



Australian Children's Rights News

Newsletter of the Australian Section of Defence for Children International

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A small voice at the UN...

Kirsten Hagon was a Youth Representative on Australia's Delegation to the 56th Session of the United Nations General Assembly and the General Assembly Special Session on Children



Eleanor Roosevelt said that human rights “carry no weight unless the people know them, unless the people understand them, unless the people demand that they be lived”. How can we ever demand that human rights be lived, if so many have no voice?

My role for the last few months of 2001 was precisely about this. About providing a voice for an enormous demographic, and extremely vulnerable section of society, but a group generally ignored - youth. This was the focus of my role as the Australian Youth Representative to the UN General Assembly.

What is a Youth Representative?

For the last three years the Australian government has sent a young Australian to New York as part of the Australian delegation to the UN General Assembly. The position is open to all Australian youth, the UN definition of youth being 15 to 24, while children are those under 18. The Youth Representative is chosen by the Australian United Nations Youth Association (“UNYA”) who originally proposed that the position be created, in conjunction with past Youth Representatives and other youth organisation representatives. The Youth Representative spends approximately 8 weeks as a fully accredited member of the Australian Delegation to the United Nations General Assembly in New York.

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President's comments:

The events and continuing revelations of the past few months in relation to the abuse of power concerning the treatment of and allegations against asylum seekers and the treatment of sexual abuse victims by the Governor-General are extraordinary and very disturbing. They are disturbing because of their implications for public trust in the democratic process and the lack of moral leadership at the highest levels of government in Australia. They also indicate a blatant disregard for the rights of children – both in detention centres and in the care of other powerful institutions like the church.

Whatever finally emerges from further inquiries into the spiralling claims and counter-claims about who knew, and when they knew, that the claims about asylum seekers throwing their children overboard last October were false, it is clear that many people in senior positions did know. It is also obvious that they did not or were not able to correct information given to the public over a four-week period before the Federal election. It appears that others, in even more senior positions, made no attempt to find out the truth or went to extraordinary lengths to avoid learning the truth. It appears that truth also has now become a “non-core” promise.

The false allegations that asylum seekers were prepared to risk the lives of their children by throwing them overboard in October 2001 were followed several months later by further false allegations that others had “sewn their children’s lips together”. Both were portrayed by the government and the Prime Minister as attempts to exert moral blackmail on the government. The Prime Minister used these claims to say very clearly that he – and by presumption, the Australian people – did not want people “like that” here. This was part of an orchestrated campaign to vilify asylum seekers and to cast them as ‘other’, not deserving of compassion or

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even of hearing their stories, for political expedience and electoral gain.

Even the language used –“illegal immigrants” and “queue jumpers” – denies their right to seek refuge, rights they are entitled to exercise under international laws. It is used to justify locking these people - including children - into detention centres and treating them as prisoners.

While the government has wrongly and immorally accused their parents and families of physical abuse (sewing their lips together) and endangering their children’s lives (throwing them overboard), it has done nothing about the real systemic abuses they suffer. Worse still, it is the Australian government that is responsible for these abuses. Australia is the only country which has a policy of mandatory detention for asylum seekers, including children, with no limit on the period of detention. The Human Rights and Equal Opportunity Commission has already pointed to the breaches of the UN Convention on the Rights of the Child in Australia’s treatment of child refugees and asylum seekers. These include the failure to provide appropriate education, recreational facilities, and to protect their mental health and prevent their exposure to violence.

What message are we sending to these often traumatised children by locking them up for indeterminate periods? With what effect on their long-term development?

Even worse, while it can be argued that the government has a duty of care for all children in detention centres, the Minister for Immigration is the guardian of and has parental responsibility for unaccompanied minors. How does the Minister meet his responsibilities in this regard when he locks these children and young people in detention centres managed by private for-profit contracted companies? How can the government, falsely or otherwise, accuse parents of abuse when they have more power to change the situation for these children and yet they fail to do anything about the systems abuse and neglect they perpetrate?

The evidence of the appalling treatment of these traumatised people has become even clearer recently with the ‘leaking’ of videos from the Curtin Detention

Centre and by professionals formerly employed there speaking-out despite silencing conditions in their contract with the U.S. based private prison company that our government is paying to do its dirty work.

Despite its cavalier approach to making defamatory allegations against people unable to defend themselves, the government is extremely sensitive to criticism. The media have been excluded from close quarters at Woomera so that these abuses are less obvious to the public. And the government is clearly not keen to allow Mary Robinson or her representatives to have free access to the detention centres to satisfy themselves that there are no breaches of human rights.

It is not a matter of not wanting people like the asylum seekers in our country. It is that we do not want a government like this managing our country. The operative word here is ‘managing’ not ‘leading’. Moral leadership is clearly lacking on both sides of Parliament. Indeed Bob Brown stands out from the pack for his early and continuing, consistent criticism.

As citizens who are ashamed of our government’s policy failures and cover-ups and the light it is casting on us all overseas, many people are seeking or finding ways to protest. We also need to ask our state government departments what they have been doing to negotiate alternative arrangements for children at risk of harm in detention centres and to ensure appropriate processes to inquire into abuses in these centres and in church and other institutions.

The submissions to the HREOC Inquiry, which are now becoming available, provide compelling evidence of the abuses these children are suffering, the incapacity of their parents to parent under these conditions, and of the utter failure of the Commonwealth Government to act with humanity.

It’s DCI renewal time again!

Please be prompt and help us start the new financial year on a healthy footing.

They are based in the Third Committee which deals with humanitarian and social issues.

The Youth Representative is predominately responsible for providing a youth perspective on issues to be discussed by the Australian Delegation. I also made a statement to the General Assembly, negotiated resolutions (including the Youth Resolution) on behalf of Australia, co-ordinated the drafting and negotiating process for the resolution on the United Nations Decade of Human Rights Education and attempted to persuade other Member States, UN agencies and non governmental organisations (NGOs) of the importance and value of youth participation, particularly having a youth representative.

Why have a Youth Representative?

I wonder how early feminists felt when faced not only with longstanding cultural barriers to involvement in decision making processes, but to the almost debasing question of “why?”, “What is the point in involving you?” “What do you have to offer?” This is how I have on occasion felt when trying to promote the concept of youth participation. The classic example of this failure to involve young people is the UN NGO committee on youth where the chair of the committee is 84 and does not look favorably on involving young people in the committee.

Youth do face particular problems, including discrimination, high levels of unemployment, homelessness, deterioration of their future global environment, prevalence of HIV/AIDS, high levels of suicide, substance abuse and addiction as well as a lack of opportunities to participate in society. These problems affect youth specifically, hence the best solutions can be achieved through involving young people. The longstanding US approach to HIV/AIDS prevention, promoting abstinence as the means of preventing the spread of AIDS fails this test. The young people I consulted with laughed at this unrealistic approach and focussed instead on contraception and other harm minimisation strategies.

Not only is it important to involve young people because they are the experts on the problems facing them, but young people are also an amazing resource, acknowledged by the UN as “key agents for social change, economic development and technological innovation”. Empowering young people by giving *them* the skills to make a difference, and through utilising youth/adult partnerships is a far more sustainable and effective means to promote positive social change.

So how can one young person ever make a difference?

I believe that the hardest battle is getting the “seat at the table”. Once you are in the meeting there is the opportunity to make a difference, but if you are not even in the room you can never make a difference. This is why Non-Governmental Organisations (NGOs) at the UN are so emphatic about the importance of voice, access and participation for civil society in the UN System.

Call for Articles



Australian Children's Rights News depends on the input of members affiliates and subscribers to keep providing you with a wide-ranging and informative update on children's rights issues. Other with a viewpoint on children and young people's rights are also invited to submit.

We are now seeking articles to be considered for the next edition of 2002. Contributions of between 700 and 1500 words are preferred and should be e-mailed with full author details to judycash@nsw.bigpond.net.au

Suggested graphics or photos to accompany the article are most welcome. The closing date for receipt of material is 15 July 2002 however authors should advise the editors as soon as possible if they are planning to submit.

If you have an idea which you would like to discuss, please phone Judy Cashmore 02 9880 2286

Articles published in Australian Children's Rights News may also be placed on the DCI-Australia Website: www.dci-au.org/.

Many people have asked me whether I was actually listened to. In response I can point to phrases in the UN resolution on Programmes and Policies involving Youth and say “I drafted that” and “that was my suggestion” and “that was the Finnish Youth Representative’s suggestion” and “that paragraph was developed by the Youth Representatives together”.

For the first time, Australia co-sponsored the Youth Resolution, which means we will be able to obtain early drafts of the resolution and be invited to join preliminary negotiations next time the resolution is run. Further, I was permitted to make an intervention on the Children’s Item where I questioned the speakers on their children’s participation initiatives. This was an important achievement as while there are a limited number of Youth Representatives at the United Nations, there are no children’s representatives and this lack of representation and involvement is an important issue to be addressed by governments and civil society around the world.

The Youth Representative position is a means of giving other young people a voice. Because the Youth Representative is young, they may be more approachable by other young people and will listen to and take seriously the opinions of other young people. Consultations, both face to face and via the internet, were organised for this specific purpose. I received feedback that the mere existence of these consultations, of someone listening to the opinions of some young people who had never before been listened to by anyone with links to the government, was itself extremely empowering. One young woman had spent time living on the streets, and after attending a consultation, admitted she had many ideas for helping other young people like herself but had never before believed that she might be able to put them into practice. Now for the first time she had been listened to and taken seriously and has since had the courage to get involved in some programmes helping young people like herself.

