



Australian Children's Rights News

Newsletter of the Australian Section of Defence for Children International

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The National Human Rights Register

by Liz Curran



Injustice is relatively easy to bear; what stings is justice. H.L. Mencken

The Melbourne Catholic Commission for Justice, Development and Peace (CCJD&P) has been operating the National Human Rights Register for three years. It is launched each year by Sir Ronald Wilson and is made up of contributions from non government organisations (NGOs) all over Australia that fill out information sheets on positive and negative developments in domestic human rights. These are posted in the Register thereby serving the purpose as an audit.

The Register is currently being compiled in preparation for the launch of the 2001 Register and NGOs are encouraged to request the forms from our office so that they can be completed and posted in the register. The Register is divided into sections for the Federal jurisdiction and sections for each of the State and Territory jurisdictions.

The idea for the Register emerged after concerns were raised in 1997 by NGOs in Victoria, about the number of changes in government policy and legislation that were affecting persons in Australia. NGOs raised concerns that there was no ongoing audit in Australia on the ways in which human rights developments were affecting people on the ground. The CCJD&P decided to fill this void by establishing the Register. It has one full time employee and one part time employee and relies on volunteers, the process has been designed to be as simple and non labor-intensive as possible.

The CCJD&P is a public policy body only and does not handle individual cases. It believes that instances where human rights are upheld or denied need to be articulated so that governments can be aware of the impact of

'The Australian Section of Defence for Children International has been an active contributor to the Register and without such NGO support the Register would not have been as comprehensive in its coverage of the human rights of children and young people.'

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President's comment:

It is a pleasure to devote this President's column to a spree of congratulations and other bouquets within the DCI-Australia fold.

June Wangmann's receipt of a New South Wales Children's Week 2000 Award has to head the list. To the great pride of June's friends, family, and colleagues it was awarded in recognition of her outstanding contribution to the welfare and rights of young children. It is a mission she has pursued through her work in academia, the public service and DCI - Australia where she has served as its Vice-President and was the author of our 1998 discussion paper on a national Commissioner for Children and Young People.

Recognition of June's dedication is overdue and I'm sure that I speak for all members, affiliates and subscribers in saying that we salute her commitment to a segment of the children's rights field that is too often overlooked or seen as contentious.

Next on the Honour Roll is a hitherto more invisible figure - the volunteer webmaster for DCI - Australia's website, Mr. Chris Cody of "Web Enter". He is also the webmaster for the Family Court of Australia site which won the "Best Court Website" award in a hotly contested competition conducted by the Australian Institute of Judicial Administration.

The DCI-Australia site was entered in the Community Legal Sector category. Although it wasn't the winner (congratulations to the Tenants Union of Victoria) feedback from the broad-based judging panel said:

"The site was one of the favourites in the category of Community Sector Legal sites. We thought it was well focused with good community education material. The material was up to date and the site provided opportunities for feedback and interaction with users, e.g. message board, search facility, good links to other reference sources and useful range of current materials in an important area."

Chris is already working voluntarily with National Committee members on planning another rights-focussed internet service by DCI-Australia which we hope to unveil in the coming year.

Looking to the international scene, we all owe a debt of gratitude to Helen Bayes for stepping into the breach and taking up a role with the International Secretariat of DCI in Geneva until the end of the year while staffing structures are being redeveloped. The measure of respect in which Helen is held by the International Executive Council of DCI is an accolade to the Australian Section as a whole. We wish her luck in helping to achieve a strengthened central administration for our international organisation.

The gap left by Helen's departure has had to be covered by the National Office volunteers in Canberra. They rallied to meet the demands that followed-on from

Defence for Children International - Australia
GPO Box 3131
Canberra ACT 2601
Phone: (02) 6257 6422
Fax: (02) 62576722
Email: dci-aust@dynamite.com.au
Web: <http://members.dynamite.com.au/dci-aust>

Patron: **Phillip Adams AO**

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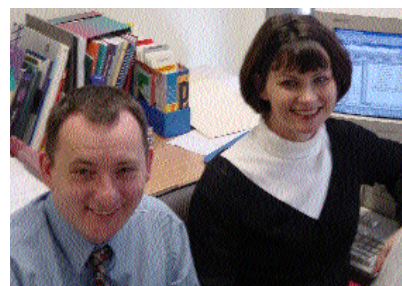
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Helen's departure. Thank you to Penny Cohen and Helen Mattick, and also to Sophia Carson who recently took up the role of Treasurer.

