

International Federation of Social Workers

Social Work and the Rights of the Child

*A Professional
Training Manual
on the UN Convention*



Front-page photo: UNICEF/DO179-0001/Rotner
Print: Fischer AG für Data und Print, CH-3110 Münsingen, Switzerland

SOCIAL WORK AND THE RIGHTS OF THE CHILD

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1 INTRODUCTION

Social Work and the Rights of the Child A Professional Training Manual on the UN Convention

This manual provides stimulation and guidance to social workers, social work students and educators, as well as colleagues in related fields, who wish to live up to the high ideals of the United Nations Convention on the Rights of the Child and to implement them in their work with children. This convention is of singular importance to all social workers. It is also the most supported convention at the United Nations with 191 signatory states; only two members have yet to sign, namely the USA and Somalia.

Human rights are at the heart of social work and IFSW was pleased to take a leading role in creating a successful Human Rights Training Manual for the Social Work Profession and Schools of Social Work, first published by the United Nations in 1992 and reprinted in 1994. That manual has been an inspiration for many and is still used around the world.

In 1997 IFSW decided to publish a specialised manual to address the Convention on the Rights of the Child. A small, international group of social workers developed the manual, with the assistance of various member associations and others.

This is yet another important milestone in the practical expression of international social work and sincere thanks must go to all those involved in its production. Firstly to Ruth Stark, the convenor, whose single-minded dedication to the task drew together the vast majority of the material. Secondly to Terry Bamford, Ellen Mouravieff-Apostol and Elis Envall, who provided tireless support, comment and constructive criticism. To David Jones, Chair of the IFSW Policy Committee, for his assistance in bringing the final product to the table and to Carlyne Willow, an independent consultant on children's rights and editor, who undertook the final independent review and edit prior to publication.

Publishing material such as this is an expensive exercise and IFSW is grateful for the support of the British Association of Social Workers, the Danish Association of Social Workers and the Norwegian Union of Social Educators and Social Workers. We also gratefully acknowledge the support of UNICEF for making illustrations available.

We recommend the manual to you as an invaluable practical and relevant tool for anyone working with children and families and of course for social work students, practitioners and educators.

Sydney/Berne, January 2002

Imelda Dodds
IFSW President

Tom Johannesen
IFSW Secretary General

2 BACKGROUND

The International Federation of Social Workers (IFSW) includes national organisations in 77 countries representing 490,000 professional social workers world-wide. It works collaboratively with a wide range of international organisations. Through its code of ethics, its policy statements, its commitment to good practice and the work of the Human Rights Commission, the International Federation of Social Workers strives to promote the human rights of all the people with whom social workers work.

IFSW worked with the UN Centre for Human Rights to produce a training manual *Human Rights and Social Work* in 1992 (reprinted 1994). The document examines UN human rights instruments and identifies ways in which they illustrate and enhance the responsibilities of social workers. The manual has been widely used in schools of social work and by social work practitioners in their daily work.

That manual included reference to the Convention on the Rights of the Child, but more detailed work was considered necessary to help social workers to understand and apply the Convention to their every day practice. The Convention covers all aspects of children's care and treatment and should therefore be the basis for all social work intervention with children.

The aim of this manual is to ensure that children's human rights, as set out in the Convention, are fully respected and implemented within the context of social work. The manual will be useful to trainee social workers, as well as to social workers and fellow professionals working with children. It will also be valuable to groups and organisations run by children and young people, as a self-advocacy tool.

Global support for the Convention on the Rights of the Child

The United Nations unanimously adopted the Convention on 20 November 1989. It took ten years to develop after Poland first proposed a special human rights treaty for children at the end of the International Year of the Child in 1979.

The Convention has now been ratified by 191 countries, a greater number than any other human rights treaty. The only two eligible countries that have not ratified the Convention are the USA and Somalia. The act of ratification makes individual countries state parties. Each state party is then required actively to promote and translate the Convention into all law, policy and practice. Although the Convention has the status of international law, it is not legally binding on public authorities or professionals unless state parties have incorporated its provisions into their domestic law.

Committee on the Rights of the Child

The international treaty monitoring body for the implementation of the Convention is the Committee on the Rights of the Child. The Committee comprises 18 adult experts on children's rights from around the world.

Each state party is required to complete a national report two years after ratification and thereafter every five years. These reports are widely distributed and in some cases have been ac-

accompanied by reports prepared by non-governmental organisations in the country, often including the views and experiences of children and young people.

The Committee has prepared guidelines for initial and periodic reports that state parties are expected to follow when submitting their national reports. When the Committee examines reports from state parties it makes “concluding observations” on positive progress and principal areas of concern. The suggestions and recommendations of the Committee are invaluable in lobbying for positive change in children’s care and treatment. They can be obtained from the web site of the UN High Commissioner for Human Rights (www.unhchr.ch).

Training objectives

The Convention on the Rights of the Child gives a clear code to guide conduct and behaviour towards children. This manual has four objectives:

- To promote knowledge, understanding and awareness of the rights of children and of social justice among social workers, students, teaching staff and others involved in social care.
- To provide case examples so that those using the manual can apply the Convention to their everyday social work practice.
- To introduce some of the dilemmas posed by the Convention, including the potential for tension between children’s rights and adult’s rights.
- To encourage users of the manual to develop their own contribution towards the monitoring and implementing of the Convention at micro, meso and macro levels.

Structure of the manual

The format of the discussion of Articles in this manual follows the guidelines for reporting on the articles by state parties, issued by the Committee on the Rights of the Child in November 1996.

Each section groups several inter-related and integrated issues. A full version of the Convention is in the appendix.

Children’s rights in focus

The practical examples and discussion points throughout the text are designed to provoke consideration and reflection of how well children’s Convention rights are known about and respected. There are no straightforward answers. What is offered is guidance in thinking through the human rights issues, principles and provisions for the range of children and young people with whom social workers work. The examples seek to ensure that the attitudes and behaviour of social workers are underpinned by the requirements of the Convention.

Although boxed examples are included within sections on particular rights, cross-reference should be made to other relevant Convention rights. In all examples, readers should explore the extent to which the general principles of the Convention apply: non-discrimination (art 2); the best interests of the child (art 3); the child’s right to survival and development (art 6); and respect for the views of the child (art 12).

The case examples are collected from all over the world. They reach across cultures and individual state parties, and address the diverse needs and rights of children from different ages, backgrounds and personal circumstances.



3 A COMMITMENT TO CHILDREN'S HUMAN RIGHTS

The IFSW Manual Human Rights and Social Work (1992) explains that:

Social work originates variously from humanitarian and democratic ideals. Social work practice has, since its beginning, been focused on meeting human needs and on developing human potential and resources.

Social work is about change: in the individual; in family and group living; in policies and services; and in laws and social attitudes.

Social work is not simply direct work with the individual. It also involves services and action for groups and communities, with the aim of enhancing the quality of life of all citizens, including children and young people.

Social workers operate in diverse cultures and contexts with varied geographical, political, socio-economic, cultural and spiritual issues.

The value base of social work is clearly defined within the IFSW International Policy on Human Rights (1996):

Social workers serve human development through adherence to the following basic principles:

- i) Every human being has a unique value, which justifies moral consideration for that person.
- ii) Each individual has the right to self-fulfilment, to the extent that it does not encroach upon the same right of others, and has an obligation to contribute to the well being of society.
- iii) Each society regardless of its form should function to provide the maximum benefits for all its members.
- iv) Social workers have a commitment to principles of social justice.
- v) Social workers have the responsibility to devote objective and disciplined knowledge and skill to work with individuals, groups, communities and societies in their development and resolution of personal-societal conflicts and their consequences.
- vi) Social workers are expected to provide the best possible assistance without discrimination on the basis of gender, age, disability, colour, social class, race, religion, language, political beliefs, or sexual orientation.

Building children's human rights

There are five building blocks to working from a children's rights perspective.

First, the acceptance that children are people now, not people-in-the-making. It is critical that social workers respect and value children as complete human beings from the moment they are born. This does not deny that children will change and develop over the years. However, it does accord them full human status from birth.

The second building block follows on from the first and is the acceptance that childhood is valuable in its own right and is not simply a stage towards adulthood. This has major implications for social programmes and services, shifting the emphasis of work with children to the here-and-now of their experience. If this perspective were universally accepted education systems, for example, would be founded on children's self-fulfilment and happiness as people today in addition to the need for them to acquire skills and qualifications for their future adult lives.

Third, working from a children's human rights perspective acknowledges that children are active agents of their own lives. Every person can only live one life. Social workers must not under-estimate children's accumulated knowledge and insights into their own needs and life history. Although they may have access to information not shared with children, social workers must never assume they know more about a child's life than the child.

Fourth, age discrimination needs to be identified and tackled, recognising that children across the globe are treated less seriously than adults simply because of their age.

Finally, a commitment to working from a children's human rights perspective requires social workers to address the special vulnerability of infants and children, arising from their smaller size and physical strength and from their low status and dependency on adults. Children are vulnerable because they do not have the physical strength, experience or psychological capacity to withstand pressure from adults. This can easily lead to situations of exploitation and abuse.

What do we mean by 'family' and 'parents'?

Throughout this document there are references to the parents and families of children. The nature of family life and the relationship of parents to their children are complex matters, affected by religious and cultural factors and subject to change as our societies evolve. A wide diversity of family structures and parenting relationships is included within these simple terms.

'Parent' is usually understood to be the natural or biological parent who gave birth to the child. However it can also mean the person who has the legal or common law responsibility to care for and raise the child, perhaps a guardian or adoptive parent, who may or may not be the same as the biological parent. An increasing number of children live in multi-parent relationships, following parental divorce or separation. Some traditional communities recognise the parenting responsibilities of the whole community towards every child. In most countries, there are laws which provide for the state to take on the role of parent when other arrangements have broken down. The identification of the 'parent' for an individual child may be highly contentious.

'Family' has even more diverse meanings. In this document it usually refers to one or two parents with a child, their brothers and sisters and possibly relations by blood or marriage in the extended network. However families may be made up in different ways and defined differently by custom and law. Social workers may become involved in assisting to resolve conflicts over parental and family rights and responsibilities towards a child.

Applying children's human rights in social work

Social workers seeking to uphold the principles of the Convention require particular skills. In addition to the basic training they need knowledge and experience of child development. They need inter-personal skills so that they can communicate with children in a way that is respectful and meaningful. Social workers need to be ready to listen to children and to make a reality of their participation rights. That means using games, play and drawings as well as conversation. They should not place their own interpretations on children's actions and behaviour without first checking this out with them.

Social workers may be given special powers concerning children and young people, particularly in relation to ill treatment within the family. This may include the power to remove children from their families and communities on their own initiative or when agreed by a court or legal process. Such powers must be exercised according to the best interests of the child. The right of children to express their views and have them taken into account is especially important when alternative care is being considered. On a macro level, there is a need for vigilance to ensure that there is no bias or discrimination in social work practice. Questions of possible bias or discrimination may, for example, be raised if regional or national data shows that disproportionate numbers of children from minority ethnic communities are being removed from their families, or because it is shown that disabled children are disproportionately placed in large institutions.

The duties of social workers in relation to the Convention extend beyond work with the individual. For example, the full implementation of the Convention requires measures to help parents to fulfil their responsibilities towards infants and children, including promoting non-violent relationships within the home. This could include access to parental education and family counselling services. It could also mean social work professionals actively campaigning for legal reform to protect children from all forms of violence in all settings – in the family, in schools and in penal settings for example.

While the Convention does not specify a particular model of alternative care (i.e. care provided by people outside the informal family or community environment), social workers will be aware that large institutions seldom afford positive experiences for children. Fostering, adoption and other forms of family placement can offer more fulfilling relationships and opportunities. Social workers should always be vigilant about potential mistreatment and abuse in alternative care, ensuring children and young people are able to share their concerns and can be confident that these will be taken seriously.

4 MAKING SENSE OF THE CONVENTION ON THE RIGHTS OF THE CHILD

The Convention covers all aspects of children's lives, from birth through to adolescence and young adulthood. It took ten years to develop and is a comprehensive statement of what children across the globe require to lead happy, healthy fulfilling and safe lives.

The articles of the Convention must always be read together and there is no hierarchy of rights. For simplicity, children's Convention rights can be categorised into four headings but there is considerable overlap:

Provision

This includes children's basic right to survival and their right to fullest development. It covers the recognition that the best place for children is with their own parents, but the state has responsibility to assist where necessary and to provide care when parents are unable or unwilling to meet the needs of their children. It also underpins the obligations of states parties in terms of health, social security and education and play for example.

Protection

The Convention grants all children the right to be free from all forms of violence, including within the family home. When children and young people are exploited or maltreated the state has an obligation to intervene, protect, provide and promote rehabilitation.

Participation

The child is recognised as an individual person with views, feelings and evolving capacity. All children have a right to express their views and have them taken seriously in all matters that affect them. Young disabled people have a right actively to participate in their communities and to integration into the routines of community life.

Promotion

Rights are meaningless if citizens do not know they have them. Article 42 requires states parties to widely disseminate information about the Convention to children and to adults.

I GENERAL MEASURES OF IMPLEMENTATION

Articles 4; 42 and 44

This section covers:

- A Comprehensive review of legislation, policy and practice
- B Permanent mechanisms to ensure implementation
- C Budgetary analysis and allocation of necessary resources
- D Promoting the Convention to professionals and to the public
- E The role of social workers in promoting full compliance with the Convention

A Comprehensive review of legislation, policy and practice

Following ratification states parties are required to review all legislation, policy and practice to ensure it conforms to the principles and standards of the Convention. Where necessary law reform should take place, for example concerning the protection of children from violence within the family home and in educational and penal settings.

B Permanent mechanisms to ensure implementation

The Committee on the Rights of the Child has issued guidelines for initial and periodic reports. These describe the need for states parties to establish co-ordinating mechanisms within government to ensure the Convention is fully implemented across different departments. The Committee also recommends that governments establish independent mechanisms to ensure the Convention is monitored and reviewed, through the establishment of Children's Rights Commissioners or Ombudsmen for example.

C Budgetary analysis and allocation of necessary resources

States parties are required to analyse the proportion of budgets allocated to children to ensure that investment in young citizens is proportionate to their numbers and needs. Too often governments fail to disaggregate social expenditure, thereby masking the relatively low allocation of resources to the promotion of children's welfare and human rights.

D Promoting the Convention to professionals and to the public

States parties are required to promote the principles and standards of the Convention to all members of the public, including to children. They must also ensure that all professionals working with children, including those in penal settings and health workers for example, are trained on how to apply the Convention to their everyday practice.

E The role of social workers in promoting full compliance with the Convention

Social workers obtain a wealth of information about the people with whom they work. Some only relates to individuals but usually information about people's lives can be gathered together and common issues identified. Through their day-to-day contact with people often on the margins of

life, social workers can accumulate vital information about the impact of laws and wider policy and practice on individuals, groups and communities. In this respect, social work is not just about the individual and their family but also about the development of social policy and practice.

Social workers work with people who usually do not feel confident or empowered to speak of these wider issues themselves. What then should they do with the information they hold? Can they support people to speak out about the common issues that affect them? Can social workers help their voices to be heard and taken seriously? At what point do social workers speak for their clients and how do they check back so that what is being said on their behalf is accurate? These issues are true for any of the people with whom social workers work, but special care must be taken when working with children and young people. In part this is because of the way society in general minimises the importance of their contribution, and the fact that most welfare systems have evolved without the direct input of children and young people. Further, there is the continuing problem of many social workers feeling ill-equipped to communicate with children. Young clients may also lack trust in the social work system, especially if their initial experiences were of not being listened to or taken seriously.

Promoting children's and young people's effective participation is a skill that can be developed over time, with creativity and practice. Even very young children can be helped to express their views and perceptions of circumstances and people through drawing, talking and play. Young disabled people who do not use speech can be supported to express their views through non-verbal ways, using computers and illustration boards for example.

It is essential that social workers have an awareness of their duties and responsibilities. They need to make certain that children and young people are fully informed of the potential consequences and risks in speaking out. At times social workers may need to act on children's and young people's behalf because there are too many dangers in individuals taking action for themselves. But most of the time they will join forces with their young clients to try to effect positive and lasting changes at an individual, group and societal level.

The boxed examples show how social workers can influence change at three levels, micro, meso and macro. Although these are presented as distinct change-making opportunities, it is important to remember that the issues social workers routinely deal with must be addressed at all three levels. For example, Amnesty International and Save the Children are campaigning against the use of children in armed conflict. Within this context, social work has an important role to play in addressing children's rights and needs at:

- *the micro level*: the rehabilitation of the individual child is the central focus;
- *the meso level*: the principal focus is on supporting groups of children to change their value base and build normal patterns of relationships; and
- *the macro level*: the focus is on leading and supporting national and international action against the use of child soldiers.

i) Micro

This level of intervention is at the individual level. The social worker has a duty to make sure that the work undertaken in a particular situation is within the requirements of the Convention. Instrumental in achieving that objective will be the integrity, ethics and values of the social

worker. Mechanisms should be in place for objective appraisal by others and to ensure that the client receives the best possible service. For example, in working with a young person and their family, it is important that the views of the young person are elicited and given due weight alongside the often more articulate and powerful parents.

Children's rights in focus

Parents in a developing country are approached to have their young child adopted by an affluent couple from a developed country. They are promised the child will have food, a good home and a good education. The parents do not want to lose their child but believe this offers the best chance for a fulfilling life.

- How could you support the child to express its views about the proposed adoption?
- What other options may be available to the child and its parents?
- If the child is adopted, how can family contact be maintained?
- What must be done to ensure the child's identity and cultural roots are positively developed?

Children's rights in focus

The parents of an 11-year-old decide that they can no longer live together. They decide that the child will live with one parent and spend every alternate weekend with the other parent. This interferes with the commitment that the child has to the local football team on a Saturday morning.

- How would you support the parents to consider the full impact of their proposed separation on their child?
- How could you support the child to express its views about the proposed separation?
- Could you help the child to raise other issues in this situation?

ii) Meso

As social workers and colleagues share information and concerns there may be issues that could be approached on a collective basis. At all times the emphasis should be on helping clients voice their concerns directly, with professionals giving additional support as required. Resolutions to community problems may be found through communication and negotiation at a municipal level. Such action may involve working with groups of children, young people and adults or all age groups. Sometimes the social worker may find support from their professional association.

Children's rights in focus

During a period of civil emergency, large populations are displaced. Children may be separated from their families or relatives. When children and young people are displaced it is important to consider how to quickly remedy violations of their human rights, for example by helping them to track and keep in touch with their families. Relief agencies have used electronic mail and the Internet to help families locate each other.

- Discuss what other methods could be used on a collective basis to help children and young people in these circumstances.
- What kind of work with groups of young people would be effective?
- What other rights are at risk of being violated when children are displaced from their communities and families?

