child labour, premature enlistment in the armed forces or, if accused of a crime, prosecution as an adult.

Some countries have achieved universal registration, while several others have significantly increased the proportion of births registered. The most effective measures have included mobilization campaigns with the active participation of civil society; the elimination of registration fees; the removal of legal or administrative obstacles such as the requirement that the child’s parents present their identity papers; and the registration of children in the health facilities where they are born. Nevertheless, it is estimated that over 50 million births each year remain unregistered – with nearly three out of four births unregistered in sub-Saharan Africa.

Discrimination on registering births persists in some countries. Hundreds of thousands of children are stateless as a result of discrimination against women or against ethnic, religious or national minorities. Some countries have amended their laws to allow women as well as men to pass citizenship on to their children, and others now recognize the nationality of persons belonging to minorities. Many have changed relevant provisions in their constitutions and enacted legislation to ban...
discrimination on the basis of birth, including the use of names that stigmatize. A major effort is needed in the coming years to ensure that this process is extended everywhere and benefits all children.

FREEDOM FROM VIOLENCE

The safety and security of children, in particular girls, and of women continues to be denied by a global eruption of violence in which they are killed, tortured or maimed.

A prime example is female genital mutilation (FGM). WHO estimates that 2 million girls are at risk of FGM annually.

At least 9 of the more than 30 countries in which FGM is endemic have enacted laws prohibiting it, and some 20 have organized public campaigns aimed at eradicating the practice. In a joint initiative, WHO, UNICEF and UNFPA have outlined strategies to eliminate FGM and encouraged government and community efforts to promote and protect the health of women and children. In Africa, parliamentarians, government officials and members of the Inter-African Committee on Traditional Practices have called for national legislation condemning FGM. Despite political resistance in some places, recent gains have been made in combating FGM through the involvement of young people, religious and community leaders and even former practitioners.

In other efforts to protect the dignity and physical integrity of children, countries in Africa, Asia and Europe have adopted legislation or regulations outlawing corporal punishment. Such punishment has been prohibited in the school system and in institutions, as well as in the juvenile-justice system, and information campaigns have promoted changes in caregivers’ attitudes and behaviour.

Suicide is also receiving greater attention. Some 4 million adolescents attempt suicide annually, at least 100,000 successfully. The prevalence of suicide and other self-destructive behaviours, such as drug and alcohol abuse, underscores the necessity for programmes designed to address adolescents’ needs.

CHILD PARTICIPATION

The growing recognition of children’s right to participate, in accordance with their evolving capacity, in local or national decision-making processes and to contribute
to the development of their own societies has been among the most significant advances of the last decade. Children’s substantive participation in the national, regional and international processes of preparing for the Special Session on Children embodies this trend. In every region of the world, there are numerous other examples, including participation in parliaments, municipal councils and student associations. Such participation needs to be further developed in the coming decade and successful experiences shared. The views expressed and proposals made by children now need to be followed up formally, and adults need to learn to give them due weight, not least within legal and administrative proceedings.

Participation is closely linked to freedom of expression, including the rights of access to information and freedom of association. The worldwide effort to make children of different ages aware of their rights and opportunities – an effort that was called for both in the World Summit Declaration and in the Convention on the Rights of the Child – has been key to promoting children’s participation. Their participation has been greatly enhanced by the spread of new technologies, most notably the Internet.

**Priority actions for the future on civil rights and freedoms**

- Ensure that all children are registered at birth, and that other necessary measures are taken to protect every child’s right to identity.
- Strengthen strategies and mechanisms to ensure children’s participation in decisions affecting their lives within the family, the school or the community, and to ensure they are heard in legal and administrative proceedings concerning them.
- Promote awareness of child rights among children and adults, and foster changes in attitudes and values that undermine respect for the rights of children, especially those that result in violence against children.

**Special protection measures**

The Plan of Action of the World Summit for Children called for the protection of children in especially difficult circumstances, meaning orphans and street children; refugees and displaced persons; victims of war and disasters; children of migrant workers and other disadvantaged groups; child workers; children trapped in prostitution, sexual abuse and other forms of exploitation; disabled children; delinquent children; and victims of apartheid and foreign occupation. Special attention was given to child labour, illicit drug use, the abuse of alcohol and tobacco, and the protection of children during armed conflicts. Although the goal of protecting children in especially difficult circumstances was ill-defined at the time, debate and action since have clarified thinking and helped define appropriate strategies.