The presence of an Australian Youth Representative in New York also places an individual in a key lobbying position, perfectly situated to bring together different young people

to discuss how to further mutual goals of greater youth participation at the United Nations. For example, as a result of speaking at a youth symposium organised by the Youth Representatives, I was invited, in co-ordination with a number of young people and organisations interested in youth participation, to submit a proposal to the Committee of NGOs with Consultative Status at the United Nations (CONGO) for a youth advisory council. If this is successful it will enable far greater youth participation at the United Nations and access for young people to the United Nations through the NGO community.

Future Youth Representatives

The Youth Representative position is still relatively new and hence is developing yearly. Certainty is a key factor in creating a successful youth representative position, hence it would be a valuable step forward for the Government to make an ongoing commitment to the existence of the Youth Representative position.

The UN General Assembly is not the only international forum where Youth Representatives may be involved and a policy of youth involvement in all relevant international meetings would demonstrate government dedication to meaningful youth participation in international affairs. Furthermore this policy of youth participation should not be limited to international meetings but should apply to decision making at all levels of government. This includes enabling effective consultations on all matters affecting young people as no one person can ever truly represent youth opinion.

Raising our voices...

At the UN, I witnessed the value of involving civil society in decision making at an international level. Without the very vocal NGO community at the United Nations (by NGOs with consultative status to the UN who have access to meetings) the issue of women’s involvement in a post war government in Afghanistan might never have been discussed. Yet it was impossible for member states to avoid as during my time there, every

second panel discussion was about women's rights in Afghanistan, women at the peace table, women involved in rebuilding Afghanistan and women in peace keeping forces. It became apparent to me that while civil society cannot make the decisions, draft the resolutions or dictate the actions of nations, it can at least have a valuable impact on the agenda of the member states.

Civil society involvement is important in all fora, not just at the United Nations. Involvement of young people is particularly important, as youth is a huge yet vulnerable demographic group, and young people generally have very little voice or opportunities to participate.

Effective and full involvement of young people in all levels of government is unlikely to happen without widespread support from civil society. If we are serious about furthering human rights and about coming up with effective solutions to problems such as youth homelessness, suicide and poverty we need to involve young people in every step of the process, including within the non-government sector.

This is a difficult and challenging step as it means an enormous shift in attitudes towards young people and adopting an entirely new approach to how organisations function, make decisions and approach problems.

I believe the crucial first step is for the NGO community to take youth participation seriously. "*Voice, access and participation*" for civil society and the relevant interest groups needs to be applied to young people as well.

If we as human rights advocates and organisations on the cutting edge of social development don't fight to provide those who need it with a voice, who will?

Applications for the 2002 youth representative position have closed, however if you are interested in learning more about UNYA, the youth representative role, or wish to apply next year, visit: www.unya.asn.au

Research and Promises of Confidentiality to Children - a legal challenge

Professor Patrick Parkinson of the University of Sydney alerts us to a recent decision of the Family Court of Australia. It indicates that research conducted with children under express promises of confidentiality may be protected from subpoena in subsequent legal proceedings.

The case, *T v L*,¹ arose from research conducted by Dr Judy Cashmore, a research psychologist [and 2002 President of DCI-Australia]. It was conducted as part of a research study in which I was the other chief investigator, and under the auspices of the University of Sydney. The research concerns children's participation in making decisions about residence and contact following the breakdown of the parents' relationship. It involved interviews with parents (or at least one parent) and the children. The study design sought to ensure that only families where proceedings were completed were invited to participate. Both children and parents were given express undertakings of confidentiality. A parent had to consent to the children's participation, and the promise of confidentiality was made explicit in this. The Family Court of Australia assisted with the study by mailing out letters outlining the study and inviting families to contact the researchers. The condition of confidentiality was explicit in the cover letter.

Dr Cashmore interviewed Mr T and his children as part of the study, and on the basis of an assurance that no further legal proceedings were contemplated and no subpoenas would be sought. Subsequently, proceedings flared up again, and Mr T issued a subpoena seeking Dr Cashmore's notes and recordings from her interviews. Dr Cashmore, supported by the University of Sydney, resisted the subpoena. In explaining the purpose of the subpoena orally, Mr T indicated that he did not want to breach confidentiality but to gain the benefit of Dr Cashmore's impressions. He made it clear that the subpoena was issued in case something came out of it that may have been of assistance to the Court.

Justice David Collier struck down the subpoena on three grounds. The first was public policy. Justice Collier noted that the consents of both parents and children were given in the face of an acknowledgment of confidentiality. He likened the issue to other cases where public policy has been invoked, such as ongoing police investigations. He went on:

“In this case, I am of the view that if projects of this kind, and I speak of this as a particular project, but I speak more widely of projects of this kind which, if I might say so with respect, are to be encouraged, then it is essential that people who wish to take part in these programs know that there is confidentiality. Equally, and possibly more significantly, it is of vital importance that the researchers know that when they conduct interviews in confidence as part of their research, that the confidentiality that they have set up as the basis of those interviews and the whole of their research cannot be impinged upon by the use of a subpoena in circumstances such as the present case.

I would be satisfied, and find, that on the public policy aspect alone, the subpoena should be struck down.”

Justice Collier went on to consider the second ground, estoppel and/or waiver. Counsel for Dr Cashmore argued that the case was covered by the High Court authority of *Commonwealth of Australia v Verwayen*.² In this case, the plaintiff was injured while serving in the Navy in 1964 in an incident which became known as the Voyager disaster. For many years, the state of the law appeared to be that the survivors had no legal recourse against the Commonwealth; but a decision in 1982 indicated otherwise,³ and the plaintiff was among a number of survivors who began proceedings. He alleged negligence against the Commonwealth. The claim would have been barred by the Statute of Limitations, but the Minister gave written assurances that the Statute would not be pleaded. The original defence of the Commonwealth admitted negligence and did not plead the limitation period so that the only issues were proof of injury and quantum of damages. As a consequence, the plaintiff was given encouragement to continue with the litigation.

However, subsequently the Commonwealth amended its defence, denying the claim and pleading the Statute. In the High Court it was held by a majority that the Commonwealth was estopped from pleading the limitation period. Justices Gaudron and Toohey considered that the Commonwealth had waived its right to rely on the defences either of an absence of duty of care or of limitation. Justices Deane and Dawson concluded that the Commonwealth was estopped from doing so. In the same way, Justice Collier held that it was not open to the husband to change his mind and to say “Well, yes. I said it could be confidential then, but I no longer say it.”

Finally, Justice Collier held that there was a lack of legitimate forensic purpose. He held that it was a “fishing expedition” to subpoena material in case something comes out of it. He also noted that the interviews were conducted for research purposes, not as an assessment for court purposes.

The judgment, albeit given extempore in the course of a trial, suggests that courts will protect bona fide research undertaken with express undertakings of confidentiality. The three grounds were independent grounds, any of which was sufficient to justify striking down the subpoena. The decision should give confidence to researchers in future, who conduct research involving families in conflict.

Footnotes

- 1 Unreported, 12th October 2001, Justice Collier, Parramatta.
- 2 (1990) 170 CLR 394.
- 3 *Groves v The Commonwealth* (1982) 150 CLR 113.

Youth Literacy

The Department of Education, Science and Training has funded the Adult Literacy and Numeracy Australian Research Consortium at Victoria University to describe what happens in youth literacy that leads to success for young people. The consortium invites people in the youth field, for example, managers of programs, teachers, policy-makers or researchers, to respond to their survey at <http://www.staff.vu.edu.au/alnarc/youthliteracy.html> The survey may be completed anonymously. For more information, contact Carolyn Ovens, Victoria University, email: Carolyn.Ovens@vu.edu.au

Children in Shatila

Kate Fennessy, DCI-Australia National Committee Member recalls her time with children and young people as a volunteer at a Lebanon refugee camp.

The muezzin of the mosque that is built on one of the mass graves from the massacre wakes the camp at 3:30 every morning. Shatila refugee camp, home to approximately 15,000 people of whom sixty percent are Palestinian and forty percent are poor Lebanese, Syrians and gypsies. Slowly, shops begin to open; the unstable roller doors attached to bullet scarred and poorly-constructed concrete buildings are loudly pulled up. By 6:30am the camp has sprung to life: women are cleaning the houses, those fortunate men with jobs are heading to work and children are playing in the streets. The thin foam mattresses, on which the majority of the people here sleep, are piled on top of each other and the communal bedroom is turned into a living room. With an average family of 8 people sharing a two-room apartment, personal space is an alien concept.

It is the end of July and another hot summer, similar to that of 1982, is upon the camp. Hastily strung electricity lines criss-cross the alley ways of the camp, illegally connecting houses and shops to an unstable power source outside the camp. In this way, electricity is guaranteed at least a few hours per day and electric fans are the only way in which people can try to cool down. Running water is never guaranteed –while living at the camp, we usually had water 4 days out of 7. Outside, in the street, a fight breaks out and men can be heard screaming obscenities at each other. One is accusing the other of stealing his electricity source.

“In summer time,” Mahmoud Saleh, a 20 year old resident of the camp says, “people are very short tempered. The people always argue about the same three things: electricity, water and rubbish. One just tries to stay out of it.”