Children’s rights in focus

A large group of multi storey apartments on the outskirts of the city provide public housing for many families. Many of the families are single parent households surviving on low incomes. There is a high incidence of poor child care. The children fail at school and there are no play areas for the youngest children. There is no sense of community as many of the families have moved into the city from rural areas in search of work. A social worker identified that many of the problems she was asked to deal with as individual cases had common threads. She worked with a group of lone parents to help them identify what they could do to break the cycle of deprivation. They started an after-school club and campaigned for better facilities in their neighbourhood. Joint child care arrangements helped adults secure employment and improve the quality of their own and their children’s lives.

Think of a situation where you are aware of a number of children, young people or their parents are coping with similar issues.

- How would you help them work towards a better quality of life?
- Who would you need to work with to achieve positive change?
- How would you seek change?

iii) Macro

Social work’s strength is including people in society. Social workers are in a unique position to comment on the human consequences of social policies. They have a duty to work towards informing national and international policy makers about the ways in which people are excluded from their society or culture. Reports from non-governmental organisations (NGOs), and examples of current situations, are vital to the monitoring and implementation of international treaties such as the Convention on the Rights of the Child.

Children’s rights in focus

Considerable work has been undertaken by IFSW in raising awareness of the sexual exploitation of children across the world, in particular across state boundaries. There has been an increase in national legislation and direct help for children and other family members. Partnerships have developed across different countries to enhance national and international child protection systems. As a result of raising the awareness of policy makers, laws have been changed and perpetrators prosecuted.

- What laws in your country leave children unprotected? For example is physical punishment permitted in the family home or in educational and penal settings?
- How would you go about changing these laws: what evidence would you need to collect; and who would be the key individuals or organisations to lobby?

Children’s rights in focus

Each state party has a duty to promote the Convention widely for example through the media, schools and professional training. There are many exciting ways to communicate with children and young people. Art, dance, mime, music, story telling, writing, television and video, youth parliaments and school debates are just some of the methods used, with newer methods like computers, e-mail and the Internet becoming increasingly popular.

- What are the main messages to get across to children and young people about the Convention?
- Explore the different ways governments can promote the Convention to diverse groups of children and young people, including asylum seekers, those deprived of their liberty and those living on the streets.
- Devise a project to promote the Convention to the children and young people you work with.



II DEFINITION OF THE CHILD

Article 1

This section covers:

- A Civil Law
- B Criminal Law
- C Constitutional Law
- D Employment Law
- E Rights to know biological parents
- F Access to education
- G Sexual consent and marriage
- H Voluntary and forced conscription into the armed forces
- I Religious freedom
- J Use of alcohol, tobacco, drugs and other controlled substances

The Convention is explicit. A child is every person under 18 unless by law children attain majority at an earlier age.

The Convention sets a precedent in attempting to set a definition of childhood. The League of Nations Declaration on the Rights of the Child in 1923, the International Union for Child Welfare Declaration in 1948 and the UN Declaration of the Rights of the Child in 1959 avoided tying themselves to a particular chronological age. This was due to the major differences in national legislation and variations in cultural expectations and norms. States parties in their reports under the Convention are requested to provide relevant information about the different definitions of a child applied under their laws and regulations. Specific headings are listed in Article 1 of the Convention and these are supplemented in the guidelines on reporting published by the UN in November 1996.

A Civil Law

The Committee's guidelines identify some civil rights that may apply to people under the age of 18. These include access to counselling or medical treatment without parental consent, giving testimony in courts, choice of religion, marriage and sexual consent and the right to participate in civil society through joining clubs or associations.

Children's rights in focus

It is alleged that a 13-year-old girl has been sexually assaulted. Her parents object to any medical examination. The alleged offender is another family member.

- Does the law in your country permit children to be medically examined against the wishes of their parents?
- Can children and young people be medically examined against their will?
- How can social workers ensure children and young people do not feel disempowered or further violated by child protection procedures?

The age of sexual consent and marriage are dependent on cultural patterns. From a social work perspective, the key determinant is the application of the non-discrimination principles set out in Article 2 of the Convention. It is not acceptable for the civic rights of the female child to be different from those of males, or for the marriageable age of females to be lower than for males.

Children's rights in focus

An arranged marriage for two young people aged 16 and 17 from the same cultural background is planned. One of the young people was brought up in Europe, the other in Asia. Neither is happy with the arrangement but only one of the young people is strongly opposed.

- What possible forms of redress would be available to a young person in your country if she/he was being forced into an arranged marriage?
- How can social workers support young people to exercise their right to express their views and to protection from sexual or other exploitation?

B Criminal Law

The age of criminal responsibility varies widely across the world. For example, the age at which children are deemed to be responsible for criminal actions is seven in 20 countries across the world. In England and Wales, 10-year-olds are treated as criminally responsible, while in Belgium, Mexico and Uruguay the age is 18.

Social workers need to consider whether the age of criminal responsibility is set at appropriate levels. In some countries the trend to increase the age of criminal responsibility has now been reversed with the age being lowered. The best interests of the child should be the paramount consideration, with social workers guarding against the tendency to 'demonise' young offenders. The crucial consideration is how to develop juvenile justice systems that positively support children and young people to address and change their offending behaviour, while also meeting their educational and other needs (see Article 37).

It is important that separate court structures and legal protection exist for children. Systems must be completely designed to take into account the special vulnerability and developmental needs of children and young people. Children and young people must be meaningfully engaged in the process; proceedings should be explained to them in a manner compatible with their understanding; and adults must give due weight to their views when making decisions about their future (Article 12). Social workers need to be vigilant to ensure that systems are not abusing the child.

Children's rights in focus

In England in 1996 two children were sentenced to ten years' imprisonment for killing a 2-year-old boy when they were ten years old. The two young boys went through the adult court system and were treated as adults, without due concession to their age and stage of development. They were expected to instruct their lawyers as an adult would in an adversarial system. The European Court of Human Rights gave a full judgement about the failures in December 1999, including a question about the age of criminal responsibility, which in most European countries is 13-16 but in England and Wales is ten.

- How does your society deal with children who commit grave crimes?
- Can you identify more appropriate approaches to dealing with such children?
- What kind of factors may lead children to commit such grave crimes?

C Constitutional Law

The age at which citizens are permitted to vote in municipal or national elections varies across the world. Only seven countries have enfranchised under 18-year-olds; Iran has the lowest voting age of 15 years.

Children's rights in focus

A day before the 2001 general election in the UK, the Children's Rights Alliance for England placed an article in a national newspaper on why the voting age should be reduced to 16 years. The piece was prepared in partnership with teenagers from a range of children's rights organisations. It pointed out that from the age of 10 children can serve prison sentences, and they can work part-time from 13, yet they are not deemed capable of voting until 18 years.

- What are the minimum ages in your country to undertake paid work; get married; serve custodial sentences; or pay income taxes? Is the voting age consistent with these?
- Are there any campaigns within your country aimed at extending the voting age to under-18s?
- Do social workers have a role in pressing for constitutional reforms when a section of the community, in this case children and young people, is excluded?

D Employment Law

The duty of states to ensure free and compulsory primary education is set out in Article 28 of

the Convention. There is no similar requirement for secondary education. There is a clear link with the age limits set for formal education and those for employment.

Child labour summons up images of sweatshops or mines or children stitching footballs, but children work in many settings including unpaid work within the family.

Hazardous and exploitative forms of employment should be eradicated. But in many countries poverty is the root cause of child labour. Any changes have therefore to balance the economic and social context of child work. Many organisations concerned with children's rights are now initiating projects that provide better protection, for example, restaurants run by street children and special units to protect child workers. Further, steps have been taken to integrate education with children's working lives, with classes being provided near to their work and fitting around their daily responsibilities.

Children's rights in focus

Anand lived on the outskirts of an Asian city. He wanted to study but his parents wanted him to work. At 15, he ran away from home. He wandered the streets for a couple of months. He lived on railway platforms, working salvaging rags from rubbish tips. He shared part of his wages with his seniors who guided and protected him from other groups. He was helped to contact a shelter for street children by a social worker. After some counselling and the recognition of his desire to study, staff at the shelter made arrangements for him to continue his education. Anand has now moved from his tent to eleventh standard of education and is back in contact with his family who are pleased to see him.

- Where are children working in your country?
- How is child labour regulated?
- How can social workers improve the quality of life of children in work?

In June 1999 174 members of the International Labour Organization (ILO) unanimously adopted the Worst Forms of Child Labour Convention. States now need to ratify the Convention in the process by which the Convention is translated into national law and practice. The ILO estimates that some 250 million children between the ages of five and 14 years work in developing countries; about half that number work full-time. Nearly 70% of these children are involved in hazardous work. In Article 3 of this Convention the worst forms of child labour are defined as:

- a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour;
- b) forced or compulsory recruitment of children for use in armed conflict;
- c) the use of a child for prostitution, production of pornography or pornographic performances;
- d) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
- e) work which is likely to harm the health, safety or morals of children.

The Worst Forms of Child Labour Convention 1999 requires states ratifying the Convention to design and implement programs of action, to eliminate the worst forms of child labour as a priority and establish or designate appropriate mechanisms for monitoring implementation of the Convention, in consultation with employers and workers' organisations. It also says ratifying states should provide support for the removal of children from the worst forms of child labour and their rehabilitation; ensure access to free basic education or vocational training for all chil-

dren removed from the worst forms of child labour; identify children at special risk: and take into account the special situation of girls’.

An accompanying recommendation defines ‘hazardous work’ as work which exposes children to physical, psychological or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery or tools, or which involves heavy loads; work in unhealthy environments which may expose children to hazardous substances, temperatures, noise or vibrations; and work under particularly difficult conditions such as long hours, during the night or where a child is confined to the premises of the employers’.

E Right to know biological origins

Children are not always brought up in the same household as their biological parents. Some of the circumstances include adoption, fostering, parental separation and medical interventions in conception (e.g. artificial insemination by donor). Article 8 of the Convention is explicit about children’s right to know about their biological parents. Social workers need to understand what applies in their own culture and country and to be aware that issues of identity are critical to a persons well being.

Children’s rights in focus

In Argentina during the ‘dirty war’ some children were forcibly separated from their parents and adopted by childless couples.

What role do social workers have in these situations, on the various levels?

- i) micro – working with individuals;
- ii) meso – working with local communities and municipal decision-makers;
- iii) macro – working for wider societal change.

Children’s rights in focus

A family was fostering a child from another ethnic background. After some years the child’s natural family sought his return to their family. His mother died in the meantime and the wealthier foster family try to help the child forget his background and assimilate their own cultural and ethnic roots.

A child is born through IVF (in vitro fertilisation) treatment, donation of sperm or eggs from an anonymous donor. Her parents do not intend to tell her about their fertility treatment; and in any case do not know anything about the donor.

- Discuss the identity rights of each of these children.
- What is the task of a social worker on a micro, meso or macro level?

F Access to education

Education is essential to a child’s development. Article 29 of the Convention states that the aims of education should be to develop a child’s or young person’s personality, talents and mental and physical abilities to their fullest potential. This reflects the needs of the whole child, extending the purpose of education beyond academic attainment and intellectual development.

Care has to be taken to ensure that the right type of education is available for the individual child, taking account of their particular needs and learning preferences. For example, evidence from rootless street children illustrates the importance of formal or non-formal educational experiences in developing self-respect and self-confidence. A child may need some

help with social or life skills before accessing formal education that may have already failed them. The child may initially see education as lacking relevance to their life and particular circumstances.

State parties have the obligation to provide appropriate levels of education, but also to provide the opportunities for children to access that education.

Children's rights in focus

Jagadish (14) comes from a poor family with two younger brothers. His father was an alcoholic and did not maintain his family well. Jagadish ran away from home and went to live on the railway station and picked rags for a living. He was sexually abused, harassed by the police and exploited. He was suffering from poor health through eating scraps from trashcans and his way of life. He wanted a better life.

Jagadish was introduced to a shelter for street children where he received counselling, care and concern for his future. Initially he was introduced to non-formal education and was gradually admitted to formal schooling.

Charlene (11) lives with her mother and two younger twin brothers. Her mum has multiple sclerosis and relies heavily on Charlene to help with the care and upbringing of her six-year-old siblings. Charlene is often late for school and frequently takes days off so she can carry out essential household tasks such as shopping and cleaning. She feels isolated because none of her friends face similar difficulties and she often gets teased for being a 'loner'. She has thought about running away to find her father but she fears that her mother will not be able to manage without her.

- Discuss the two examples of children's and young people's opportunities being severely restricted due to their family circumstances.
- What provision is there in your country for children and young people who have caring responsibilities?
- How can social workers support children and young people who have caring responsibilities to ensure they can get the most from their childhoods?

G Sexual consent and marriage

Article 34 of the Convention requires states parties to protect children from all forms of sexual exploitation and abuse. Article 2 prohibits discrimination on the basis of age and so is relevant where marriage is permitted for girls at a lower age than for boys. The Convention does not set a minimum age for marriage but the United Nations General Assembly recommended in 1965 that it should be no lower than 15 years.

Discussions about sexual consent and marriage are predicated on the importance of children and young people not entering relationships until they are ready or able to deal with the emotional and physical complexities of partner and/or family responsibilities.

There has been a considerable amount written about children and young people who have been coerced or forced into sexual relationships. It can leave damage that is not always visible and in adolescence the trauma and stress can lead to poor mental health, including self-harm and suicide.

Children's rights in focus

A 12-year-old girl is engaged in a sexual relationship with an 18-year-old.

A 14-year-old girl is being prepared for an arranged marriage with a 33-year-old man.

Two 17-year-old males have been having a consensual sexual relationship for three years.

A 16-year-old girl is pregnant and she and her 20-year-old boyfriend plan to get married before the birth of their baby.

- What is your initial response to the scenarios above?
- What role does social work have in ensuring children and young people in your country are not coerced into abusive or exploitative relationships?
- Do you think the laws in your country adequately balance children's rights to protection with their right to evolving self-determination?

H Voluntary recruitment and conscription into the armed forces

The age at which children are able to volunteer into the armed forces and engage in hostilities is below the age of 18 in many countries. This is a source of concern among non-governmental organisations working with children and young people. But there is also increasing global concern at the forced conscription of children into the armed forces, due to the fact that direct participation in war and conflict can cause trauma and long-term damage.

Children's rights in focus

An 11-year-old boy is forced to join the militia after they attack his village. The militia rampage through the countryside burning villages, raping women and mutilating those suspected of supporting the Government.

- What are the likely consequences for this child of witnessing such human carnage and brutality?
- What can social workers do on a micro, meso and macro level about child soldiers?

A 14-year-old girl is enrolled into supporting her peers in a paramilitary force where she may be required not only to cook for the fighters but also to provide sexual gratification to the soldiers.

- How would you support this young person to ensure her health and developmental is not impaired?
- If there were other girls facing this situation, what would you consider to be the priorities in working with them collectively?
- What would you require from the authorities in terms of safeguarding the girls' protection?

I Religious freedom

Article 14 safeguards the child's right to think and behave according to their own conscience and religion. This freedom is subject to national law and to parental guidance according to the evolving capacities of the child. This latter provision raises potential difficulties in deciding when a child or young person may choose to belong to one religious faith or another.

Children's rights in focus

A 17-year-old is disaffected with home life, he has just heard that his parents are splitting up and his self-esteem is very low. A member of a religious sect approaches him in the street. The offer from the sect is for warmth, shelter, food and companionship. The young person only has to sign an agreement of no contact with his family.

- What issues would you discuss with the young person if they sought to talk with you about joining the religious sect?
- What would you do if the young person asked you to respect his confidentiality by not informing his parents of his plans?
- Would your response be any different if the young person was 12 or 15 years; or if they were female or had learning difficulties?
- What would be your approach if the parents sought your help?

J Use of alcohol, tobacco, drugs and other controlled substances

Many social workers are involved in advising young people on the risks of using alcohol, narcotics, tobacco and other drugs and helping those who misuse controlled substances. Countries have different rules about access to these substances and different approaches to how those rules are enforced.

Children's rights in focus

A 14-year-old is seen drinking alcohol in the street.

An 8-year-old is routinely offered wine by his family with his evening meal.

A 12-year-old has started smoking cannabis as a way of escaping memories of sexual abuse by her grandfather.

A 15-year-old has written an article for his school magazine on why young people should be allowed to experiment with drugs.

- What is your initial response to the scenarios above?
- What are the laws on the consumption of alcohol and controlled substances in your country?
- How were rules about age arrived at?
- What role do social workers have in ensuring children's' and young peoples' health and development is not impaired by the use of alcohol and controlled substances?

FURTHER QUESTIONS ABOUT THE DEFINITION OF THE CHILD AND THE IMPLICATIONS FOR SOCIAL WORKERS

- How can social workers promote equality of treatment between male and female children?
- How can children who are old enough in law be helped to understand the possible short and long-term consequences of their decisions, for example in consenting to sex?
- How can children be supported in taking decisions about medical treatment?
- Are there legal or other ways to protect children with learning disabilities?

- Are there opportunities for social workers to fully explain the situation to children who have been arrested?
- How can social workers influence legal processes to ensure the child is meaningfully included?
- What can social workers do to raise awareness of unacceptable child labour?
- Is there an advocacy role for social workers to address the root causes of poverty with donors, international organisations and government?
- How can working children be helped to participate in activities to improve working conditions or reduce their working hours?



III GENERAL PRINCIPLES

Articles 2; 3; 6 and 12

This section covers:

- A Non-discrimination
- B Best interests of the child
- C Survival and development
- D Respect for the views of the child

A Non-discrimination (art 2)

- 1 States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

- 2 States Parties 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.

The ethical position of social workers has already been stated in the chapter on general measures of implementation but it is worth reiterating here to focus on the issues in relation to practice:

Social workers are expected to provide the best possible assistance without unfair discrimination on the basis of gender, age, disability, colour, social class, race, religion, language, political beliefs, or sexual orientation.

IFSW International Policy on Human Rights (1996)

Every social worker will have experienced specific cultural influences and expectations in their own upbringing. These cultural expectations may differ from those of the people with whom they are now working.

Article 2 applies to all children within the jurisdiction of a state. This includes children who, for example, are refugees or non-nationals. In addition to this non-discrimination requirement, the principle of the best interests of the child must underpin any legal or other intervention. Therefore children's rights should not be subject to restrictions because of their legal status. This may present ethical dilemmas for social workers employed by governments.

Many children are victims of human rights violations as a consequence of their parents' beliefs or actions. There is growing international concern about children becoming non-nationals, refugees, asylum-seekers and street children as a result of their family backgrounds and parental status.

Children's rights in focus

The parents of a 7-year-old are 'guest workers' in a foreign country. They want their child with them. The children of the host country have a right to education and health services but children of guest workers do not have these same rights.

- Discuss how you would advise the parents and child of their rights and how the discrimination facing guest workers may be addressed on a micro, meso and macro level.