**Child labour**

The 1990s saw child labour gain in international prominence. This was mainly due to the rising interest in human rights generally – and child rights in particular – and the related movement for fair labour standards in the increasingly global economy.
As the ILO has stressed, child labour seriously hinders education and the acquisition of necessary skills, reducing lifetime earning potential and preventing upward social mobility. Child labour also impedes long-term economic development by reducing the pool of skilled, educated people necessary for a country’s development.

International standards on protecting children from child labour were greatly strengthened over the decade. The Convention on the Rights of the Child helped enhance existing ILO standards by recognizing children’s right to protection from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development. It also promoted the best interests of the child as a guiding principle. In 1999, the unanimous adoption of ILO Convention 182 on the Elimination of the Worst Forms of Child Labour gave expression to a global con-
environment, and with good economic prospects, peace and social equality for all. *(Voices of Children and Adolescents in Latin America and the Caribbean, UNICEF Regional Office, May 2000)*

**EUROPE AND CENTRAL ASIA**

Some of the results here reveal strongly divergent views among children from wide-ranging socio-economic and cultural backgrounds, as is to be expected in such a large and heterogeneous grouping of countries. Others, however, reveal many common themes and shared concerns among the children of Europe and Central Asia. These include: the importance of family and education; closer relationships with mothers than with fathers; recognition of unfair treatment of children from poor families and ethnic minorities, as well as those with disabilities; widespread disaffection with government and doubts about the efficacy of voting; a relatively high prevalence of aggressive behaviour at home; concerns about neighbourhood safety; insufficient information regarding rights, sexual relations, HIV/AIDS and drugs; and the lack of a say in decisions affecting their lives. Children’s top six demands on the governments of Europe and Central Asia are to: do more to improve the quality of education; create more cultural, sports and leisure-time opportunities; improve social security systems; raise living standards; heighten safety; and ensure respect for children. *(Preliminary results of polls sponsored by UNICEF, with the Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights, April 2001)*

**EAST ASIA AND THE PACIFIC**

Among the major findings in this region are strong identification with the family as the source of values, security and support; attaching importance to school; optimism about their personal futures, coupled with a less optimistic outlook on the future of their communities; and a moderate awareness of rights in general, accompanied by limited awareness of specific rights. A substantial percentage of children say their feelings and opinions are not taken seriously in their homes and communities. A quarter of respondents report violence or aggression in the home, and a similar proportion feel insecure in their communities at night. More than a third report having tried smoking; one in five have tried alcohol; and a quarter or more report knowing children their own age who are addicted to these substances. Knowledge of HIV/AIDS and its prevention varies enormously among youth in the region, and much misinformation exists. Half of respondents’ expectations of government focus on education; others include the creation of good living environments, stronger policies on child protection and improved access to health care for children. *(Preliminary results of a survey carried out by UNICEF, with support from UNAIDS and UNICEF National Committees, May 2001)*

sensus that certain forms of child labour are intolerable, regardless of a country’s level of development or traditional beliefs. The ILO Convention recognizes the decisive role of education in preventing child labour, as well as in the rehabilitation of children removed from its worst forms.

The World Summit for Children helped inspire the International Programme on the Elimination of Child Labour (IPEC). Launched by the ILO in 1992 in six countries, IPEC had nearly 100 participating and donor countries by 2000 and has become a global partnership between governments, employers, trade unions and NGOs.

Many of the initiatives of the 1990s focused on child labour in specific industries. The most prominent of these were the Rugmark initiative, covering carpet exports in South Asia, and agreements reached to eliminate child labour from the
Bangladesh garment industry in 1995 and from the soccer-ball-stitching industry in Pakistan in 1997. These and other initiatives were largely stimulated by consumer concern in industrialized countries about fair labour standards and ethical purchasing by companies – concerns that led, in some cases, to transnational companies developing their own codes of conduct.