His comment underlies the desire of most youth of the camp; that is, to just be able to lead a “normal” life. Just a 15 minute, 500LL (AUS\$0.75) van ride away, young Lebanese of the same age are sitting in the cafes, restaurants and clubs of Ashrafieh, Beirut’s chic area, or are walking along the Corniche beside the Mediterranean, watching other youths their age drive by in BMW’s and other flashy cars. With the Palestinians in Lebanon unable to gain Lebanese citizenship, the Palestinian youth will never be able to equal their Lebanese counterparts. Palestinians are excluded from gaining employment in 73 professions; are unable to buy property; must obtain an entry and exit permit in order to leave the country and return; are provided with no social services (most seriously lacking are health services); are restricted from any pension entitlements; and cannot attend public schools. It is no wonder that the wish of the majority of the Palestinian youth in Shatila and elsewhere in Lebanon, is to be able to leave the country in which they are trapped – “foreigners” with no home country.

Most Lebanese, while publicly vowing support for the struggle of the Palestinians against Israel, would much prefer it if the 350,000 Palestinian refugees in the country somehow just disappeared. The remark of a taxi driver as I left the camp once, when I asked where he wanted me to throw the empty pea pods from the peas he was offering me, sums up this attitude: “Throw them out the window! It’s all rubbish around here. PLO, Syrians, that’s all who live here –they’re all rubbish! Throw them out the window!” Many Lebanese blame the Palestinians for the 15 year civil war that ravaged the country between 1975 and 1990. At the same time, many of the youth of Lebanon do not even realize that there are three Palestinian refugee camps within Beirut city alone. Either way, the Palestinians of Lebanon are ignored.

But they are not willing to be passed over that easily. Nor are they willing to give up or forget their culture and history – if they did, they’d be left with nothing. For the people of Shatila, living at the site of the massacre of 1982, the memories of their relatives haunt and linger.

Many will tell you their memories of those 48 hours in September 1982 and the horrific sight and smell of dead bodies that affronted them on the withdrawal of the militia. The crime of those, mainly women, children and elderly people who were massacred? Being Palestinian.

And so the Palestinian youth, victims of the same “crime”, grasp whatever aspect of their culture they can, and try to spread it as far and wide as possible. Recently, Palestinian film festivals and other cultural events have successfully been held around Lebanon, but the disenfranchised and despairing young of the camps are all too aware that this is not enough. They are keen to learn from the successes and mistakes of the past 53 years; but, the hardest obstacle the children of Shatila face is not to give up.

Mahmoud Abbas (better known as Abu Moujahed), former head of the Popular Committees of the 15 Palestinian refugee camps in Lebanon, and now director of Shatila Child and Youth Center, where I have been volunteering, often proclaims this message to the youth of the Center. The Center’s focus is on keeping the Palestinian culture, but breaking down those barriers causing stagnation and frustration in the Palestinian fight for their return to their homeland. Defying convention, boys and girls work and play together in the Center. Democratic values are taught and practiced through events such as the weekly Center meeting and regular conferences on issues such as the UN Convention on the Rights of the Child, the “child-to-child method” and other issues of importance to the youth of the camps.

The importance of education is stressed – something which is of crucial importance when once considers that the enrollment rate in elementary schools is 91%, while that number drops to 65% for intermediate school and only 35% for secondary school. Many children drop out of school in order to work (often in hazardous jobs) to earn money for the family. Considering that 60% of the residents of the camp live under the poverty line, working children are somewhat

of a necessity for some families, especially those which are headed by only one parent. Most of all, the Youth Center is a venue for the children and youth to escape from the many problems which plague all of their lives, as well as place where they can hopefully work towards a solution to some of them. However, it is keeping up this motivation to take new roads,

find new methods to solving problems and, above all, to not give up, which is the hardest obstacle for all of the children of Shatila and beyond to overcome.

The most important gift a foreigner, whether in Lebanon or abroad, can offer to these children is encouragement and enthusiasm to stay at school, assistance in their studies and, most of all, optimism for the future. In the dismal depths of the refugee camps of Lebanon, optimism and hope for a bright future is (understandably) a rare thing and, as the Palestinian intifada continues, their daily battle to survive is only weighed against their despair for the future.



Geneva.Switzerland.12.Feb.02.- UN High Commissioner for Human Rights and a former child soldier from Sudan plant red hands in Geneva to mark the entry into force of a new UN treaty to stop the use of child soldiers

DCI-Australia Advocacy and Research on Asylum Seekers

As part of our ongoing involvement in the controversy concerning asylum seekers, DCI-Australia has participated in the formulation of various submissions to the HREOC Inquiry. We also responded to the shift in policy announced by the Leader of the Opposition with a call for a more humane and rights respectful approach.

“Dear Mr Crean

On behalf of the Australian Section of Defence for Children International (DCI-A), I would like to urge you to continue and indeed go further in developing a more compassionate policy response to refugees seeking asylum in Australia.

DCI-A is the local section of a global network of expert children’s rights agencies. We are independent of government and use the United Nations Convention on the Rights of the Child as the touchstone for all of our policy positions. We strongly support your statement that “it is just plain wrong to hold innocent children behind razor wire.... Children should be out in the community where they can live more normal lives, get an education, and be protected from some of the horrors many have them have witnessed.” Not only is such treatment inhumane and in breach of our obligations under the Convention on the Rights of the Child, it is also counterproductive in terms of the harsh adverse effects it has on young people who in many cases will be future citizens of this country and in any case are be citizens of the world. More importantly they are people now who deserve and need to be treated with compassion and humanity.

While the indication of a more compassionate stance is welcome and provides at last a positive alternative to the callous government position, we would urge you to go further and advocate the release of families under the supervision of

non-government agencies willing to provide support. separating women and children from other family members is not a constructive solution for already traumatised families. As a matter of principle it puts asylum seeker families in the invidious position of electing for separation from their men folk or “choosing” to stay in detention. As a matter of practice, offering such a “choice” to detainees in Woomera has not met with success precisely for this reason. Also, it must be recalled that some asylum-seeker children only have male family members and thus would be required to separate completely from their kin. Other countries with bigger problems than Australia’s have found better models. So must we!

We would also urge you to challenge and not to use derogatory terms such as “illegal immigrants” and “queue jumpers” language which serves only to encourage racist sentiment and to label people seeking help as ‘other’. This is not part of the ‘fair go’ which Australians are supposedly so keen to pride themselves on.

Finally, and by way of a constructive approach to the current Inquiry into Children in Detention that is being conducted by the Human Rights and Equal Opportunity Commission, we would suggest that the Labor Party seek to introduce an amendment to the *Human Rights and Equal Opportunity Act 1986* to provide the Human Rights Commissioner with the same powers as a Royal Commissioner for the purposes of this Inquiry. The current lack of power to protect witnesses and their identities, to compel evidence, and to override confidentiality agreements is a major concern among community advocates who have been calling for a Royal Commission. Your party’s support for such an amendment would reflect a genuine desire to reveal the truth about the state of immigration detention centres. It would be very telling if the Government were to oppose such an amendment.

Please take a lead, encourage a more humanitarian approach which Australia as a nation can be proud of, and give people a reason to support Labor again.

Yours faithfully

Dr Judy Cashmore

President

Defence for Children International - Australia”

DCI-Australia has also asked children’s organisation across the world for information about their nation’s policies and practices with asylum seekers. Like its Tampa vessel, Norway was quick to reply to us.

“Save the Children Norway is member of the Separated Children in Europe Programme, a co-operation between UNHCR and Save the Children Alliance (SCA).

Please visit the Programmes home page: <http://www.sce.gla.ac.uk/> where you amongst other will find the Statement of good practice. In the Statement, you will find the programmes [and] policy on detention, which also is applicable to other types of asylum seekers than separated children.

In Norway, as well as in Australia, very few asylum seekers arrive “legally”, as it is almost impossible. When they arrive, they are settled in asylum centres but with full access to Norwegian society (education, health etc.) However, the Authorities are seeking to change this as we have many asylum seekers arriving from Eastern Europe.

In the eyes of the Authorities, very few of these have a reason to seek asylum, so what they want to do is to separate those that they call “obviously groundless asylum applicants” in another type of asylum centre where they will live in the short period of time in which their asylum application is being treated and then be returned. In these asylum centres, the people living there will be on a non-integration programme, that is they will have no access to services (education, health etc.) outside the asylum centre.

That asylum applications should be treated faster is all well, however the authorities attempts to speed this up in the past, have never been successful. Therefore, Save the Children Norway is very concerned [about how] this new type of asylum centres will effect the children.

The new types of asylum centres (they have not been established yet) will not “imprison” asylum seekers - they are free to walk in and out, so it’s nothing like down there - but we are still concerned about the children who will live there as we suspect the period of time they will live there will be long.

For more information on Norwegian practice towards child asylum seekers, please see the above-mentioned home page and the assessment of Norway based on the Statement of good practice. Good luck with your big challenges.”

Plan Australia, in conjunction with a number of child focused organisations, held a two day workshop in Melbourne during April. It aimed to strengthen participants’ understandings of how a children’s rights framework can be utilised in development planning and to learn from other organisations on recommended rights-based practices.

Participants addressed the following issues:

1. What is a human/child rights approach to development? The Convention on the Rights of the Child (CROC): its content and implications for policy:
2. Making the Case for Child Centred Development and Child Rights – Moving towards a child rights approach

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The Private Sector as Service Provider - Its Role in Implementing Child Rights

In accordance with rule 75 of its provisional rules of procedures, the Committee on the Rights of the Child periodically decides to devote one day of general discussion to a specific article of the Convention or to a child rights theme.

“The private sector as service provider and its role in implementing Child Rights” is the theme for the next general discussion of the Committee on the Rights of the Child. The discussion will take place on 20 September 2002 during the 31st session of the Committee at the United Nations Office at Geneva. In this context, the private sector encompasses businesses, non-governmental organisations and other private associations, both for profit and non-profit.