A 16-year-old has travelled for 36 hours in the back of a goods lorry with the intention of seeking asylum in a European country. Upon arrival the lorry is searched and the boy arrested. Immigration officials do not believe he is under 18 years and therefore remove his right to special assistance and support.

- What provisions exist in your country to support young asylum-seekers? Are the methods used to ascertain young people's age and personal circumstances dignified and compatible with their human rights?

The family of a 10-year-old child had to leave their home-country because of ethnical cleansing there. The father is separated from the mother and child. The mother and child are driven into a neighbouring country and are taken to a refugee camp.

- What can the social worker do on an individual basis with the child, with other children with similar experiences and on a societal level?

Children's rights in focus

Children infected by HIV continue to suffer serious discrimination, exploitation and abuse. In December 1999, UNAIDS estimated that the total number of AIDS orphans since the start of the epidemic was at least 10 million. In many developing countries extended family systems had traditionally provided support for the orphans. The AIDS pandemic, combined with other social and economic pressures, pushed the extended family system to breaking point in the worst affected communities. There is a new trend in households headed by children – as their parents die of the disease.

- How would you assist in such households?

Children's rights in focus

The IFSW European Region has recently adopted a policy on social inclusion asserting that all people, including children, living within the boundaries of a nation or group of states such as the European Union should be regarded as citizens.

- What could be the consequences of this policy if adopted by states?

B Best interests of the child (art 3)

- 1 In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- 2 States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

- 3 States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with 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.

The best interests of the child is a very simple concept but its full implementation would radically transform how societies perceive and treat children.

The Convention states that the best interests of the child should be a primary consideration in all matters that affect them. However, in the case of adoption, Article 21 of the Convention states that the best interests of the child should be the paramount consideration.

The best interests of children are often overlooked or overshadowed by the interests of adults that frequently give lip-service to Article 12 (the right to have their opinions heard and given due weight). There is often poor advocacy on behalf of the child. There are processes within systems that are child-unfriendly or constrained by economic controls. What can the social worker do to ensure that the best interests of the child prevail?

Micro

In the individual case it often falls to social workers to safeguard the best interests of the child. They must assess the situation, listen to and observe the child and explore where the wishes of the child may conflict with the best interests of the child. Social workers therefore need a deep knowledge of children's and young people's development. They must understand how children grow and develop through childhood into adulthood and they have to be able to listen to a child even when their own opinions differ from the child. They have to be aware that the best interests of children may not match the best interests of those adults directly involved in their care.

The social worker is often in the position of explaining the child's situation to legal bodies, authorities or agencies. The social worker has to strive to be objective in this presentation. Opinions have to be substantiated with facts, and the child's best interests should be at the forefront. This can be a difficult task, for example in the formality of court proceedings, and thought has to be given to the method and clarity of presentations. Further, there can often be conflicting and contradictory systems with different legal actions in respect of the same child: for example the child whose parents are in the process of divorce may also be subject to another legal action through lack of parental care.

Children who have been apparently abandoned in large institutions in countries where there is a poor economic and social structure may be considered for inter-country adoption as a last resort when there is no hope of any satisfactory local or national solution. Great care has to be taken that the child has not been coerced from the parents and the possibility of relatives caring for him or her must always be explored. In seeking to rescue, the prospective adopters may deprive the child of other rights, especially those relating to birth registration, family ties and maintaining contact with both parents (see Articles 7, 8 and 9).

Children's rights in focus

A Bedouin girl (14) is pregnant by her brother. In the cultural context her father is required to kill his daughter for dishonouring the family by being pregnant outside marriage; he is also required to kill his son for dishonouring his sister.

- Consider which articles of the Convention relate to this situation.
- How would you work towards the best interests of both children?
- Discuss the role of social work in challenging harmful traditional practices.

Meso

Lack of parental care may have been identified as an issue in an area where there is a poor socio-economic environment. The lack of care is seen in the children wandering around aimlessly after school getting into trouble. There are no open play spaces and their parents are reluctant to have them crowding out their small living spaces.

Working with groups of parents and children to help them focus the municipality onto the needs of local families can lead to significant improvements, for example in the provision of after school activities, homework clubs and sports facilities.

Sometimes the needs of a group of street children may best be met by working with them as a group rather than individually. In this way their personal experiences can be added together to highlight the need for increased facilities and protection.

Children's rights in focus

Two young people, aged about 10 and 12, came to the capital of an Asian country to live with relatives whom they were unable to find. After wandering the streets for several days, without money for a return trip, they finally accepted an offer from a group of children to join them in their home on the pavement.

The children easily fell into the pattern of life on the street and were instructed in survival techniques. One cleaned the windscreens of cars stopped at traffic lights. The other joined two girls in visits to luxury hotels to collect left over food. From time to time they visited a shelter for a shower and a change of clothes. Worst of all was harassment from police officers. A non-governmental organisation gave them a document. Although it was not legally binding, the document showed that the children were known and protected by a bone fide organisation, and police officers left them alone.

Contact with that NGO and with a street worker was maintained, and in time both children consented to join a children's group home. Contact was established with their family, which was reassuring to both, although neither wanted to return home for good. They were able to start their education and prepare for a better life than their peasant parents with their numerous offspring would have been able to offer them. Homesickness was a constant companion but the desire to escape from dismal poverty and hopelessness prevailed.

- What theoretical or practical knowledge would help you define and act towards the best interests of the two children in the scenario above?
- What do you see as the main problems encountered by street children?
- What steps would you envisage at the macro (political) level to protect the rights of children living and working on the streets?
- How could you consult with and involve street children in any such steps?
- How could you consult/involve human rights and other NGOs, human rights activists and others?
- Depending on accessibility, could you use electronic networks for information on other people's experiences, legislation and findings of experts and past conferences on street children?

Macro

On a macro level states parties are asked by the Committee on the Rights of the Child to indicate whether the best interests of the child is a principle reflected in constitutional and national legislation and regulations.

Countries that have recognised the important holistic nature of this requirement have appointed Ombudsmen (Norway was the first in 1981), government Ministers for Children or similar overseers to monitor implementation. Most countries have yet to address this issue. Children and young people may need help in accessing the help of an ombudsman or getting their situation and views considered by those in authority. There are questions to be asked when ombudsmen are appointed. Are they permitted to investigate matters of concern in relation to individual children and young people or groups of children or both?

Children's rights in focus

The Office of 'Commissioner for Children' in Aotearoa New Zealand has been established in statute for several years. The Commissioner is empowered to comment on matters concerning the well-being of children and has a particular and independent responsibility to investigate complaints concerning the practice of Statutory agencies in respect of children.

The Commissioner is empowered to investigate, report and recommend action, including remedial steps, in individual and group situations as well as commenting and advocating for wider reforms. The Commissioner reports directly to Parliament.

Two case examples illustrate the Commissioner's scope of operations.

1. In N.Z. there is no protection in law for children who are physically hit by their parents. In fact parents are, by law, entitled to use 'justified force' when punishing children. The Commissioner has been actively campaigning for several years for the legal provision which 'entitles' parents to use force against children, to be repealed, and to strengthen the protection available to children in law. In this role the Commissioner not only promotes this issue in public forums but also directly challenges Members of Parliament.
 2. The Commissioner responded to reports and complaints from young people and families about bullying in schools. Several individual situations have been investigated and recommendations made to the schools concerned resulted in a change of policy and practice by those schools. One of the outcomes of these investigations by the Commissioner has been to critique the issues publicly, identifying the schools concerned. The Commissioner is empowered to monitor the performance of these schools, and others, in respect of their policies and actions on this matter. In addition the Commissioner promoted a project to introduce Social Workers into schools, which has now been enacted by the N.Z. government. These social workers operate in a community development context and also individual casework practice.
- How would these roles be undertaken in your country, if at all?
 - What would be the response in your country if a state agency gave guidance or instructions to parents about the upbringing and punishment of their children?
 - How could social workers in your country be more effective in raising these issues in public and campaigning for an independent spokesperson for children's rights?

Initiatives can be carried out on a macro level, which will influence the way that children are respected. Research and information by case example can give information to politicians and others about how their decisions affect children and young people. Often that message needs to be conveyed by strong and informed NGOs or alliances of those concerned with the well being of young citizens. This is particularly important when a country is going through civil unrest and children are displaced into refugee camps. Their Convention rights are frequently ignored. Organisations like UNICEF, Save the Children and the Red Cross, and social workers and others working in refugee camps, must inform the outside world and remind adults of their duties and obligations.

Children's rights in focus

In a small country where the economic and political structures are in the process of traumatic change there is virtually no infrastructure for health and income maintenance. A family from a minority ethnic community struggles to bring up their family of four children. The eldest daughter (13) leaves the family home to beg in the streets of the capital city and is lured into an all night discotheque where a pimp uses her as a prostitute.

The men she has sex with are often from economically developed countries that travel to satisfy their sexual desires.

- Discuss at each stage of the girl's situation what a social worker could do on a micro, meso and macro level so her Article 3 rights can be realised.

C Respect for the views of the child (art 12)

- 1 States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2 For this purpose, the child in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Children and young people form their own views of themselves and the outside world from an early age. Article 12 of the Convention requires adults to think about how they enable children to be heard and how much credence they give to these views when expressed. It does not set a minimum age at which adults are required to take children's views seriously: instead it gives all children, of whatever age and personal circumstances, the right to express and have their views given due weight. Similarly the article does not limit children's right to express their views within formal decision-making processes. Article 12 applies to all matters affecting the child, including decisions affecting individual children and groups, for example within schools or children's homes, and to wider matters such as in the making of laws and national policy.

It should also be noted that a child or young person has the right not to give their views, and should not be pressured into saying something or disclosing information they do not want to.

Learning to listen to children is a skill. Not every adult naturally possesses this skill and therefore the Committee on the Rights of the Child requires evidence about what is included in train-

ing courses for lawyers, health and social work professionals, the judiciary, teachers and others that have direct contact with children.

Research from several different countries and cultures has illustrated that in practice children are rarely asked for their views when compulsory measures of care are being considered. It seems that this is often the case for children over the age of five and almost always in the case of children under the age of five. This is a serious breach of the Convention.

Children express themselves in many different ways but they can experience difficulty in expressing their feelings and opinions using the spoken word and written language. Particularly when they are very young they may not yet have developed their vocabulary or confidence to give full expression to their feelings. The environments and circumstances that social workers practice in are also not always conducive to children feeling at ease or comfortable. It is common for children to communicate through their play or drawings, expressing their feelings in their moods and how they look and behave with other people.

Once the views of the child have been gathered it is vital that information is conveyed accurately to someone else. Care has to be given to how information is presented. Different children have different levels of confidence and judgement has to be made, in discussion with the young person, about how this will be done. The young person may want to do it him or herself, so the role of the social worker in this situation is to empower and support that child. The child may wish the social worker to speak or to write a report on their behalf; this must be done with reference back to the young person to ensure accuracy and completeness. Sometimes a group of young people may present a dramatic interpretation, which is often a more powerful means of communication.

It is important to remember, when considering all the general principles of the Convention, that the time scale of any action and the stage of development both cognitively and emotionally of the child or young person are particularly significant in ensuring their rights.

A useful tool in working with children to establish their perception of the situation and then their active participation in their protection is the 'ladder of participation' (appendix 3). The ladder has limitations, for example in the way it implies that child-adult partnerships are less important than child-led decision-making. It also suggests that adults should be striving to reach the top of the ladder, irrespective of the age and personal circumstances of the children they are working with. However, the ladder is extremely useful in pointing out the dangers in adults manipulating children and young people or involving them tokenistically in decision-making. It also underlines that children's and young people's effective participation extends beyond being consulted about their views.

IV SURVIVAL AND DEVELOPMENT (art 6)

- 1 States parties recognise that every child has the inherent right to life.
- 2 State parties shall ensure to the maximum extent possible the survival and development of each child.

The right to survival and development enshrined in Article 6 is the most basic of human rights. Infant mortality is a good measure of the degree to which a society has been able to establish a framework to promote the physical and emotional development of children. The Committee on the Rights of the Child's reporting guidelines therefore give considerable attention to registering the deaths and the causes of deaths of children.

Social workers have a vital role in promoting pre and post-natal education for parents to develop parenting skills and to safeguard the well-being of newly born children. This may involve co-ordinating self-help networks of experienced parents supporting first time parents; it may be providing training and practical advice on caring for infants and young children; and it can be formal protection procedures. Positive family support mechanisms are extremely important in combating poverty and exclusion.

Article 6 of the Convention requires states parties to examine the total provision to children in terms of the services and supports to the growing child. In its guidance notes CRC/C/58 the Committee on the Rights of the Child states its expectation that the implementation of this article includes:

measures to guarantee the child's right to life and to create an environment conducive to ensuring to the maximum extent possible the survival and development of the child, including physical, mental, moral, psychological and social development, in a manner compatible with human dignity, and to prepare the child for an individual life in a free society.

The Committee requires a multi-disciplinary approach to the welfare of the child. This includes health and social welfare provision, the environment and living conditions, and cultural and spiritual awareness. All these factors (and many more) affect the way children grow and develop. Standards of health and safety, clean water supplies and clean air to breathe are examples of some of the issues covered by this article.

Social workers often play a critical role in promoting social policy and practice that respects the fundamental right of infants and children to survival and development. For example, some societies and governments favour male children over female children, which can lead to infanticide of female babies. The very recording and monitoring of this contravention of Article 6 is often extremely difficult but social workers are frequently aware of this practice because of their direct contact with communities.

Refugee children and their families in emergency camps may, through lack of essential foods and medical care, be facing early and unnecessary harm or death. The social worker may be in the front line tackling these issues. Working co-operatively between the health and social service systems in addressing these issues becomes vital. Skills are needed to communicate across multi-disciplinary divides within each country towards improving the opportunities for survival and development.

Children's rights in focus

A 5-year-old child died of malnutrition. His two siblings spent six months in a hospital and were then placed with a foster family. The parents were accused of murder.

All three children were low-weight premature babies. The mother was brought up in residential care. No help was given to the family from doctors, health visitors or social workers. The family spent all their money on a private doctor and medication, as the mother had been very depressed for a long time.

- What systems are in place in your country to protect infants and young children from parental neglect and abuse?
- What procedures are followed when a child dies; do welfare organisations carry out investigations into all child deaths to examine the particular circumstances leading to the child's death?
- Discuss the implications of this case for social workers.
- If you were the social worker in this case, how would you ensure the rights of the siblings of the dead child were fully addressed?

In different socio-economic environments it may be that children survive in early childhood but their route away from the family happens at an early age, say seven or eight, when they progress onto the street to find their own way through puberty and adolescence.

Often the exposure to street violence and sexual exploitation becomes a matter of survival in direct contravention of children's Convention rights. Again, action by social workers may be on the three different levels of micro, meso and macro.

Children's rights in focus

Adam is a boy with learning difficulties living on the main square of one of the largest cities in a developing country. He never gave his family name to the social worker that befriends the children on the square, and he may not know it. He looks about 15 or 16 years, and it is not clear if his family excluded him or he left the family home of his own accord. He is a taciturn boy who has little contact with the other children and young people who generally ignore him but sometimes taunt him. He does not seem unhappy, just lethargic.

He is taken regularly to one of the shelters for a shower, to wash his clothes and also for medical care, and every day he goes to one of them by himself for a meal. He resists social workers' efforts to get him into a permanent home or institution, and seems to relish his freedom.

As he grows older, the shelters will no longer accept Adam. He will risk more harassment from the police and may no longer be able to count on the street children's easy tolerance. His future is uncertain and probably grim.

- What are social work responses to such cases?
- Could stigmatisation and discrimination become a serious issue?
- What dangers could Adam and others face if he is left to live out a tramp-like existence.

In developed economies, Committees on the Rights of the Child have addressed violence to children in the family, at school and in the neighbourhood but have also focused on the mental welfare of the child, for example assessing the number of adolescent suicides and social alienation. Children and young people need to develop essential social skills and social workers have a key role in helping individuals and groups of children to develop their self-awareness and self-esteem.

FURTHER QUESTIONS TO CONSIDER ABOUT THE GENERAL PRINCIPLES AND THE IMPLICATIONS FOR SOCIAL WORKERS

- Can you identify a child or group of children marginalised because of discriminatory practice?
- What is the task of the social worker in relation to these marginalised children on the micro, meso and macro levels?
- How do you promote anti-discriminatory practice with children?
- Consider a situation with a child that you know and identify how a social worker can further the best interests of the child on the three different levels:
i) micro ii) meso iii) macro
- Identify a case where the child's right to survival and development to their fullest potential has been compromised. How could a social worker intervene at each of the following levels?
i) micro ii) meso iii) macro
- Think of a situation where Article 6 is being contravened and there are a number of disciplines involved in the scenario, e.g. health, social work, education and environmental services. With a group of colleagues assign each member a different disciplinary role. Work out a strategy to rectify the issue. Make notes of the process and the evolution of the plan of action.
- Think back to a time when you were not listened to or respected as a person simply because of your age. Has this experience had any impact on you as an adult and as a social worker?
- How do you listen to the children that you meet or work with in the course of your duties?
- Can you give examples of how you have acted on children's wishes and views?
- How would the children you work or live with describe you to their friends?

V BASIC HEALTH AND WELFARE

Article 6; 18 para 3; Article 23; Article 24; Article 26; Article 27 paras 1-3

This section covers:

- A Health and health services
- B Social security and child care services and facilities
- C Standard of living
- D Disabled children

A Health and health services (art 24)

Article 24 of the Convention places special emphasis on primary preventative health care, on public health education and on reducing infant mortality. It challenges harmful traditional prac-

tices by stressing the obligation of states parties to work towards their elimination. Social workers working in indigenous communities often have an important mediating role between national governments and traditional communities in helping to develop social education. While many such programs are the responsibility of health professionals, social workers have a particular role in relation to education and self-help, adolescent suicides and HIV prevention. In all these areas their role needs to combine advocacy, counselling and public health education.

Social workers are often faced with moral and ethical dilemmas. They work in areas where certain traditional practices are part of the process of belonging to that culture, but by other cultures may be seen as a violation of human rights. Such an example may be found in the mutilation of female genitalia. International legal agreements may help define the area of concern, and activity from within communities may contribute to the elimination of these harmful practices. The social worker must work with all the competing interests while always keeping the best interests of the child as a primary consideration.

Children’s rights in focus

Marcia lives in Africa. Her father has contracted HIV. Her mother is denying that he is ill or that his illness can be transmitted to her through sexual intercourse. You suspect that her father may be sexually abusing Marcia.

- What could you do to safeguard Marcia?

John lives in the USA. His mother, to whom he was very close, died suddenly two years ago. The school has referred John to you as his grades are deteriorating and he appears to be isolated in his peer group. His father has a new relationship and refuses to accept that his son is experiencing any difficulties.