Finally, changing hats as co-editor of this final edition of Australian Children's Rights News for 2000, I would like to acknowledge my colleague Karen Overman who kindly and skillfully volunteered to lay out this edition and thereby kept the demanding circuit of preparation within the one city. Together with Penny and the authors, we hope we have brought you a Newsletter which helps everyone to think in new ways about the rights of children and young people.

Danny Sandor

Chris Cody of
Web Enter and
Karen Overman
of the Family
Court of
Australia lend a
hand for DCI



from page 1

their policies and legislation at a grass roots level. In addition, bodies such as the United Nations Committees, Amnesty and the Human Rights and Equal Opportunity Commission which are vested with the responsibility of monitoring Australia's compliance with human rights can receive the Register which forms an independent and alternative view point to the official and often formal rather than substantive response of governments.

The Australian Section of Defence for Children International has been an active contributor to the Register and without such NGO support the Register would not have been as comprehensive in its coverage of the human rights of children and young people. Key entries in relation to young people have included:

- the over policing of young people
- the curtailment of young people's access to public space
- the impact of mandatory sentencing of young people
- the condition of police lock-ups and the lack of legal aid for child representatives in family law cases and
- the access of young people to appropriate levels of care when they are placed under State guardianship.

In this year's Register for the period 1 May 1999 -12 May 2000 there were 259 entries once duplicated entries were taken out. 6.9% were positive and 90.3% were negative human rights developments. 2.3% of entries had a positive and a negative element. The 2000 Register would seem to suggest that there has been a retreat from human rights in comparison with earlier years. The key areas where most concerns were raised were in the areas of mandatory sentencing, racial discrimination against Aboriginal people, the treatment of asylum seekers and refugees and the rights of persons with a disability. In addition, there was a serious concern raised by NGOs about Australia's dismissal of comments by a number of United Nations Committees.

Of the entries received so far for the 2001 Register, NGOs are concerned about the Australian government's proposals for reform of the United Nations Committee system which may see individual compliants to United Nations Committees compromised, reduce the scrutiny of Australia's human rights performance, reduce the voice of NGOs at the United Nations (in the CCJDP's view, this is not consistent with democratic ideals) and

reduce Australia's credibility on the world stage in matters concerning human rights.

Government and its institutions must make decisions in a manner that respects human rights and the dignity of citizens and must act consistently with the international conventions it has signed and ratified. Otherwise, the act of ratifying becomes merely "window dressing". Governments must also seek to promote, advance and protect human rights for the common good and have a special responsibility to those who are disadvantaged.

It is the view of the CCJD&P that governments, statutory bodies, business communities, community organisations, associations and individuals cannot allow the trend of a retreat from human rights revealed in the last Register to continue, otherwise we demean ourselves as a nation.

Individuals and groups within society have an obligation to pursue not only their own interests but also the interests of all. The Register can ensure that the voices of Australia's most marginalised people are heard. Often the general community is unaware of the treatment that minorities can experience and is complacent within its own comfort zones. NGOs working on the ground are uniquely placed to reveal the cases both good and bad where human rights are most challenged. NGOs work with the poor, the marginalised and those who are often vulnerable.

The CCJDP encourages NGOs who have not as yet submitted to the Register to consider making a contribution. While much of the material in the Register can be confronting we need to ensure that the Commonwealth, State and Territory Governments and their governing and administrative bodies are obliged to safeguard and promote the common good, as well as the good of society's component parts. The state has a positive and active role to play in society, including in the economy, to promote and ensure that all people are dealt with fairly and have equal opportunities in life

It is hoped that with the information in the information in the Register, governments and the public they represent will be better armed to ensure that their policies do not impact negatively on the human rights and enable action to be taken which works to remedy unintended human rights breaches.

Liz Curran, Executive Officer, Catholic Commission for Justice Development and Peace, an Affiliate of DCI-Australia. For more information about the Register or to receive copies of the Information Sheets for completion please phone Genevieve on (03) 99265710.

Boot camp gets the boot

During the height of the mandatory sentencing furore in February this year, a full page spread in the Courier Mail newspaper announced that a boot camp was going to operate in Queensland. It was funded to the tune of \$3m and expecting to attract corporate support. This project had the personal approval of the Prime Minister.

The camp was going to take young men who were deemed to be at risk of suicide, drug abuse and sexual exploitation. They would be signed up for two years. They would learn bush skills at 'Hell Hole' bush camp for three months, live on a farm for nine months and then return to the city to work under supervision for a further 12 months.

The project was heartily endorsed by the Premier and Queensland's Chief Justice who seemed just itching to find a way to formally include the boot camp as an option at the Court face. No talk about civil rights, exclusion from society or outmoded rambo-like impositions on troubled young people.

