Protection of Children

Amman Symposium

Foreword by Crown Prince Hassan bin Talal

International Symposium on the Protection of Children Amman, Jordan

The Independent Commission on International Humanitarian Issues
and
Rädda Barnen

International Symposium on the Protection of Children

Amman, Jordan

The Independent Commission on International Humanitarian Issues

and

Rabda Institute

Independent Commission on International Humanitarian Issues

The need to bring to humanitarian questions the same level of attention that is normally given to economic, political and security problems led to the establishment of the Independent Commission on International Humanitarian Issues by a group of eminent persons from all parts of the world. The United Nations General Assembly has adopted a number of resolutions relating to its creation and work.

The Commission was established in 1983 and has a lifespan of three years. Its work is designed to promote a greater understanding of contemporary humanitarian problems and to make recommendations for their solution on the basis of research and reflection by the Commission. Its focus is on three broad areas of concern: Humanitarian norms in the context of armed conflict; Disasters, natural and man-made; and Vulnerable groups such as children and youth, refugees and displaced persons, indigenous people, stateless persons, etc. Topical reports on each of the selected subjects are being published.

Upon completion of its deliberations at the end of 1986, the Commission will issue its Final Report concerned with the humanitarian implications of a diverse range of global issues. Policy and action-oriented in its approach, the basic premise of this Report is that such issues cannot be resolved satisfactorily until the aspirations of the individuals concerned are not only taken into account but are the guiding force in the search for equitable solutions.

Rädda Barnen

Rädda Barnen is a voluntary, humanitarian organization established in 1919 in Stockholm. It is a popular movement in Sweden with over 250,000 members and sponsors. Besides its work at home, it has extensive operational activities in over 30 developing countries geared to improving the situation of children.

In accordance with the principles of the United Nations Declaration on the Rights of the Child, Rädda Barnen concentrates its efforts on children up to 18 years of age, especially those who are disadvantaged such as poor children from rural and city slum areas, children affected by war or natural disasters, refugee and orphaned children, street children and the handicapped.

Rädda Barnen has been in consultative status with the Economic and Social Council of the United Nations (ECOSOC) since 1981 and with UNICEF since 1982. It maintains an international office in Geneva to ensure liaison with the United Nations, international bodies and relevant non-governmental organizations.

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Why is a Symposium on the 'Protection of Children' necessary is the reaction of many unaware of the harsh realities of a childhood that knows only misery, fear, deprivation and exploitation. It is difficult for those who have had a carefree childhood to grasp what life is really like for children who, from their earliest years, must battle the multitude of problems which emanate from the world of grown-ups.

The list of abuses which blight the lives of millions of children is long and harrowing. Children subjected to exploitation for commercial gain, the deprivation of an urban ghetto, the desolation of a refugee camp, or recruitment as child soldiers, are all victims of situations which are fast becoming a hallmark of our time. Their plight arouses indignation but this is clearly not enough. It needs to be translated into action which will challenge the predatory and uncaring nature of our modern civilization.

We are witnesses of a technological revolution which has brought within mankind's reach unprecedented possibilities of progress. At the same time, it has served to exclude and set apart the most vulnerable and disadvantaged groups of our global community. The same revolution has severely eroded the support and protection traditionally provided by families and extended kinship ties. Rapid urbanization, with its accompanying ring of shanty-towns, is but one example of socio-economic change which has increased the suffering and deprivation of children. Lured to the city on the false hope of better opportunities for their children, parents soon find that life as a slum dweller is often worse than the misery left behind. Unable to find work, decent housing or the minimal necessities of life, families fall apart and children take to the streets to survive.

By the year 2000, half the world's population – an estimated six billion people – will be urbanized and under 25, and 35 per cent of those living in Third World cities will be less than 14 years old.

What does the future hold, and how does it look from the perspective of young people? Brutalized by the horrors of war, traumatized by neglect and victimization, is it reasonable to expect that these children will grow into caring adults?

There are no easy answers but there is a clear need to re-think our responsibility to children in a world which condemns hundreds of millions of them to a lifetime scarred by a traumatized childhood.

An essential first step in protecting children from dehumanizing and degrading activities is a greater awareness of the suffering involved for each individual child. Only then will it be possible to develop a consensus on the need for remedial action and preventive strategies at the local, national and international level. The Symposium in Amman was organized with this specific purpose in mind. It was a modest attempt to mobilize public opinion and support for the urgent task of removing the dangers which place so many children at risk.

An important part of this endeavour is the speedy adoption and implementation of the draft Convention on the Rights of the Child. The Convention will not, of itself, put an end to child abuse, but it is an important landmark in setting standards for the protection of children dependent on, and victimized by, their adult "protectors".

Non-governmental agencies have played an important role and built up an extensive body of experience and information on the suffering of children. But much more remains to be done, in both expanding this network, and coordinating programmes.

The resources of local communities must also be utilized to protect our children. Enormous untapped potential exists within communities to improve and create appropriate opportunities and social services. To ensure that those services respond to their needs, it is crucial to work with children and their families in solidarity and understanding.

Although societies differ from one to another, the basic elements in the concept of children's human rights are universally shared. Children are our most vital resource, our hope for the future. Until they can be assured of not only physically surviving the first fragile years of life but are free of emotional, social and psychological abuse, it is impossible to envisage a world that is free of tension and violence. It is therefore our collective responsibility to ensure that we bequeath future generations the opportunity to build a better and more peaceful world.

Hassan bin Talal

Introductory note

The International Symposium on the Protection of Children held in Amman, Jordan (November 1984) focussed on four major issues relevant to Child Protection: Street Children and Youth; Children in Armed Conflict; The Interstate Displacement of Children; and the Draft Convention on the Rights of the Child.

Situations which give rise to the maltreatment and abuse of children are many. The issues addressed by the Symposium are but a small selection reflecting the diverse circumstances which cause harm and suffering to children.

The Symposium was organized to bring together concerned people and groups with varied expertise and opinions on strategies which will enhance and promote the protection of children. It was also designed to help generate greater understanding and awareness of the growing dimension of the selected issues.

The brief background papers which formed the basis of discussion outline the essential elements of each subject area. The Recommendations which follow were made by the respective Working Groups concerned with these issues. Also included are the texts of the statements made at the opening of the Symposium as well as a list of those who participated. The views expressed in this booklet are not necessarily those of the Independent Commission or Rädda Barnen.

At the end of the Amman Symposium, the working documents and the recommendations were made available on an informal basis to interested individuals and voluntary agencies. However, in view of the demand by a wider circle of people and humanitarian bodies, we decided to have them printed to facilitate dissemination.

We wish to record our gratitude to His Royal Highness Crown Prince Hassan bin Talal for his support and encouragement. The efficient services provided by the staff of the Hussein Medical Centre in Amman where the Symposium was held are gratefully acknowledged. The help provided by S. Ek, N. Cantwell, E. Wolde-Giyorgis and M. El Kouhène was invaluable for the smooth organization of the Symposium. We wish also to record our appreciation of the contri-

bution made by C. Egger, H. Jakobsson, G. Jaeger and I. Mufti who accepted to chair the four Working Groups. Thanks are also due to N. Niland and F. Frank for their technical assistance in the preparation of this booklet.

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Secretary General
Rädda Barnen, Stockholm

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Background Papers and Reports by Working Groups

Street Children

Introductory Remarks

The term "street children" is currently used to describe the growing number of young people who are living on their own, more or less abandoned, on the fringes of urban society. In recent decades, the uncontrolled growth of urban agglomerations, especially in the Third World, has led to an alarming increase in the number of street children with attendant growth in violence and general social unrest.

Abandoned children in city streets are not a new or recent phenomenon (e.g. 19th century London or post-war Naples) but never before has it been so widespread, nor affected so many millions. In the big cities of developing countries stretching from Bogotá to Bombay and Calcutta, from Rio de Janeiro and Mexico City to Cairo and Lagos, city streets and the ever-growing suburbs are full of street children. However, big cities of industrialised countries, such as New York, London or Paris, equally face the problem. All major towns, whether in the North or the South have, or can have, the problem, although it may not be qualitatively the same in the developing countries as in the developed. Street children are mainly, but not exclusively, boys aged 5 to 18 years. Many retain residual ties with their families or whatever remains of traditional family structure. They survive, singly or in groups, by doing odd jobs, and are often delinquents.

In developing countries, they are the product of rural-to-urban migration, unemployment, poverty and broken families. In the industrialised world, they are usually in a slightly older age group, living often in physical and moral conditions below an acceptable level. They are a more conspicuous part of the general threat to contemporary

urban civilization. While representing the alienation, inequality and misery, both material and moral, which characterize the modern age, they are also contributors to a "parallel" culture with its own interesting forms of artistic and human expression.

Numbers

Depending on whether one adopts a liberal or restrictive definition, the number of street children around the globe can vary considerably. UNICEF estimates that there are over 30 million spread all over the world. Many live in partial or total abandonment and include 1 million who live at street level, in relative deprivation, in the cities of the North. All sources agree that the phenomenon is increasing, in some countries by leaps and bounds. In Africa, for a long time more rural than Latin America and Asia, the extended family structure is not standing the test of urbanization.

National Policies

Governments and society at large have traditionally given the question low priority. Usually they have responded by institutionalization or repression. The unstructured approach has suffered from lack of understanding. The issue is a sensitive one and governments of certain countries where the problem is serious, essentially due to unplanned movement of people towards big cities, are reluctant even to accept its existence. Avoiding responsibility becomes, of course, much more difficult when the problem affects the image of the country, the middle class and the tourist trade. No country, with the possible exception of Brazil, can be said at the present time to have a coherent national policy, preventive or curative, regarding street children.

UNICEF Policy

Concern over this issue within UNICEF is growing as the pressure from non-governmental organizations increases, and, of course, in

reaction to the alarming proportions that the problem is beginning to assume. While the task of providing shelter and care for homeless children remains with governments and local bodies, UNICEF's approach is to try to ensure survival, to emphasize prevention at the local level and to promote cost-effective community based actions as an alternative to "institutions". UNICEF provides technical assistance to encourage new initiatives and possible programme or policy changes and raises public awareness. It would seem that at present the emphasis is not so much on the issue of street children in total abandonment, whose needs are most urgent, but rather on the great majority who are prime candidates for that condition.

Role of Non-Governmental Organizations (NGOs)

There is an increasing recognition by the international community of the valuable and often indispensable role played by the private voluntary agencies and by local grass-roots organizations. On the issue of street children, the NGOs have been in the driver's seat from the outset. Their objectives have hitherto been the development of an international network of information, support and advocacy for fieldworkers, and to draw on their experience, in particular by organizing a series of regional meetings. The first was held in Marseilles in October 1983; others are planned in Abidjan, Bogotá and New Delhi. The findings and conclusions of these meetings will further help crystallise guidelines for public and private undertakings on behalf of street children and promote their implementation, in addition to highlighting the issue at regional level.

Future Developments

The problem is getting worse, not better. Whereas the causes leading to erosion of family structure are deeply intertwined and embedded in contemporary society, solutions appear tentative, partial and improvised in comparison. Realism demands the recognition that when the issue concerns tens of millions of children and youth, no amount of projects or community-based schemes can reach more than

a small proportion of today's street children. This is particularly true if existing trends continue.

1. There is need, in the first place, to sensitize public opinion and increase the awareness of people and policy makers at all levels regarding the overall problem. The *International Year of Youth* (1985) and the *International Year of Shelter for the Homeless* (1987), may provide stimuli for expanding public and private commitment, despite economic recession or budgetary constraints.

2. It is not altogether correct to assume that the street *per se* is always a negative influence. It can be restored to the function of educational resource by enlightened town planning: a pedestrian precinct, like the street in antiquity, can contribute to social life as an extension of the house. Modern cities could gradually be better adapted to the needs of childhood, which today they ignore.