You are fearful that John is becoming so depressed that he may seek to take his own life.

- What action could you take as the social worker?

B Social security and child care services and facilities (art 26, 18 para 3)

While the focus in this section is on the benefits available to those caring for children, social workers know that in many countries punitive measures are adopted against those who deviate from social norms. This may be through non-compliance with mandatory work programs, political conflict with the authorities or through religious beliefs for example. In these circumstances social workers must try to ensure that the rights of the child take primacy when decisions are made. This will often involve social workers challenging the status quo.

Children’s rights in focus

- What form of social security is there in your country for all children and their families?
- Is the level of social security adequate?
- Do you have different levels of social security benefits according to the age of children?
- Are under 18-year-olds allowed to claim social security benefits in your country, and in what circumstances?
- Are there communities within your country that are discriminated against in the social security system, for example Gypsies or refugees?
- What evidence can you supply to decision-makers to show this discrimination?

C Standard of living (art 27 para 1-3)

Many people with whom social workers work suffer social exclusion as a result of poverty. They have no realistic hope of securing paid employment and their life chances are blighted by a subsistence existence characterised by malnutrition, poor education and destitution. Breaking into the cycle of poverty requires concerted action at international, national, regional and local level using the resources of people themselves in self-help initiatives such as co-operatives. It requires resource commitment from national governments and a shift from those policies of structural adjustment that pay little regard to human consequences.

Social workers can provide examples both of the disastrous consequences of poverty but also ways in which those on the margins of society can be effectively reintegrated. Importantly, they can also support those living in poverty, including children and young people, to share their experiences and ideas with policy makers and service providers.

D Disabled children (art 23)

Particular focus is paid to children with disabilities (differently abled children) and the measures needed to promote self-reliance and the active participation of disabled children in their communities. This is one area where there is considerable opportunity for interchange of ideas and experiences once the basic principle is accepted that young disabled people share the same human rights as others in society.

Social workers have experience of work with disabled children from the point of original communication to parents through to the transition to adulthood. They have a critical role in the promotion of positive respect and regard for disabled infants and children, helping parents to celebrate and accept them as individual people.

Social workers value each individual. Their experience and training stresses the importance of meeting the needs of children as individuals and the potential harm of care in large impersonal settings. Their approach is to seek the fulfilment of all human potential. Social workers have an important public education role in providing positive stories of young people written off for the severity of their impairments that have gone on to lead rich and creative lives, often as a result of skilled intervention and care.

Children's rights in focus

A couple agreed with a woman that she would become the surrogate mother of their child. As the child was born with an impairment neither the couple nor the surrogate mother wanted her. She was placed in a children's home for 'handicapped children'.

- Is surrogacy regulated in your country?
- Should there be changes in the law to protect the rights of children in these circumstances?
- How can social workers improve family and community understanding of the human rights and potential of disabled children?

FURTHER QUESTIONS TO CONSIDER ABOUT THE CHILD'S RIGHT TO HEALTH AND WELFARE AND THE IMPLICATIONS FOR SOCIAL WORKERS

- What is the social work role in health education?
- How can children be directly involved in designing and delivering health education?
- Do social workers in your country administer financial support to families and to young people in need? What are the ethical issues involved in providing such assistance?
- How can social workers intervene to prevent stigma and discrimination against children in families on the margins of society?
- What advocacy role should social workers play in promoting the human rights of disabled children?



VI CIVIL RIGHTS AND FREEDOMS **Articles 7; 8; 13; 14; 15; 16; 17 and 37a**

This section covers:

- A Name and nationality
- B Preservation of identity

- C Freedom of expression
- D Freedom of thought, conscience and religion
- E Freedom of association and peaceful assembly
- F Protection of privacy
- G Access to appropriate information
- H The right not to be subject to torture or other cruel, inhuman or degrading treatment or punishment

A Name and nationality (art 7)

The Convention is clear that a first step towards ensuring that a child has an identity is through the mechanism of registration of all births. The UNICEF publication *The Progress of Nations 1998* reported that 40 million babies a year – one third of all births – go unregistered around the world.

In their work with nomadic travelling people, with refugees and asylum seekers, and with other displaced persons, social workers can encourage registration of births. It is often poverty and the problem of providing basic warmth, food and shelter to children that result in parents avoiding registering births. Lack of registration exposes children to such dangers as sale, trafficking, abuse, infanticide, abduction and forced recruitment into regular or parallel armed forces.

Article 7 also grants children the right to know and to be cared for their parents, wherever possible. This is an important principle enshrined in most social work practice.

Children's rights in focus

A birth certificate and registration is the first step to ensuring identity and rights as a citizen. This is clearly stated in the Convention. Registration of births is also essential for planning purposes and resource allocation. In many countries, a child cannot attend school without a birth certificate. However registration of births has been problematic in most African and some other countries. Efforts by social workers to help register births are often hampered by bureaucratic procedures and requirements. There is an increasing number of children without birth certificates, particularly among those orphaned by AIDS.

- what action can social workers take to enable more children to be registered?
- what policies should countries adopt to make it easier to register births and secure rights for children, especially where their parents cannot be traced?

B Preservation of identity (art 8)

Children may have their identities altered or removed through a number of different circumstances, for example when they have been abducted and their background concealed, or when they are forced to adopt a step-parents name. The Convention on the Rights of the Child is the first human rights treaty that states that the child has the right to his or her identity, and to its re-establishment should it ever be removed.

Children's rights in focus

A child is separated from his/her own family through civil war/ethnic cleansing. The child is placed with a family in another country.

- As a worker with the child, how would you help that child to re-establish his or her own identity?

C Freedom of expression (art 13)

As a child grows they learn to develop and use their communication skills such as speaking, writing, drawing or using the media. They have a right to seek, receive and impart information, regardless of frontiers. Restrictions are only enforceable through legal instruments and with regard to the rights and reputations of other people or national security, public order, public health and morals.

Article 13 needs to be read alongside Articles 15 and 17, the right to freedom of association and the right to access to appropriate information. These rights combine to ensure that children have the information they need to express their ideas, but also that they are not subject to restrictions about where and with whom they can express themselves.

Children's rights in focus

- Think about the child you were at 7-years-old. Remember how you received information and how you expressed your thoughts.
- Think of a child you work with of the same age. Compare what you would have liked to happen to you and how you work with the child now.
- What changes can you make in the way you work?

D Freedom of thought, conscience and religion (art 14)

The first part of Article 14 grants children the right to freedom of thought, conscience and religion. In the second part it qualifies the extent of that freedom with reference to the guiding role of parents and guardians and to the national law. It acknowledges that the parental role is dependent upon the evolving capacities of the child.

A sound knowledge of human growth and development is essential to understanding when a child's or young person's freedom begins, parental or legal guardians' guidance ends and where state laws prevail. It will be helpful to consider this article in conjunction with Article 12 and 13 and with the ladder of participation in Appendix 3.

E Freedom of association and peaceful assembly (art 15)

Children are social beings who need and thrive on the company of other children and young people. They meet together and develop their social skills, sometimes helped by adults, sometimes informally in play and through other associations. This is a very important aspect of child development. Social workers may be involved, for example, in supporting an isolated child to access a club or activity where parental guidance has been restrictive or socio-economic factors have prevented the child or young person from exercising their rights to associate with their peers.

Children's rights in focus

Through play children develop social relationships and friendships. They also explore and find out new knowledge and develop their skills and confidence.

- Think of the children with whom you are now in contact. How do they spend their out of school hours.
With whom or what are they interacting?
- Is there a role for social work intervention?

Children's rights in focus

Some governments have given powers to municipalities to invoke curfews that prohibit children and young people from being on the streets after a certain time. These are generalised measures that apply to all local children and young people irrespective of their behaviour or personal circumstances. The schemes are apparently designed to protect children suffering from parental neglect as well as to prevent youth crime.

- What are the implications for children's right to freedom of association?
- How can social workers challenge this form of age-based "discrimination", on the micro, meso and macro levels?
- What alternative measures could be proposed to ensure the protection of young children and to positively deal with children and young people at risk of drifting into crime?

F Protection of privacy (art 16)

This is a very important article in respect of how publicly accountable social workers handle private information from the children and help to maintain their honour and reputations. Some of the most difficult times for a social worker may be when the freedom of the press clashes with a child's right to privacy, for example when a child has been the victim or the perpetrator of a serious offence. At this point the media will use the argument that the public interest has overriding importance. This article must be used to safeguard the best interests of the child.

In a different scenario social workers need to be vigilant that parents do not abuse their children's right to privacy. Confidential information in reports and correspondence should not be left lying around so that friends, neighbours and acquaintances can glance their eye across private information about the child.

Particular attention is focused on the safeguards for children in institutions, judicial or administrative proceedings. Here social workers are often able to monitor and influence how private information about children is used and protected. On the meso level there is often an opportunity to develop good practice through discussion and joint training across different but complementary disciplines.

Children's rights in focus

Vanessa (14) tells you she thinks she is pregnant but forbids you to tell her parents, with whom you have a good relationship. She says she wants to carefully consider her options before she tells her parents, who she predicts will be extremely upset and angry.

- To what extent are you professionally able to respect Vanessa's right to privacy?
- How do you ensure the children and young people you work with are aware of the limits to your confidentiality?
- What do you think might happen if you go against Vanessa's wishes?
- What might happen if you respect her wishes but continue to support her towards telling her parents?

G Access to appropriate information (art 17)

Ensuring access to appropriate information, both nationally and internationally, is an important part of helping children to develop socially, spiritually and morally. Particular emphasis is placed in this article on the needs of children who belong to a minority ethnic community and to indigenous groups with minority language status for example.

On the micro level a clear responsibility for social workers is in helping children and young people cared for by foster or adoptive families who are not from the same ethnic, spiritual or cultural background. There is now a growing literature, including books for children, about adoption, inter-country adoption and other alternative forms of family care. This information should be made available to the child or young person and to their foster or adoptive family. Social workers should also offer foster or adoptive parents help in explaining to the child or young person their very special circumstances.

On the meso level the sharing of resources nationally and internationally is one way that social workers can promote the flow of information in a child's own culture and between cultures. This can be done through cultural and social exchange, through books, music and theatre or through shared experiences.

Children's rights in focus

Using your own heritage and culture, how could you work with a multi-ethnic group of young people in an international exchange to help them develop their social, spiritual and moral well being?

An example of issues at the macro level can be illustrated through the mishandling or misunderstanding of the oral tradition of communication. Oral traditions are an important source of information for children and young people. Through this method of communication much is conveyed of the culture in which the young person lives. The oral tradition presents many opportunities for the development of closeness and bonding between parent and child.

Children's rights in focus

An indigenous people in Vietnam have evolved over many generations with a vast oral tradition, but no written language. It was decided that the children needed to read so at great expense the language was written down and children's books created. However, the parents could not read the books to the children.

- Discuss the impact on the emotional bonding between parent and child.
- What other solutions could have been sought?

H The right not to be subject to torture or other cruel, inhuman or degrading treatment or punishment (art 37a)

This is an important article for social workers that work with children. It clearly states that a child should not be tortured or degraded in any of the treatment they receive. The article includes two very important principles: that no person under the age of 18 should be sentenced to capital punishment; and that there should be no life imprisonment without the possibility of release.

The type of behaviour described in this section is that committed by adults towards children, often in very private or secluded places. It can include heinous sexual crimes, torture to obtain information or excessive punishment. The effects can be physical or mental (or both) and they can do a great deal of damage that may stay with people for the rest of their lives.

A child's perception of cruel, inhuman or degrading treatment may not be the same as an adult's perception of the same treatment and the actions should always be seen from the perspective of the child. For example, adults often minimise the impact of slapping or smacking infants and

young children because from their perspective the force used is minimal. However, research with young children shows that from the child's perspective, slapping and smacking can involve high levels of pain and humiliation.

Different cultural patterns pose particular ethical problems for social workers. The culture of punishment in private, in families, towards women and children may in one culture be acceptable and in another perceived as cruelty. This is not just an issue for social workers in individual cases. It also relates to the meso and macro levels of education and reforming the law and changing social attitudes. An example would be the use of corporal punishment. In 2001 a new Global Initiative to End All Corporal Punishment of Children was launched. The UN High Commissioner for Human Rights, Mrs. Mary Robinson, lends her support to the campaign, stating that: "If we want to remain faithful to the spirit of the Convention, strongly based on the dignity of the child as a full-fledged bearer of rights, then any act of violence against him or her must be banned."

Social workers have to be aware that adults that harm and abuse children are often plausible, intimidating and controlling. They can also include those in the social work profession, confirmed by revelations of abuse in institutional settings and in foster care.

Care has to be taken in allowing children and young people opportunities and safe environments to talk about their experiences and they will often need help in being heard by the relevant authorities. The skills that are therefore needed include observation, investigation, creating trust and personal integrity. When children and young people are living away from home, they will often require independent advocates to ensure they can express their views and concerns without fear of retribution and punishment.

FURTHER QUESTIONS TO CONSIDER ABOUT THE CHILD'S CIVIL RIGHTS AND FREEDOMS AND THE IMPLICATIONS FOR SOCIAL WORKERS

- Are you aware of children who have not had their births registered? What can you do to help parents safeguard this right?
- Do you know children who have had their names changed without their consent?
- What could you do to safeguard the child's identity in this situation?
- How can social workers promote children's freedom of thought and expression?
- What books and other sources of information can you identify that would promote the child's social, moral and spiritual well-being in your work as a social worker?
- Is corporal punishment treated as cruel, inhuman or degrading treatment in your country?
- Identify an incident where you are aware that a child has been subject to cruel or degrading treatment. What intervention could a social worker make in those circumstances? What can be done on a micro, meso and macro level?

VII FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Articles 5; 18 paras 1-2; 9; 10; 11; 19; 20; 21; 25; 27 para 4; and 39

This section covers:

- A Parental guidance
- B Parental responsibilities
- C Separation from parents
- D Family reunification
- E Illicit transfer and non-return
- F Recovery of maintenance for the child
- G Children deprived of their family environment
- H Adoption
- I Periodic review of placement
- J Abuse and neglect, including physical and psychological recovery and social reintegration

A Parental guidance (art 5)

The preamble to the Convention states that children are best brought up in their own families. Article 5 describes the responsibilities, rights and duties of parents to care for and guide their children, with respect to their evolving capacities. Article 6 requires states parties to ensure the development of each child to the “maximum extent possible”.

Often the task of social workers is to work with parents when their quality of parenting is not enabling the child to meet his or her fullest potential. Social workers in these situations work with parents to increase the resources, whether material and/or with knowledge, to help the family provide a better environment and quality of life for the child. This aspect of social work is vital in preventing children being received into public care and separated from their families.

Investment in preventative and educative services is money well spent. It is more efficient to spend on regular maintenance than to wait until families breakdown and need major repair. It is better to provide counselling or mediation services when marriages or relationships break down rather than to pick up the child in trauma after experiencing the fallout from his or her parents’ acrimony. Common sense however is often sacrificed at the altar of financial expediency: When resources become restricted decisions are often taken that inhibit keeping children in their own homes. Budgets for services are often made at a political level with competing interests from other “pressing” needs, such as roads, transport and armaments. Those who then have to implement those budget constraints will often make decisions on an assessment of risk. This takes the social worker from thinking about preventative strategies to the worst possible scenario and ultimately can leave families without crucial support and lead to children being placed in alternative care.

The role of the social worker is therefore not just to make sure that the service to the individual child and family is appropriate to achieving the child’s full potential. They also have a vital role at the meso and macro level in ensuring that those who make decisions about resources are informed about how best to meet the needs of children and their families, and of the consequences of limiting resources and family support.

The need for intervention will often be identified in the failure of the child to develop in early years. The source of the child's problems may lie with poor nutrition, poor stimulation, inadequate housing, trauma, inadequate income or lack of parental knowledge in bringing up children. There may be many other reasons but initially it will be the failure of the child to develop that is the key to knowing that all is not well. The signs may appear in the street, in play with other children, in school or through the health system. In later years, family difficulties can show themselves through the young person's involvement in criminal or anti-social activities.

Children's rights in focus

Before being able to support change, the task of the social worker is to work with all family members to identify what needs to be addressed. Are problems located, for example?

- In the family: Are there poor levels of nutrition, inadequate parenting skills or has there been trauma?
- In the community or living environment: Are there problems of poor housing, dangerous environment or insufficient local play or leisure facilities?
- In the state infrastructure: Is there civil disruption through war or civil unrest?

In considering children's rights within the family environment and alternative care, the Committee on the Rights of the Child makes particular reference to seeking information from states parties about how problems are tackled. They are mindful that some children may be treated differently and they stress the importance of presenting information that identifies variations in practice according to age, gender, national, ethnic and social origin, language and religion for example. Particular reference is made to those children who have been abandoned, disabled, children of asylum seekers or refugees, including unaccompanied children. The responsibility of those working with these groups of children and young people to work explicitly against discrimination is very clearly spelt out.

Children's rights in focus

A 13-year-old is the middle of three children living in Northern Europe. For the past year she has lived with her grandmother who is elderly and infirm. The girl sleeps on the couch in the living room. She refuses to return to her mother's house because she does not like her stepfather and she has to share a bedroom with her two sisters where the conditions are overcrowded. She is truanting from school and is hanging around the streets in the local community often until 11pm-midnight. Her mother is concerned for her daughter's safety because she knows that her own mother cannot exercise care and control over her granddaughter. This is underlined by her fear that her daughter will become pregnant just as she did when she was 16.

- How can you support the mother to exercise parental guidance that is respectful of her daughter's evolving capacities?

Children's rights in focus

A 5-year-old girl is the youngest but one of six children whose parents have been killed in a civil war. After the war there is increased poverty, and a water and food shortage. The girl is taken in by another family and separated from her brothers and sisters. What steps would you take in working with this child in her community?

- Describe levels of intervention on a micro, meso and macro level.

B Parental responsibilities (art 18 para 1-2)

The aim of any intervention is to give whatever help is needed to parents to ensure they improve their parenting. This will be achieved by acknowledging and strengthening their capacity to be good parents, not undermining their sense of responsibility.

It is helpful at this point to think through the laws and societal expectations of parents in the environment in which you live and work. Each country has its own cultural and legal norms. This influences what expectations are placed on family life and the respective roles of parents. Individually each social worker has their own set of morals and ethics. The profession as a whole has an ethical instrument (see IFSW Ethics of Social Work, Principles and Standards). However, social workers recognise the fundamental principle in the Convention that both parents have important common responsibilities in the upbringing of their children.

Article 18 stresses the responsibility of states parties to support both parents in fulfilling their obligations to children. It recognises that children need support and resources other than what they receive from their parents. In order to achieve their fullest potential, some children may need opportunities outside the home. Current guidelines for state reports to the Committee on the Rights of the Child emphasise the role of day care provision for children of parents who work and for those living in extreme poverty. Social workers should be able to identify and promote a range of provisions that recognise the diverse needs of children and their parents.