The purpose of the general discussions is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific topics. The discussions are public. Government representatives, United Nations human rights mechanisms, as well as United Nations bodies and specialized agencies, non-governmental organisations and individual experts are invited to take part.

The Context: Human Rights Treaty Bodies and Private Actors

The preamble of the Universal Declaration of Human Rights provides some useful guidance, affirming that “*every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for the rights and freedoms...*” Human rights treaty bodies have specifically made reference to the responsibilities of business in the implementation of specific rights in their respective treaties, particularly in general comments.

For instance, General Comment 12 of the Committee on Economic, Social and Cultural Rights (CESCR) on the right to adequate food notes that

“While only States are parties to the Covenant and are thus ultimately accountable for compliance with it, all members of society – individuals, families, local communities, non-governmental organisations civil society organisations, as well as the private business sector – have responsibilities in the realization of the right to adequate food. The State should provide an environment that facilitates implementation of these responsibilities. The private business sector – national and transnational – should pursue its activities within the framework of a code of conduct conducive to respect of the right to adequate food, agreed upon jointly with the Government and civil society.”

CESCR General Comment No. 14 on the right to the highest attainable standard of health (art.12), paras. 35, 36, 39, 42, 51, 55, 56, makes specific reference to the responsibilities of the private sector, noting particularly in para. 42 that

“while only States are parties to the Covenant and thus ultimately accountable for compliance with it, all members of society – individuals, including health professionals, families, local communities, intergovernmental and non-governmental organisations, civil society organisations, as well as the private business sector – have responsibilities regarding the realization of the right to health.”

Other references to the responsibilities of the private sector appear in CESCR General Comment No. 13 on the right to education

(art.13), para. 30; Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) General Recommendation No. 19 on Violence against Women, para. 9; and CEDAW General Recommendation No. 24 on article 12 – women and health, para. 15. Furthermore, the Convention on the Elimination of all Forms of Discrimination against Women spells out in article 2 (e) the obligation of States parties “*To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise.*” A similar obligation is included in the Convention on the Elimination of All Forms of Racial Discrimination, which, in article 2 (d) obliges State parties to “*prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, **group or organisation.***”

The Convention on the Rights of the Child

The Convention on the Rights of the Child enshrines the general principle that

*“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”* (Art. 3 (1))

and that

“state parties shall ensure that 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” (Art.3 (3)).

It thereby establishes the obligation of the State party to set standards in conformity with the Convention and ensure compliance by appropriate monitoring of institutions, services and facilities including of a private nature. Along the same lines, the general principle of non-

discrimination as enshrined in article 2, as well as the right to life and to maximum survival and development (art.6), assume particular importance in the context of the current debate, with the State party equally being obliged to create standards consistent and in conformity with the Convention. Such obligations of the State party are also applicable in the context of article 4.

Furthermore, privatisation measures may have a particular impact on the right to health (art. 24), and the right to education (arts. 28 and 29), and the States parties have an obligation to ensure that privatisation does not threaten accessibility to services on the basis of criteria prohibited under the principle of non-discrimination. With regard to the right to education, general comment 13 of CESCR on the right to education (art.13) warns of possible consequences for private activity in this sector, noting that “*the State has an obligation to ensure that the liberty set out in 13 (4) - the liberty of individuals and bodies to establish and direct educational institutions - does not lead to extreme disparities of educational opportunity for some groups in society.*” Furthermore, article 25 of the Convention on the Rights of the Child specifically calls for a periodic review of the treatment and the circumstances of children who have been placed by the authorities for the purpose of care, protection or treatment of their health, including private facilities, thus establishing obligations for the State party for the setting of standards and monitoring vis-à-vis the private sector.

Finally, it may be interesting to explore the implications of the privatisation of detention centres on the rights of the child in the light of articles 37 and 40 of the Convention.

Aims of the Discussion

The focus of the day of discussion will be on the impact of increasing participation of private sector actors in the provision and funding of state-like functions on the implementation of the Convention of the Rights of the Child. While the Committee is very conscious that the business sector can impact children’s rights in a wide variety of ways, it has chosen to focus on exploring the

various issues emerging from privatisation and the assumption by non-governmental organisations or businesses of traditional state functions, i.e. in the health and the education sector, in the provision of institutional care, legal assistance, treatment of victims etc., given the high relevance of this trend to the Committee.

Despite numerous references to the responsibilities of the States parties to international human rights treaties vis-à-vis private sector activities, a significant element frequently impeding the implementation of rights guaranteed in the Convention is States parties' is a lack of capacity or unwillingness to adopt measures that ensure respect of the provisions of the Convention by actors in the private sphere. The Committee on the Rights of the Child and its wide range of partners clearly have a role to play in facilitating the development of guidelines concerning private actors and the government, for the implementation of the CRC by private actors involved in the provision of services which have traditionally been provided by States parties and which fall within the realm of their obligations under the Convention.

Main Objectives of the Day:

Scope of action of private actors

- To explore different types of public-private partnerships in services of particular relevance to implementation of the CRC, and assess the direct and indirect, and positive and negative impact on the full realization of the rights of the child; Discussions will include, but are not limited to, accessibility, affordability, quality, sustainability, reliability, safety, privacy etc..

Legal obligations

- To specify the obligations of State parties in the context of privatisation and/or private sector funding in terms of positive obligations, ensuring non-

discrimination of access, equitable and affordable access, especially for marginalized groups, as well as assuring quality and sustainability of service provision. Obligations with respect to regulation and monitoring of the activities of the private sector including the observance of a rights-based approach of their service provision will be specified. Finally the availability of remedies for rights holders, i.e. children, will be identified.

- To identify and strengthen awareness of the responsibilities and obligations of private service providers, both for profit as well as not-for profit, under the Convention on the Rights of the Child.

Governance

- To assess the implications of private sector involvement in service provision on governance issues, in particular on participation, accountability, transparency and independence. One key issue is how the increasing role of civil society in providing these services can enhance participation in governance. A second concern is how to maintain and improve accountability and transparency when services are partially or entirely funded by non-state actors. The question of whether private entities involved in service provision, either directly or indirectly, are, or can be made, accountable through the political process, could be addressed.

Models and guidelines

- To identify possible models of implementation for State parties with regard to private actors, and develop guidelines, including standard-setting for private service providers as well as monitoring and regulation by State parties and accountability of organisations in the private sector.

Participation in the Day of General Discussion

United Nations programmes and agencies are always invited to participate in the days of general discussion organised by the Committee on the Rights of the Child. Governments are also invited to attend and encouraged to participate actively. In light of the theme for the forthcoming day of general discussion, representatives of the private sector as well as International Financial Institutions are particularly encouraged to participate. The meeting will be open to the public, with information on participation distributed to United Nations programmes and agencies, NGOs and other interested individuals and organisations.

The meeting will be held during the 31st session of the Committee, at the Office of the High Commissioner for Human Rights (Palais Wilson, Geneva), on Friday, 20 September 2002.

The Committee on the Rights of the Child invites written contributions on the issues and topics mentioned, within the framework outlined above. Contributions should be sent before 28 June 2002 (if possible in electronic version) to:
Secretariat of the Committee on the Rights of the Child
Office of the High Commissioner for Human Rights, UNOG-OHCHR
CH-1211 Geneva 10, Switzerland
e-mail: klucke.hchr@unog.ch or
khemmerich.hchr@unog.ch or
bmajekodunmi.hchr@unog.ch or
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Young People's Art Exhibition

The annual YPArtE is coming up in October 2002 and aims to help young people who are isolated physically, mentally or geographically. The exhibition offers a forum for displaying both the creative work as well as the life experience of these young people. For information, contact D. Spence, Centre for Adolescent Health, 2 Gatehouse St, Parkville Victoria 3052; Tel: (03) 9345 6457; fax: (03) 9345 6502; web site: www.copas.net.au/cah/

No More Secrets : Donor Conception and Adoption

Sarah Armstrong is the Senior Manager of the Post Adoption Resource Centre (PARC), a service of The Benevolent Society. PARC has long involved itself in the debate on donor conception and sees many links between adoption and donor conception for all parties.

We have seen much in the media in recent months on the subject of donor conception and the secrecy vs openness debate. Should donors be identified? Should the numbers of children born as a result of a particular donor be restricted and tracked? Should children/ young adults born as a result of donor conception have the right to find out the identity of the donor and even have the option to meet them? What are the implications for the child's sense of identity and for the way they see their role within their family? What about the father that raised them – a non-biological relative but their father nonetheless. And the other father, the shadowy donor dad – can he have feelings for the child he may never see and will certainly never raise?

Complicated? Certainly, but not new. A decade ago we were experiencing similar fiery debate on the issue of rights to adoption information for adoptees and birth parents, which led to legislation broadly favouring openness across the Australian states. In NSW, the *Adoption Information Act* (1990) gave the right to contact each other and many thousands of reunions have occurred as a result. The fears of a threat to privacy, held by some sections of the community were largely without foundation. No person has been prosecuted for breaching the terms of a contact veto, for example, and the vast majority of birth relatives are respectful of the other party's situation, not wishing to cause distress.

There is much literature on the reasons for adoptees choosing to seek out, or consent to contact with, their birth relatives. Their identity

has shown itself to be made up partly by their upbringing within the adoptive family, partly by their own sense of who they are, but is also contributed to by their heredity – the genes that made them, the history of their birth parents. No person is entirely the product of their environment, convenient as that would be.