3. From the governmental point of view, to make an impact at a national level requires a multi-dimensional strategy dealing with the problem from within the context of existing programmes of urban welfare rather than in isolation. It should aim at discouraging further degrees of abandonment, abuse, negligence, marginality and exploitation of those in danger of ending up "on their own". Basic community development services such as health and education can influence local situations by strengthening actions which focus on street children and families at risk; by helping those whose "abandoned" children periodically come home; and by fostering child development activities which include the prevention and treatment of the disabilities which often contribute to destitution.

4. While a certain investment to implement these policies is unavoidable, the problem should not be considered only in financial terms but rather "demonetarized" and seen as requiring new inputs of imaginative endeavour. However daunting the prospects of hordes of young people in vast, seething cities may be, human resources equal to the challenge may well be to hand, lying fallow and unsuspected in every community. To reveal and unlock them by cross-fertilization, as done through the CHILD-to-child programmes in over 60 countries, is to multiply a hundredfold the means available.

5. As in the case of other humanitarian causes, enormous untapped potential exists to mobilize communities and decompartmentalize institutions for voluntary service to those at their doorsteps. The approach should be multi-disciplinary and comprehensive. The disadvantaged themselves represent a capital hitherto seldom fully utilized. Retired persons, for example, can become resource people well suited to approaching the young. When unemployment affects so many, the distinction between work and self-help or help to others must be deliberately blurred. For every child in the street, there are hundreds who are not; youngsters in schools who, with their natural enthusiasm, can be inspired to befriend and help in any way possible those less fortunate than themselves.

6. The solution to the challenge of street children lies, in the first place, through a clearer understanding of the macrosystems that generate the structures and behaviours conducive to massive migration and squatter conditions. Secondly, it lies in combining the complementary elements of traditional approaches; expertise and services of non-governmental organisations, greater impact by inter-governmental agencies concerned at regional and international levels and, in the final analysis, the application of the philosophy of service called: "the humane application of knowledge".

The symposium organized in Amman by the Independent Commission on International Humanitarian Issues and Rädda Barnen highlights the problem of street children in order to increase public awareness and to encourage governmental and non-governmental bodies to further strengthen their efforts. The symposium is an important part of the on-going process whereby the Independent Commission hopes to contribute towards crystallization of thinking on the subject and to make concrete and practical recommendations to policy-makers in both the public and private sectors.

RECOMMENDATIONS

Moderator — *Charles A. Egger, UNICEF, Consultant ICIHI*
Rapporteur — *Ms Leah Levin, Anti-Slavery Society*

Introduction

The prevalence of street children has become a major social problem associated with poverty and economic deprivation, and ill-planned and uncontrolled urbanization in the Third World. In industrialized countries it is often associated with the adverse effects of the affluent society on the family.

The Working Group recognized that the alarming increase in the number of street children around the globe serves as an indicator of profound structural social imbalance in society world-wide, which requires urgent and serious attention.

Whilst the problem is universal, its manifestations are determined by socio-economic and cultural conditions. There are different kinds of street children: those who work in the streets, but retain some links with families; those who live and work in the streets, with no family ties; those who are abandoned or are runaways. All these categories call for different strategies based on an intimate knowledge of the specific conditions.

Major global developmental strategies are needed to deal with the root causes of the problem, but this should not be an excuse for delaying short- and medium-term strategies.

Recommendations

The Working Group recommended that the Independent Commission should help to:

1. Encourage all agencies and authorities directly concerned to highlight the experiences and lessons learnt from the work presently going on and to make every effort to accelerate and expand their programmes.

2. Invite States to assess and identify their own situations, whether they are already faced with the problem of street children or not. If the problem already exists they should give priority to implementing measures to deal with it; where the problem does not yet exist appropriate preventive policies should be devised and pursued.

3. a) Use the unique means at its disposal, through the media and the support of those concerned with street children, to sensitize public opinion and increase the awareness of people and policy makers at all levels regarding the overall problem.

   b) Endeavour to mobilize appropriate international, bilateral and non-governmental organizations which have not hitherto addressed this problem, to include relevant aspects in their own programmes.

4. Promote and facilitate the establishment of networks of exchange of information and experience already existing in this field.

5. Approach the responsible bodies to ensure that consideration of the problem of street children be included in programmes for the *International Youth Year* (1985) and the *International Year of Shelter for the Homeless* (1987).

6. The Working Group, guided by the practical experience of its participants and the wealth of documentary material available particularly on Latin America and Africa, identified the following aspects which should receive particular attention in dealing with street children:

a) The needs of the child and the strengthening of his or her identity should be the central consideration.
b) Flexible education programmes should be devised which strengthen the self-confidence of the child, promote self-help and encourage trust; the simple and locally organized pavement school in Calcutta serving children occupied in marginal activities was one example cited.
c) Support for programmes should be sought at grass-roots level and local communities should be involved and assume a responsible role.
d) Strategies should be guided by affective values; the positive aspects of street children should be recognized and attempts made to change antagonistic and punitive attitudes on the part of people in authority.
e) Networks should be promoted and training provided both for network workers and street workers.
f) Projects should be specifically devised and based on the needs of the child, i.e. whether children require rehabilitation or basic services which can also strengthen families in their role relating to child development.
g) Programmes to bring about attitudinal changes regarding family practices that negatively affect the family institution should be introduced.
h) In perceiving the problems it should be noted that the distinction drawn between developing and developed areas is not definitive. Similar problems exist between different parts of each of these areas.

Children and Armed Conflicts

Introduction

In recent years, public attention has been drawn increasingly to the use and abuse of children in situations of armed conflict. The issue at stake is not merely the recruitment of children for combat duties but also of the impact of armed activities and violence on young people. In broader terms, the question is: how and in what conditions are children, the inheritors of the planet and guardians of Man's future, being prepared for a viable future, built on foundations of peace and social harmony.

More specifically, the question of the primary and secondary effects of armed conflict situations on children can be broken down into five-major areas: (1) incidentally-inflicted harm, (2) harm inflicted through negligence, (3) deliberately inflicted harm, (4) inappropriate assistance programmes, and (5) enrolment as active combatants.

The simplest way to eliminate these problems would be to prevent the outbreak of armed conflict which in turn depends upon the respect of human rights. "Education for peace" cannot, in other words, take place in a vacuum which alienates its premises from considerations linked to fundamental humanitarian norms.

The five areas mentioned above call for remedial action, each in a specifically-tailored manner. In certain instances, one form of response may be suitable for tackling two or more areas, and in others, the individual components of each area may require distinct and specific responses.

1. Incidentally-inflicted harm

This area concerns the consequences for children of acts committed in the context of armed conflicts which are not deliberately directed against them, as well as situations which arise characteristically from hostilities. Examples are: psychological trauma, displacement, separation from family and/or community, orphanhood, loss of loved ones, shortage of food, lack of education and recreation, and adoption of a positive attitude towards violence as a means of resolving conflict. Existing international instruments in the field of humanitarian law contain specific and detailed stipulations to limit the impact of armed conflict situations on children (the Geneva Convention of 1949 and the Protocols of 1977), and texts such as the Declaration of the Rights of the Child provide for children being the first to receive protection and assistance. Their implementation, however, is not easy. Moreover, prevention or containment of the conditions generating the harm are often compromised in their efficacy from the very start, precisely because of the inalienable relationship between these conditions and the state of armed conflict. No doubt because of this, a frequent response in the past has been to move children away from the conflict zone, but this "solution" has to be seen in the light of comments under Section 4 below.

2. Harm inflicted through negligence

Although the acts in this category are again not deliberately directed against children, they differ from those described in Section 1 in two major ways:

- they are not *per se* intrinsic elements of armed conflicts, but constitute certain forms of waging these conflicts;
- they are "deliberate" to the extent that their consequences for children can be foreseen.

Obvious examples are: indiscriminate bombing, attacks on entire villages or neighbourhoods (thought to be harbouring or assisting opposing forces, for example), indiscriminate firing to dispel crowds, etc.

The basis on which international humanitarian law, by prohibiting direct attacks on civilian targets (including children, of course), provides for responses are clearer for this kind of act than for those under Section 1, especially as regards international conflicts. Clearly, one strategy to adopt would consist of adequate dissemination of knowledge of the related humanitarian principles at all levels, in such a manner and on such a scale that they are internalized as far as possible by those concerned. This strategy is of course necessary but not sufficient. Furthermore, there are the increasingly serious problems faced by civilian populations in general in view of the development of new military techniques and methods of combat.

3. Deliberately inflicted harm

Armed conflict seems to create a "special" situation for the deliberate perpetration of a wide range of acts that violate the fundamental rights of the child in a serious or even fatal manner, but that are often basically unconnected with the furtherance of the aims of the combatants engaged in the conflict. States of exception may also give rise to excesses that go unchecked. Indiscriminate killing, atrocious acts of violence, excessive revenge against a whole group or community, torture and other forms of cruel and degrading treatment during armed conflict situations, including rape, are legion. One particularly disturbing practice that appears to be employed increasingly in a systematic way is the temporary or permanent abduction of children and/or their parents by the armed forces or other government agents.

It is these deliberate acts which would appear to demand highest priority on the part of those mandated to protect children. Unlike the suppression of indirect or incidental effects of armed conflict on children, which is intimately linked with the suppression of armed conflict as a whole, efforts to prevent or counter particular atrocities are centred on the argument that a situation of armed conflict does not constitute a licence to violate basic human rights. Once again the dissemination of knowledge of existing humanitarian norms and the principles of fundamental rights is essential. Additionally, it might be worthwhile to look into the feasibility of an effective monitoring mechanism to supervise, for the benefit of children, the application of international humanitarian law, thus supplementing and strengthening

the normal activities of the International Committee of the Red Cross. Likewise, there is a need to campaign and pressure governments to safeguard and uphold respect for these principles among their agents involved in armed conflict, and to react appropriately in case of transgressions.

4. Inappropriate assistance programmes

Attempts to face up to the consequences of situations described above, through different forms of assistance programmes, have not always produced satisfactory results if the basic criteria are the long-term interests of the child. In many cases, the inappropriateness of programmes has resulted from lack of knowledge or understanding of the full implications of the programme for the children concerned, in others from inadequate foresight and planning. Some programmes suffer from a lack of resources that might have justifiably put into question the advisability of carrying out the programme in the first place. To ensure that these experiences have not been in vain, however, it is time to draw conclusions from them in a systematic manner, and to translate them into clear and coherent policy guidelines for assistance programmes in the future.

There is a fundamental problem to be faced: the instinctive reaction in any situation in which human, and especially children's, lives are at risk is to remove the potential victims to a place of safety. Often, it is only later that the planning of the actual welfare/assistance takes place. More often than not, the full implications of the isolation of children and the removal from their normal milieu are not adequately taken into account.

Removal does, of course, ensure physical security and relative material well-being. At the same time, it involves temporary separation from family and community in a totally strange environment, and sometimes separation from siblings as well through segregation by age/sex. In extreme cases, removal can become definitive, particularly when it is to another country, due to the impossibility of tracing parents/children once the conflict has ended. A thorough and objective evaluation of such removal programmes and their overall impact on the child would help answer the question as to whether they consti-

tute the most appropriate response, and provide the basis for formulating strategies to be adopted by all bodies implementing protection programmes for children in armed conflicts.

One particularly worrying form of "assistance by removal" is what is commonly known as a "baby-lift", where supposedly (but not always proven) orphaned babies and children are shipped to another country for adoption. Over and above the possible debate on the very principle of such programmes, it has been clearly shown that, in many cases, family tracing procedures have been minimal in the haste of "protecting" the child and his/her interests.

There is also a need to ensure adequate protection of children, unaccompanied or not, from violations of their rights subsequent to temporary settlement in refugee camps. Children, particularly the very young ones, face great hardship, sometimes involving loss of life. There are known cases of abduction of children from such camps for adoption or sale. All this can apparently be put down to a lack of resources allocated to the security of this particularly vulnerable group of persons.