Children's rights in focus

Children should wherever possible live at home with supportive services in the community. Social workers are often involved in the development and delivery of services, for example the provision of day care facilities, which give assistance when parental responsibility has not been discharged satisfactorily.

Identify key issues and devise a range of services to support the children and parents in the following scenarios:

Brian (9) has been diagnosed as autistic. He has an older brother and younger sister. His family wants Brian to remain at home and could manage if sufficient support were available. It is the constant energy and need to keep Brian safe that is identified as the key problem.

Angelou (7) is blind. She lives in a small African village with her family. The school has no facilities for her and refuses her a place. She is in danger of becoming isolated from her peers and has no access to education.

Milly (3) lives with her mother, who has no other family contact. Milly's mother is looking for work because she needs a break from parenting and also wants to increase the family income.

As societies change there are increasing numbers of children who do not live in the same household as both their biological parents. Single parenthood is financially more stressful than a household where there are two parents. Sometimes the parents do not live within the same country. There are particular tasks often given to social workers to help those children maintain

contact with both parents, to feel that both their parents equally love and value them. Often the social work task is negotiating and working within acrimonious and hostile circumstances. There are skills that need to be developed to help adults work through their own anger and disappointment at the breakdown of a relationship. This has to be done so that they can then recover sufficiently to fulfil their responsibilities as parents. Equally children need help and understanding to accept that they are not to blame for the breakdown of their parents' relationship. Social workers therefore need a range of counselling and mediation skills when working with children and parents in these circumstances.

Other factors that may influence whether children are brought up by their two birth parents include political unrest, civil and international wars. The process of family members seeking asylum or refugee status often divides families too.

Death and missing parents brings great trauma to children who do not know whom to trust with their fears and anxieties. They have not yet reached that stage of development where their judgement recognises a trusting relationship. This kind of separation and loss, if occurring between the age of two and adulthood, will need additional resources from the family and state to help the child or young person to attain their full emotional development.

Children's rights in focus

A couple obtaining help through an IVF (In Vitro Fertilisation) programme is facing the prospect of having three children. They declare after the birth of their children that they wanted only one child and give up the other two for adoption, into two separate families.

- Discuss the parental responsibilities in respect of each child.
- What would you do as the social worker for each child?
- What would you do as the social worker for the parents?

Children's rights in focus

Juan (7) lives with his mother. He has not seen his father for five years.

It is believed that Juan's father has been arrested. It is not known whether he is still alive. His mother works long hours to provide a small income for them to live at subsistence level. Juan goes to school but his attendance is poor and when he is in class his attention wanders.

- Discuss the issues for Juan, his mother and how their quality of life may be improved.
- What are the responsibilities of the state and the social worker?

C Separation from parents (art 9)

Separation from parents is to be avoided wherever possible. Children have a right to know and to maintain contact with both parents unless it is demonstrably in the child's best interests to have no contact (Article 9, para 3).

It is essential to include the child and to help them express their views and concerns, especially when termination of contact is being considered. The important aspect from the perspective of the child is that, whatever the outcome of the decision, they must be involved in the process. Social workers may need to support children to seek legal representation if they wish to challenge proposals to end contact.

If a child is to be separated from his or her parents then it is important for them to know why this decision was made, whether through poor parenting, abuse, marital breakdown or adoption. Lack of information leaves children bewildered and confused, and can lead to them blaming themselves. Further, it is only through having information that children can challenge decisions and express their informed views.

Children's rights in focus

Gillian is 4 years old. It has been decided that because of the abuse she suffered at home and the lack of any prospect of change in the parents behaviour that contact will cease between Gillian and her parents.

- What is the likely short and long-term impact on Gillian of ending contact between her and her parents?
- In safeguarding the child's best interests, how will you make sure that Gillian's views are included and that she feels involved in the process?
- In your country, would Gillian have any right to apply for reinstatement of contact when she is older?

Children's rights in focus

John (14) is an unaccompanied asylum seeker in your country. He does not know whether his parents are alive, but he believes that they may be in prison and possibly facing a death sentence for their political activity.

- How do you work with John to establish his views and what he would like to have considered in determining his future?
- How can you support John to resume contact with his parents, even if only by letter?

Children's rights in focus

The father of a 5-year-old is sentenced to life imprisonment for the sexual assault and murder of a younger child in the family.

- What issues would you consider if asked to recommend whether or not the 5-year-old should have contact with her father?
- How would you involve the child in that process?
- How and when would you review that recommendation?
- If there were to be no contact between father and daughter how would you help the child in terms of Article 8?

It may be that the child is separated as a result of action taken by the state itself, for example through deportation, detention, imprisonment, exile or death of a family member. Social work principles and the Convention are very clear that information about the location of the absent member of the family, whether that is a parent, child or young person, should be available to the rest of the family, unless it would be detrimental to the young person. The Convention recognises the importance to children, if contact is not possible, of the knowledge of where a significant family member such as a parent can be found. The child's best interests should underpin all decisions. Enforced separations, whether through the imprisonment of the parents or exile, are rarely in the child's interests. Social workers should try to propose alternatives and to make clear the damage caused to children in such situations.

Children's rights in focus

The father of a 13-year-old serves in the Navy. He is on a submarine and is 'out of contact' for long periods of time due to state security. The young person has expressed concern for his father's safety. His attendance at school has deteriorated and his mother is concerned that he is committing petty crimes.

- Describe the work you would undertake with this young person to support his Convention rights.

Children should not be separated from their parents as a result of economic difficulties. This is reinforced by Article 26, in relation to social security.

Children's rights in focus

A single mother has been struggling to meet her financial commitments for herself and her three young children who are all aged under five. She is evicted from her tenancy through non-payment of rent. She has nowhere to take the children that night. The housing authority suggests that you should take the children into public care so that the mother can go to single persons' hostel.

- What is your plan of action?

In the guidelines for reporting to the Committee on the Rights of the Child particular information is sought about the issues of separation in terms of age, gender and national, ethnic and social origin. This is to ensure that no one sector of society is being discriminated against in terms of services, advice or representation. Examples of this type of issue can be collated by social workers and may be useful to NGO reports to the Committee.

The Convention does not mention children who are born by artificial insemination by donor (AID). This procedure has increased the possibility of children for parents rather than parents for children, in that sperm can now be bought over the Internet. The "designer baby" has become a new phrase in the English language. In some countries, such as Australia, such a child would have the right to information about their biological parents and in some cases contact with them. In other parts of the world the donor is often 'anonymous' and information and contact with the parent is denied.

Children's rights in focus

A couple desperately wants a baby. Medical tests suggest they are infertile. They approach a pregnant woman with the help of a doctor and lawyer. The husband was advised to declare himself the father of the child and the biological mother agreed to give up custody to the "father". After the birth of the child the wife of the "father" could adopt the baby. The parents do not ever have to give the child information about its origins.

- Discuss the rights of the child.

D Family reunification (art 10)

Article 10 is about children and their parents who live in different countries or where parents come from different countries. It is concerned with the free movement of families and the right of children to maintain cultural, national and ethnic roots.

Social workers may find themselves in contact with children in these circumstances when working with asylum seekers, refugees, marital breakdown between two different nationals, civil unrest or armed conflict. Apart from the immediate concerns about the welfare of the individuals concerned the social worker may find themselves in the role of advocate for the child or conduit towards those authorities which may be essential, like lawyers and politicians to secure the rights of the child.

Children’s rights in focus

A child is found in a refugee camp without a family. Family tracing through a society like the Red Cross is vital for that child. New techniques are being tried and tested including the Internet.

- What are the traumas experienced by a child in these circumstances?
- What can be done to ensure his or her rights to family relations and to direct contacts with both parents?

Children’s rights in focus

A child’s father comes from Europe and her mother is Asian. The parents are not married. The father has an automatic right to re-enter Europe; the mother and child apply for visas but can only obtain visitors’ visas because the child’s parents are not married. The current immigration laws discriminate, through gender, against family reunification. These rules would not apply if the mother were from Europe and the father from Asia.

- Immigration law in this scenario does not support family reunification. Discuss possible remedies.
- How do the immigration laws work in your country in relation to keeping families together?

E Illicit transfer and non-return (art 11)

Children may be taken in and out of countries illegally. This type of illicit transfer is perhaps most poignantly seen in children who are abducted from one parent to another following an acrimonious divorce or children who are being exploited for sex. The Committee on the Rights of the Child is very concerned to get information about when this happens and what individual states do separately and together to combat these issues for children.

The effect on the child of being treated as a possession rather than as a human being is extremely traumatic. The effect of power in the relationship between the perpetrator and the child can leave the most horrific emotional scars on the child that could be described as a ‘life sentence’. Social workers should be aware of the importance of the psychological impact of this type of behaviour on a child as well as the physical abuse that may have happened during the abduction.

International Social Service may have a role in each of these cases, especially in making sure there is accurate advice being given to the family (when there is a family). In some countries it could be useful to pass the information to an NGO, for example the Red Cross and the Red Crescent.

Children’s rights in focus

A child’s parents are from two different countries. The marriage breaks down. The care of the child is awarded to one parent through the courts in the country where the child is living. The child visits the other parent at their home. The child is not returned. The parent and child move and do not give the address to the parent who should have the day to day care of the child.

- What action would you take to secure the child’s best interests?

A young girl, who spends most of her time on the streets, is taken from one country to another illegally with the promise of employment and security. The abductor tries to sell her into the sex slave industry, but she is not considered pretty enough and is abandoned on the streets of the new country without identification papers or visa.

- What action would you take as a social worker and how would you involve the girl in all the processes?

F Recovery of maintenance for the child (art 27 para 4)

Article 27 aims to secure an adequate standard of living for the child. It is recognised that it is the primary responsibility of parents to provide this and the state's duty is to ensure that this can effectively happen. The Committee on the Rights of the Child suggests that this should be seen in the context of the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent.

It is recognised that there may be some difficulties that may occur in respect of the child, for example non-registration of the birth, parents who disappear, and parents who live in different countries. Social workers are often in a unique situation in terms of individual children and the effects of failure in this provision on the development of the child. They may be able to advocate on behalf of the child either to the parent or to the state, as appropriate.

G Children deprived of their family environment (art 20)

Article 20 is perhaps one of the most important articles for social workers and their work with children on a micro level. This article relates to the situation where families cannot care for their children and alternative living environments need to be found, whether on a temporary or permanent basis.

The *special protection and assistance* provided by the state is often arranged, if not directly provided, by social workers. It is envisaged that such protection for the child will be regulated through legislation, and will only be used when necessary and may be provided for example through foster placements, kafalah as accepted by Islamic law, adoption or through institutional care. Kafalah is a form of adoption that gives the child no right to inheritance or to the name of the adoptive parents.

In providing alternative care due regard has to be paid to the continuity in a child's upbringing and to her/his ethnic, religious, cultural and linguistic background. There is a great deal of literature on this subject, which should be referred to in the development of alternatives to the birth family.

Social workers will not only be concerned with the provision of alternative care but they may also be involved in monitoring that care for individual children or groups of children. It is important that there is independence between the provision of care and monitoring in order that children are afforded the special protection demanded in this article. There have been a number of situations when adults have offered care to children as a means of accessing children they can then abuse. There have been adults caring for children who have used them for financial gain, where children have been neglected. Often the child is in such a situation that the power of the adult over the child makes the observation, investigation and determination of such abusive situations extremely difficult. Environments need to be created for the child to speak to a person they can trust about their perceptions of their situation. In a number of countries across the world there have been investigations into allegations of child abuse and neglect in alternative family placements and institutions. The recommendations from such investigations should be referred to for guidance in providing safe places in which children can thrive.

H Adoption (art 21)

For some children their future security and stability can only be secured through the legal process of adoption. This should only be considered when all other forms of care have been exhausted. Article 21 stresses that it is the best interests of the child that is paramount in considerations about adoption. The test is whether adoption is being used to primarily fulfil adult wishes to be parents rather than to find suitable families for children.

The finality of adoption can have its traumatic side and counselling for adults and children should be available. There has been a great deal of research about children who have been placed for adoption. Some of the significant findings relate to contact between the adopted person and the birth parents when that person has become an adult themselves, searching for their roots. Sometimes this later contact is for a short time; sometimes it lasts for many years. It is from this evidence that the relevance of age, gender, religious, ethnic, cultural and linguistic issues, are important to the child being adopted for their long-term well-being. The increasing numbers of people who have sought out their birth families when the constraints of adoption have been lifted, underline the importance of all those working with children and young people being aware of the long-term consequences of adoption.

Social workers are often in the forefront of work in this area and in many countries adoption and post adoption work has achieved a specialist status within the profession.

It follows therefore that inter-country adoption should only be considered if the child cannot be placed in foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin. It adds another layer of complexity to an already complex matrix of issues for the child or young person who is adopted. Social workers have to ask themselves whether they are rescuing children from a situation that could be resolved in a different way, through, for example, supporting birth families or increasing family resources. When healthy babies were flown out of Romania after the civil unrest in 1990 to adults desperately wanting to be parents, this process left a vacuum within that generation in Romania. Conversely, legislative changes influenced by the information and knowledge of social workers, alongside very practical help, have helped to keep Romanian families together.

Other examples of the trade in healthy babies can be evidenced from South America and South East Asia. Special attention should be paid to the importance of maintaining the cultural roots of the adoptive child (Article 8).

Adoption breakdown is becoming an increasing phenomenon in inter-country placements. The adoptive parents deciding that they have made a mistake try to relinquish the adoption and send the child back to the original country. Often the needs of the children are not fully recognised as they suffer yet another rejection in an alien cultural setting. Such children may find themselves in limbo and special foster families are needed to provide the best care for them.

The Convention makes particular mention of the improper financial gain that has sadly been, and still is, an area of concern. Where adults are so keen to become parents children can be exploited. The Convention is clear that all states parties must take appropriate measures to prevent the buying and selling of children. It stresses the need for proper mechanisms, re-

spect for the child's views as well as needs, and that preparation and follow up work should be appropriate to the child's best interests. Social workers in this area of work should be aware of other international conventions such as the Hague Convention on inter-country adoption.

Finally, the Convention underlines the need for proper agreements and frameworks when adoptions take place.

Children's rights in focus

Two boys, aged 10 and 8 years, from one country, were adopted through inter-country adoption services. After two years the adoptive families change their minds and try to return the children to their original country. The former foster parents are not able to take them back. They are placed in a residential home.

- Whose responsibility is it to ensure the proper care and upbringing of these children?
- What will be the special needs of these children?
- What can you do to help meet their needs?
- What will you do to ensure the children can express their views?

Mary, aged 14, is adopted. It is an inter-country adoption and Mary has known about her origins from the outset, although she was a baby when she was adopted. As she matures and begins to read newspapers and understand about the history of her country of origin she realises that the civil war has ended and she begins to wonder about her roots and birth family. This interest has been heightened by the recent loss of an adopted grandmother with whom she was close. Her schoolwork begins to suffer as she daydreams about her origins.

- Describe how you would help Mary and her adopted family cope with this common phenomenon.

I Periodic review of placement (art 25)

When a child is placed away from the family it is essential that there should be a periodic review of progress. Continuous evaluation of the placement is needed to ensure that it remains the best alternative for the child at that time. There are many reasons why a child or young person may be living away from his or her own family. They may need to be cared for in a place of safety or they may require treatment for physical or mental health. Whatever the reason it has to be the best possible option for the individual child or young person and it must be safe. Without checks and periodic reviews it is not possible to satisfy the requirements of the Convention.

Systems of review need to be not just administrative checks for the continuing care of the child. There are two main reasons for reviewing a placement; one is to make sure it is the best environment in which the child or young person may thrive and achieve their fullest potential; the second is to ensure that the child or young person is safe.

Reviews of the placement have to be not only planned and at regular intervals but also occasionally without prior warning. It is vital for the child to feel included in the process. All children and young people need to feel that their views are increasingly being taken into account in decision-making, and they must be given clear information in accessible language about plans whilst they are in alternative care.

Signposts to whether it is the right placement for a child or young person will often be seen in the developmental progress of the young person. If the child is happy, spontaneous and developing on a par with their peers then the child is clearly thriving in a positive environment. If the child is failing to thrive the review process should be trying to identify the cause of the failure. Is it from the child's trauma in life so far or is it directly from the placement?

The importance of good quality information, monitoring either by judicial or legal processes and the involvement of independent social workers or others concerned with the well being of the child cannot be over-emphasised. Research and inquiries into the safety of children being looked after away from home point to the skill of those intent on harming children, often targeting the most vulnerable children. Abusers frequently present as caring and personable. Their actions may go undetected for many years through the power and control they have over their victims. It is generally only a small number of carers' who cause the abuse but they can be very difficult to detect without the strength of the children.

Children's rights in focus

A 5-year-old child is placed with foster parents following a history over the past three years of sexual abuse within her family from her stepfather. He continues to abuse the girl's mother but she refuses to leave her partner. You have established that the girl is worried about her mother's safety but you are also concerned that the girl is making absolutely no progress in the foster placement, at school and in the community.

- How can you find out more about what is troubling this young girl?
- What additional resources might help improve the care of this girl?
- How can you ascertain whether the foster placement is a truly safe place for the child?
- What are your possible sources of information?
- Would they stand up to judicial scrutiny?

Children's rights in focus

A 13-year-old young person is in a residential school where he has lived for the past twelve months. Suddenly his schoolwork deteriorates and he has run away from school on two occasions. He is petrified when returned to the school and refuses to talk about why he has run away. He is comforted by a relatively new, personable member of staff who has come to the school with good references. Through regular reviews you are concerned about the failure to make progress, but you notice that there is frequent physical contact between the new member of staff and the young person.

- How do you review this relationship to clarify whether the member of staff is genuinely as good as his references or whether he fits into the profile of a paedophile who has targeted this young person for his own sexual gratification?

J Abuse and neglect (art 19) including physical and psychological recovery and social reintegration (art 39)

Social workers will be involved, following allegations of abuse and neglect, in promoting physical and psychological recovery and social reintegration. This may be within the child's own family or through placements with other families or in institutions or through events within the community in which children live.

Article 19 sets a high standard in terms of legal safeguards for the protection of the child. It is not only the legislation of the state party but the judicial processes in investigating the issues

of neglect and abuse that are under scrutiny. This article prohibits any form of physical and/or mental violence, including corporal punishment, deliberate humiliation, injury, abuse, neglect or exploitation from whoever is caring for the child. Effectiveness in prevention, reporting and treatment in respect of the child are highlighted in a proactive and positive way.

Article 19 also sets out how parents, families, teachers, social workers, police and other people should behave towards children and young people. Children are not the possessions of their parents. They should be seen as fellow human beings. If children and young people are offered love, care and security while growing up they are more likely to develop their fullest potential and to treat others with respect. It is like stewardship without property rights. Children and young people need guidance and help to negotiate their lives in safety and security, but they also need to experiment and find their own sense of self to enable them to grow into responsible and self-determining adults.