The experience of adoptees and donor offspring are different, but there are many parallels. Donor offspring are raised by one biological parent and are likely to see themselves reflected in that parent. They will hopefully know of their origins and will have some understanding of the process and how decisions were made. The reality is, however, that secrecy has been all too tempting for many families due to the anonymous donor system, the lack of access to records in most clinics and society's attitudes.

We've seen all this before. Adoptive parents were, from the 1970's, told that they must inform their adopted child of their origins. Yet, at PARC we frequently talk to adoptees from that period and earlier decades about their recent discovery that they were adopted. The impact of this discovery varies from the troubling to the earth-shattering. The late discovery of adoption has resulted in family breakdown, broken relationships, depression, anger and has a 'knock-on' effect for the adoptee's subsequent relationships. What's the point of trusting anyone if your own parents can lie to you about something as basic as who you are?

In a recent newspaper article, a young donor offspring, Geraldine Hewitt, talked about her need to know her donor and her family's struggle to get the clinic to release identifying information to her. In that same article, a nurse from the Royal Hospital for Women's fertility clinic said that parents of donor conceived children should have some options around secrecy as it can be more damaging to the child to have "distressing" or "unpleasant" information than to have no information at all. I fear that anybody watching me read this article would have seen my jaw hanging open in an ungainly manner. Has nothing been learnt from adoption and the damage caused by secrecy?

Workers in adoptions have worked since the 1980's to ensure that, wherever possible, there is ongoing contact between adopted children and their birth family. Open adoption means that, at a minimum, children can ask about the family that gave birth to them and many children come to know this family in an ongoing way. The NSW Department of Community Service's Post Order Support Service and those workers in similar roles in the private adoption agencies, spend the majority of their time working with adoptive and birth families on contact issues and in supporting adopted children to ask questions and cope with the answers they receive.

Yes, some of this information can be difficult or distressing, but agencies and families are surely there to be responsible for caring for children and supporting them to be able to talk about and live with information that is *theirs*. The other option is secrecy, with its inherent risks of discovery and its intention to deceive.

Children born as a result of reproductive technology are children who were desperately wanted by their parents. These couples would probably have had years of trying to conceive, would have experienced the pain of acknowledging their infertility, followed by extended periods of medical intervention. These are parents for whom their child is a blessing. Any difficult information that needs to be given to the child, therefore, has the backdrop of two loving parents and a history of care.

There is clear evidence that such information, if withheld, is considerably more difficult to deal with when the person to whom it pertains is in shock and believe their family to have deliberately kept the truth from them. The information then has a power of its own.

Difficult information given to children in these situations can be gently and skilfully related. Their parent's infertility is not an ugly issue; it is a fact and shows the strength of their parents to face difficulties and not succumb to them. Ignorance and secrecy do not provide such good role-modelling.

The debate about donors rages on. The donating of sperm, with its plethora of jokes and ribald comments, can no longer be something done repeatedly without thought and with no long-term consequences. Young donor offspring want to know that records of their donor have been maintained and that the clinic will be able to tell them the identity of their donor once they become an adult. They also want to know that clinics are able to put some restrictions on the numbers of children born as a result of each donor, therefore limiting the potential number of half siblings walking about in their community. These are real issues for this group of young Australians and, as such, they must be listened to.

Where clinics do require donors to be identified, as is the case in some private clinics, and in Victoria where there is a mandatory register for donors, there has not been the predicted rapid decline of donations. Western Australia also maintains a register, though the release of information has not been legislated, and South Australia and NSW are struggling to establish similar provisions. In Sweden, clinics have to keep identifying information which can be released to the young person when they reach the age of 18. Here too, the numbers of donors coming forward have not fallen.

Donors, it seems, are not put off by records being maintained or even the possibility of contact. They often donate for altruistic reasons and do feel a sense of interest and perhaps even some responsibility for the children born from their genes. This sense of responsibility is shared by those who have knowledge of the impact of being raised in a family coloured by adoption, permanent care or, we now know, donor conception. We can have the benefit of hindsight and can say with authority that when secrets are maintained, nobody wins.

You can contact PARC at PO Box 239 Bondi NSW 2026,
Tel (02) 9365 3444; Fax (02)9365 3666 or
email : sarahb@bensoc.asn.au

DCI Launches Social Legal Defence Centre Programme

Eight DCI Sections and Associate Members in Albania, Bangladesh, Bolivia, Colombia, Ghana, Former Yugoslav Republic of Macedonia, Sri Lanka and Uganda, in co-ordination with the International Secretariat of DCI, have received a grant from the Dutch Government to set up social and legal defence centres for children and adolescents and to strengthen local initiatives, which respect children's rights in least developed and developing nations.

The focus of these centres will be empowering children and adolescents with information about their rights. They will provide direct legal aid and representation, information and social support and implement the Convention of the Rights of the Child on a local level. The centres will reach out to street children, children in prison, child soldiers, and children suffering from gender related violations. In addition to legal advice and representation, the Centres will provide information and expert advice to a broad audience including lawyers, other professionals such as social workers, probation officers, educators, non-government organisations and government officials including the Ministries of Social Affairs and Education working with children.

DCI will assist these groups in integrating children's rights and non-discrimination policies into their programmes and by fighting landmark cases that will set a precedent to change these policies and procedures. When necessary, these cases will be fought in the local courts and will be taken to the Supreme Court in order to give teeth to the Convention on the Rights of the Child and relevant International Standards concerning children. They will also work to increase awareness of and commitment to children's rights in the general community.

The global programme has been designed on the basis of experiences of DCI Sections and Associate Members in giving social and legal aid to children. The first four centres commenced in February in Colombia, Former Yugoslav Republic of Macedonia, Sri Lanka and Uganda. These pilot projects will be used as a model for the creation of additional centres in each region. Four more centres will be established in January 2003 in Bolivia, Albania, Bangladesh and Ghana.

For more information, contact: The DCI International Secretariat: dci-is@tiscalinet.ch

Access to Fertility Services - Misconceiving Children's Rights

Danny Sandor is 2002 Secretary of DCI - Australia. A fuller critique of these issues is found in his paper 'No Mr Muehlenberg, There's No Sex With Labradors' available at <http://dci-au.org/muehlenberg.pdf>

On 18 April 2002, the High Court handed down its long awaited decision in the *McBain* case, which concerned the access of a single woman, Ms Leesa Meldrum, to infertility treatment services.¹ Dr McBain had initiated a challenge in December 1999 to the *Infertility Treatment Act* 1995 (Vic.) requirement that to be eligible to undergo infertility treatment a woman must either be married and living with her husband on a genuine domestic basis or be living with a man in a de facto relationship.²

The First Decision

The case came before Justice Sundberg of the Federal Court of Australia with four respondents to Dr McBain's application: the State of Victoria, the Minister for Health of the State of Victoria, the Infertility Treatment Authority and the prospective patient Ms Lisa Meldrum. None of them argued against Dr McBain.

Although all Australian Attorneys-General were given notice of the proceedings, none of them, including the Commonwealth Attorney-General, elected to intervene and become a party to the proceedings.

The Australian Catholic Bishops Conference and the Australian Episcopal Conference of the Roman Catholic Church originally sought to become parties so as to oppose Dr McBain's application but chose not to press their application. They were allowed by the Judge to participate as non-party *amici curiae* - "friends of the court" - so that he Judge could hear a contrary position to that which was advanced by Dr McBain.

The Catholic organisations' arguments included claims about children's rights and interests.

On 28 July 2000, Justice Sundberg decided that the Victorian Act's exclusion of other women (such as single heterosexual women and lesbians) is inconsistent with the *Sex Discrimination Act* 1984 (Cth) and that constitutionally, the Commonwealth law prevails rendering the State restrictions invalid.

His Honour determined the issue without finding it necessary to consider children's rights arguments. He said:

"19. Section 8 of the State Act provides that a woman's marital status, namely her status as a married woman or one living in a de facto relationship, is an essential requirement for the availability of a treatment procedure. Section 22 of the Commonwealth Act makes it unlawful for a person to refuse to provide services to another on the ground of the latter's marital status. That is what s 8 requires a provider of infertility treatment to do. It requires the applicant to treat Ms Meldrum less favourably than a married woman or one in a de facto relationship. It is not possible for the applicant to obey both s 8 and s 22. The sections are directly inconsistent, and the former is inoperative to that extent. The Full Court of the Supreme Court of South Australia came to that conclusion with respect to a provision of the Reproductive Technology Act 1988 (SA) that is somewhat similar to s 8: Pearce v South Australian Health Commission (1996) 66 SASR 486."

None of the parties sought to appeal the decision so normally, that would be the end of litigation in the case. But it wasn't.

The Attorney-General Helps The Church To Complain

The Catholic organisations were unhappy with Justice Sundberg's ruling and in October 2000, they applied in their own right to the High Court to quash his decision. Real doubts arose as to whether they had the legal capacity to do so. In order to overcome this uncertainty, in August 2001, the Commonwealth Attorney-General chose to lend the Australian Episcopal Conference his fiat - a legal device which allows a non-party to take up a legal case in the name of the Attorney. It began the second set of High Court proceedings later that month.