In summary, the inadequacy and/or inappropriateness of programmes of assistance to children in armed conflicts may give rise to, or actually imply, a lack of overall protection comparable to that obtaining in the situation from which they are ostensibly being protected.

5. Enrolment as active combatants

Current international humanitarian law prohibits the participation in hostilities of children under the age of 15 years, and urges that, when recruitment for such purposes takes place within the 15 – 18 age-group, the older children in this category be enlisted first. There is a wish in certain quarters to see the minimum age for enlistment raised to 18 (see, for example, proposed text for the Draft Convention on the Rights of the Child submitted by NGOs). This would, however, involve modifications in domestic laws and practice in virtually every country, and has to be viewed as a very long-term goal. Nonetheless, given the intrinsically dangerous nature of active combat, the basis for

prohibiting those under 18 from taking part can be found in international legislative instruments relating to employment.

Children bearing weapons and taking a direct part in armed combat have been identified in many situations of internal conflict, very often – although by no means exclusively – among non-governmental forces. This makes it difficult to envisage intervention of either a preventive or curative nature with regard to these children's involvement, all the more so since they may have actively sought to participate in combat.

The situation is somewhat different when it comes to international armed conflict situations, which invariably concern government troops. Public awareness on this issue has been aroused recently by virtue of an on-going conflict of this nature in which children are active participants, but this particular instance should not be seen as "one-off"; children have been used in armed conflicts, in one way or another, in virtually all parts of the world.

There is a clear need to develop strategies to meet the glaring lacunae that have recently become apparent within the context of certain current conflicts. First and foremost, it is evident that, even when hundreds of thousands of children participate in armed conflict as members of the regular army, regardless of whether their participation is tolerated, encouraged, or forced, and whether or not their participation is acknowledged or denied by the authorities concerned, there is no satisfactory mechanism currently in position to take effective action to halt – or even stem – such recruitment. This is all the more disturbing when the children concerned are sent, virtually defenceless, into situations where the chances of survival are very low.

Secondly, the situation is unclear and disturbing with regard to those children captured in combat. It can apparently take years, after news of such capture is made public, before serious attempts are made to investigate and improve conditions of detention, despite considerable and continuous publicity about their plight. In addition, it appears that international humanitarian law does not confer on children under 15 captured in battle the status – and consequent protection – of prisoner of war. This is due to the fact that, since that same law prohibits use of children under 15 in armed combat, they are automatically assimilated with the non-combatant, civilian population

and are at the mercy of circumstances. In principle, therefore, they are unprotected both as prisoners of war and as civilians.

Conclusion

The reason for dividing up the ramifications of armed conflict for children in this way is to provide a framework to facilitate discussion for planning responses. The breakdown is therefore "strategy-oriented". Indeed, although "children and armed conflicts" as a specific issue had not, until quite recently, received very widespread attention, there exists a substantial fund of knowledge on the effects of children's direct contact with warfare. What is lacking in most instances is the systematic analysis of this knowledge with a view to laying the foundations for effective responses – and their implementation. As in so many areas of child protection, responses to date have been *ad hoc,* when they exist, and often as "emergency" in nature as the situations they are designed to deal with. The challenge, therefore, is not one of convincing people that armed conflict is harmful for children, but of translating this conviction into planned, realistic and effective action based on the overall interests of the child.

RECOMMENDATIONS

Moderator *Ms Harriet Jakobsson, Rädda Barnen, Beirut*
Rapporteur *Ms Patricia Light, IUCW*

Introduction

The Working Group included several members who had personally witnessed the suffering of children caught up in armed conflicts. All shared a deep concern about the widespread psychological damage caused to children through exposure to violence and separation from their families due to war, in addition to the more visible physical consequences of armed conflicts. The discussions of the Working Group have led to a series of recommendations intended to help mitigate the effects of armed conflicts on children and to avoid as far as possible their active participation in hostilities.

It was felt that the child as soldier was fast becoming a reflection of our times. By the year 2000 half the world will be under 25 and in some developing countries the number of young people may be as high as 70% of the national population. The vast increase in population will not be matched by the same growth in jobs, income, education and other services.

At the same time, the processes of modern change, particularly urbanization, will have released young people from an old social order, with only a slight possibility of integration, into a new one. In such circumstances, youth as a group is likely to be excluded from much that is currently deemed essential to a reasonable life. Are they not likely to have recourse to violence to redress this?

In their frustration, they are unlikely to respect limits set by their elders as to the age at which they should be allowed to carry arms. Hence, whatever the value in inter-governmental relations of a legal framework, if youth is to turn to the way of peace, this will only happen if we tackle the roots of a world order that threatens to alienate them. Only a broad attack on the issues of poverty and a determined attempt to create a balance between resources and population can avert this.

Recommendations

Bearing these considerations in mind, the Working Group submitted the following recommendations to the Independent Commission:

1. The Working Group strongly believes that the Commission should seek to build a new consensus against war itself. It therefore recommends that a world conference of religious and other thinkers, representing the span of religious and political philosophies, should be called as a first step towards a new consensus against war.

2. Given the particular plight of children and the flagrant violations of human rights, including those of children in armed conflicts, the Working Group felt on the one hand that some progress in the protection of civilians and children would be achieved if existing international humanitarian law were respected. On the other hand, the Working Group felt the urgent need to investigate reasons behind non-compliance with international humanitarian law and to revive respect and adherence to universal human values by promoting an appropriate international code of conduct, and by generating awareness of its potential incidence on societal and individual behaviour, changes in attitudes, and mentality.

3. In view of the fact that Government programmes for the dissemination of knowledge of the Geneva Conventions have proved insufficient, it is recommended that the Commission call upon governments to include in-training programmes for the armed forces (and other agencies involved in national defence and civil protection) on their duties under international humanitarian law.

In addition, since children's rights are also violated by non-governmental forces, those who provide military aid, whether to governmental or non-governmental forces, should link the provision of such aid to an undertaking by the recipients that they will comply with international humanitarian law.

4. The Working Group further recommends that the Commission should promote public awareness of, and public commitment to, existing international law governing the protection of children in armed conflicts. Furthermore, as international exposure through the media may be an effective means of protecting civilians, including children, from actions perpetrated against them by parties in conflict, the Commission must challenge the way wars are reported by some journalists. With instant communication, it is a paradox that there should be so many "hidden" wars, i.e. those that go unnoticed by the outside world or those which are reported at a level inadequate to their scale and the plight of those affected. Correcting this is a matter not just of facilitating access of journalists to the war front, but also a question of encouraging those reporting to add to the usual information on casualties, losers and winners, more detailed information on human suffering, and to highlight specific abuses of humanitarian norms.

5. From the outset of armed conflicts, in order that field workers, parents and social educators may afford immediate assistance to children, both in terms of protection and material support, more data – and subsequent categorization – should be collected on children in conflict situations. It is therefore recommended that the Commission promote action-oriented research to assist field workers in developing the most effective on-the-spot programmes to meet the needs of children involved in armed conflicts. Furthermore, in devising improved methods for the protection of children in armed conflicts, special attention should be given to children who are in camps, displaced or otherwise uprooted from a family setting.

6. Since unaccompanied children are in need of special care and protection, the Working Group recommends that the Commission use its good offices to bring about the designation of an international inter-governmental agency which would have coordinating

responsability for ensuring that the care and protection of unaccompanied children is brought to bear in situations of armed conflict.

Furthermore, given that the phenomenon of unaccompanied children is one which is recurrent in all emergency situations, it is recommended that the Commission encourage governments and international inter-governmental and non-governmental organizations involved in emergency relief operations to make preparedness plans to ensure a more effective response to the problem of unaccompanied children. This includes, amongst other things, training of specialized staff in service delivery.

7. There is a need for greater and more effective advocacy for children; it is recommended that the Commission give support to organizations independent of governments who are committed to child advocacy and who highlight, in particular, the situation of children who are victims of armed conflicts.

Interstate Displacement of Children

Introduction

The forced displacement of children from one country to another is a major problem that afflicts their lives in different parts of the world, and involves, from many standpoints, serious violations of their fundamental rights.

Like most of the other issues relating to the protection of the rights of the child, forced inter-country displacement is one that has been given low priority generally, in terms of initiating national policies and ensuring strong international action. However, it is an area where certain governments as well as inter-governmental and non-governmental organisations are gradually developing a higher level of awareness, and demonstrating their willingness to deal with the problem in a more coherent manner.

Two major forms of forced inter-country removal have been at the centre of their concerns: (1) inter-country adoption, and (2) sale and trafficking of children. In addition, (3) problems arising from migration deserve more thorough investigation for the development of appropriate strategies.

1. Inter-country adoption

Adoption in the past has mainly been considered a solution for children left homeless as a consequence of war and similar disaster situations: where orphans needed homes, for examples, or the presence of foreign troops contributed to an increase in the number of illegitimate

children (the latter not being accepted by unmarried mothers and society at large in many parts of the world). More recently, however, adoption has become a global phenomenon partly resulting from population growth in the Third World, coupled with massive socio-economic difficulties. According to some estimates, the number of children taken from the Third World to the more industrialized countries through adoption schemes quadrupled in the 1970s.

Over and above the debate as to how far the very principle of international adoption is valid from the point of view of the interests of the child is the fact that, in practice, it is open to widespread and large-scale abuse. Arranging international adoptions is a highly lucrative business. The "adoptable" child is, bluntly speaking, a commodity that can command a five-figure dollar price. In such circumstances, the interests of the child are not even a secondary consideration. The profit motive leads to recourse to intimidation and manipulation of parents to give up their children for adoption, to blatant kidnapping and to the exploitation of the material poverty and ignorance of pregnant mothers who are persuaded to "sign away" their future babies in exchange for a few weeks' food and shelter in the immediate pre-natal period. In one documented case, a doctor was informing mothers who had just given birth that their baby was still-born or had died immediately after birth; in fact, he was selling the babies into an adoption racket.

The first UN study on the subject of adoption was published in 1953; the study set some international rules governing the practice. In 1972 the UN General Assembly adopted a resolution for a UN Conference and an international convention on adoption legislation. The non-governmental agencies, however, led the way with the conclusion of two conventions, namely the Hague Convention in 1965 and the Strasbourg Convention in 1967.

In 1978, six years after the resolution, a group of experts adopted a "Draft Declaration on the Social and Legal Principles Applicable to Adoption and Foster Care at the National and International levels", following which, information was collected from 65 Member States on their national policies, practices and legislation. Ever since, however, though the draft declaration has remained on the UN General Assembly agenda, its place has been at the tail-end and it has never been taken up.

In this connection, the "Draft Guidelines on International Adoption Procedures" prepared by the International Council on Social Welfare in collaboration with other organizations, has been commended as a useful document which makes provisions for an effective control of adoption practices. The question of adoption has also been incorporated into the Draft Convention on the Rights of the Child with the inclusion of an article passed by the Working Group on the Convention.

Experience has shown that, whatever safeguards have so far been laid down with regard to international adoption, their applicability is at least compromised. Short of banning the practice completely, however, virtually the only hope of arresting this trade is to ensure the strictest possible international and national legal framework for the inter-country displacement of children and the resources required for its full implementation.

2. Sale and trafficking of children

Not all trade in children is for adoption purposes – not even when it is carried out under cover of international adoption schemes. The use of such schemes is but one of the several methods used by those who sell children into virtual slavery or for the purposes of sexual exploitation. The scale of this "market" is impossible to gauge, precisely because of its clandestine nature, and its investigation and eventual suppression constitute daunting tasks given the means at the disposal of those whose vested interests lie in maintaining its existence.