But while most international attention during the 1990s was focused on the formal and export sectors, only 5 per cent of child labour is found in those sectors. An estimated 70 per cent of children in developing countries work far from public scrutiny in agriculture and the informal sector. The invisibility of the bulk of child labour – including work in the informal sector or in the family – represents a serious challenge and is compounded by the clandestine nature of such practices as trafficking.

More fundamentally, child labour needs to be placed on the agendas of finance and planning ministries, going beyond the portfolios of education and labour alone. More emphasis should be placed on prevention, with linkages made between the global efforts to end child labour and those to ensure education for all, which are now recognized as two sides of the same coin. Finally, we need to listen to children: The Global March against Child Labour, organized in 1998 to build momentum for the adoption of ILO Convention 182, shows the potential that exists for transforming children from objects to agents of change.

**Priority actions for the future on child labour**

- Promote awareness of children’s right to protection from economic exploitation, with a view to eliminating the worst forms of child labour.
- Implement existing international standards at the national level, backed by the necessary resources.
- Ensure the right to education for all children, including universal and free access, quality of content and high learning achievement.
- Make child labour more visible by strengthening data collection, analysis and dissemination.
- Provide the support needed to enable poor families to educate children through community-based programmes that make quality education affordable.

**Children affected by armed conflict**

When the World Summit for Children convened in 1990, the cold war had recently come to an end and there was great optimism about a new era of peace. The leaders gathered at the Summit solemnly promised: *We will work carefully to protect children from the scourge of war and to take measures to prevent further armed conflicts, in order to give children everywhere a peaceful and secure future.* The Summit anticipated a ‘peace dividend’ and stated that: *The current moves towards disarmament also mean that significant resources could be released for purposes other than military ones. Improving the well-being of children must be a very high priority when these resources are reallocated.*

Regrettably, this peace dividend never materialized. World military expenditures did decline during the first half of the 1990s, but the savings were not, by and large, invested in children. And instead of a new era of peace, the world was plunged into a
decade of ethnic conflict and civil wars that saw deliberate violence used against children on a vast scale.

In the armed conflicts of recent years, children have been special targets and, tragically, also perpetrators of violence. The number of children who have been directly affected by armed conflict is enormous and unprecedented. During these conflicts, children have been maimed, killed or uprooted from their homes and communities. Children have been made orphans and have been subjected to exploitation and sexual abuse. Children have been abducted and recruited as soldiers. War’s impact on girls is particularly damaging to future generations.

The use of children as soldiers has become common. There are now an estimated 300,000 children actively involved in conflict. Children who are among the world’s 35 million displaced people are particularly vulnerable to abduction or recruitment as soldiers.

The global commerce in and proliferation of small arms and light weapons, along with landmines and unexploded ordnance, threaten children’s lives every day. Many conflicts are driven by economic interest, such as the desire to control valuable natural resources. There is growing evidence that some industries are responsible for fuelling wars that have resulted in horrific violations of children’s rights.

War affects every aspect of children’s development: Malnutrition increases because of low food production and displacement; resources for social services are diverted into the war effort; as health services deteriorate, infant and child mortality rates rise; the destruction of schools reduces access to education; and displacement separates families and deprives children of a secure environment. All these elements are common features of today’s conflicts – and if we are to ensure the well-being of all children in the 21st century, they deserve special attention and action.

It is true, however, that the World Summit’s call to adopt special measures such as ‘corridors of peace’ to allow relief supplies to reach women and children and ‘days of tranquillity’ to vaccinate and to provide other health services for children and their families in areas of conflict did not go entirely unheeded. Over the last decade, National Immunization Days (NIDs) have taken place in many countries in conflict, an acknowledgement by warring parties that the rights and well-being of children must be allowed to prevail, even in times of great inhumanity.

Graça Machel’s report on the ‘Impact of Armed Conflict on Children’, which was submitted to the UN General Assembly in 1996, provided the first comprehensive assessment of the multiple ways in which children’s rights are being violated in the context of armed conflict. Her report laid the foundation for the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, created by the General Assembly in 1996. The Special Representative is mandated, among other things, to “assess progress achieved, steps taken, and difficulties encountered in strengthening the protection of children in situations of armed conflict; raise awareness and promote the collection of information about the plight of children affected by armed conflict and encourage the development of networking,” as well as to “foster international co-operation to ensure respect for children’s rights” in the various stages of armed conflict. The efforts of the Special Representative have been of critical importance in moving forward the agenda on children affected by armed conflict at both global and regional levels.
The Machel report pointed to the need to strengthen existing international standards to protect children in conflict situations. Some progress has been made in this regard in the last decade. In 2000, the General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which raises the age at which participation in armed conflicts will be permitted from 15 years to 18 years, and bans compulsory recruitment of children under 18 years of age.