The grant of the fiat was a peculiar decision to say the least in light of the unwillingness of the Catholic organisations and the Commonwealth Attorney-General to pursue party status in the original proceedings. It was also at odds with the Commonwealth Government's legal advice. A year before the grant of the fiat, the Prime Minister on 1 August 2000 had issued a press release stating that:

*"Cabinet had before it advice from both the Solicitor General and the Chief General Counsel. Both were of the view that the decision of the Federal Court in the McBain case represented a correct interpretation of the law and that, as a consequence, the chances of an appeal succeeding were quite remote."*³

The High Court's judgments focussed on whether it should have heard the arguments about the case at all. Even the Justices who found or assumed for the purposes of argument that the case was properly before them decided they would not grant the discretionary remedy of quashing the original ruling. An important public policy consideration was that Justice Sundberg's decision had been relied upon. As pointed out by Justice McHugh:

"[T]he declaration made by Sundberg J authorises IVF treatment for single women. It also effectively prevents the prosecution of persons providing IVF treatment to single women. Convictions for breaches of the

*Infertility Treatment Act can result in penalties of up to four years imprisonment. If his Honour's order were quashed, persons who acted in good faith on the basis of that order would now find themselves exposed to the risk of prosecution."*⁴

Thus, in the end result, the High Court considered it did not need to determine whether Justice Sundberg was correct and his decision remains the current law.

Does a Children's Rights Argument Apply?

Because the High Court judgments did not come to deal with the crux of the case, we do not know what views they formed of so-called "children's rights" arguments that were put by the Catholic organisations both to Justice Sundberg and to the High Court. University of Melbourne scholar Kristen Walker has summarised their position in this way:

*"The Church asserted that the Declaration on the Rights of the Child (DRC), the Convention on the Rights of the Child (CRC), the International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) recognise the right of a child to be born into a family consisting of a male and female parent. Counsel for the Church conceded that there is no express recognition of such a right, but argued that this right was assumed by the treaties on which he relied. For example, the DRC provides that a child "shall wherever possible, grow up in the care and under the responsibility of his parents". Article 5 of the CRC states that States parties shall respect the "responsibilities, rights and duties of parents". Both the ICCPR and the ICESCR recognise that the family is the fundamental unit of society and is entitled to protection and assistance. The Church contended that the implication of these provisions was that a child has a right to grow up with two parents, male and female."*⁵

Leaving aside the organisations' weird assumption that a "child" merely in contemplation has rights, her international law critique rebuffs the organisations' assertions:⁶

"The most relevant provision in the CRC is Art 7, which provides that a child shall have the right "as far as possible, to know and be cared for by his or her parents" (emphasis added). This statement does not require that a child be born into a family consisting of a mother and a father. It provides no definition of who constitute a child's parents; nor does it require that a child's parents be of particular genders. It does not preclude the recognition of a lesbian couple as a child's parents. Given that most societies recognise parenting of children to whom the parents are not biologically related (through adoption and step-parenting, for example), there is no basis for restricting the term "parents" in the international instruments to "biological parents".

There is little jurisprudence on the meaning of "parents" in international human rights law. However, the South African Constitutional Court has cautioned against a narrow interpretation of the term "family" in international human rights instruments:

"The importance of the family unit for society is recognised in the international human rights instruments referred to above when they state that the family is the 'natural' and 'fundamental' unit of our society. However, families come in many shapes and sizes. The definition of the family also changes as social practices and traditions change. In recognising the importance of the family, we must take care not to entrench particular forms of family at the expense of other forms."

This reasoning would extend to the interpretation of the term "parents" in international instruments.

Further, the right of a child to know and be cared for by his or her parents, protected by

Art 7, is to be respected "as far as possible" — it is not an absolute right and may be departed from where necessary. Thus, where it is not feasible for a child to be cared for by both (or all) his parents, then that outcome is not required.

In addition, Art 2 of the CRC provides that the rights enumerated in the treaty are to be ensured without any discrimination, including discrimination on the basis of the child's or his parent's sex or other status. This would include sexual orientation and marital status. Finally, the CRC recognises that a child "should grow up in a family environment in an atmosphere of happiness, love and understanding". This accords with the social science research ... that demonstrates that what is important in childhood development is the family environment in which a child grows up, not the family structure or sexuality of his or her parents. "

Nor do the Catholic organisations' claims find support in domestic law. Looking to what they could rely upon, the closest would be section 60B of the *Family Law Act 1975* (Cth) but children's rights in this provision are clearly qualified by the best interests principle:

"60B(1) The object of this Part is to ensure that children receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.

*60B(2) The principles underlying these objects are that, **except when it is or would be contrary to a child's best interests:***

(a) children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together; ... (emphasis added)

Furthermore, it was conceded by the present Attorney-General who personally appeared in *B and B: Family Law Act 1995*, and held in that appeal case by the Full Court of the Family Court

of Australia, that “the rights given to children under section 60B are not rights which are legally enforceable”.⁷

The Next Instalment

In the wake of the High Court’s decision, the Commonwealth Government intends to reintroduce a bill that lapsed before the last election. It wants to amend the *Sex Discrimination Act* 1984 with the aim of preventing a future ruling such as Justice Sundberg’s. The amendment would only allow - not require - States and Territories to legislate for marital status restrictions in access to fertility service. It would then be up to individual States and Territories to enact restrictions.

The Government has claimed “children’s rights” as its motivation for a “better not to be born” policy that seeks to prevent certain categories of women conceiving the “children” whose rights are said to be in issue. All on the basis of blanket prejudicial assumptions about single heterosexual women and lesbians.⁸ Perverse logic, and especially galling when one looks to the vast array of children’s rights reforms for those already born that are continually ignored by the Howard Government.

On the particular subject of reproductive technology, children’s rights to knowledge about their identity should be the focus of attention, not the marital status or sexual orientation of would-be parents. DCI-Australia’s position is that irrespective of with whom children are raised, whether they are adopted or are conceived as a result of assisted reproduction services, children generally want to know who their biological parents are, and they need information about their medical history and genetic inheritance.

Despite its purported concern in this field, we have not seen the Commonwealth take a lead role in standardising such children’s rights matters across Australia.⁹ It could do so either by the attempt to establish model legislation across jurisdictions through the Standing Committee of Attorneys-General or by Commonwealth legislation in reliance upon Australia’s ratification of the Convention on the Rights of the Child.

In a positive contrast, the Commonwealth shadow Attorney-General has called for a national approach on access to fertility treatment when announcing opposition to the mooted amendment bill.¹⁰

Looking to broader children’s rights issues, the Commonwealth Government continues to show no interest whatsoever. Remember the 1997 *Seen and Heard Report*¹¹ and the well and truly overdue expectation of a response? If the Government was ever going to act on the Commissions’ recommendations, its plans seem to have been aborted.

Footnotes

1 *Re McBain* [2002] HCA 16 available at http://www.austlii.edu.au/au/cases/cth/high_ct/2002/16.html.

2 *McBain v State of Victoria* (2000) 99 FCR 116 also available at http://www.austlii.edu.au/au/cases/cth/federal_ct/2000/1009.html.

3 Press Release, Amendment to Sex Discrimination Act, Office of the Prime Minister, 1 August 2000 (Appendix 5 to *Senate Legal and Constitutional Committee Inquiry into the Provisions of the Sex Discrimination Amendment Bill (No.1) 2000* available at http://www.aph.gov.au/senate/committee/legcon_ctte/sexdisreport/Contents.htm).

4 Justice McHugh in *Re McBain* at paragraph 118.

5 K. Walker (2000) ‘1950s Family Values v Human Rights: In Vitro Fertilisation, Donor Insemination and Sexuality in Victoria’ Vol. 11 *Public Law Review* 292 at 295.

6 Walker note 5 above at 296-7. Emphasis in the original. Footnotes in the original were 26-31 and have been omitted here.

7 The Full Court of the Family Court of Australia (Nicholson CJ, Fogarty and Lindenmayer JJ) *B and B: Family Law Reform Act 1995* (1997) FLC ¶92-755 at par 10.57.

8 J. Millbank (2002) *Meet the Parents: A Review of the Research on Lesbian and Gay Families*, The Gay and Lesbian Rights Lobby (NSW) Inc, Sydney, is a comprehensive synthesis of social science research spanning more than 30 studies undertaken in the past 24 years, covering more than 1000 children. See also the critical review of social science research concerning single parent families discussed in Walker note 5 above. These reviews provide no empirical basis for assuming bad parenting or outcomes for children. See also D. Otto (2000) ‘Wrongly counter-posing women’s and children’s rights: the debate over limiting access to reproductive technologies’ No. 27 *Australian Children’s Rights News*, 24.

9 “The Australian Health Ethics Committee in 1996 strongly recommended the passage of comprehensive and complementary legislation in all States and Territories dealing with this issue. The National Health and Medical Research Council’s Ethical guidelines on assisted reproductive technology state that children born from the use of assisted reproductive services should have access to information, including identifying information, about their biological parents. This recommendation has not been followed up. In fact, legislation in some States prevents disclosure of identifying information about donors, although access may be permitted to non-identifying genetic information about the donor, for example for health reasons.”: K. del Villar (2001) *Bills Digest No. 24 2000-01 Sex Discrimination Amendment Bill (No. 1) 2000* available at <http://www.aph.gov.au/library/pubs/bd/2000-01/01BD024.htm>.

10 C. Banham ‘Threat to fertility rights after court win’ 19 April 2002, *The Sydney Morning Herald*.

11 Australian Law Reform Commission/Human Rights and Equal Opportunity Commission (1997) *Seen and Heard*, ALRC, Sydney.

Child Labour

UNESCO LAUNCHES ITS STRATEGY TO SUPPORT EDUCATION IN AFGHANISTAN

In its support to education in Afghanistan, UNESCO will promote universal primary education especially for girls, the expansion of primary schooling with access to secondary education. This is outlined in the UNESCO Support Strategy for Educational Reconstruction in Afghanistan. The massive task of reconstructing the country's education system will be phased. Key urgent issues such as needs assessment and strengthening capacity of the education ministries will be addressed immediately and a Medium Term Plan will be developed for the period 2002-2006.