In 1982, the United Nations Economic and Social Council (ECOSOC) requested the UN Secretary General to appoint a Special Rapporteur, who submitted a report in 1983 on child labour and the involvement of children in pornography and prostitution, partly based on two reports submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In 1983, following the Special Report, the Second Committee of ECOSOC adopted a resolution with a wider scope than that of exploitation of children, on the suppression of trafficking and exploitation of prostitution, while at the same time making specific references to such child-related responses as preventive action at the school level and stricter measures of penalizing

the pornography trade and industry where minors are involved. What future action will be taken by the United Nations remains to be seen. In this respect, some non-governmental organisations are currently producing a study on the sexual exploitation and sale of children with a view to identifying what has been done in response to the problem and recommending more effective action.

3. Problems surrounding migration

Migration – both legal and illegal – is a worldwide phenomenon that continues to increase in importance. Migrant workers and their families now number hundreds of millions in all parts of the world. On the one hand, the gap between rich and poor countries is widening, which is a spur to migration. On the other hand, although certain new "immigrant" countries are emerging, the overall trend is towards more restrictive immigration policies, partly due to abnormally high unemployment rates in most traditional receiving countries.

A not unexpected consequence of these counteracting forces is the growing significance of illegal migrants – or "undocumented aliens" – as a group.

Regulation of migration is the subject of efforts in different spheres: regional declarations, ILO conventions and, now, a UN Working Group. But as is so often the case in inter-country situations, adequate, appropriate and effective legislative responses are difficult to identify.

Within this context, the global and specific problems faced by migrant children – and children of migrants – are many and serious. They are compounded in the case of illegal migration, and even more so when, as can happen, the children themselves are unaccompanied, undocumented aliens.

The global problems are well-known, though still the subject of inadequate attention. They revolve principally around legal recognition, economic exploitation and, on the social level, the question of differentiated integration among family members. Children play a special role with regard to integration. Although they may be faced with problems, notably due to language, within the school setting, it is

the children who are most likely to master the language – and customs – of the host country in the least time, and who therefore act as "focal points" for communication between the family and the community. In so doing, they become integrated more quickly, and find themselves "living between two cultures" – that of their parents and that of the host country. This situation can cause serious problems in intra-familial relationships.

On the other hand, if they and their family are illegal migrants, the children may not be able – or allowed – to attend school at all. It has been known for children to be tied to a bed-post in order to ensure that they do not go out of the home and thereby run the risk of discovery. In such cases, the children are effectively deprived of education and of normal childhood experiences.

4. Some examples of specific problems

a) *Exploitation of labour:* Because migrants themselves are frequently exploited in their work due to their tenuous status, there is often a need for their children to work as well in order to supplement the family income. This is as true for certain Asian immigrant communities in England, where the children, whether or not they attend school, have to work in "sweatshops" producing textile goods, as for migrant farmworkers in the United States, whose children, from the age of four or five, may have to work alongside them in the fields. Situations such as the employment, in what have been described as "slave-like" conditions, of adults and children in the sugar-cane industry in and from certain Caribbean countries similarly require an urgent response.

b) *Kidnapping after family breakdown:* "Parental" or "legal" kidnapping is a direct consequence of the breakdown of the family unit, and is invariably carried out by the parent who does not have legal custody of the child(ren) involved. The problem becomes especially serious when the child is removed to another country. Such problems are more likely when the "kidnapping" spouse is a first-generation migrant in the country in which the family normally resides, and has married a national of that country. It is estimated that thousands of children are "kidnapped" in this way in Europe alone

every year, and that about half are taken to countries with very different perceptions of the rights and responsibilities of each parent. The issues involved are therefore complex, ranging from the situation of immigrants whose marriage breaks down through to the incompatibility of legislation. What is clear is that the child is at severe risk of being traumatised because of sudden removal from his normal environment and the fact that he may never see one of his parents again. Attempts to address the problem have been made through an international convention (The Hague, 1980) and a regional agreement (Council of Europe, 1980), as well as a limited number of bilateral agreements. However, for various reasons, these are proving totally inadequate in practice.

c) *Female children sent to parents' country of origin:* Many female children of parents resident in second countries are sent to the home country of the parent(s) – almost always that of the father – on reaching puberty, because the culture of the "host" country is deemed inappropriate for ensuring the girl's passage to adulthood according to the cultural values of the family. In many cases, it is known that the children are displaced in this way totally against their will. At the same time, the situation can be exacerbated by the fact that, on arrival in the "country of origin", the girl may be subjected to exploitation in different forms: forced marriage, labour, etc. The problem also brings up the issue of balancing the rights of the child with those of the parent. The extent of this practice inasmuch as it constitutes a children's rights problem is not known, and indeed the practice itself is virtually undocumented; closer examination and research are required.

RECOMMENDATIONS

Moderator *H. E. Mrs. In'am Mufti*
Office of Her Majesty Queen Noor
Rapporteurs *Ms Gunilla Dryselius, Rädda Barnen, Sweden*
Ms Etse Wolde-Giyorgis, ICIHI

Introduction

The forced displacement of children from one country to another is a major problem that afflicts their lives in different parts of the word, and involves, from many standpoints, serious violation of their fundamental rights.

The Working Group agreed to focus on the sale and traffic of children, and the negative aspects and abuse of international adoption, as two major forms of interstate displacement of children. However, the Group recognized the need for tackling the root causes of the problem and the impact of development and education on children regarding this issue. It was pointed out that the concept of sale and traffic of children has not been fully explored and that a more definitive terminology is required. This problem was put forward in terms of supply and demand. The absence of information is one of the major obstacles in dealing with this issue. As far as international institutions are concerned, these problems are given less attention nowadays than during the sixties. Moreover, large numbers of children, such as refugee children, are more vulnerable to the abuse of international adoption. The Group identified poverty as one of the root causes of the prevalence of such abuses.

ii) The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949).

iii) The European Convention on Adoption of Children (1967)

iv) The Hague Convention on Jurisdiction, Applicable Law and Recognition of Decrees relating to Adoption (1965).

v) The Inter-American Convention on the Conflict of Law Concerning the Adoption of Minors (1984).

b) To encourage States to support the acceptance by the United Nations General Assembly of the Draft Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with special reference to foster placement and adoption, nationally and internationally.

c) To encourage States to seek safeguards and improve all practices in the inter-country adoption process, by developing codes of practice based on the draft guidelines of procedures concerning inter-country adoption formulated at a series of consultations under the auspices of the International Council on Social Welfare.

d) To encourage and facilitate the elaboration of a code of conduct and guidelines for individuals and agencies proposing to undertake (or currently undertaking) the interstate movement of unaccompanied minors, particularly those in refugee-like situations.

2. Monitoring

a) Within the United Nations there are a number of bodies which have been concerned about the sale and traffic of children, and which have taken some initiatives. States, competent international organizations, non-governmental organizations and INTERPOL should be encouraged to provide relevant information to these bodies.

b) Regional representatives of the relevant United Nations agencies should be alerted to the incidence and nature of the practices, and their observations solicited. UNICEF could act as a focal point for receiving such information and initiating apropriate action.

c) Systematic gathering of information on abuses of inter-country adoption practices should be undertaken, including a listing of agencies involved in these practices.

3. Responsibilities

The Independent Commission on International Humanitarian Issues should consider means:

a) to promote international cooperation between States which is essential in the identification of networks of traffickers and also in the search for missing persons. The role of INTERPOL in this connection should be reinforced.

b) to encourage governments to take legal and administrative action against persons and groups involved in the sale and traffic of children.

c) to ensure that an appropriate institute undertake a study on effective jurisdiction applicable to interstate traffic in children.

4. Information and Education

a) Since it is for the most part clandestine, a great wall of silence surrounds the sale and traffic of children, and an awareness of their prevalence should be promoted by wide-ranging campaigns of public information. Thus, building up pressure in the public arena could spur governmental action.

b) Educators, children and youth should be made aware of the rights of the child and the violation of those rights. Human rights education should be incorporated in school curricula at all levels.

5. Research

a) In order to devise and implement appropriate action, judicious research programmes at national and international levels should be undertaken to analyse the forms, conditions and structures of the

sale and traffic of children as well as the interaction between these levels.

b) Greater support should be given to the continuing study of the problem, and to research on the inter-country placement of children.

6. Structures

a) It is essential to tackle not only the symptoms but also the root causes. Exploitation and abuses of children are in many cases the result of poor social and economic conditions.

   Development efforts at national and international levels are therefore indispensable in any comprehensive strategy aimed at combatting such malpractices as exploitation and abuse of children. In this connection, international and national development agencies should ensure that development activities have a substantive and positive impact on the rights and interests of children.

b) The foregoing implies that national and international policies be directed at making available greater resources to family and child welfare services in the countries from which children are being moved. At the same time, both governmental and non-governmental services should cooperate to assist families and to prevent family breakdown.

c) As an important part of their development and welfare activities, international and regional organizations should stimulate and provide assistance in meeting the needs of abandoned and street children, for example through alternative services for children without families and preventive community-based programmes for children working in the streets.

The Draft Convention on the Rights of the Child

Background

The concept that children, as a result of their particular vulnerability, should be granted special rights has gradually found a place within national and global juridical systems. The international evolution of this concept can be traced through a succession of instruments, of which the most recent and potentially the most significant is the Draft Convention on the Rights of the Child currently under review.

The first step in the process was the five point Declaration of Geneva, adopted by the League of Nations in 1924, which was later converted into a ten point Declaration of the Rights of the Child, adopted by the U.N. General Assembly in 1959. This Declaration, in turn, provided the basis for the Polish Government's 1978 proposal for a convention. The draft text was submitted to the U.N. Commission on Human Rights, to the Economic and Social Council and, finally, to the General Assembly which requested the Human Rights Commission to accord it priority in order to permit its adoption during the Year of the Child. This was to prove an impossible expectation because the text as presented elicited a daunting array of criticisms of its form and content. It was felt, for instance, that the terminology was not suited to a contractual instrument while certain points of substance, such as child abuse, were not adequately covered.

The project as such clearly warranted consideration, however, and at its 39th session the Commission on Human Rights opted to set up a Working Group to discuss the Convention. The first Working Group meeting in 1979 agreed to the title of the Draft Convention and to four

preambular paragraphs. Prior to its second session the following year, Poland presented a modified and more comprehensive version of the text which met with greater approval than its predecessor and has since been utilized as the basic document under consideration.

Aims and Justification

A declaration relates to a set of general principles approved by those adopting it. A convention is a legally binding text, incorporating specific responsibilities and commitments which, by ratifying it, a State undertakes to abide by. It is therefore more forceful than a declaration, but only for those States that ratify it and only if its effective implementation can be assured.

The Convention therefore supplements rather than supercedes the Declaration – indeed, rather than adopting a second declaration in 1959, many governments had already expressed their preference for formulating a convention supplementing the Geneva Declaration.

The present draft Convention brings together in one place (and often in a more elaborate form) the rights afforded to children, implicitly or explicitly, in a wide range of existing international instruments, and adds to these the special rights to which children are entitled and which in many cases have not been formulated elsewhere. As such, the Convention is seen as a vital step forward in the promotion and protection of the rights of the child.

Scope and Content

The articles that comprise the draft Convention cannot be faulted for being too nebulous, for they are sufficiently detailed to complicate the deliberations of the U.N. Working Group. The general principles of the 1959 Declaration are reaffirmed, in a more comprehensive fashion, although the duties of the States Parties to the Convention are a new feature. Not only do States recognize various children's rights but actually commit themselves to their protection and implementation. The essence of the thirteen articles first adopted is as follows:

1. Refugee children and handicapped or abused children, as well as those involved in adoption procedures, are entitled to special care. The State should not only accord them humane and expeditious treatment but should provide services, equipment, personnel and institutions to the extent that national resources permit.

2. In order to ensure that the best interests of the child are fostered, the State should enable the child to express his or her opinion, directly or indirectly, in judicial and administrative proceedings.