In the debate about care or control there is a place for both in setting loving, caring boundaries without abusing power or exercising inappropriate control. The misuse of power and control is often at the root of the abuse of children. This abuse from adults forms much of the day-to-day social work with children, in investigating situations and in working to redress harm. At its simplest level children and young people are extremely vulnerable to mistreatment and abuse given the difference in power and size between themselves and adults, and the younger the child the greater this difference.

On the macro level social workers participate in public campaigns to reform the law on corporal punishment and to combat child abuse or negligence. The role of the state is paramount in the prevention and detection of abuse and violence towards children, though in some states the prevention and detection of child abuse is difficult where government officials and systems perpetrate abuse. All levels whether they are at the micro, meso or macro level have to be subject to the same level of scrutiny. Positive and non-violent forms of discipline, care and treatment of the child should be promoted in all settings. However, it will often be left to professions like social work to monitor, investigate and repair the damage when abuse takes place. Good campaigns can help the social worker expose very private and secretive behaviours that can cause long-term damage to children.

Systems and procedures for the child to make a complaint need to enable the child to feel confident and trust in those who are there for their protection. Research and practice wisdom would suggest that the frequency with which children make false allegations is small. The reality tends to be that they keep 'secrets' about the abusing adult for fear of not being believed. The role of confidential help lines, child advocates, adequate training for the professionals involved in this work and the promotion of good practice are important in developing safeguards. It is equally important not to encourage children to make exaggerated statements.

Methods leading to recovery are the important tools of social workers. There is a great deal of social work and child psychology literature that gives information on tried and tested methods of intervention. It is not the role of this manual to examine these in depth but it may be helpful to state a principle in thinking through the literature. It is important to fit the text into the cultural context in which it was written, as there may be methods which work in one situation and not in another.

Children’s rights in focus

A 5-month-old child is showing little sign of movement. There is a question about whether or not he is failing to thrive or suffering from neglect.

- How would you identify why the baby was failing to develop?

A placement with a foster parent where play activity is the norm and careful monitoring by the paediatrician resulted in the knowledge that poor parenting was indeed the issue. A plan was then evolved to help the mother (a single parent with two other children), with her parenting skills by offering practical help with the housework, freeing her time for the children. She was also linked to a self-help group of young mothers who were able to pool their resources to help each other improve their quality of life so that they could be stronger in their role as parents.

- What other methods would you use in this case to support the mother to develop her parenting skills?

Children’s rights in focus

Three street educators were walking through the park at around 7pm, when they spotted a group of street children in front of a bar. A military policeman was beating the boys for sniffing glue. The police officer threw one of the boys to the ground and then stood on his chest, crushing him. The officer then started to kick him. The street educators intervened to defend the children. The policeman then turned his anger on the street educators and he started to kick one of them. In the meantime, two other military policemen arrived, and the first one accused the street educators of trying to steal his rifle. The street educators were detained and taken to the police station where they were interrogated for two and a half hours without being allowed to make a phone call. The police took their IDs from them. Soon after this, the NGO workers were then arrested and all their personal effects taken away before they were jailed. The beaten street children, wanting to protect the street educators who intervened on their behalf, ran to the NGO to inform them of what had happened. Staff from the NGO eventually found the street educators, and they were eventually ‘deposited’ with the NGO later that night, on the condition that they return at 8am the next day. When they three educators returned, they were told that the police were too busy and they would contact the NGO – which they never did. A formal complaint was made to the Director of Special Services

- How would you support the boys in dealing with the issues raised in this incident?
- If you were the head of the NGO what would you do to support the staff?

Children’s rights in focus

Take an example from your experience of a child/young person where you know that there has been abuse or neglect. Describe the evidence and answer the following questions:

- What resources will help the parents offer better parenting?
- What methods will help the parents to develop appropriate parenting?
- Can these tasks be achieved more effectively on an individual or group basis?
- How does your perception and that of your law and culture compare with the Convention’s expectations of family environment and alternative care? Define what you understand as common responsibilities. What services are available for children in your area to enable children to feel that both parents share a common responsibility for them?



VIII EDUCATION AND CULTURAL ACTIVITIES

Articles 28; 29; and 31

This section covers:

- A Education including vocational training and guidance
- B School discipline in accordance with the child's human dignity
- C Aims of education
- D Leisure, recreation and cultural activities

A Education including vocational training and guidance (art 28)

It may seem initially that social workers do not have an educational remit. In the formal sense, this role falls to teachers. However, there are many children who struggle within formal education systems, who may not have access because they belong to travelling families; or because their parents are guest workers; or they may have been excluded; or they may live on the street. Often these children are poor achievers in the system and need an advocate for more appropriate resources.

The importance of education in helping young people achieve their fullest potential should never be underestimated. The more knowledge a young person has and an ability to use that knowledge, the greater their self-esteem and the greater their ability to learn to advocate for themselves and others in the world in which they live. As their knowledge increases they are less likely to experience the abuse of their rights.

Before a child can engage fully in an educational system they have to have their basic needs meet like shelter, food and warmth. The child has to feel safe. The child has to have the opportunity to begin to make social contacts, to interact with people and to learn social skills. Education systems are very dependent on social interaction. Without social skills the child or young person will not engage with or get the most from the process of education. All these tasks have to be achieved before formal education can begin. Social workers are extremely important during these early stages of a child's life and development.

Research shows that children who are in public care are often achieving well below their potential in formal education systems. This could be for a number of reasons. They may have spent a number of years before reaching a settled placement moving from school to school or not going to school at all. They may have missed early educational opportunities or have had a very unsettled family life. They may still be worrying about their parents or siblings. They may have missed the early education of their peers and have no sound foundation on which to build. Their thoughts may be wandering, day dreaming about their troubles within their families or lost relationships. If a child is burdened with troubles from outside the classroom their ability to concentrate and learn is greatly reduced. Social workers with children who are in public care have a special responsibility to ensure that the education received by the child is appropriate and meeting the child's needs. If a child is having difficulty for any of the reasons already suggested, they have to make sure that these children are afforded appropriate help so that they can achieve their potential. The aim is for the child to be able to go on and experience being treated on an equal basis as their peers, and that they can participate in the same activities and feel included in the educational system.

Children's rights in focus

Juan (7) lives with his mother. He has not seen his father in five years. It is believed that his father has been arrested. It is not known whether he is still alive. His mother works long hours to provide a small income for them to live at subsistence level. Juan goes to school but his attendance is poor and when he is in class his attention wanders.

- Discuss the issues for Juan, his mother and how their quality of life may be improved.
- How could the social worker help Juan make the most of his school experience?

Gary (12) has been in a long-term foster placement as a result of offences committed against him as a child by his stepfather who has been serving a prison sentence for those offences. His mother had been experiencing great trauma and divided loyalty between her son and her partner. Initially she had denied the offences had taken place despite overwhelming evidence, but lately there has been some reconciliation between her and her son as she had progressed through counselling to acknowledge her son had been the victim of the offences. It also began to emerge that she herself had been the victim of her partner's violence. As the time approaches for the stepfather's release from prison there are indications that Gary's mother may be expecting her partner to return to the family home. The distress to Gary tells in his behaviour in the foster home and at school and his education begins to suffer.

- How would you help Gary to cope with this difficult situation?
- Given the complexity of Gary's needs, how can you ensure his educational rights are fully realised?
- How would you work with the mother towards her recognising and meeting her son's needs?

B School discipline in accordance with the child's human dignity (art 28 para 2)

The Committee on the Rights of the Child's guidelines for periodic reports requires states parties to describe what measures they have taken to ensure school discipline is consistent with the child's human dignity and in conformity with the Convention. In particular, states parties must inform the Committee about the steps they have taken to prohibit corporal punishment and other disciplinary measures not consistent with children's human dignity and their Convention rights. This article applies to public and private schools and to all other educational institutions.

C Aims of education (art 29)

Article 29 states the aims of education to develop the child's personality, talents, and mental and physical abilities to their fullest potential. Social workers may find themselves working in partnership with the child, the family, teachers and other professionals to ensure children get the most from education.

One of the specific aims of education, outlined in Article 29, is to help the child to develop into a responsible citizen:

"The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin [and] the development and respect for the natural environment."

Social work is a holistic discipline. The specific skill that social workers bring to their work with children and families is an understanding of work towards a better society through individual and group work so that the work in small sections can contribute to the greater good of society. It requires a focus that allows the child or young person not only to focus on their own needs but to have respect for other people and their needs. If our children and young people are not valued then the second task is profoundly difficult. If the aim of Article 29 is to be achieved then the work undertaken by social workers is paramount in reaching first base; that children learn to respect themselves and then they can respect other people. So many of the young people with whom we work have not been respected or valued by their family or their community that they are prevented from making that step to respecting other people. Work on increasing the self-esteem of children and young people is essential if this part of the Convention is to be achieved.

Children's rights in focus

- Describe a child you know who seems to have no regard for other people. Reflect on his or her history and try to identify where the child was praised and loved and felt secure and valued.
- Devise a plan to intervene in that child's life to redress any imbalances in respect and nurture of that child.
- What role can education play in helping this child develop respect for others?

D Play, leisure recreation and cultural activities (art 31)

Article 31 of the Convention underlines the importance of play and recreation: sport, cultural activities, games, quiet time and opportunities to re-create energy and commitment all contribute to the well-rounded person. Self-directed play and leisure opportunities enable children to develop their sense of self and make decisions about how they spend their time, and with whom.

There are a number of ways that social workers may find themselves implementing or monitoring children's right to play and leisure. This may be because the families in which children and young people live may themselves be out of balance, either long or short term unemployed parents or – at the other extreme – parents who are workaholics. In either case the social worker may be asked to intervene.

Methods of intervention may include finding places for young children in children's centres', and providing after school clubs, play schemes during holidays or therapeutic play following trauma or abuse. It may be in the context of helping isolated children become included in their community or social workers may help communities to develop resources locally to meet the full needs of their children.

Children's rights in focus

Elisabeth lives in a European city where her parents are both busy professional people. At school she is a star pupil in academic terms, at home she spends most of her time on the computer and often eats alone before her parents return from work. Her social skills are non-existent and she has no friends. Her parents are not concerned at all about her development as she is doing so well academically.

- Why and how might you intervene?

Juan is in a refugee camp and there is at least some education provided on the site but there are still many hours when children and their families are concentrating on basic survival and concern about returning to their homeland or making a new home elsewhere.

- How and what type of recreational input could you devise for the children and young people?

IX SPECIAL PROTECTION MEASURES

Articles 20; 22; 38; 39; 40; 37 b-d; 32-36

This section covers

- A Children in situations of emergency
- B Children involved with juvenile justice systems
- C Children in situations of exploitation, including physical and psychological recovery and social reintegration

A Children in situations of emergency

i) Refugee children (art 22), including unaccompanied refugee children

Children and young people who are refugees should receive appropriate protection and assistance in meeting their special needs. If they are unaccompanied then they should enjoy the same rights as other children or young people who are living temporarily or permanently away from their families. This is not borne out in reality. Throughout the world children are often the innocent victims of war and persecution. This can range from the horror of children seeing their families killed in front of them through to near starvation in refugee camps and deportation from countries in which they have lived for many years. The numbers world-wide are daunting. More than 12 million children have lost their homes, more than five million children have been forced to live in refugee camps and over a million children are separated from their families. Over one



and a half million children have been killed in wars. Wars are negative experiences. What the Convention calls for are positive opportunities for education, work, freedom of movement, and health care and adequate standard of living to promote development. Even in refugee camps some of those basic rights could be upheld but this happens all too rarely. Despite this, refugee camps are the beginnings of turning a negative into a positive.

It is not just the physical well-being of children in emergency situations, which is of concern, but also their mental and emotional health needs special attention. Often the experience of the child is in seeing family members killed or raped, their homes destroyed and their known way of life disintegrate beyond their control. Provision is often geared towards ensuring survival but children can remain in refugee camps for very long periods of time. The literature on how children and young people deal with and cope with loss is an invaluable tool in working in this area. Preventative work on emotional trauma is vital if long-term mental health problems are to be

avoided. Particular attention should be paid to those children without family support, as their needs are unlikely to be met. It may be that special projects to prevent long-term mental health difficulties need to be established.

Social workers have a key role to play with refugee children. They are often involved at the point of arrival in the receiving country. They need to ensure that the children and any of their family are treated with dignity. They need to take immediate measures to ensure that information is collected, which could be helpful in subsequent family tracing and family reunion where necessary. They need to be aware of the domestic legislation and of what rights the child will enjoy. They need to promote access to educational opportunities. Above all social workers need constantly to remind their governments that the best interests of the child should govern policy and be a primary consideration.

The UNHCR – United Nations High Commissioner for Refugees – Guidelines on Protection and Care for Refugee Children provide a valuable checklist for social workers working with refugee children from identification and family tracing through to dealing with psychosocial stress.

Children’s rights in focus

Joseph (14) arrives in your country. He is an unaccompanied asylum seeker escaping civil war and famine. He does not know where his parents are or if they are still alive. He had been living with his grandmother but she was raped and killed before his eyes by soldiers. Joseph was not captured as he was hiding at the time. He will not talk about how he came to your country.

- Describe the issues for Joseph.
- How would you meet his full Convention rights?
- How does your country treat Joseph on his reception? Are his needs being met?
- Devise a plan of work with Joseph to deal with the issues from his past and help prepare him for the future.
- Check your plan against the articles of the Convention.
- What work needs to be done to ensure the rights of young asylum seekers are respected at each level: micro; meso; and macro?

ii) Children in armed conflicts (art 38) including physical and psychological recovery and social integration (art 39)

This section covers two situations for children, those who are recruited by armies to take part in armed conflict and those who have been caught up in hostilities from warring parties. Many of the issues are the same for all children but some of the after-effects of the two situations differ and they may require different interventions.

Although the Convention finally set 15 as a minimum age for military recruitment and participation in armed conflict there was widespread agreement that this age limit was too low and that it must be raised to 18. The UN General Assembly adopted an optional protocol on the involvement of children in armed conflict in December 2000. As with all optional protocols, there is no obligation on states parties to sign and ratify them, and only five states have so far ratified this one. Further, the optional protocol on armed conflict will not prevent the voluntary recruitment of children and young people under 18.

The African Charter on the Rights of Welfare and Children includes specific provisions extending beyond the Convention that no child, including 15-18 year olds, should take part in hostilities. Resolution 1659 of the Council of Ministers of the Organisation of African Unity reaffirmed that the use of children in armed conflicts constitutes a violation of their rights and should be considered as a war crime. Humanitarian international law also provides clear protection for children participating in armed conflicts.

The reality is that children are recruited at very low ages. Significant recruitment starts at the age of ten, and the use of even younger children has been recorded.

300,000 children are fighting in conflicts throughout the world. Over 2 million children and young people under the age of 18 have been killed in the past decade.

Children's rights in focus

Nyaga was abducted from home at the age of 8 years, marched a long way away and forced to fight in a bitter civil war. His training included being forced to watch and participate in the beating and murder of captured children. He was threatened with beating and death if he failed to fight. This continued for three years. When captured by the opposing army, he refused to talk or eat. He was handed over to a residential home for children.

- What practical help does Joseph need?
- What emotional support and counselling could he get?
- Could attempts be made to reunite him with his family and if so, what help might they need.

Some children join armed groups or military forces voluntarily. Poverty and the need to make new relationships after losing their families are two of the main reasons for such actions. There is a role for the social worker in protecting children by the development of preventative interventions.

Children who are used as soldiers are deprived of all the necessary conditions for their development. Their childhood is interrupted and all of their family and community links are cut. This is a major risk factor, which in addition to the experiences they will have to face as soldiers, will submit them to a socialisation process with serious long-term consequences. Special attention should be given to children separated from their original environments (internally displaced children, refugee children, children sent or abducted to other countries for short or long periods of time).

Consideration should also be given to the situation of girls in armed conflict who are often coerced into carrying out domestic duties in military camps and are forced into sexual relations with soldiers. The trauma experienced by girls who have been in this situation is particularly serious. Much of the literature on rape and sexual exploitation is invaluable in assisting workers to help both girls and boys recover from violent experiences.

It is important to highlight the necessity of providing demobilised children with special recovery and rehabilitation care. Those children have been socialised within violent patterns, and they face very serious problems when being reintegrated in a community. Special programmes should be implemented before and after they return to normal life.

Children’s rights in focus

Carlos is 13-years-old. His father had been killed in fighting during the present civil war. He was recruited as an armed soldier when his mother was having difficulty surviving and she herself had turned to prostitution to survive. The war ends two years later and he is in a camp where he is being helped to reintegrate back into society.

- Discuss the issues Carlos now faces, including how he can reclaim his lost childhood.
- What can you do as the social worker charged with his rehabilitation at the different levels: micro; meso; and macro.

More than 30 armed conflicts are usually taking place across the world at any one time and the number of civil casualties is increasing. More than half the victims are children. During any time of war, child survival and development conditions are seriously altered (Article 6). Abuse and neglect can cause early trauma and the accumulation of risk factors can have irreparable neurological effects. Social workers dealing with children in armed conflicts or with refugee children should be aware of the specific impact of these experiences on the development of children and the long-term consequences. Can social workers help children who have experienced armed conflict to regain their childhood?

Children’s rights in focus

Maria is 7-years-old. She has lost both her parents in the civil war that has raged through her country through most of her lifetime. She is currently cared for by her frail grandmother and they are both in a refugee camp. She has a brother who was a child soldier, but there has been no contact for six months.

- The task is to help Maria build her life so that she can achieve her fullest potential. List the issues and how you would achieve success.
- Discuss the advantages of individual and group or community based interventions. Information and examples can be found from rehabilitation programmes for child soldiers in Asia and Africa.

iii) Street children and children seeking a place of safety (art 20 and 39)

Social workers and street workers are well acquainted with the reasons that prompt or force children to live alone on the streets. Most stem from poverty, often resulting in family violence or abuse, alcoholism, unsuccessful migration from rural to urban areas and innumerable other ills. Some children work, beg or pilfer to provide income for their families who would otherwise live in extreme poverty. Others are abandoned by their families or take to the streets to escape unbearable conditions and abuse at home. One of the most frightening aspects of this phenomenon is the constantly decreasing age of children arriving on the street.

As with other aspects of social work it is important to work with people rather than for them. Activities need to start with the situation and locality as it is in the street. Immediate issues to address include shelter, food, medical care, protection from harassment by other street children, gangs, police, local businesses and establishing contact with families if children wish.

In the longer term the issues include a permanent place to live (family, foster home, etc), the need for identity documentation and for education, developmental and rehabilitative measures for integration back into society.