Mobilization and advocacy by concerned governments and civil society organizations have also led to the adoption of other international instruments that affect the situation of children in armed conflict, including the Convention prohibiting anti-personnel mines and ILO Convention 182, which also prohibits the forced recruitment of children for use in armed conflict.

The effort to ensure that war crimes against children and women are not perpetrated with impunity has advanced with the adoption of the Rome Statute of the International Criminal Court. The Statute recognizes the conscription of child soldiers, rape, sexual slavery and enforced prostitution as war crimes. The Statute includes special provisions to protect child victims and witnesses who appear before the Court.

Such worldwide mobilization and advocacy has pushed the plight of children affected by armed conflict higher on the international political agenda. The first International Conference on War-affected Children was held in Winnipeg, Canada, in
September 2000. The UN Security Council has acknowledged the link between violations of children’s rights and threats to international peace and security and has established an annual open debate on this issue. Important steps have been taken to integrate children’s concerns in peace operations, including peacekeeping mandates and training for peacekeepers. Child Protection Advisers have been deployed as part of the UN peacekeeping missions in the Democratic Republic of Congo and Sierra Leone. The well-being of war-affected children has been specified in peace agendas and peace accords in Burundi, Northern Ireland and Sierra Leone.

Moreover, humanitarian assistance for children in armed conflicts now often includes special protection measures. During the last decade, humanitarian agencies have involved themselves more directly by implementing programmes for demobilizing children, reuniting them with their families and reintegrating them within communities. Agencies have increasingly been called upon to negotiate direct access to the most vulnerable populations with governments and rebel groups.

New frameworks of cooperation aim to involve all actors in efforts to prevent violations and protect children. Commitments to respect children’s rights have been secured from opposing sides. In some cases, a memorandum of understanding has been reached, such as that between Operation Lifeline Sudan and the Sudan People’s Liberation Army.

More emphasis is also being placed on access to education, psychosocial rehabilitation and reintegration in crisis situations. In East Timor, the UN Transition Administration and NGOs developed child-friendly spaces in the midst of conflict, allowing time and space for learning, recreation and psychosocial support. In Albania, Lebanon and Turkey, this approach has proven to be an effective means of ensuring protection of children and their caregivers, as well as promoting peace and reconciliation initiatives among children. It is now recognized that children should be involved in the design and implementation of programmes on their behalf, especially demobilization and reintegration processes, and, in general, policies to restore peace and put an end to violations of children’s rights. Innovative local initiatives have been developed to strengthen the protection of the rights of children during armed conflict. These include the National Commission for Children in Sierra Leone and Children as Zones of Peace in Sri Lanka.

The last decade saw tremendous political progress in the development of an agenda and standards to protect war-affected children, yet children continue to suffer in enormous numbers.

**Priority actions for the future on children affected by armed conflict**

- Improve information-gathering, data collection, research and analysis on children in conflict situations in order to improve programme implementation and policy.
- Stop the recruitment and use of children as soldiers, and secure the universal ratification and implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and of ILO Convention 182. Mobilize resources for disarmament, demobilization and reintegration programmes for former child soldiers.
- Ensure access to improved treatment, care and support for children affected by HIV/AIDS in conflict zones. HIV/AIDS-awareness education for prevention
and care during emergencies should be conducted in schools and education systems. Military and peacekeeping personnel should also have HIV/AIDS education and training.