3. Since the biological family is considered the most appropriate environment for the child, the States Parties to the Convention agree to facilitate the reunification of separated families and permit easy access to a parent who happens to be beyond the State's borders.

4. Emphasis is laid upon the respect and aid that should be given to parents and legal guardians engaged in child-rearing responsibilities.

5. The role of the media is acknowledged and States agree, within the context of the Convention, to promote cultural exchanges and children's access to varied sources of information.

6. Furthermore, State Parties to the Convention accept to confer upon a child the nationality of his place of birth if no other State is willing to do so.

Substantive articles still to be adopted concern health, extra-familial maltreatment, leisure and recreation, free and compulsory education, the adaptation of penal procedure to children's special requirements, the right to adequate living conditions and the State's responsibility to make them a reality. The remaining eight articles propose methods of implementation.

While, on the whole, it seems that the content of the draft Convention does justice to its aim of instituting legislation that will afford children greater protection than they have at present, non-governmental organizations have suggested the inclusion of articles on the importance of the family and the protection of the child in armed

conflict situations. Certain Third World countries have asked for the addition of an article subordinating the execution of obligations to their economic liabilities.

Finalization of the Draft

The Working Group has proceeded at an alarmingly slow pace, which can be attributed to many factors. No more than forty hours are devoted to the Convention every year; of those, many are spent discussing procedural questions while issues of substance are often divisive and make rapid agreement impossible. The number of proposals and counter-proposals and the divergence of perspective between the Socialist and non-Socialist countries do not help expedite matters.

These difficulties are perhaps inevitable in the formulation of any international agreement, especially when it is legally binding. Less understandable, however, is the lack of sustained interest that has been manifested in different ways. It should be noted, for instance, that nine years elapsed between the issuing of the Declaration of the Rights of the Child and its adoption, simply because the Commission on Human Rights did not even begin to study it until 1957. The draft Convention has been graced with some of the same apathy. The delegates of Member States have not exceeded thirty during any session – less than one fifth of the potential number. Less than one third are representatives of Third World nations. This is unfortunate since the majority of the world's children and those whose rights urgently require enforcement happen to be nationals of such countries.

Whereas NGOs have reacted to the need for close and coherent involvement in the drafting process by organizing periodic consultations among themselves to draw up and review draft texts for inclusion, the inter-governmental organizations have, as a rule, been remarkable for their minimal level of input. It is encouraging to note, nonetheless, that UNICEF has recently decided to take more interest in it, especially through support for NGO initiatives in this regard. Clearly, many of the UN specialised agencies have a fund of knowledge and experience that would enable them to make an important contribution to the formulation of the Convention, if they were encouraged or chose to do so.

Present Concerns

Although considerable attention has been paid to the substantive content of the draft text, particularly by certain governments and interested NGOs, three major concerns remain. This may well be an appropriate moment, given the perceptible upsurge in interest in the Convention, to look more closely at how these concerns might be tackled:

1. It is regrettable that the drafting process is so slow – at the present rate, the shortest possible time that it will take for the General Assembly to approve the text and open the Convention for ratification still brings us to the end of the decade. Some moves are afoot regarding the speeding up of the drafting process by allocating more time each year to the Working Group meetings and by organising informal encounters among delegations in order to harmonise viewpoints and proposals before given articles come up for discussion in the Working Group. These moves should be strongly encouraged and facilitated.

2. Participation by Third World countries is so low that the finalized text may be irrelevant, inapplicable and therefore unacceptable to them. Moslem countries too are inadequately represented. Whatever the level of goodwill and awareness of other realities and needs on the part of the predominantly First and Second World Working Group as it presently exists, the lack of representativity can only be negative for the content of the final text proposed, and may indeed cause undue delays when that text comes before more representative bodies (ECOSOC, General Assembly). Involvement by Third World nations should be encouraged and facilitated.

3. Special thought must be given to the implementation clauses of the Convention. The timidity and ineffectiveness of such clauses in other international legal instruments is a major reason for the considerable criticism levelled against them. Innovative means should be found with regard to reporting, monitoring and enforcement procedures. Equally, strategies should be worked out for encouraging States to ratify the instrument.

Note: A copy of the Draft Convention, which indicates its status at the termination of the UN Working Group session in February 1986 is attached as Annex I to this Report.

RECOMMENDATIONS

Moderator *Mr. Gilbert Jaeger, National UNICEF Committees*
Rapporteur *Mr. Nigel Cantwell, ICIHI, Defence for Children International*

Introduction

The future Convention on the Rights of the Child will constitute a vital step forward as a basis for the protection of the child throughout the world; the following recommendations were put forward, with a view to ensuring its optimal content, speedy adoption, and effective implementation.

Universal Participation

1. The NGO Ad Hoc Group on the Drafting of the Convention should take the necessary steps to inform national NGOs in countries not normally represented in the United Nations Working Group of the current status of the Draft Convention, to enlist their cooperation, and to request their assistance in efforts to ensure the cooperation of their respective governments in the drafting process.
2. In publicising the results of the international symposium, ICIHI should draw the attention of governments, especially those of East and West Asia, Africa, and Latin America, to the importance of the future Convention, and should urge them to play an active role in its formulation.

3. In cooperation with regional organisations, ICIHI should encourage or organise regional meetings of NGOs and/or governments on the question of the Convention.

Consultation

4. ICIHI should advise governments, NGOs and others to collect material on children's own feelings towards the rights or lack of rights being granted to them and make such material available to preliminary regional meetings.
5. ICIHI should consider recommending to governments that they consult with national and international NGOs on issues relating to the Convention.

Public Awareness/Education

6. ICIHI is urged to reflect on ways and means of increasing public awareness of and support for, the Convention and the rights it describes with particular reference to the possibilities offered in this regard by International Youth Year (1985).
7. In relation to the above, it was suggested that ICIHI circulate to governments, inter-governmental and non-governmental organisations, the study "Implementation of the Proposed Convention on the Rights of the Child" prepared for the symposium by Ms Anna Mamalakis Pappas of UNITAR.
8. ICIHI was urged to give special emphasis to the promotion of education and dissemination of information on the Rights of the Child in schools and universities. Use should be made of current initiatives to introduce human rights into education curricula. Recourse should also be made to visual and audio-visual material designed to acquaint children with the rights to which they are entitled.

Speeding up the Drafting Process

9. Noting that, further to meetings among several governments concerned, the United Nations would probably decide on an annual

2-week, rather than 1-week, meeting of the United Nations open-ended Working Group on the Question of the Convention, as of its 1986 session, it was suggested that ICIHI express strong support for this initiative, encourage governments to send delegates to the Working Group and urge governments to organise preparatory consultations, notably at regional level, prior to these meetings.

Substantive Questions

10. ICIHI was requested to express its support for insertion in the draft Convention of a general clause – already contemplated by the Working Group – to avoid provisions of the Convention diminishing rights accorded to children by virtue of other international or national legal instruments. This could be done along the lines of Article 5 para 2 of the International Covenant on Civil and Political Rights of 1966.

11. In connection with Recommendation 7 above, when circulating the study mentioned therein, ICIHI should draw attention to the list of issues considered by the author to be inadequately covered in the draft Convention as contemplated at present, with a view to having these issues examined in conjunction with proposals tabled by governments and non-governmental organisations.

12. ICIHI should express its support for inclusion in the draft Convention of an article on the prevention of children's participation in armed conflict, and on the protection of children in situations of armed conflict. Special reference is made in this respect to the text proposed by the NGO Ad Hoc Group on the drafting of the Convention.

The Compatibility of National and International Legislation

13. ICIHI should draw attention to the fact that the Convention on the Rights of the Child purports to promote, like any other international instrument, further progress in legal standards and provisions to be applied by Contracting States. The Convention should not merely aim at crystallizing existing law or practices. Contracting States should endeavour to adapt in due course their

municipal law to the international standards embodied in the Convention. In those cases where such adaptation is not possible within the foreseeable future, Contracting States may wish to make reservations to specific provisions. Apparent discrepancies between domestic law and the proposed Convention should not, therefore, prevent States from actively participating in its elaboration.

Implementation and Reporting

14. ICIHI should promote a method of implementation which, at the international level would be essentially a system of reporting to specific organs in order not to overburden existing agencies or bodies within the United Nations. Reports on implementation in the territory of each Contracting State should be sent by the government concerned to an Ad Hoc meeting of Contracting States through a Group of Independent Experts to be appointed by the Ad Hoc meeting. The experts would act in their personal capacity and should not be government officials. The Group of Experts could invite international agencies concerned with children, e.g. UNICEF, or with specific provisions of the Convention, e.g. on child labour, to participate in their work. The Group of Experts will be free to receive information from non-governmental agencies with consultative status with the Economic and Social Council of the United Nations and to use this information as appropriate. The Group of Experts should study each report on implementation and forward it to the Ad Hoc meeting with comments as required and recommendations on measures to be taken by the government concerned. They may recommend additional inquiries or reports on specific issues. The report transmitted to the Ad Hoc meeting, together with the comments and recommendations, should be a public document.

15. Reports should be sent by each Contracting State at intervals of two to four years. They may be of a comprehensive nature, covering all provisions of the Convention, or alternatively of a specific nature, on a section of these provisions, according to a reporting programme to be determined by the Ad Hoc meeting of Contracting States.

Statements

municipal law to the international standards embodied in the Convention. In those cases where such adaptation is not possible within the foreseeable future, Contracting States may wish to make reservations to specific provisions. Apparent discrepancies between domestic law and the proposed Convention should, therefore, prevent States from actively participating in its elaboration.

Implementation and Reporting

14. (CHI) should provision a method of implementation which, at international level, would be essentially a system of reporting to a specific organism in order not to overburden existing institutions which the United Nations, [illegible] on implementation the reports of each Contracting State should be sent by government appointed to an Ad Hoc meeting of Contracting States through a [illegible] of independent experts — to be appointed by an Ad Hoc meeting. The experts would act in their personal capacity and would not be government officials. The Group of Experts could invite international agencies concerned with [illegible] e.g. ILO, [illegible], or with specific provisions of the Convention, e.g. on child labour, to participate in their work. The Group of Experts would be free to receive information from governmental and non-governmental sources such as the Economic and Social Council of the United Nations and to use this information [illegible]. The Group of Experts should study each report [illegible] and forward it to the Ad Hoc meeting with [illegible] and recommendations on measures to be [illegible] by the government concerned. They may recommend additional [illegible] or reports on specific issues. The report transmitted to the Ad Hoc meeting, together with the comments and recommendations, should be a public document.

15. Reports should be sent by each Contracting State at intervals [illegible] four years. They may be of a comprehensive nature, covering all provisions of the Convention, or alternatively of a specific nature, on a section of these provisions, according to a reporting programme to be determined by the Ad Hoc meeting of Contracting States.

Opening speech by HRH Crown Prince Hassan bin Talal Co-Chairman, ICIHI

Distinguished Guests, Ladies and Gentlemen,

It is a privilege and a pleasure for me to welcome you to Amman for this symposium.

Centuries ago, a poet wrote: "Childhood shows the man as morning shows the day". Since children will inherit this planet, they hold the future in their hands. Consequently, there is no effort more important or worthwhile than what we do for and with children. It is with these thoughts in mind that I declare open this International Symposium on the "Protection of Children".

I welcome the decision of Rädda Barnen, Swedish Save the Children, to co-sponsor this symposium with the Independent Commission on International Humanitarian Issues. I am also pleased by Rädda Barnen's choice of Amman as the seat of its first regional office. I am sure this will facilitate better co-ordination of its activities in the region and centralise the useful work already being done in the Lebanon, Yemen and, of course, the West Bank.

Non-governmental organizations (NGOs) have an increasingly important role to play, particularly at the grass-roots level, in providing humanitarian assistance, and in defending the rights and interests of those in need. I extend to Rädda Barnen my sincere wishes for success and satisfaction in its work, as indeed to this symposium, which happens to be the inaugural activity of its Regional Office.