SECOND ANNIVERSARY PUSHES EDUCATION AGENDA

Two years after the world promised to provide free, quality education for all, children, teachers, and activists in over 80 countries were back on the streets, in schools, and in front of government officials demanding the right to education. There has also been a "Children's Drawing Competition" as a joint activity with the GCE and UNESCO. Over 12 million people all over the world showed their solidarity in a series of activities taking place from April 22-28 as part of the Global Action Week for Education organised by the Global Campaign for Education (GCE). As a worldwide coalition of developmental NGOs and teachers' unions, GCE has been playing a major role in recent years, gathering support and sustaining political will on the issue of education.

Children around the world have been drawing on the theme of "What I Want to Be, When I Grow Up." Selected drawings will be presented at the UN Special Session on Children in New

York during May 8-10. Report Cards will be distributed for the public to express their opinions on how their governments are performing to meet the Education for All goals. The Global Action Week (GAW) represented a high point in grassroots mobilisation to pressure the governments of developing countries to prepare the National Education Plans required under the Dakar Framework of Action.

Just shortly before the GAW, a major breakthrough was made in Washington to add to the demands for free education. Finance and development ministers meeting at the World Bank-IMF Spring Meetings endorsed a new action plan for achieving universal primary education. The plan sets out a framework for rich countries to channel money to developing countries with sound education policies, enabling them to provide free basic education to all their children. It proposes fast-tracking an initial group of countries to receive immediate support.

In 2000, 155 governments committed to provide education for all no later than 2015 under the Dakar Framework for Action. Yet, the 88 poorest countries are likely to miss the 2015 deadline unless dramatic efforts are made. For a further group of children, school fees block them from a basic education. Girls account for two thirds of 125 million children out of school. One in four adults in the developing world - almost 900 million people - cannot read or write.

Despite a number of meetings, reports and consultations in the last two years, the world still faces a gap of US\$9 billion each year in financing for education, while only two cents of every aid dollar is going to education. The recent World Bank decision must not also remain an empty promise, and civil society leaders are raising their voices exactly for that, during the GAW and beyond.

New Anti-Torture Protocol

A crucial vote on a new treaty to prevent torture took place on 22 April 2002 at the UN Commission on Human Rights (the Commission). The Commission voted in favour of an important new instrument - the draft Optional Protocol to the UN Convention against Torture. This new treaty aims to help states to implement their existing obligations under the Convention against Torture to prevent torture in places of detention, such as police stations, prisons, and psychiatric institutions.

What is this new treaty?

The draft Optional Protocol will establish an international sub-committee of independent experts enabled to visit any place of detention under the jurisdiction of a state which ratifies this protocol “whenever necessary and without prior consent” in order to monitor the treatment and conditions of detention of the persons deprived of their liberty. On the basis of these visits, the international sub-committee will make recommendations to the state concerned to assist it in effectively fulfilling its obligation to prevent torture and ill-treatment. It also requires the States parties to create or maintain domestic visiting mechanisms, having access, without prior consent, to any place of detention with the same objective: to make recommendations to prevent the torture and ill-treatment of people deprived of their liberty.

Why was this vote at the Commission on Human Rights important?

Despite the creation and adoption of international and regional instruments prohibiting torture and ill-treatment in absolute terms, these violations are still being perpetrated in many countries around the world. These abuses most often occur in places of detention either to extract confessions or information, or to intimidate; these abuses are particularly common where training and discipline of officials is not effective. Negotiations have taken place for the past ten years to draft a treaty to create an international body of experts to carry out visits to places of detention to help prevent torture. The vote at the Commission to approve the draft new treaty was the first step in making this practical method of preventing torture a reality. It is an innovation as this new treaty will focus on preventing torture - whereas other international methods of dealing with torture (such as the Committee against Torture, the Special Rapporteur on torture, and international and domestic prosecutions for torture) address acts of torture after they have been committed. In the words of the former Special Rapporteur on torture, Mr Kooijmans, this preventive mechanism will be “the final stone in the edifice which the United National has built in their campaign against torture” [E/CN.4/1991/17]

Do visits to places of detention really prevent torture and ill-treatment?

Visits to places of detention have already proved to be an effective means to prevent torture and ill-treatment. On the European level, the European Committee for the Prevention of Torture, a body which has visited places of detention in 41 of the 43 States members of the Council of Europe, has showed the preventive value of its visits and recommendations. The text of the proposed new treaty will now be considered by the Economic and Social Council and the General Assembly later this year. With the approval of these bodies, it will become a fully formalised treaty and open to states for ratification. It will enter into force after 20 states have ratified it.

Extracted from: Amnesty International News Release 23 April 2002

Conferences

Mabo Ten Years On:

Small Step or Giant Leap

3 June, 2002, 12:30pm

Queen's Hall, Parliament House Spring Street, Melbourne

A Public Lecture by Senator Aden Ridgeway, Deputy Leader of the Australian Democrats and the nation's first Indigenous politician to hold a federal political leadership position

Ten years ago to the day, the High Court handed down its landmark judgement. It set in motion the new legal regime recognising native title, it prompted calls for social justice for indigenous peoples, and it elevated public debate of Aboriginal issues on all fronts. But what has been its legacy? Where are the issues of indigenous land rights, human rights, social and economic security today? Is the rhetoric of reconciliation any closer to reality? These are the themes that Senator Ridgeway will explore in this lecture.

Inquiries: The Castan Centre for Human Rights Law: Kay Magnani Tel: (03) 9905 3327; Email: kay.magnani@law.monash.edu.au

2002 Bill of Rights Conference

21 June, 2002

NSW Parliament House Theatre, Macquarie St, Sydney, Australia

Following its successful Forum on Bills of Rights held in November 2001 and its Bill of Rights Roundtable held in 2002, the Gilbert & Tobin Centre of Public Law will hold a major conference on Bill of Rights issues. The conference is being jointly organised with the Australian Human Rights Centre at the Faculty of Law, University of New South Wales. This event will mark an important point in the ongoing debate over an Australian Bill of Rights, and more generally on questions about legal protection for human rights in Australia. Speakers include: Attorney General Daryl

Williams; Shadow Attorney General Robert McClelland; Democrats Attorney General Spokesperson Senator Brian Greig; Justice Sir Kenneth Keith of the New Zealand Court of Appeal; Dr Sev Ozdowski, Human Rights Commissioner; Professor Larissa Behrendt of the Jumbunna Indigenous House of Learning at UTS; Professor Hilary Charlesworth, ANU and Chair of the ACT Bill of Rights Inquiry; The Hon. Elizabeth Evatt and Bret Walker SC, President of the NSW Bar Association.

For further information, registration, or to receive the full conference brochure please email gtcentre@unsw.edu.au, contact Belinda McDonald on Tel: (02) 9385 2257 or visit www.gtcentre.unsw.edu.au

What Works?! Evidence Based Practice in Child and Family Services

2 - 4 September 2002

Swiss Grand Hotel, Bondi Beach Sydney, Australia.

Co-hosted by the Association of Childrens Welfare Agencies, in conjunction with the National Association for the Prevention of Child Abuse and Neglect and the Child and Family Welfare Association of Australia, the conference aims to showcase best practice initiatives and to create an impetus for change and development towards improving services for children, young people and families.

For more information contact: ACWA 2002 Conference, c/- PO Box 4023 Pitt Town NSW 2756, Australia; Tel (02) 4572 3079 Fax: (02) 4572 3972; Email: sharyn@mob.com.au

The Role of Schools in Crime Prevention

30 September - 1 October 2002

Carlton Crest Hotel, Melbourne, Australia

The Australian Institute of Criminology in conjunction with The Department of Education, Employment and Training and Crime Prevention Victoria aims to provide and opportunity for practitioners, researchers and policymakers involved with the prevention of anti-social behaviour and crime in schools to discuss the incidence and types of these activities.

Particular emphasis will be placed on preventative strategies and pro-active programs. The conference will include major topics such as:

- Bullying in schools.
- Student code of conduct.
- Vulnerable groups.
- School/community partnerships.
- Regional and rural issues.

For further information about the program and submitting an abstract contact Marianne James
Tel: 02 6260 9242;

Email: Marianne.James@aic.gov.au

Forging the Links

26 - 31 October 2002 Melbourne Convention Centre, Melbourne Australia

XVIth Congress of the International Association of Youth and Family Judges and Magistrates

Every four years, the IAYFJM holds an international congress to assemble people from all disciplines over the world who are active in the protection of youth and the family to consider issues which fall within the realm of family courts and youth courts. The central theme of the 2002 congress is "Forging the Links."

The structure of the legal system into which children, youth and families may be thrust has long been the subject of international debate. To some, the system appears fragmented and impossibly complex. In many jurisdictions, debates rage over the lack of a co-ordinated, accessible and timely delivery of child protection, juvenile and family law. We have much to learn and think about from each other and this congress seeks to provide the opportunity to forge the links:

- Between courts of many nations making judicial decisions on the same issues.
- Between courts and the communities in which they serve.
- Between agencies working in and around the courts.