- Emphasize conflict-prevention policies that promote equitable social and economic development, good governance and respect for human rights and the rule of law.
- Control the illicit flow of small arms and light weapons and ensure the implementation of the ban on the production and use of anti-personnel mines.
- Integrate child protection into political agendas, and particularly peace processes, by including issues relevant to children during peacemaking throughout post-conflict situations, as well as by including child-protection staff in peacekeeping and other field operations.
- End impunity and promote accountability through the universal ratification of the Rome Statute of the International Criminal Court, exclusion of war crimes against children from amnesty provisions and legislation, and inclusion of child-protection provisions in the statutes and rules of war-crimes tribunals and courts.
- Address more systematically the responsibility and accountability of non-state entities, including private companies and insurgent groups. This should include the exposure of companies that profit from any activities of parties to conflict that involve abuses of human rights or breaches of international law.

**Refugee Children**

When the World Summit took place, UNHCR estimated that 7 million of the world’s 15 million refugees were children under the age of 18. There are now some 22.3 million refugees and other people within UNHCR’s remit, of whom 11 million are children. For this reason alone, protecting the rights of refugee children deserves to be a priority during the next decade.

During the past decade, issues related to the rights of refugee children have come much more to the fore. It is now better understood that initiatives designed to benefit refugee children have to take their caregivers and community into account. The priorities have been to protect children from sexual exploitation and military recruitment, offer them access to education, and either reunite them with their families or offer alternative care.

Considerable success has been achieved in reuniting refugee children with their families, often in cooperation with tracing efforts of the International Committee of the Red Cross. Efforts to improve the quality of education programmes for refugee children have increased retention rates. There have also been promising efforts to incorporate peace education, human rights education and especially environmental awareness into educational programmes. The rights of adolescent refugees have received special attention, including those who have been forced by circumstances to assume the role of head of household.

Refugee children are among those most at risk of illegal recruitment into armed forces. Reunification of refugee children with their families is the most effective method of preventing such recruitment and is a vital component of rehabilitation.
Other preventive measures include relocating refugee camps, separating combatants from the civilian population and strengthening the capacity of the forces responsible for camp security.

In Europe, a number of countries have improved their procedures for evaluating claims by unaccompanied children seeking asylum, including recognizing the child’s right to be heard and reducing delays in reaching a decision. Other countries, especially in Africa, indicate that financial constraints limit their ability to ensure refugee children’s access to education or other basic services.

**Priority actions for the future on refugee children**

- Ensure broader and more consistent application of the approaches that have been developed during the decade to support family reunification or alternative care, protection against sexual exploitation and military recruitment, and access to education. These approaches must be fully incorporated into the practices of UN agencies, and governmental and non-governmental counterparts in all countries where significant refugee populations exist.
- Ensure prompt responses to the needs of unaccompanied children seeking asylum, including effective tracing and family reunification whenever possible.
- Protect refugee girls and women against sexual violence and exploitation and protect all refugee children against military recruitment and indoctrination.
- Guarantee the right of all refugee children to education and expand efforts to incorporate human rights and peace and environmental awareness into that education.
- Continue efforts to ensure that, in all countries where the refugee population outstrips the capacity of the host country, there is sufficient aid to cover the necessary services.

**SEXUAL ABUSE AND EXPLOITATION**

There are no precise statistics available on the number of sexually abused and exploited children – inevitably so, given the sensitivity of the issue, the criminal and covert nature of these violations and the limited research that has been conducted to date. What is abundantly clear, however, is that we are confronted with a global problem, with every region of the world struggling with some aspects of child sexual exploitation.

The past decade has witnessed a dramatic and desperately needed increase in the willingness to recognize and confront the problem of children’s sexual exploitation. A long silence has been replaced with growing awareness and prominence on public and political agendas.

The World Summit for Children underlined the need for governments to give special attention, protection and assistance to sexually exploited children, leading to a significant increase in UN initiatives. The Commission on Human Rights appointed a Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, and a programme of action on these three fronts was adopted in 1992. The 1999 ILO Convention 182 on the Elimination of the Worst Forms of Child Labour also addresses the sale and trafficking of children, child prostitution and pornography. This treaty was closely followed by the adoption of an Optional Protocol
to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Finally, a Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, has recently been added to the UN Convention against Transnational Organized Crime, providing the first internationally agreed-upon definition of trafficking.

Early in the decade, NGOs – especially the organization End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) – played a key role in drawing attention to child sexual exploitation and the urgent need for action. The 1996 World Congress against Commercial Sexual Exploitation of Children then set out an Agenda for Action that was adopted by the 122 Governments represented.