Ladies and Gentlemen,

In this turbulent age, shadowed by man's newly-found capacity for self-destruction, a code of conduct based on principles of justice and

peace is essential for the very survival of human society. Never in history was the need for an equitable humanitarian order more acute than it is today. And yet more often than not we seem to forget that ties of religion, race, or political affiliations are secondary to our common humanity. Adults have a lot to learn from children because they possess the purity of heart and mind which age tends to obscure. The young are less tied to the past and, therefore, more open to change, to transformation and to progress. They are not afraid of what is new or different. On the contrary, they welcome it.

The young have a vested interest in the future. They naturally possess enthusiasm, energy, hope, optimism – all the assets to play a positive catalytic role to build a better future. I would, therefore, caution against a paternalistic attitude towards the young which has so often hampered constructive discussion of their problems. Instead, I would recommend understanding and a greater degree of empathy.

It is not my intention to go into details about the subjects to be discussed. This will be done by the experts in the days to come. I will, therefore, limit myself to a few ideas and suggestions that you might wish to take into consideration.

First let me say that to a great extent, age is a state of mind more than a question of years. A clear distinction between children and youth or between different stages of people's lives is not possible, except in infancy, and can only be arbitrary. Consequently, when talking of "protection of children" we should really have young people in mind, particularly since in the case of two of the subjects to be discussed, Street Children and Children in Armed Conflicts, we will be talking more of young people than of children.

Secondly, this symposium is being held on the eve of the International Youth Year. We should, therefore, not only take into account the grey area between childhood and youth, but also fully bear in mind the problems of and prospects for today's youth. They are the decisive factor in the social, economic and political life of a majority of states in all continents. The International Year of Youth provides an eminently suitable framework for tangible action by the young, not only to make their feelings known, but also to contribute towards building a better future. Unfortunately, however, I am not sure that adequate preparations have been made, or whether the necessary leadership is

available for them to make full use of this opportunity. It would indeed be most worthwhile for this symposium to pay attention to this issue and try to come up with concrete and constructive proposals and recommendations in this respect.

Thirdly, the nature and extent of protection required by children may differ from country to country and region to region. Children in the North do not have the same type of problems as children in the South. While it is important to identify criteria and characteristics which are universal, it is equally important to keep in mind the inherent differences.

In addition, the historical, cultural, social and economic backgrounds of children must be fully taken into account when determining the level of assistance and the kind of protection they require. Regrettable errors of judgement and of evaluation are sometimes made with the very best of intentions.

Finally, the price of material progress in recent decades has been moral poverty. The erosion of traditional values, the loosening up of family structure, the isolation imposed upon individuals by competitiveness coupled with urban stresses – all these factors have significantly contributed towards creating further pressure on children and youth. Results have ranged from alienation and marginalization of the young to their rebellion and recourse to violence. The changing role of family and parents, the evolution of the position of women in society, all these developments have inevitably affected the young.

Ladies and Gentlemen,

The list of factors which must be taken into account for studying the problems relating to the young is long. The few examples I have cited illustrate amply the complexity of the issue before you. I would suggest, therefore, that the approach we should adopt should be selective, practical and realistic. It is not enough to carry out scholarly research and have academic discussions leading to no tangible action.

Talking of action, allow me to make a few concrete suggestions. First, I believe that in addition to action at a global level regional initiatives must be actively encouraged. We must build from the grass roots and let action snowball. Within the regional context, I would like

to propose encouraging further efforts relating to the Charter of the Arab Child. This effort could be pursued in collaboration with the League of Arab States and others concerned. It is important that misconceptions regarding the Arab and Muslim attitude, law and practice regarding children are clarified.

Secondly, we must innovate and devise methods to involve the young in creative and constructive activities. In our modern urbanized world, the period of time a young person has to wait to be gainfully employed or to start a family has been prolonged. During this period, the energy and creativity of the young must be harnessed and put to use for the welfare of the community and country. Realistic strategies should be developed for and with the young, without hackneyed and preconceived notions and without paternalism. We have had interesting and useful experiences, for example of groups of young volunteers, helping on a regional basis in situations of natural and man-made disasters. Encouraging examples are to be found even in situations of armed conflict – where there have been young people involved in fighting, but at the same time many others, equally young, busy in rescue and assistance operations. Without guns in their hands or hatred in their hearts, they risked their own lives to save the lives of others. They deserve our admiration.

Thirdly, special attention should be paid to educational policies and practices. Education is not only erudition, but also a code of social behaviour. Schools are the best place to form or transform basic concepts and convictions. Efforts should be made to adjust school curricula to the needs of contemporary society. Children should be exposed at an early age to Peace and Human Rights Studies. It would be equally useful to introduce, at university level, "Youth Studies" involving research at a high level into the problems of youth.

Ladies and Gentlemen,

I am aware that I have treated subjects which are not your immediate concern at this symposium. But as mentioned in the documentation, the four subjects you are going to deal with in the Working Groups are only the beginning of the process which the Independent Commission intends to encourage. The colossal challenge that

humanity faces today demands that the young prepare themselves with greater assiduity than ever before.

Use and abuse of children in armed conflicts in several parts of the world, the plight of refugee children and of tens of millions of others suffering from undernourishment, the increasing numbers of street children in the evergrowing cities of the world – these and other equally bleak scenarios call for urgent action on behalf of children everywhere. Each generation carries a certain responsibility towards succeeding generations. Ours is a particularly heavy one. If we have failed in building up a world of peace, let the youth of today not fail. I appeal to them to stand up against violence, human degradation and the violation of human rights. The youth of today hold the key to peace and prosperity in the future. Let us help them to help themselves.

[illegible] today demands that the young people [illegible] with Arab Child. This effort could be [illegible] even before [illegible] League of Arab States and [illegible]

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Statement by Prince Sadruddin Aga Khan
Co-Chairman, ICIHI

We are assembled here today to discuss the fate of those who can best be defined as the guardians of mankind's future.

By the year 2000, it is estimated that at least 50 per cent of the world's population will be made up of persons less than 25 years of age, with more than half of those less than 15. In many developing countries, the number of young people may be as high as 70 per cent of the national population.

One of the most tragic aspects of contemporary society is the suffering of children; tens of millions are haunted by undernourishment, disease and death. Their number is likely to increase in the years to come.

When the Independent Commission reviewed humanitarian issues to determine which required immediate priority, it identified infanticide as being amongst the most poorly documented. Though few seem to care, millions of children are killed upon birth in many countries around the world. After consulting with experts and voluntary agencies dealing with child welfare, we soon found that this was only one of several neglected issues among the vast majority of problems which diminish the protection of the child. Other situations identified included disappearances, various forms of child exploitation, incarceration, or separation from the family.

In addition to discussing the Draft Convention on the Rights of the Child, three substantive issues have been selected for in-depth analysis during our meeting: "Street Children", "Children in Armed Conflicts", and "Forced Inter-Country Movement of Children".

"Street Children" is the term used to describe the increasing numbers of young people who live on their own, more often than not on the fringes of urban society. The unplanned growth of cities has produced an alarming increase in the numbers of street children – children of violence and social chaos. In developing countries, these abandoned youths are the product of rural-to-urban migration, unemployment, poverty and broken families. In the industrialized world, they represent alienation and misery, both material and moral.

No large cities are spared, either in the North or the South. UNICEF estimates that there are over 30 million street children spread all over the world including 1 million in the North. This problem is one of far-reaching implications.

Equally alarming are the initial data associated with children in armed conflicts. Since the Second World War, there have been over 54 inter-state and 73 internal armed conflicts. The devastating effects of wars on civilians make the growth of militarism a key humanitarian concern. According to one estimate, civilians comprised 5 per cent of casualties in World War I, 50 per cent in World War II: 80–90 per cent in the Vietnam War, and in the ongoing Lebanese conflict, 97 per cent. Children, of course, are primary victims.

The enrolment of children for combat purposes in many parts of the world is another alarming development. Likewise the impact of bloodshed and armed activity on children is a tragedy whose long term consequences are often underestimated. Psychological wounds caused by a life of insecurity and terror are often more difficult to heal than physical injury. In many areas of constant conflict, children perceive and practise violence as a viable alternative to peaceful existence. Furthermore, special attention must be given to the security of children in camps for displaced persons and refugees.

Many organizations are concerned with children. However, most are working on issues linked with survival and development, such as nutrition, health and education. Few are directing efforts towards defending the child from situations in which they are, often deliberately, subjected to grave, sometimes fatal, suffering. Without minimizing the vital need for survival and development action, I must make a plea for far greater practical concern about the protection of the child. Beyond guaranteeing that children receive adequate food and care we

should also make sure that they do not fall prey to acts that are just as much a danger to their survival and harmonious development.

The world has been shrinking with the jet age. As the birth rate decreases in the northern hemisphere so it grows in the South. We are told that these factors have brought a new dimension to the inter-country movement of children. Adoption, like many other things, can be exploited by those who show little concern for those in need or indeed for common decency. In some instances, a sinister traffic has developed and the dispossessed have been compelled to part with their offspring. What are the consequences of this growing phenomena? Those principally concerned are seldom consulted. Can we forgive ourselves if we turn a blind eye to their fate?

As we address these problems and a host of other questions related to the child of the bi-millenium we must take stock of the dynamic nature of our work: there is no clear barrier between childhood, adolescence and maturity. Let us remember that we are dealing with the future parents, teachers and leaders of the world. Their mental and physical health, their economic and cultural environment, their family and community life will shape their behaviour and its impact on society. Contemporary generations are the first in history to be confronted with a sense of nihilism born out of the spectre of thermonuclear annihilation. What are the sociological effects of this awesome reality?

I believe that young people, both biologically and intellectually, symbolize optimism, energy and hope in the future. They represent, quite literally, the perpetuation of life. Their social ills – even the suicide rates amongst youth in the North – is dramatic proof that their dreams can be crushed. But they still dream. Their disillusionment is our indictment.

As we address the protection of the child during the next two days, we will inevitably come to learn of the vastness of the task at hand. Let us now identify the major lacunae and map out the required response as we recall the words of the Arab writer Khalil Gibran: "You are the bows from which your children as living arrows are sent forth".

Statement by Mr Tarzie Vittachi
Deputy Executive Director, UNICEF

In the past 60 years many new beginnings have been made by many worthy bodies such as the League of Nations, and various United Nations institutions, to give substance and effective existence to the Rights of Children. If you look at the itemised rosters of Rights which have been produced by no doubt well-meaning and even sincere people over those long decades, they glisten with promises of freeing children from being hurt by the brutalities of war, from hunger and famine, from preventable disease, from illiteracy, from being neglected and abandoned to fend for themselves in their tender years. These promises have been made not as a matter of charity or preferred treatment but as a matter of fundamental and inviolable rights, promises made by adults – parents of all nations – to one another on behalf of their children who are too young to speak or to express their wishes in the form of rights but who, from the moment they are born, expect tender loving care from their elders.

We have not been able to keep any of these promises. Today more children are abject victims of war, hunger, disease, illiteracy, neglect and disease than ever before. We are all only too familiar with the horrors of Ethiopia. Elsewhere in Africa the terrible tragedy is not very much less poignant and dangerous – tens of millions of people and their children are threatened with starvation and it may not take long before 10 more Ethiopias will burst upon our television screens and on to the front pages of our newspapers. I say in parenthesis that another of the unacceptable horrors of our societies is that the media will bring the ugly processes of increasing misery and poverty to public attention only when the abcess has burst, only when it is already too late for the world to respond in sufficient measure to prevent hundreds and

thousands of little children form suffering and dying. Only when famine becomes an event does it become news.

Let us ask ourselves some direct questions and respond with honest answers.