For more information contact The Meeting Planners, 91 – 97 Islington Street Collingwood Victoria Australia 3066. Tel: + 61 (0)3 9417 0888 Fax: + 61 (0)3 9417 0899

Email: youthandfamily@meetingplanners.com.au
Website: www.youthandfamily2002.com

1st International Congress on Child Migration

28 - 31 October 2002

New Orleans, U.S.A

The Child Migrants Trust, the International Association of Former Child Migrants and their Families (IAFCM&F) and Nottinghamshire County Council invite you to attend and submit proposals for papers, workshops, exhibitions and poster presentations at the 1st International Congress on Child Migration a multi-disciplinary, multi-professional, International event.

The Congress welcomes interdisciplinary perspectives which consider Child Migration within the contexts of Child Welfare, Childhood Development, Mental Health, Human Rights, Slavery, Refugees, Personal Identity, Secondary and Historical Abuse. Congress Topics include:

- Personal Identity & Nationhood.
- Childhood Abuse & Adult Development.
- Policy & Professional Ethics.
- Human Rights.
- Displacement & Reconnection.
- Past Lessons & Present Practices.
- Separation, Loss & Mourning.
- The Media as Change Agents.
- Guilt of Nations & Reconciliation.

For further information visit the Child Migrants Trust website at:

www.nottsec.gov.uk/child_migrants/congress/Index.htm

15th International Congress

The International Association for Child and Adolescent Psychiatry and Allied Professions

29 October - 2 November 2002

New Delhi, India

This congress, held for the first time in South East Asia, provides a forum for presenting original unpublished research results, practical experiences, and innovative ideas related to the mental health of children and adolescents.

Free papers and symposium proposals are solicited and should be sent to the Secretariat.

For further information contact

Email: secretariat@childindia.org

Website: www.childindia.org

Publications

Educational Attainment and Labour Market Outcomes - Factors Affecting Boys and Their Status in Relation to Girls

The document reports on the outcomes of a symposium funded by the Commonwealth Department of Education, Training and Youth Affairs and organised by the Australian Institute of Political Science.

The focus was on the educational performance and attainment of males, on the broader labour market outcomes and the pedagogy of educating males.

It examined the empirical evidence of the differences and similarities in the educational performance of boys and girls in school, in TAFE, and universities, and how these differences and similarities have changed over time. Available at http://www.dest.gov.au/highered/otherpub/educ_attainment/overview.htm

You can now receive the quarterly ECPAT International Newsletter on line. Past issues, as well as the current issue, are available in three languages:

English: <http://www.ecpat.net/eng/news/>

French: <http://www.ecpat.net/fr/news/>

Spanish: <http://www.ecpat.net/es/news/>

ECPAT can also provide email notification of the current issue in three languages: notification includes a brief summary of each article, as well as active links to the online newsletter.

To subscribe to the notification service, please send an email to: newsletter-request@ecpat.net with 'SUBSCRIBE' in the body of the message.

Human Rights Watch World Report 2002

This is now online. To view the chapter on Children's Rights, please take a look on the following website: <http://www.hrw.org/wr2k2/children.html>

The Society for the Protection of the Rights of the Child, a DCI Associate Member, produces a newsletter that includes children's rights issues in Pakistan and information on the organisation's lobbying, campaigning and awareness activities. Child labour is one of the issues addressed. Given the prominent commitment of Pakistan to the IPEC Time-Bound Programme, the newsletter is a precious information tool. For further information, please contact Masroor M. Giliani at email: sparc@isb.sdnpk.org

Youth Development Strategy

The New Zealand Government Ministry of Home Affairs publication is "about how government and society can support young women and men aged 12 to 24 years inclusive to develop the skills and attitudes they need to take part positively in society, now and in the future."

You can download it at:

<http://www.youthaffairs.govt.nz/sec.cfm?i=20>

Child Labour in the Informal Economy: from Individual Working Children to a National Plan.

The Consortium for Street Children UK/Anti-Slavery International report is based on a 1999 workshop entitled Child Labour in the Informal Urban Sector, organised by the Consortium for Street Children, UK and Anti-Slavery International and funded by the UK Department for International Development.

The report includes issues discussed at the workshop, such as factors behind child labour and collaboration with international donors. NGOs' experiences on programmes for the improvement of working conditions and the promotion of alternative forms of work for children were discussed in the workshop and are analysed in the report. These were specific to three countries: Ecuador, Mexico and Peru.

For a free electronic copy of the report, please contact Marie Wernham, Consortium for Street Children: cscuk@gn.apc.org

The Paramount Consideration

A new paper by Family Court Judge and DCI-Australia Advisory Board Member Justice Richard Chisholm explores the meaning and application of the most fundamental principle of all in children's matters: that the child's best interests must be regarded as the paramount consideration.

Does the principle mean that the court makes whatever orders it thinks will be best for the child? He argues that the cases speak with a forked tongue. Two distinct views are identified, which he calls the strong and the weak views and he examines the extent to which one or other view can be preferred having regard to (i) the language of the principle; (ii) the relevant High Court decisions, or (iii) the nature of the decision to be made.

He then considers the application of the principle since the Family Law Reform Act 1995 (Cth), which provides that it specifically applies to some decisions and not to others. If the paramount consideration principle is regarded as the ground on which children's law is built, the strong and the weak views may be seen as tectonic plates: mostly unnoticed, but at times, and in some situations, tending to cause eruptions and wreak havoc with the structures built on them. He suggests that relocation cases can perhaps be seen as the San Andreas Fault of children's law. The paper is at:

<http://www.familycourt.gov.au/papers/html/chisholm.html>

More Websites !

www.dsf.org.au/nyc

Introducing the National Youth Commitment Website! During 1999, a collaborative partnership involving education, employment, training providers, government and community agencies evolved in the City of Whittlesea, Victoria. Since then 10 other regions across Australia, working with ECEF and DSF, have created unique partnerships to implement National Youth Commitment projects. The key goals of a national Youth Commitment are to provide access for all young people with particular support for early school leavers or those facing other disadvantages to obtain Year 12 or its equivalent, or obtain a full time job which is linked to education/training. Visit the new website to: find out more about the National Youth Commitment, share in the Regions' stories, contact those involved, access practical information and resources, or join the Youth Commitment Online Community.

www.antislavery.org

This website offers useful information on child trafficking, by providing definitions of the phenomenon, details on research projects, human rights instruments, reports and photographs.

Research into Children in Prisons

On 1 March 2001 DCI-Netherlands started a research programme in order to record and highlight violations of the rights of the children whilst in detention, institutions, prisons and other facilities. The study consists of national surveys in different countries organised around a standard questionnaire administered worldwide. The project is supported by Plan International, The Netherlands. After Katharina Tomasevski's book "Children in adult prisons" (London, 1986), this research study is the second DCI-study, which focuses on children in prisons. The study is divided into two phases. Initially, relevant literature etc. was identified and reviewed along with an examination of key actors involved with children in institutions. Experts (individuals as well as international organisations) were approached to create a network. An international expert meeting took place 22 and 23 February 2002 in Amsterdam, where some study results and recommendations were discussed (see INJJ Newsletter No.11). During this meeting much discussion focussed on the dilemma of working towards the improvement of the prison conditions or concentrating on the overall avoidance of children in prisons. Around 25 countries will be and partly have already been reviewed (i.e. Albania, Kyrgyz Republic, Pakistan, Mauritius, The Netherlands) in relation to aspects such as: the existing legislation of the respective country, minor detainees in national prison systems and in specific juvenile institutions, conditions of housing, food, hygiene, health, education recreation, disciplinary systems, At the end of the second phase, a report will contain recommendations for steps that need to be taken by the various actors involved with children in institutions in order to improve the living conditions of detained children.

The Study will be finalised in September 2002. For more information, contact DCI-Netherlands: dcj-nl@wxs.nl

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\$55,000 - \$75,000 pa.	\$85	pa
over \$75,000 pa.	\$115	pa

OR you can simply subscribe to our newsletters:

Australian Children's Rights News	NGO	\$35	pa
	Govt	\$60	pa
DCI Geneva Newsletter	NGO	\$35	pa
	Govt	\$60	pa

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Melbourne VIC 3001

Websites

The Human Rights and Equal Opportunity Commission has created some new mailing lists, collapsing some of the old lists, and generally improving the information service it provides by e-mail. To join any address on these mailing lists send a blank e-mail (no text in the body of the message) to:

ALL HREOC STATEMENTS:

join-priority@list.humanrights.gov.au

CHILDREN & YOUTH:

join-children_youth@list.humanrights.gov.au

COMPLAINTS & LEGAL:

join-complaints_legal@list.humanrights.gov.au

DISABILITY RIGHTS UPDATE:

join-drupdate@list.humanrights.gov.au

HUMAN RIGHTS:

join-humanrights@list.humanrights.gov.au

HUMAN RIGHTS AWARDS UPDATE:

join-hrwards@list.humanrights.gov.au

HUMAN RIGHTS EDUCATION:

join-hreducation@list.humanrights.gov.au

INDIGENOUS:

join-indigenous@list.humanrights.gov.au

RACIAL DISCRIMINATION:

join-racediscrim@list.humanrights.gov.au

SEX DISCRIMINATION:

join-sexdiscrim@list.humanrights.gov.au

For more information on HREOC Mailing Lists, visit: **www.humanrights.gov.au/ mailing_lists/index.html**

or e-mail:

webfeedback@humanrights.gov.au

www.allafrica.com/children

Last minute news (in English and French) on issues concerning children's rights and conditions throughout the African continent.

www.hsph.harvard.edu/gallery/intro.html

This is an online photograph gallery of 21 pictures on working children around the globe, which is entitled "Stolen Dreams". It also contains comments by author David Parker.