Since then, a number of governments have worked to develop national plans of action to combat the commercial sexual exploitation of children. A range of measures has been taken against ‘sex tourism’, including extraterritorial laws that criminalize the purchase of sexual services from minors abroad, improved law-enforcement cooperation between countries and commitments from the travel industry. Programmes have been developed to protect and assist children, such as community monitoring, awareness-raising campaigns, improved educational opportunities for at-risk children, and shelter, recovery and reintegration programmes. The media have increased public awareness and deterred such violations by profiling cases of abuse and exploitation.

UN agencies have joined forces with Interpol and private enterprises in the tourism, computer and Internet industries to prevent the sexual exploitation of children. Action at the national level, meanwhile, has resulted in new laws being passed and existing legislation improved, criminalizing child trafficking and the production, dissemination or possession of child pornography, extending protection for children up to 18 years of age and countering child sexual exploitation via the Internet.

Experience from the past decade has revealed that certain groups of children are at particular risk, including girls, child domestic workers, children living in poverty or on the street, disabled children, children living in institutions and correctional facilities, children in situations of armed conflict and refugee or internally displaced children.

The spread of sex tourism and the dissemination of pornography through the Internet can be successfully combated only by responses that cut across national borders and the public/private divide. Such comprehensive partnerships are also vital to controlling trafficking in children for the purposes of sexual exploitation, which has reached alarming levels not only in South-East Asia but also in Africa, Eastern Europe and South Asia.

**Priority actions for the future on sexual abuse and exploitation**

- Greater investment in research, data gathering and analysis.
- Improvement of legislative responses and their enforcement – establishing laws with extraterritorial jurisdiction and special procedures to protect child victims and witnesses in situations of sexual exploitation and abuse.
• Better collaboration between law-enforcement agencies and judicial authorities, and conclusion of mutual assistance treaties.
• Further emphasis on recovering and reintegrating child victims, and on preventing their criminalization.
• Continued efforts to build broad-based partnerships at the local, national, regional and international levels, with a greater emphasis on sharing lessons learned.

**Children in conflict with the law**

The World Summit Plan of Action called for special attention, protection and assistance to ‘juvenile delinquents’ – children in conflict with the law. The 1990s witnessed the adoption of a comprehensive international framework of rules and guidelines in the field of juvenile justice. Along with the Convention on the Rights of the Child, the most important of these are the UN Standard Minimum Rules on the Administration of Justice (‘Beijing Rules’), the UN Guidelines for the Prevention of Juvenile Delinquency (‘Riyadh Guidelines’) and the UN Rules for the Protection of Juveniles Deprived of Liberty.

Several countries fixed a minimum age below which children are presumed not to have the capacity to infringe the penal law. Others established specialized courts to ensure that juveniles accused of an offence are treated in a way that takes their age into account and promotes their sense of dignity and worth. In Latin America, newly adopted codes on the rights of children have often included specific provisions designed to ensure due process in juvenile justice.

Many countries have now taken steps to guarantee children’s right to be heard in legal and administrative proceedings that affect them. Many have adopted laws or regulations providing that children should never be deprived of liberty, whether before or after trial, except as a last resort and for the shortest possible time. All but five countries in the world have now eliminated the possibility that the death penalty be applied for crimes committed by those under the age of 18. Some countries have also specifically banned the flogging of people under age 18.

**Priority actions for the future on children in conflict with the law**

The time has come to invest in the enhancement of national child-friendly systems of juvenile justice where the child’s dignity and worth are promoted, and the child’s social reintegration pursued.

- Special efforts should be made to prevent juvenile delinquency through effective educational opportunities, stable family environments and community-based programmes that respond to the special concerns of children and offer appropriate guidance and counselling to them and their families.
- Legislation should be advanced to ensure that children are only deprived of their liberty as a last resort and for the shortest period possible. A minimum age of criminal responsibility should be established and due process ensured for all children involved with the justice system.
- Alternative structures should be developed to deal with children without resorting to judicial proceedings, always providing that children’s rights are respected and that restorative justice systems are encouraged so as to promote community involvement in victim-offender reconciliation.
• Existing international standards should be publicized through awareness-raising and information campaigns, as well as through training of law-enforcement officials, prosecutors, judges, lawyers and social workers.