Why have Children's Rights never been implemented? Why has a world full of parents been unable to keep any of its promises to children? Because children have no votes. They have no political power. They lack even the other kind of power which comes from the barrel of a gun. Who are we, then? Who are Rädda Barnen, the Independent Commission on International Humanitarian Issues, UNICEF or any NGO group – all of us here? We are the lobbies of the powerless. As lobbyists we can never make a dent in the steel wall of vested interest and indifference unless we understand the issues for what they are and not for what sentimentality and cowardice suggest. Let us recognise three basic truths:

People don't make war. The powers that control their lives do. Over the ages, hundreds of reasons have been given to justify recourse to armed conflict, and always the people and their children have suffered in war and from the fall-out of war. But let us leave those arguments about the past aside for now and ask ourselves the one question that matters: with all the knowledge we have, and can have access to, and all the maturity of evolution we claim, and all the reason we ascribe to ourselves, is recourse to war in our time and age justifiable as a means of settling human disputes – whether it be religious or ideological or ethnic or territorial, especially when we know the indiscriminate and diabolical power of modern weapons of war? Are we still too primitive to reject violence as the first and even the second resort in the settlement of disputes when we know the tragedy it unleashes on our children? It would indeed be a sad heritage to carry into the new millenium the realization that humankind has not advanced one whit – except technologically – since the first ape-man threw the first elephant bone against an enemy.

The second truth I suggest we consider is that we social scientists, social activists and administrators in this children's lobby are not dealing directly with the fundamental cause of the sufferings of children from the blight of disease, from living perpetual half-lives or from neglect and abandonment. That cause is poverty. I know no one whose

family goes hungry if he or she has money in their pocket. This century of ours has been a century of liberations won by majorities – women and the colonized majorities. There is one more majority – the biggest – whose liberation needs winning: the poor. You and I may feel we are powerless to make a change in that relationship. If we felt that, we would be wrong. The power of the powerless, the people-to-people movements now arising here and there in the world, may make the difference.

The single most important reason for the failure, by and large, of development in the past 40 years is the failure to recognize the power of the powerless to be able to act on their own behalf and for their own benefit. Development has been delivered from the supply end – the supply of plans, projects, technical expertise, equipment, medicine, water and so on – all well-meaning and designed to develop "the people". But people have been regarded as passive recipients of the promises made to them from above and not actors in the drama of their own development, participating in the designing and realization of programmes. The development relationship has continued the old colonial patterns. Remember that the British Empire was founded on the principle of "philanthropy plus 4%". That is what has been happening in so-called development – except that the percentage has risen to 13%.

We need to approach development from the Demand end. But first, it is necessary to stimulate and even generate demand which has been frightened into inarticulations and abject hopelessness by poverty. When a child dies from a preventable disease can we hold fate responsible? Every one of us needs an explanation to bear such a tragedy. But we need to help people understand that fate is not destiny. If fate and destiny are synonymous we may as well resign and go home. Fate is what happens to us. Destiny is what could and should happen to us.

This means that communications and information – often very simple knowledge such as the meaning and purpose of vaccination – should be the cutting edge of a programme and not a peripheral or support activity. Information opens up demand and makes it articulate. Demand creates development. Supply then becomes a response to demand and relevant development.

I now come to the heart of the matter. With those realities firmly entrenched in our minds, we must look the issue of Rights in the eye. What we see there, as did that wonderful luminous Frenchwoman, Simone Veil, who published "The Need for Roots" soon after she returned to France following World War II, are:

- that Rights can only exist when they are recognized by others;
- that obligations exist even without external recognition; even in the middle of the Sahara desert a man on a camel has obligations, and
- that Rights can only become realities when they are recognised as obligations.

That is why I have often pleaded with my American friends that their nation which was founded on the twin statements of a Declaration of Independence and a Bill of Rights, should now–in its maturity–make a new foundation for the future or a Declaration of Interdependence and a Bill of Obligations.

This, I feel, is very much what you mean and I mean when we talk of a renewed plea for Children's Rights, of a way to bring about an International Convention on Children's Rights, of children as a Neutral Zone of Peace. Of course, these are largely symbolic steps by you and I groping through a clutter of incomprehension among people who have a vested interest in not understanding. It is like trying to legislate love. Never mind. Symbols are powerful instruments of change.

What is impressive to me is that the concerns of the meeting are shared by all religions, by all the nations and ethnic groups represented here, and our voices seem to be carrying a little further today than they did last year.

Is it due to the tragedy of Ethiopia? Did those children die to wake the world's conscience to the universal human obligation towards the child? Should children be asked to pay such a terrible price to awaken the world to the plight of other children? It is a heavy and saddening thought. Let us leave it there. And let us hope that through infusing new ideas and new energies into one another at meetings like this, another new beginning, but a more sensitive and auspicious beginning in protecting children, can be launched.

Thank you.

Statement by Mr Håkan Landelius
Secretary General, Rädda Barnen

Your Royal Highnesses, Your Excellencies, distinguished members of the Independent Commission on International Humanitarian Issues, Ladies and Gentlemen.

Since Rädda Barnen's position on the four topics addressed by this Symposium is well-known, I shall restrict myself at this stage to Rädda Barnen's role in this joint venture, its history and expectations of the outcome of this meeting.

I would first of all like to convey the gratitude of the President and Board of Rädda Barnen to HRH Crown Prince Hassan for so generously hosting this Symposium and to the Commission for choosing Rädda Barnen as a partner in this joint venture.

I would also like to avail of this occasion to thank the government of Jordan for the opportunity of opening a regional office in Amman.

This office has just been established and this Symposium is its first activity. Rädda Barnen has a long association with this country; its work has mostly been carried out in close cooperation with the UN Relief and Works Agency or local organizations on the West Bank. The agreement signed with the Ministry of Social Development opens up the perspective of far-reaching and direct cooperation with Jordanian authorities.

The choice of Amman as the place for our regional office has proved a very happy one; we have from the very beginning been met with hospitality and constructive proposals for cooperation in the field of child welfare, project proposals aimed at the total situation for the child covering both its physical health and psycho-social development.

We, as many others, have found a haven in the Hashemite Kingdom, and we hope that our cooperation in this country will be of value for the whole region and, among other things, prove what can be achieved by peaceful means and in peaceful cooperation. May I also pay my respects to the government of Jordan for having already endorsed the Charter for the Arab Child and thereby setting an example for other nations concerned about the Rights of the Child, an issue which will be discussed during this Symposium.

One of the founders of Rädda Barnen, the Swedish Save the Children, prophesied that the twentieth century would become *the* century of the child. During the first years of this century English women in Cambridge made a survey of the charitable societies of the time, to determine what, if any, protection was provided for children. These were progressive women and pacifists and all through the First World War they worked to alert the general public to the plight of children in the war-afflicted areas, a sometimes dangerous task in competition with the euphoric description of the heroic war in the mass media. Once it brought them to court for publishing what was regarded as indecent pictures of children: victims of war.

After the war these brave women founded the Save the Children movement as, first and foremost, a child rights organization. Their work resulted in the first child rights declaration "La Déclaration de Genève" accepted by the League of Nations in 1924. Voices were then raised to dissolve the movement, the optimistic founders believing their mission fulfilled. The reality would unfortunately prove that they were still needed to safeguard the rights of the child.

How has the present Declaration been respected and what kind of life have we saved the children for? With a new awareness in the world of the vulnerable situation of children, with the Year of the Child behind us and the Year of the Youth ahead of us, with the proposal of drafting a Convention for the Rights of the Child being worked upon within the United Nations, we in Rädda Barnen have greeted with great satisfaction the decision of the Independent Commission on International Humanitarian Issues to include in-depth studies of various aspects of children's rights in their work.

We hope that this Symposium will constitute the beginning of joint efforts in the lobbying of our two organizations, and others, in order to

point out unacceptable circumstances where more stringent international laws and conventions could and should provide greater protection for children.

It is a serious task and a great responsibility we have taken upon ourselves; without any mandate from them, we are deciding what is best for children.

There are only sixteen years left of this century: the century of the child. We have reached 1984 and it seems that some of Orwell's most pessimistic forecasts in his book '1984' are a reality for many. The World Health Organization has set itself the goal of "Health for All by the Year 2000". With the present pace of work can we expect a functioning Convention on the Rights of the Child by the year 2000? Can we through our work grant something worth being called childhood to millions and millions of children?

With all respect for the distinguished international child lobby gathered here today I would like us all to "see" the child in focus in our work and "hear" hundreds of millions of child voices praying for help, *now*, before it is too late.

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Annexes

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of 1986

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[illegible]e States Parties to the Convention

[illegible]nsidering that in accordance with the principles [illegible] in the Char[illegible] of the United Nations, recognition of the inherent [illegible]ity and of the equal [illegible]nd inalienable rights of all members of the human fa[illegible] the foundation of [illegible]eedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have [illegible] in the Char[illegible] reaffirmed their faith in fundamental human rights and in the dignity and [illegible]ue of the human person, and have determined to promote social progr[illegible] [illegible]d better standards of life in larger freedom,

Recognizing that the United Nations has [illegible] the Universal Declaration of [illegible] Rights and in the International Covenants on Human Rights [illegible] [illegible] and agreed that everyone is entitled to all the rights and freedom[illegible] [illegible] without distinction of any kind, such as race, colour, [illegible] religion, political or other opinion, national or social origin, [illegible] birth or other status,

[illegible] that, in the Universal Declaration of Human Rights, the Un[illegible] has proclaimed that children [illegible] special care and a[illegible]

Convinced that the family, as the basic unit of society and the natural environment for the growth and well-being of all its members and particularly

Annex I

Text of the Articles of the Draft Convention on the Rights of the Child adopted by the U.N. Working Group as of 1986

Preamble

The States Parties to the Convention

Considering that in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the basic unit of society and the natural environment for the growth and well-being of all its members and particularly

children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that, as indicated in the Declaration of the Rights of the Child adopted in 1959, the child due to the needs of his physical and mental development requires particular care and assistance with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security,

Recognizing that the child, for the full and harmonious development of his personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Bearing in mind that the need for extending particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the United Nations in 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in its article 10) and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom and brotherhood,

Have agreed as follows:

Article 1

According to the present Convention a child is every human being to the age of 18 years unless, under the law of his State, he has attained his age of majority earlier.

Article 2

1. The child shall have the right from his birth to a name and to acquire a nationality.
2. The States Parties to the present Convention shall ensure that their legislation recognizes the principle according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, or administrative authorities, the

best interests of the child shall be a primary consideration.

2. In all judicial or administrative proceedings affecting a child that is capable of forming his own views, an opportunity shall be provided for the views of the child to be heard, either directly or indirectly through a representative, as a party to the proceedings, and those views shall be taken into consideration by the competent authorities, in a manner consistent with the procedures followed in the State Party for the application of its legislation.
3. The States Parties to the present Convention undertake to ensure the child such protection and care as is necessary for his well-being, taking into account the rights and duties of his parents, legal guardians, or other individuals legally responsible for him, and, to this end, shall take all appropriate legislative and administrative measures.
4. The States Parties to the present Convention shall ensure competent supervision of officials and personnel of institutions directly responsible for the care of children.

Article 4

1. The States Parties to the present Convention shall respect and extend all the rights set forth in this Convention to each child in their territories without distinction of any kind, irrespective of the child's or his parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national or social origin, family status, ethnic origin, cultural beliefs or practices, property, educational attainment, birth, or any other basis whatever.
2. States Parties to the present Convention shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or other family members.

Article 5

The States Parties to the present Convention shall undertake all appropriate administrative and legislative measures, in accordance with their available resources, and, where needed, within the framework of international co-opertation, for the implementation of the rights recognized in this Convention.

Article 6

1. The States Parties to the present Convention recognize that the child should enjoy parental care and should have his place of residence determined by his parent(s), except as provided herein.
2. States Parties shall ensure that a child shall not be separated from his parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

Such a determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. Such determinations shall not be made until all interested parties have been given an opportunity to participate in the proceedings and to make their views known. Such views shall be taken into account by the competent authorities in making their determination.