The importance of starting with the current situation may be illustrated by building on the bonds that have evolved between street children. These could be used to form a family group and provide a positive way forward for the children. The children will have learnt life skills which should be used to help them attain their hopes and plans for the future.

Street children are often exploited, feared, persecuted and sometimes killed. Some of the difficulties they face may be child/youth gangs and gang warfare, sexual exploitation, violence from the police and other authorities. Street children and young people are easy prey. Social workers need to be aware that prostitution and sexual violence appear to leave the most lasting marks on a child's psyche through the intrusive nature of the crime, while sexually transmitted diseases, if untreated, wreck their bodies. Most menacing of all is the life-threatening HIV/AIDS.

Working with children on the street is demanding in terms of the hours worked and the intensity of the contact with the children who have often been exposed to life experiences beyond their emotional and psychological years. Social workers may for example have to advocate with the police and with local authorities and shops in the vicinity. They may also have to work with street children's organisations where they exist, charities, NGOs, medical authorities or churches. Burnout is common amongst professionals and volunteers working in this area. Whilst the infrastructure of supervision and support generally available in other areas of social work is not so easy to provide in this environment, it is nevertheless vital if workers are to be successful in working with children.

Children's rights in focus

At approximately 2:30pm, Juan, who had been living on the streets, was crossing the bridge in a South American city when he tried to grab the earrings from a woman pedestrian. He ran down a side street. Several people shouted thief and several shots ran out. Juan – who was unarmed – was shot in the back. A military police agent came running up to him, gun drawn, and said to the boy on the ground, Tell them that it was a man in a car who fired at you... Juan insists that it was the police agent who shot him. Juan was taken to the hospital where he was operated on in the emergency ward to remove a bullet that was lodged in his back. The bullet that was extracted – critical evidence to be tested against the gun of the agent – was lost by the hospital. Juan is semi-paralysed from the waist down and was living with his mother, supported by a family reintegration programme run by a refuge for street children. Juan now begs to survive. No investigation has been carried out despite the boy accusing the officer.

- What are the issues for Juan and his mother before and after the shooting?
- What can you do at the different levels of intervention: micro; meso; and macro?

Angie is 15 years old. She has run away to the capital city from home in a rural area. She has been sleeping rough and has joined a group of other homeless young people who regularly take drugs and drink alcohol. She is under pressure to use her body to get an income through prostitution.

- You are a street worker and you need to engage with Angie if you are to meet your obligations under the Convention. How would you do this?
- What might be underlying her flight from home?
- What do you know about her stage of development and her attitude to authority figures?
- Might she see street workers as interfering adults?

B Children involved with the system of administration of juvenile justice

i) The administration of juvenile justice (art 40)

Each state party has to give a report on how juvenile justice systems operate in their country. Whilst every system is different there are certain factors that the Convention states are basic rights for the child or young person.

“States Parties recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”

Social workers are often involved in the process and outcomes of juvenile justice systems. They therefore have a key role to play in ensuring that children’s basic rights outlined in the Convention are implemented. The Convention states that a child should be presumed innocent until proven guilty. This should mean that, pending a determination of guilt, the child should retain as normal a life as possible. The child should have access to appropriate legal or other appropriate advice and representation. The process of determining the case should take place expediently and within a timescale that is appropriate for the child.

Some children will not be living at home during the process of the administration of juvenile justice systems. In these circumstances, Article 40 should be read in conjunction with Articles 20 and 25, which cover contact with parents and family, and children’s right to periodic review of their placements.

All countries have developed their concept of juvenile justice systems from the concepts and principles of adult systems. The age of criminal responsibility of young people varies from one state to another. Yet the need to develop special systems for children and young people stems from a growing awareness that adult systems are inappropriate for children because of their developing maturity and the impact of different time scales. There is also a debate about the appropriate balance between the due process of law and action needed to promote the welfare of the child. In other words whether the question of ‘needs’ or ‘deeds’ should be the deciding factor in determining the outcome of a judicial intervention. Social workers therefore have a very clear role to play in terms of individual children, how processes work locally and in the wider public debate that helps shape and develop appropriate systems for the administration of juvenile justice.

Training activities need to be developed for all professionals, from judges to social workers towards implementing the Convention. Other special international agreements such as the ‘Beijing Rules’, the ‘Riyadh Guidelines’ and the UN Rules for the Protection of Juveniles Deprived of their Liberty must also be presented. The impact on children and young people of the International Criminal Court in Rome, founded in June 1998, is yet to be evaluated.

Children's rights in focus

In a city in South America Mario (16) was returning home from the movies together with two social educators plus more than ten residents when a police pick-up van pulled up alongside and five uniformed agents and two officials jumped out and violently grabbed Mario. Without presenting an arrest warrant or explaining the reason for this illegal detention, they handcuffed the boy and threw him into the pick-up and drove away. Mario was jailed together with adults, where both the police and other detained prisoners beat him.

The staff at the home notified the Legal Aid Office and they went to the police station where they were informed that a female victim of a theft had identified Mario as having stolen her watch. But the youth was with the home staff at the time. After explaining the illegality of the four hour detention, Mario was released to the home staff, but had bruises and cuts on his face and arms which, according to the victim, were caused by both the police agents and the adults in the cell.

- What were the responsibilities of the police, social workers and prosecutors in terms of the Convention in respect of Mario?
- What needs to be done on which level and how would this be done: micro; meso; and macro?

ii) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art 37 b-d)

Any child deprived of their liberty has the same needs as other children in the community, for example for care, education and health services, and for cultural and recreational opportunities. The Convention focuses on the way forward for all child or young people; it does not dwell on actions of the past, when the child was not fully developed either physically or emotionally, except to help that person not commit such acts again. Much of the earlier discussion about how the Convention aims to protect children away from their parents applies equally to children deprived of their liberty. Good standards of care, contact with parents and other family members (e.g. correspondence and visits), reviews of progress and a focus on the future are essential.

Children detained for indeterminate periods, children detained because they are related to asylum seekers or refugees and children who may be detained alongside adults are at particular risk.

States parties have a duty to fulfil the needs of all the children under their jurisdiction, including asylum-seeking children. An example from Sweden concerned a mother from Bangladesh with her children. The state provided emergency health care for the children but not the standard inoculations or preventative paediatric care available to Swedish children. The result was that on their return to Bangladesh the children were exposed to very hazardous, life threatening diseases.

Children should only be detained in conformity to the law. There should be opportunities to appeal, with legal advice and representation, and periods of detention should be regularly reviewed. Any consideration for a child deprived of their liberty should take place within the general principles of the Convention (Chapter III).

There is increasing research and practice literature about children who have offended against the penal code and are deprived of their liberty. There is information about how children become involved in offending, what works and what does not work in terms of treat-

ment, and information from adults who have been detained when they were children and what it meant to them. Such literature should always be read in terms of the culture in which it was written and the background of the author. The perspective that social workers should be bringing to the issue is that of the whole child and a holistic approach to assessment and treatment. Care needs to be taken to listen to the child or young person and her/his experiences.

Children's rights in focus

Sonia (14), who normally lived on the street, was detained by several military police agents, accused of theft from an unnamed victim. She was jailed, in violation of the juvenile code. The refuge was informed of the illegal detention the following day and proceeded to place a formal complaint with the juvenile judge, who sent a written order for the referral of the minor to the chief of the police. The refuge delivered the order to the police that Friday afternoon, but the girl was not released. She was deposited with the women's police unit, still in violation of the law. The staff at the refuge insisted that the juvenile judge attend the case (even though there are no juvenile judges working from 4pm Fridays until 8am on Mondays). On the Saturday the juvenile judge accompanied refuge staff and the girl was placed in the custody of her mother at 10am.

iii) The sentencing of children with particular reference to the prohibition of capital punishment and life imprisonment (art 37a)

The Convention is very clear on capital punishment and life imprisonment. Article 37a states that:

Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

This is a pressing issue for some of the most developed countries in the world. The continuing use of capital punishment and life imprisonment is a concern not just for social workers and some of the children and families they work with, but one which needs to be addressed through the political process. There also needs to be action through the judicial system. The existence of the death penalty for young people in the USA is a significant reason why it has not ratified the Convention, leaving children in the USA outside the protection of the Convention.

This section also deals with the issue of torture, cruel, degrading and inhumane treatment.

IFSW opposes capital punishment.

iv) Physical and psychological recovery and social integration of the child (art 39)

The emphasis in this section centres on what is seen as sometimes long term and skilled work within specialist settings, but holds the same basic principle as any of the forms of social work already discussed. Where a child has been the victim of any form of neglect, abuse, exploitation or other forms of degrading treatment, in whatever setting, then the following applies:

recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child

Much has been written in this area about what works and what does not. Small units, individualised treatment, and skilled staff all have a part to play.

C Children in situations of exploitation including physical and psychological recovery and social reintegration

i) Economic exploitation of children including child labour (art 32)

One of the underlying principles of the Convention is that children should enjoy their childhood and that it should not be lost to exploitation by adults. To rescue a child from an abusive situation may be a short-term solution but in the long term may transfer the same difficulties onto another child. We have already discussed the street children who may be working to raise money to support their families. We noted the importance of starting with the individual child and then working with the issues for a better long-term situation for all children. This is equally relevant when considering employment of children.

The Convention is very clear about the issues to be addressed when supporting working children. These include health and safety, hours and conditions of employment, independent inspection and value for the life and dignity of the child. The role that social workers can play within this context is in the development of national policy and multi-disciplinary strategies to prevent and combat situations of children's economic exploitation and labour. Some of the developments now being negotiated between sports goods manufacturers in the less-developed countries are more child centred. The working environments are more likely to produce a permanent environment where education and childhood experiences may be allowed to develop in an economically viable future.

Reference should be made to the ILO Convention against the Worst Forms of Child Labour as an additional tool for this important area of work.

ii) Drug abuse

From solvent abuse by street children seeking temporary escape from the grim reality of their daily existence to designer drugs used in bars and clubs, drugs are a major concern for social workers. Not only can drug misuse develop into an addiction, which can destroy lives, but also the use of illegal substances brings young people into contact with unscrupulous criminal elements ready to exploit their vulnerability.

Children and young people come to use drugs in all sorts of ways. They may have seen their parents use illegal substances, they may be offered a new experience by friends at school or in the group they hang around with, or they may use drugs to escape from feelings of social isolation and alienation from their own family. The complexity of how young people become involved and the relief or buzz they feel can often develop into an addiction from which it is extremely hard to escape. Skilled help is required alongside effective public policies to prevent damage to children from illegal drugs and legal substances such as tobacco.

The guidelines on reporting to the Committee on the Rights of the Child give special mention to the children who may be used in the illicit production or trafficking of drugs. We have already noted that street children may be particularly vulnerable to this type of exploitation.

Children's rights in focus

Sarah (14) started taking amphetamine tablets when she went dancing with friends at the weekend. She bought the tablets from a school friend. Her friend's older brother persuaded her to try a line of cocaine which he gave her free. Now she wants it every weekend but cannot afford it so he is suggesting that she helps him by selling drugs to others in exchange for her supply. Sarah's mother has found tablets in her bedroom and is asking for help from a social worker.

- How would you explain the risks to Sarah?
- Would you emphasise the illegality or the potential harm from drugs?
- Would you see Sarah's friends as a positive influence or as reinforcing her drug use?

Prevention of drug misuse is easier than cure. Links with drug education programmes in schools and youth settings are important. Peer education, where young people themselves deliver positive messages about tackling drug misuse, can be a powerful influence for change.

iii) Sexual exploitation and sexual abuse (art 34)

Sexual abuse and sexual exploitation warrants special concern, as it is probably the most heinous and intrusive of all crimes against children. It takes place at home in the family, as part of the world trade in child pornography, the victims of paedophiles or sexual tourists or in the course of civil unrest and torture between captors and their prisoners. The long-term damage caused to children has been the subject of an increasing body of research and practice literature, particularly since the mid-1980s. Social workers should be aware that there is a great discrepancy between the reports of victims of sexual offences and the number of convicted or reported perpetrators. It is an area of work where control, power and secrecy are the most difficult to confront. The use of the Internet seems to be fuelling rather than helping to combat this element of abuse and exploitation of children.

Social workers often face the task of listening to the aftermath of abuse and helping the victim towards recovery. There is some very helpful literature available, but again the cultural and professional context of the writer will influence the approach, particularly in terms of the cultural acceptance about whether the victim is excluded or ostracised by family and/or community.

Children's rights in focus

A 14-year old girl in southern Africa was sexually abused by her father and becomes pregnant. It is kept a close family secret but, in a fit of dismay and anger, the wife leaves the matrimonial home and returns to her parents, leaving the children with their father. 8 years later the man sexually abuses the girl born as a result of the incest (i.e. his daughter/grand-daughter). The whole story then comes to the knowledge of the local village Committee on Children's Rights, which had been set up by social workers under the auspices of the Child Rights Network project supported by Save the Children. The matter is reported to the local police and the man is arrested.

- What assistance will be needed by the two girls and any other children in the family?
- What should happen to the father?
- Could anything have been done earlier?
- What could the local Committee and the community do to enhance the rights of these children and protect others in the community?

Social workers may also find themselves working with the perpetrators of such offences, particularly when they have happened within the family. In the UK for example probation officers

have for many years been social workers working in the criminal justice system. There is much to be learnt from sharing the reading material from both sides of the offence in terms of understanding how to help prevent or stop people committing these crimes.

Further information can also be sought in the *Declaration and Agenda for Action of the World Congresses against Sexual Exploitation of Children*

Children's rights in focus

Martha's story falls into two parts, the first is about sexual exploitation and the second shows how institutional abuse compounds her situation:

Sexual abuse

Martha (11) was being held at a girls' detention centre. The guards took Martha to a quiet location and raped her. Despite her screams, no one came to Martha's rescue. The two prison guards gave Martha approx. US\$ 0.30 and threatened that if she told anyone they would beat her. Two days later, Martha reported what happened to a doctor in the centre and a medical examination was undertaken. The case was reported to the juvenile judge. The two guards abandoned their posts and fled when they realised they were being investigated.

Institutional abuse and how it may be combated

The criminal complaint was made to the First Criminal Judge of Letters accusing the two guards of rape. The case was lost in the tribunal. The judge requested the support of NGOs in rebuilding the file. After more than a year of inaction, the NGO, together with a law centre presented a case before the Inter-American Commission on Human Rights. Two years later the judge absolved the two accused of rape for insufficient evidence. Because the public prosecutor did not appeal the case within the prescribed limit, it was impossible to appeal the ruling. The case was automatically passed to the First Appeals Court for the definite ruling. In a surprise ruling, the Appeals Court revoked the lower judge's ruling and jailed each of the two prison guards for six years. Martha was sent to the juvenile ward of a psychiatric hospital where she is interned.

According to medical personnel at the hospital, Martha is not a patient with sufficient mental problems to be interned in the hospital. The NGO sent a letter to the Director of the Committee of Social Welfare (Junta Nacional de Bienestar Social), requesting the Junta to assume their responsibility and provide an adequate placement for Martha. To date, there has been no response to the letter.

In the 1990s particular attention was drawn to the growth in sexual tourism. New laws have been introduced in some countries to try to target the abusers.

Children's rights in focus

1. Sexual tourism

In Honduras, a man from the USA was sentenced to 10 years' imprisonment for sexually abusing two 12-year-old street boys in the northern port town of La Ceiba in August 1996. However, an appeals court very recently cut his sentence to just six years.

The man was caught in his hotel room raping the two little boys. The perpetrator, a special needs teacher of young children, kept an extensive and highly detailed diary that helped lead to his conviction. He bragged about how he had sexually exploited children – including those as young as 7-years-old – in Mexico, the Dominican Republic, Honduras, Brazil and Costa Rica.

2 *Child pornography*

Two American men, a doctor and a dog trainer respectively, were detained in the tourist town of Quepos with hundreds of pornographic photos of at least 38 young girls between 11 and 16 years old “nude and in obscene positions”, according to the national newspaper “La Nacion”. Photographic and video cameras were also confiscated.

Despite the charges against them, the two men are on bail in Costa Rica and, according to reports of neighbours, continue to bring underage girls to their apartments. The underage girls they sexually abused have not received any support from the Costa Rican child support agency, PANI.

iv) Sale, trafficking and abduction (art 35)

The sale, trafficking and abduction of children and young people through organised crime to satisfy adult pleasures continue throughout the world. Sometimes this activity is undertaken to provide babies for childless couples, sometimes it is to satisfy adult’s’ sexual pleasure. In both cases the needs of adults predominate.

In 1998 it was reported that young Mozambican girls were being sold as sex slaves in South Africa, after being enticed into the country with false promises of employment. According to the South African police, hundreds of young Mozambicans were smuggled over the border by this new brand of slave trade in one week. It is not clear how many Mozambicans in all have been enslaved, but the business appears to have been going on since at least 1994. When one trader was arrested the police freed several girls and young women, aged between 13 and 25, who had entered South Africa illegally.

“In 1998 the South African police have revealed other cases involving young Mozambicans of both sexes where children were forced into sexual slavery or obliged to undertake forced labour near Johannesburg. The “slaves” can buy their freedom – in the unlikely event that they have 450 Rand (90 dollars) they can pay it, and will be released (AIM, Johannesburg, February 1999).”

In the UK, the report to the Committee on the Rights of the Child in Geneva from a committee of young people made the following observation:

“We are particularly concerned about the sexual exploitation of children. It is estimated that about one million children in Asia alone are victims of the sex trade.

The number of Nepalese girls forced into sexual slavery in the brothels of India has reached nearly 200,000 and in one town in Kenya some 300 girls below the age of eight are engaged in prostitution.

We believe the register of sex offenders must be made a world-wide document so that all children are protected.”

v) Other forms of exploitation (art 36)

This section includes forms of exploitation which are not explicitly covered in Articles 32-35.

Research to advance scientific knowledge is often conducted by universities, governments and corporate bodies. For those research projects which involve children or young people, they need assurances that they will be protected from exploitation, unacceptable risks, coercion

and harm. In order for that to be guaranteed, the following safeguards should be put in place by external review bodies:

- informed and formal consent by the child or young person only after having the research explained to them
- informed and formal consent by the parent or guardian only after having the research explained to them
- parental consent only not required in cases where children or young people are able to receive services without parental consent [e.g. family planning]
- a clear understanding by the child or young person that refusal to participate is possible even if the parent has already agreed
- a clear understanding by the parent that the child or young person can refuse to participate even if the parent has already agreed
- additional protection for children or young people too young or disabled to make their own decision
- consent scripts and forms in age-appropriate language for the child, signed by both child and parent only after the research project and terms of participation have been fully explained

Children's rights in focus

The following summary of a press release from Casa Alianza, offers one specific example of how babies in Guatemala are allegedly being trafficked.

Woman ordered to return another baby in adoption to birth mother.

The wife 'W' of a Supreme Court Magistrate has been ordered by a Family Court to return a 2 year old girl to her natural mother and to cease adoptions proceedings for the baby.