ILlicit DRUG ABUSE AND Drug TRAFFICKING

The Plan of Action of the World Summit for Children called for concerted action by governments and intergovernmental agencies to combat the “global menace” of illicit drug production, distribution and trafficking aimed at young people and, increasingly, children. It emphasized the need to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent children from being used in drug production and trafficking. The Plan of Action also recognized the need for educating young people about tobacco and alcohol abuse.

A global review of drug abuse among young people, presented to the Commission on Narcotic Drugs in 1999, found that while the nature and extent of drug abuse vary from region to region, very large numbers of young people are being exposed to a variety of drugs. These include relatively cheap and easily available substances such as volatile solvents.

Many countries have mounted drug-abuse prevention campaigns directed towards young people. In many cases, these would be stronger if young people participated in developing them. The challenge of effective prevention and relevant responses is hampered by the lack of good qualitative information on how young people perceive drugs and why they use them.

It became clear during the decade that prevention programmes should provide not only information about the consequences of drug abuse but also opportunities for young people to develop life skills to deal with difficult situations and alternatives to drug-using behaviour, such as sport and recreation. Many of these opportunities can be created through schools and community organizations.

Protecting especially vulnerable and disadvantaged children and young people is a specific challenge. Groups that are at very high risk include working children and those living on the street, victims of conflict and natural disasters and young people living in marginalized communities. Primary prevention programmes need to make special efforts to gain access to these young people and to understand and respond to their particular needs. This can often be achieved through mobilizing volunteers and street educators, as UNAIDS, the UN International Drug Control Programme (UNDCP) and Street Kids International have done when working with street children in Asia. The fact that the age when drugs are first used is falling underscores the need for treatment, counselling and rehabilitation centres that are accessible to and appropriate for young people.

Experience in the 1990s has taught us that young people and children are best seen not as a problem to be targeted, but as partners in the prevention of drug abuse.
information, and their voices need to be heard by policy makers and the public at large. The Global Youth Network for the Prevention of Drug Abuse, with the assistance of UNDCP, helps to promote positive alternatives to drug taking. The Young People in Crisis initiative, meanwhile, takes a comprehensive approach to the health and development needs of young people, and focuses especially on those who are highly disadvantaged and who do not have access to regular social services.

**Priority actions for the future on illicit drug abuse and drug trafficking**

- Make specific efforts among population groups that are especially at risk, for which young people and children should be mobilized as peer educators.
- Tailor strategies to the particular settings and cultures in which young people live, combining educational approaches with health promotion and the building of self-esteem, resilience and skills to resist stress and peer pressure.
- Step up efforts to protect children from involvement in illicit drug trafficking.

**Children with disabilities**

The World Summit for Children included children with disabilities among those requiring special attention, protection and assistance. Children with disabilities are, of course, entitled to all of the rights to which any child is entitled and, as the Convention on the Rights of the Child makes explicit, should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.

It is estimated that between 120 million and 150 million children live with disabilities. The majority live in developing countries – most in poverty and many in rural areas. The major efforts during the 1990s to eradicate polio and guinea worm disease, to counter iodine and vitamin A deficiencies and to prevent measles have all contributed to reducing disability. But it remains true that many of the persisting causes of disability – poor maternal health and unsafe delivery, malnutrition, non-infectious diseases, congenital diseases, infectious diseases and war injuries – are preventable, resulting from poverty or the lack of access to health care.

Children with disabilities continue to experience discrimination and lack access to health care. In many societies, children with disabilities are abandoned or institutionalized at a higher rate than are other children. Between 6 million and 8 million such children live in institutions around the world, according to one estimate. Whether within institutions or in the family, disabled children are three to four times more likely than are other children to suffer neglect and physical, sexual or emotional abuse.