3. A child who is separated from one or both parents has the right to maintain personal relations and direct contacts with both parents on a regular basis, save in exceptional circumstances.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause, while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 6 bis

2. In accordance with the obligation of States Parties under article 6, paragraph 2, applications by a child or his parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner.
3. A child whose parents reside in different States shall have the right to maintain on a regular basis save in exceptional circumstances personal relations and direct contacts with both parents.

Article 6 ter

1. The States Parties to the present Convention shall take appropriate measures to combat the illicit transfer and non-return of children abroad.
2. To this end, the States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements, as well as the introduction of periodic consultations between the competent national authorities.

Article 7

The States Parties to the present Convention shall assure to the child who is capable of forming his own views the right to express his opinion freely in all matters, the wishes of the child being given due weight in accordance with his age and maturity.

Article 7 bis

1. The States Parties to the present Convention shall respect the right of the child to freedom of thought, conscience and religion.
2. This right shall include in particular the freedom to have or to adopt a religion or whatsoever belief of his choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health and morals; and the right to have access to education in the matter of religion or belief.
3. The States Parties shall respect the rights and duties of the parents and, where applicable, legal guardians, to provide direction to the child in the exercise of his right in a manner consistent with the evolving capacities of the child.
4. The States Parties shall equally respect the liberty of the child and his parents and, where applicable, legal guardians, to ensure the religious and moral education of the child in conformity with convictions of their choice.

Article 8

1. Parents or, as the case may be, guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common and similar responsibilities for the upbringing and development of the child.
2. For the purpose of guaranteeing and promoting the rights set forth in this Convention, the States Parties to the present Convention shall render appropriate assistance to parents and guardians in the performance of the child-rearing responsibilities and shall ensure the development of institutions for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.
4. The institutions, services and facilities referred to in paragraphs 2 and 3 of this article shall conform with the standards established by competent authorities particularly in the areas of safety, health, and in the number and suitability of their staff.

Article 8 bis

1. The States Parties to the present Convention shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental 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.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 9

The States Parties to the present Convention recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, including those aimed at the promoting of his social, spiritual and moral well-being and physical and mental health. To this end, the States Parties shall:

(a) Encourage the mass media agencies to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 16;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the mass media agencies to have particular regard to the linguistic needs of the child who belongs to a minority group or an indigenous population;

(d) Encourage the development of appropriate guidelines for the protection of the child from information and material potentially injurious to his well-being bearing in mind the provisions of article 8.

Article 9 bis

1. The States Parties to the present Convention undertake to respect the right of the child to preserve his or her identity (nationality, name, family relations as recognized by law) without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, the States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 10

1. A child permanently or temporarily deprived of his family environment for any reason shall be entitled to special protection and assistance provided by the State.
2. The States Parties to the present Convention shall ensure that a child who is parentless, or who is temporarily or permanently deprived of his family environment, or who in his best interests cannot be brought up or be allowed to remain in that environment shall be provided with alternative

family care which could include, *inter alia,* adoption, foster placement, or placement in suitable institutions for the care of children.

Article 11

1. The States Parties to the present Convention shall undertake measures, where appropriate, to facilitate the process of adoption of the child. Adoption of a child shall be authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and guardians and that, if required, the appropriate persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary.
2. The States Parties to the present Convention shall take all appropriate measures to secure the best interests of the child who is the subject of intercountry adoption. States Parties shall ensure that placements are made by authorized agencies or appropriate persons under the adequate supervision of competent authorities, providing the same safeguards and standards that are applied in exclusively domestic adoptions. The competent authorities shall make every possible effort to ensure the legal validity of the adoption in the countries involved. States Parties shall endeavour, where appropriate, to promote these objectives by entering into bilateral or multilateral agreements.

Article 11 bis

The States Parties to the present Convention shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in this Convention and other international human rights or humanitarian instruments to which the said States are Parties. In view of the important functions performed in refugee protection and assistance matters by the United Nations and other competent intergovernmental and non-governmental organizations, the States Parties to the present Convention shall provide appropriate co-operation in any efforts by these organizations to protect and assist such a child and to trace the parents or other close relatives of an unaccompanied refugee child in order to obtain information necessary for reunification with his family. In cases where no parents, legal guardians or close relatives can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason, as set forth in the present Convention.

Article 12

1. The States Parties to the present Convention recognize that a mentally or physically disabled child should enjoy a full and decent life in conditions which ensure his dignity, promote his self-reliance, and facilitate his active participation in the community.

2. The States Parties to the present Convention recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his cultural and spiritual development.

4. States Parties shall promote in the spirit of international co-operation the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 12 bis

1. The States Parties to the present Convention recognize the right of the child to the enjoyment of the highest attainable standard of health and to medical and rehabilitation facilities. The States Parties shall strive to ensure that no child is deprived for financial reasons of his right of access to such health care services.

2. The States Parties to the present Convention shall pursue full implementation of this right and in particular, shall take appropriate measures to:

   (a) diminish infant and child mortality,

   (b) ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care,

(c) ensure appropriate health care for expectant mothers,

(d) encourage the provision of full and accurate information regarding methods of infant nutrition, including the advantages of breast-feeding,

(e) ensure the provision of information and training for parents and children in basic health care, sanitation and prevention of accidents,

(f) develop preventive health care and family planning education and services.

3. States Parties to the present Convention undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in this article. In this regard, particular account shall be taken of the needs of developing countries.

Article 12 ter

States Parties to the present Convention recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection, or treatment of his or physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 13

1. The States Parties to the present Convention shall, in a manner appropriate to national conditions, recognize for every child the right to benefit from social security and shall take the necessary measures to achieve the full realization of this right.
2. The benefits should, where appropriate, be granted taking into account the national resources available and the resources and the circumstances of the child and persons having responsibility for the maintenance of the child as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 14

1. The States Parties to the present Convention recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. The States Parties to the present Convention, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 15

1. The States Parties to the present Convention recognize the right of the child to education and, with a view to achieving the full realization of this right on the basis of equal opportunity, they shall, in particular:
   (a) make primary education free and compulsory as early as possible,
   (b) encourage the development of different forms of secondary education systems, both general and vocational, to make them available and accessible to all children, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need,
   (c) make higher education equally accessible to all on the basis of capacity by every appropriate means.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner reflective of the child's human dignity.
3. The States Parties to the present Convention shall respect the rights and duties of the parents and, where applicable, legal guardians to provide direction to the child in the exercise of his right to education in a manner consistent with the evolving capacities of the child.
4. States Parties to the present Convention shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 16

1. The States Parties to the present Convention agree that the education of the child shall be directed to:
   (a) The promotion of the development of the child's personality, talents and mental and physical abilities to their fullest potential and the fostering of respect for all human rights and fundamental freedoms.
   (b) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance and friendship among all peoples, ethnic and religious groups.
   (c) The development of respect for the natural environment and for the principles of the Charter of the United Nations.
2. No part of paragraph 1 of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in

paragraph 1 and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 17

1. States Parties to the present Convention recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. The States Parties to the present Convention shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 18

1. The States Parties to the present Convention recognize the right of the child to be protected 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.
2. The States Parties to the present Convention shall take legislative and administrative measures to ensure the implementation of this Article. To this end, and having regard to the relevant provisions of other international instruments, the States Parties shall in particular:
   (a) provide for a minimum age or minimum ages for admission to employment:
   (b) provide for appropriate regulation of the hours and conditions of employment: and
   (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this Article.

Article 18 bis

The States Parties to the present Convention shall take all appropriate measures, including legislative, social and educational measures, to protect children from the illegal use of narcotic and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illegal production and trafficking of such substances.

Article 19

1. States Parties to the present Convention recognize the right of children who are accused or recognized as having infringed the penal law to be treated in a manner which is consistent with promoting their sense of dignity and worth and intensifying their respect for the human rights and fundamental

freedoms of others, and which takes into account their age and the desirability of promoting their rehabilitation.

2. To this end, and having regard to the relevant provisions of international instruments, the States Parties to the present Convention shall, in particular, ensure that:
   (a) no child is arbitrarily detained or imprisoned or subjected to torture, cruel, inhuman or degrading treatment or punishment;
   (b) capital punishment or life imprisonment without possibility of release is not imposed for crimes committed by persons below eighteen years of age;
   (c) children accused of infringing the penal law
      (i) are presumed innocent until proven guilty according to law;
      (ii) are informed promptly of the charges against them and, as of the time of being accused, have legal or other appropriate assistance in the preparation and presentation of their defence;
      (iii) have the matter determined according to law in a fair hearing within a reasonable period of time by an independent and impartial tribunal and
      (iv) if found guilty are entitled to have their conviction and sentence reviewed by a higher tribunal according to law.
3. An essential aim of treatment of children found guilty of infringing the penal law shall be their reformation and social rehabilitation. A variety of dispositions, including programmes of education and vocational training and alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate and proportionate both to their circumstances and the offence.
4. All children deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person, and shall in particular:
   (a) be brought as speedily as possible for adjudication;
   (b) be separated from adults accused or convicted of having committed an offence unless it is considered in the child's best interest not to do so, or it is unnecessary for the protection of the child; and
   (c) have the right to maintain contact with their family through correspondence and visits, save in exceptional circumstances.

Article 20

1. The States Parties to the present Convention undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties to the present Convention shall take all feasible measures to ensure that no child takes a direct part in hostilities and they shall refrain in particular from recruiting any child who has not attained the age of fifteen years into their armed forces.
3. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties to this Convention shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 21

Nothing in this Convention shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

(a) The law of a State Party; or

(b) Any other international convention, treaty or agreement in force for that State.

[illegible] to
[illegible] ensure that no child takes a direct part in hostilities and refrains in
[illegible] from recruiting any child who has not attained the age of fifteen
[illegible] years.

[illegible] instruments, the States Parties to the present Convention undertake to
[illegible] accordance with their obligations under international humanitarian law
[illegible] protect the civilian population in armed conflicts, to take all feasible
[illegible] intervention and care of
[illegible] who are affected by an armed conflict.

[illegible] children who are deprived of their family environment for
[illegible] reason shall be entitled to special protection and assistance provided by the State.

[illegible] Any other institution responsible for the care of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

[illegible] 21

[illegible] adopting in this Convention shall affect any provisions that are more conducive to the realization of the rights of the child and which may be contained in:

(i) [illegible] are presumed innocent until proven guilty according to law;

(ii) [illegible] are informed promptly and directly of the charges against them, and have legal and other appropriate assistance in the preparation and presentation of their defence;

(iii) [illegible] determined according to law in a fair hearing within a reasonable period of time by an independent and impartial tribunal;

(iv) [illegible] found guilty are entitled to have their conviction and sentence reviewed by a higher tribunal according to law.

3. An essential aim of treatment of children found guilty of infringing penal law shall be their reformation and special rehabilitation. A variety of dispositions, including provisions of education and vocational training and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate and proportionate both to their circumstances and the offence.

4. All children deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person, and shall in particular:

(a) be brought as speedily as possible for adjudication;

(b) be separated from adults unless it is considered in the child's best interest not to do so and to maintain contact through correspondence and visits, save in exceptional circumstances;

(c) have the right to maintain contact with their family through correspondence and visits, save in exceptional circumstances.

Article 39

1. The States Parties to the present Convention undertake to respect and ensure respect for rules of humanitarian law applicable to them in armed conflicts which are relevant to the child.

Annex 2

List of Symposium Participants

Prince Sadruddin Aga Khan Crown Prince Hassan bin Talal

Co-Chairmen, ICIHI

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British Broadcasting Corporation; The Economist Development Report, England

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Mr Jack Ghandour
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Mr Hyat Ghawi
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