According to the girl's mother, 'W' had been trying to persuade the husband to coerce his wife to give up the baby for adoption because he could not support their three children. It was also stated that 'W' had offered money to the father. The mother refused but was then threatened by her husband. 'W' continued with the adoption process despite being fully aware that the mother wanted to keep her baby. It was also alleged that 'W', who is under criminal investigation for anomalies in international adoptions, processed the adoption as if the mother was unmarried, knowing full well that she was married. (In adoptions to the US, it is much more complicated for lawyers when the baby has both a mother and father).

The baby suffered more than two years of separation from her mother, who the courts recently allowed to visit her baby just once a week. The baby was held in an adoptions centre, who's legal representative is 'W'. The baby was declared in abandonment by the then 1st Juvenile Judge, who is also under investigation by the Supreme Court for accusations of anomalies in illegal adoptions. The Judge was changed from 1st to 3rd Juvenile judge so that she would no longer manage adoptions.

Casa Alianza has accused the Judge, an adoption association and the lawyer 'W' of collaborating in anomalies in international adoptions, in collaboration with some US adoption agencies.

In September 1997, the Attorney General's Office and Casa Alianza exposed the illegal trafficking of babies in Guatemala and presented 15 criminal accusations against lawyers involved. 'W' accused Casa Alianza/Covenant House Latin America of defamation – a criminal matter in Guatemala.

D Children belonging to a minority or an indigenous group (art 30)

Article 30 is a very important article in terms of children belonging to indigenous groups. It is there to make sure that such children are afforded the same rights and status as other children. At one level it is a political and social policy debate about legislative, administrative, educational, budgetary and social provision but on an individual level it is about children's right to enjoy:

- his or her culture
- to profess and practice his or her own religion
- to use his or her own language

Children's rights in focus

In Aotearoa New Zealand, a social work team based in a public hospital has been instrumental in ensuring that, when Maori children have been admitted to hospital as a result of abuse, the child and his/her family are seen by Maori social workers and receive intervention based on Maori models of practice.

These models of practice observe the following principles

- The well-being of all persons involved in the process is essential in order to achieve a desired result.
- Key members of the Whanau (family) Hapu (extended family) and Iwi (tribe and sub tribe) are involved as participants.
- Decision making is the responsibility of the participants through a 'family group conference' process
- Intervention is based on a model of 'restorative' process which is aimed to determine responsibility and then 'healing' for all participants. This includes the relationship between the abuse perpetrator and the child's whanau with an emphasis on the safety and paramouncy of the child.
- How do these principles differ, if at all, from practice in your country?
- Are there lessons from this approach which would help your practice?
- Are there community groups or indigenous peoples in your country who have insights which could assist social work methods? Are these insights heard and acted on?
- How do social workers respond to indigenous peoples in your country and experience?



5 A MODEL CURRICULUM ON CHILDREN'S RIGHTS

In addition to the material for case discussion presented in each of the sections above, consideration should be given to wider use of the Convention on the Rights of the Child in professional social work training and in training materials for all working in social care.

Specifically social work schools should review their curricula to ensure:

- a) That all social work students understand the UN Convention on the Rights of the Child.
- b) That all students are encouraged to review their country reports to the Committee on the Rights of the Child, and to prepare an independent critique of these reports.
- c) That all students can use the Convention and the case examples in the text to analyse issues for practice at micro, meso and macro levels.

This will require specific teaching on the Convention and its implications.

In keeping with social work values and the principle of empowerment, it is suggested that social work courses should, when addressing the needs of children, work from a children's rights perspective. Courses should therefore cover the following issues:

- Participation in decision making by children and young people.
- Opportunities for children to influence the development of social policy.
- Ways in which children can offer peer support to those who have suffered ill treatment, abuse or neglect.
- The implications of the best interests of the child for individual social work practice and for policy and service development.

In order to ensure that more than lip-service is paid to children's participation rights, it is proposed that social work courses should forge positive partnerships with groups of young people including those previously in public care. This would enable the views of children to be heard immediately in the development of relevant course materials and programmes.

In addition to these materials for social workers, it is important to secure better understanding of applying the Convention in all social work settings. For example, all those working with children in residential settings should be trained in the application of the Convention. This will serve as an added safeguard for this vulnerable group of children and young people.

Training should include listening skills so that staff are able to pick up and understand children's verbal and non-verbal cues. With young children, staff needs to develop expertise in other forms of communication – play, drawing, music and play-acting for example.

Curriculum suggestion

Children's Rights Curriculum: Promoting the Well-Being of Children, Families and Communities through the UN Convention on the Rights of the Child

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1) RATIONALE

1999 marks the tenth anniversary of the adoption of the Convention on the Rights of the Child (UNCRC) by the United Nations General Assembly. Since being tabled for signature, the UNCRC has become the most quickly and widely ratified human rights treaty in history. Since coming into force in Canada and most of the provinces in 1991, the Convention has become the touchstone for a series of governmental and non-governmental initiatives to improve the well being of children and youth, their families, and their communities at home and abroad. British Columbia's child and family welfare law, the *Child, Family and Community Service Act*, was drafted to embody the principles of the Convention, particularly best interests of the child, and exemplifies legislative compliance with the provisions of the UNCRC. Initiatives such as the Canadian National Children's Strategy, British Columbia provincial strategies to combat the sexual exploitation of children and youth, and various youth for peace and youth against violence initiatives all have been guided by the principles and/or informed by the provisions of the Convention on the Rights of the Child.

A revised undergraduate curriculum in children's rights, which assists students in understanding the significance of the Convention, the context of initiatives which draw on the UNCRC for inspiration and guidance, and its real and potential application to an array of issues affecting the safety, health and well-being of children would in itself be an important contribution to promoting the Convention by encouraging its use in daily child and youth care practice. It is fitting that the School of Child and Youth Care, University of Victoria, is proposing to refine its child rights curriculum during the United Nations Decade on Human Rights Education.

The School of Child and Youth Care, University of Victoria (SCYC), has played a significant role in many of these initiatives: faculty, staff and students of the School have contributed their knowledge and organizational and advocacy skills to advance the children's rights movement – in partnership with governmental and non-governmental agencies, community agencies and community members, and individual children and youth – not only in British Columbia and the rest of Canada, but in Latin America, Africa, and Southeast Asia. The School of Child and Youth Care, University of Victoria, and the Unit for Research and Education on the UN Convention on the Rights of the Child (URECRC), an action research unit housed in the School dedicated to promoting awareness and fostering research which views issues of child and youth well-being through the lens of the UNCRC, have played a particularly significant role in partnerships with local First Nations to prepare child and youth practitioners, students and researchers to apply and promote the Convention in ways which are sensitive to Aboriginal culture.

Since the SCYC and the British Columbia Ombudsman's Office organized and hosted the *Stronger Children – Stronger Families* conference in 1994, the School has played a major role in such human rights-oriented events as the "*Out From the Shadows International Summit of Sexually Exploited Youth*" (1998), the celebration of the 50th anniversary of the UN Declaration of Human Rights (1998), and *Its About You, Its About Me, Its About Us: Symposium on the UN Convention on the Rights of the Child* (1999).

Many of the individuals who have involved themselves in moving these initiatives forward were first motivated by their exposure to the School's undergraduate curriculum in children's rights. Exposure to this curriculum has also motivated individuals to continue their study and research into child rights and the UNCRC through the Masters and Doctoral levels. Students of children's rights

at the School of Child and Youth Care, University of Victoria, are becoming community leaders in applying and promoting the Convention, and are becoming recognized scholars in the interpretation and application of the principles and provisions of the Convention to a variety of social policy issues, including youth participation in decision-making, developing human rights-based policy responses to child maltreatment and the sexual exploitation of children and youth, the evolution of child and family welfare policy, and curriculum development in the public school system.

The original undergraduate curriculum in children's rights was developed to support and continue the legacy of the 1994 Stronger Children – Stronger Families conference, held at the University of Victoria. Awareness of the Convention as a significant human rights document and its utility as a comprehensive tool in promoting child and youth well being were the primary foci of the curriculum. Community agencies now regularly promote the existence and benefits of the Convention, and child and youth practitioners are commonly involved in facilitating its application to areas of broad general concern such as youth participation, anti-discrimination, combating youth violence, and promoting peace. A revised curriculum would build on this strong base, but would reflect the manner in which the Convention's interpretation and application has matured, and the range of contemporary social issues which would benefit from application and compliance with the Convention.

Drawing from the experience of children, youth and advocates culled from the School's participation in promoting the Convention, from the expertise of community, academic, and non-governmental partners, from documented efforts to monitor compliance with the Convention, and from a growing body of scholarly literature, a revised curriculum would examine and explain the Convention's utility in addressing some of the most pressing social issues of the day. Viewed through the Convention's primary principles of best interests of the child, anti-discrimination, healthy development, and meaningful participation, the curriculum would apply a human rights perspective to topics as diverse as normative development, mental health, physical and psychological safety and well-being, prejudice and discrimination, and macro-economic policy. Students would learn how to apply the Convention in their practice as child and youth care workers to address immediate issues impacting the well-being of children, youth, families and communities such as poverty, the reconnection of historically disadvantaged Aboriginal children to their traditional culture, maltreatment and neglect, child prostitution and pornography, and violence by and against children and youth.

The professional practice of child and youth care in British Columbia has experienced a recent opportunity that holds a special challenge for practitioners, students, and the School of Child and Youth Care. The broadening of the range of professionals qualified for delegated child protection authority under the provincial Child, Family and Community Service Act will challenge child and youth care educators and students to find strategies for infusing their practice with the principles of their profession and the Convention while fulfilling a legislative mandate which sometimes seems not to be fully in the best interests of the child. A revised undergraduate child rights curriculum in the School of Child and Youth Care, University of Victoria will assist students and practitioners in formulating strategies to meet these new challenges which are informed by human rights principles.

2) COURSE DESCRIPTION

The undergraduate child rights curriculum would continue to be offered as a one-term elective course at the third-year level. The curriculum would be offered at the University of Vic-

toria, through distance education, at University Colleges, and in human service training programs as an education training module. To facilitate an extensive exchange of ideas, advocacy and promotional strategies, and problem-solving exercises and as well as to facilitate the participation of practitioners and distance education students in the revised curriculum is proposed to be delivered as periodic weekend seminars over the course of the term. It is proposed that, during those terms in which the UNCRC course and the Aboriginal child rights course are both offered, that joint seminar sessions be conducted to optimize the educational benefit to students.

The curriculum would continue to be monitored and evaluated by the established advisory committee. This committee may well benefit from a review of the membership to ensure that expertise in specific contemporary policy issues is represented.

The course would be revised to retain its original, introductory, focus on the general context and application of the UNCRC while offering students more in-depth exposure to the potential for applying the Convention to their specific practice. This exposure would be achieved through learning experiences and activities that challenge the student to strategize problem-solving options for addressing potential issues in the lives of real children, youth and families in real communities. The curriculum would supplement traditional printed course materials with various technology-based modes of content delivery. World Wide Web and CD-ROM technologies would be used to promote interactive learning outside of scheduled seminar periods. The School of Child and Youth Care has also developed a library of videotape resources which draw on child and youth voices to promote rights-based perspectives on youth participation, sexual exploitation, and Aboriginal child well-being, amongst other topics. The revised curriculum could be designated a prerequisite for registration in the graduate course on implementation, monitoring and using the Convention as a tool to affect systemic policy change.

3) LEARNING OBJECTIVES

Upon completion of the course students will:

1. Understand the UN Convention on the Rights of the Child and its place in a Canadian and international human rights context.
2. Understand the role to be played by individuals and an array of governmental, non-governmental and community agencies at international, national, provincial and community levels in promoting, implementing and monitoring compliance with the Convention.
3. Be able to take perspective of a social issue through the lens of the appropriate principle(s) of the Convention, and, be able to marshal the appropriate provision(s) of the Convention in problem-solving a response or resolution to immediate issues in the lives of children, youth, families and communities.
4. Be able to synthesize and apply knowledge, information, and analytical skills gained in the course through their own practice with children, youth, families and communities.



APPENDIX 1 UN CONVENTION ON THE RIGHTS OF THE CHILD

(Full text of the Convention on the Rights of the Child)

The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. It entered into force 2 September 1990, in accordance with article 49.

Preamble

The States Parties to the present 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 fundamental group 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 the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

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, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 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 article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”,

Recalling the provisions of the 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; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties 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 family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with 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.

Article 4

States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and 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, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her 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 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.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
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 the 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 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her 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. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. 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. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties 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, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (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 production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services 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.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
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 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is 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 legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties 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 or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

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

2. States Parties 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 or her 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 of the present article 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 or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, 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 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties 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 her 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 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account 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 27

1. States Parties 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. States Parties, 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.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation 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 29

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 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 principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties 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. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties 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. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant provisions of other international instruments, 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;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

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

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

Article 38

1. States Parties 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 shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best inter-

est of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

- (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

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

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.



APPENDIX 2 USEFUL WEB SITES AND PUBLICATIONS

Some useful web-sites in addition to www.ifsw.org

CRIN – Child Rights Information Network
www.crin.org/

Casa Alianza
www.casa-alianza.org

Defence for Children International
www.defence-for-children.org/

ECPAT – Ending Child Prostitution, Pornography and Trafficking
www.ecpat.net

Focal Point on Sexual Exploitation of Children
www.focalpointngo.org/

International Federation of Red Cross and Red Crescent Societies
www.ifrc.org

International Labour Organisation
www.ilo.org

International Save the Children Alliance
www.savethechildren.net

International Social Service
www.iss-ssi.org/index.htm

La Voix de l'Enfant
www.perso.club-internet.fr/lavde/accueil.html

NGO-Group for the Convention on the Rights of the Child
www.crin.org/NGOGroupforCRC/

UNICEF – United Nations Children's Fund
www.unicef.org/

UNHCHR – Office of the High Commissioner for Human Rights
www.unhchr.ch/

UNHCR – UN High Commissioner for Refugees
www.unhcr.ch

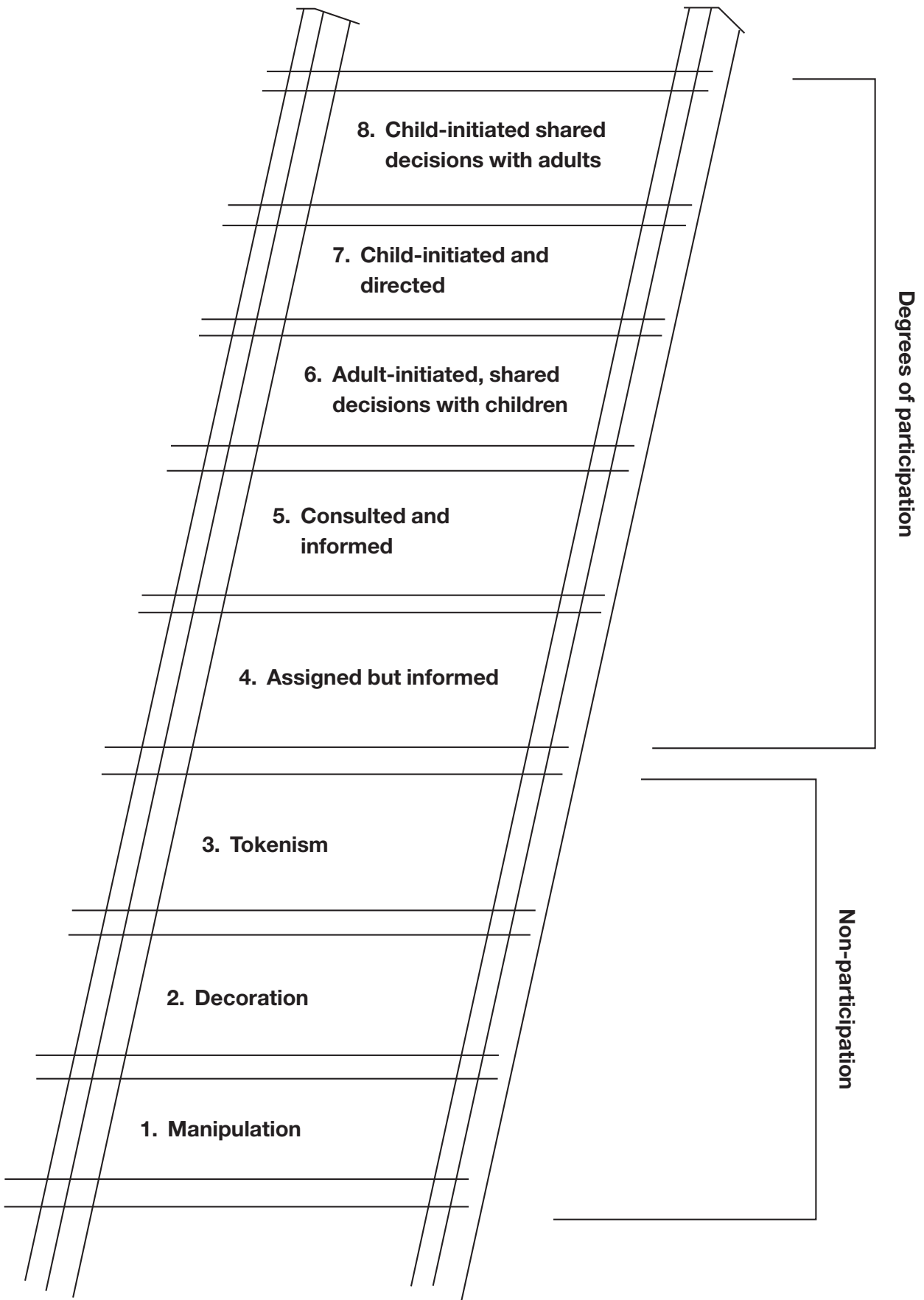
Useful IFSW Publications

Human Rights and Social Work – A Professional Training Manual
The Ethics of Social Work – Principles and Standards
The Definition of Social Work
Policy Statement on Human Rights

For a list of useful publications see the NGO Group's Guide to Networking at
www.crin.org/NGOGroupforCRC/

APPENDIX 3

THE LADDER OF PARTICIPATION



Eight levels of young people's participation in project

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Social Work and the Rights of the Child

A Professional Training Manual on the UN Convention

This manual provides stimulation and guidance to social workers, social work students and educators, as well as colleagues in related fields, who wish to live up to the high ideals of the United Nations Convention on the Rights of the Child and to implement them in their work with children.

The manual is taking you through the Convention step by step, looking at how it can be used in day to day social work practice.

A number of case examples from around the globe address the diverse needs and rights of children from different ages, backgrounds and personal circumstances.

The manual is published by the International Federation of Social Workers (IFSW), uniting professional social work organisations in 77 countries with more than 490`000 members.

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Published 2002 by the

International Federation of Social Workers

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ISBN 3-9522396-0-7