The majority of children with disabilities live in developing countries – most in poverty and many in rural areas, where access to specialized services of any sort is rare. WHO estimates that only 1 per cent to 2 per cent of people with disabilities who need rehabilitation services have access to them. But the lack of specialized services is not the only obstacle. The greatest problems faced by individuals with disabilities are social, economic and cultural – not medical – in nature. Many children with disabilities do not attend school because their families think that they do not need an education.
or because it is thought that their presence in the school will be detrimental to the education of ‘normal’ children. Discriminatory attitudes and practices exclude disabled children from other forms of social support and interaction as well, ranging from leisure activities to employment training.

Internationally, considerable progress was made over the decade in recognizing the rights of people with disabilities, including children. In 1993, the UN General Assembly adopted detailed standard rules for providing equal opportunity and a Special Rapporteur was appointed to report on the implementation of these. The 1994 World Conference on Special Needs Education was an important step forward in promoting the goal that children with disabilities should attend mainstream schools. In 1997, the International Working Group on Disability and Development was created, bringing together UN agencies, bilateral aid agencies and NGOs, including organizations of people with disabilities. There is also now a World Programme for Action Concerning Disabled Persons, which proposes a threefold approach incorporating prevention, rehabilitation and equalization of opportunities.

In a number of countries, efforts have been made to strengthen rehabilitation programmes, including attempts to detect disability earlier so that children can receive timely attention. Other countries have focused on providing families with training and support in caring for children with disabilities, thus reducing the rates of abandonment and institutionalization.

Many innovative efforts to incorporate children and adolescents with disabilities into community activities have taken place during the decade. Sports programmes for such children have expanded substantially in number and scope. In industrialized countries, the Internet has proved to be an invaluable tool for promoting the social, intellectual and emotional development of children with disabilities and facilitating communication among them. There is much greater awareness of the need to provide activities that meet the special requirements of children with different types of disabilities, including adolescents and girls, and respond to a broader range of needs, including vocational training, employment and HIV/AIDS awareness.

Priority actions for the future on children with disabilities
• Establish coherent and viable national plans of action based on comprehensive and reliable data.
• Support comprehensive prevention efforts that address all causes of disability.
• Set up effective early-detection programmes.
• Offer families of children with disabilities support that reinforces their ability to care for their children.
• Ensure that all children with disabilities have access to education.
• Strengthen efforts to further the social inclusion of different groups of children with disabilities.

Children from socially disadvantaged groups
The World Summit for Children called for efforts to ensure that no child is treated as an outcast, and identified the children of migrant workers and other socially disadvantaged groups as deserving of special attention, protection and assistance. Over the decade, the
vulnerability of children belonging to national, ethnic, indigenous or linguistic minorities gained attention.

Children from disadvantaged groups often endure poor living conditions, limited educational opportunities and poor access to basic health care. They are also more likely to be confined to care institutions or detention facilities.

Indigenous peoples worldwide have the highest rates of infant mortality, birth defects and complications relating to birth; they are also more likely to suffer from preventable or curable diseases. The rapid spread of HIV/AIDS and other sexually transmitted infections among indigenous young persons in Africa, Asia and South America is a grave concern. Indigenous representatives have also emphasized the high proportion of indigenous youth addicted to alcohol and drugs.

In some cases, migratory cultures and remote locations make it difficult – but also especially urgent – for local and national authorities to fulfil their responsibilities towards these children. In other cases, such children have been directly targeted in conflict situations. The lives of migrant children continue to be hampered by language and cultural differences, legal and social prejudice and marginalization by both teachers and other students. Protection mechanisms and disparity-reduction strategies are required to promote social inclusion and respect for the rights of children from disadvantaged groups.

The challenge remains to safeguard the rights of these children – including through birth registration, the provision of mobile, culturally appropriate health care or other services in remote locations, and bilingual and intercultural education systems. In many countries, both school curricula and juvenile-justice systems need to tackle discrimination against children belonging to disadvantaged minorities. And it is clear that their rights cannot be fulfilled without expert support that meets their specific needs, such as trauma counselling and new language skills.

**Priority actions for the future on children from socially disadvantaged groups**

• Develop and support campaigns to raise awareness of the rights of these children so as to prevent discrimination and marginalization and to ensure respect for their identity.
• Give high priority to the provision of appropriate multilingual and multicultural educational opportunities.
• Provide specific protection and services, including legal recognition of their rights, protection from discrimination, birth registration and user-friendly health services.