But as fortune would have it, in August, the Courier Mail reported that the 'military style youth programme' had gone into liquidation following a lack of corporate financial support. An inadvertent victory for modernity, human rights and young people!

**Kerry Walker DCI - Australia National
Committee Member**

New Human Rights Commissioner for Australia

On 31 October it was announced that Dr Sev Ozdowski AM has been appointed Human Rights Commissioner and Acting Disability Discrimination Commissioner. Dr Ozdowski succeeds former Human Rights Commissioner Mr Chris Sidoti whose term expired in August.

Since 1996, Dr. Ozdowski has been the Chief Executive of the Office of Multicultural and International Affairs, Department of Premier and Cabinet South Australia. He previously held various positions in the Department of Prime Minister and Cabinet.

Professor Alice Tay, President of the Human Rights & Equal Opportunity Commission has welcomed the announcement saying:

"Dr Ozdowski brings wide-ranging experience in many areas of human rights - in race relations, multicultural affairs, human rights law, community relations and education ... His background as an eminent sociologist will also contribute enormously to the broader work of the Commission."

DCI-Australia looks forward to learning of Dr Ozdowski's view of his new role in advancing the rights of children and young people.

Human rights 'change over' in January

Professor Ivan Shearer, who will replace Justice Elizabeth Evatt as an Australian member of the United Nations Human Rights Committee in Geneva in January, has responded to UNAA's request for regular contact with him.

In a letter to UNAA National President, Professor Margaret Reynolds, he says:

"I appreciate very much that the United Nations Association of Australia looks forward to working with me. I value the work of the Association highly and I shall be very happy to have regular contact with it. The work of the Human Rights Committee is immensely important and I am very conscious of the responsibilities membership involves. I shall do my best in that respect, and

also to make the work of the Committee better known in Australia".

Professor Shearer, of the Sydney University Law School, is currently a visiting professor in the Stockton Chair of International Law at the US Naval War College in Newport Rhode Island for the academic year 2000-2001.

Justice Elizabeth Evatt will continue to be a member of the Human Rights Committee until the end of the this year. Another session of the Committee will be held in Geneva in November.

**For more information, call UNAA President
Margaret Reynolds 0418 181 843
e-mail: margaret.reynolds@bigpond.com**

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Guidelines for representing children

DCI-Australia Vice President Dr Judy Cashmore reports on newly released expectations about how lawyers work with young clients.

“...these principles will help to challenge the dangerous view that the Children’s Court is a place for beginners, and that the child client deserves little more than basic competency. These principles set a high standard, and I hope other agencies and professional bodies will use them as a starting point for the standards to be adopted by a lawyer representing a child.

This first edition represents hours of consultation, redrafting, refinement, and more consultation. But there is much more to do. Later editions will hopefully provide more commentary, and more guidance for the lawyer representing children in specific situations. The Children’s Legal Issues Committee welcomes your comments and your ideas for the next issue.

In our courts and tribunals, children sometimes tragically have no one to trust. The competent lawyer often represents the final opportunity for a child for the right to be heard. Adherence to these principles will ensure that that last chance is not squandered, and that all children and young people entering our justice system can at least count on their lawyers to do the right thing.”

**DCI-Australia Member Michael Antrum,
Chair of the Law Society of NSW Children’s
Legal Issues Committee**

After 12 months of consultation and refinement, the peak legal body in NSW, the Law Society of NSW, has released the first edition of *Representation Principles - a Guide for Children’s Lawyers*. In the *Seen and Heard* Report, the Human Rights and Equal Opportunity Commission and the Australian Law Reform Commission recommended that standards should be developed to guide lawyers representing children. The principles are an important first step and are intended to be a working document to be revised and expanded as a result of further consultation with lawyers, other professionals and children and young people.

The principles were developed by the Law Society’s Children’s Legal Issues Committee, chaired by

Michael Antrum, a former director of the National Children’s and Youth Law Centre. The Committee believes that the Principles will be incomplete if they fail to take into account feedback from the clients and hopes to gain valuable insights from talking to children and young people about their understanding of the lawyer’s role, what they expect of their lawyers and whether their expectations were met.

The aim of the principles is to help lawyers overcome any confusion in determining what their relationship should be with a child they have been retained, or appointed, to represent. They will assist lawyers to communicate more effectively with children and represent a useful - perhaps even essential - tool for lawyers with children as clients in family, care, civil and criminal matters. They do not fully resolve the difficult issue of determining whether the child is capable of giving instructions but clearly state that the child’s willingness to participate and ability to communicate should guide the practitioner rather than any assessment of the ‘good judgment’ or level of maturity of the child.

In response to the criticisms voiced by children in the *Seen and Heard* report, the guidelines also specify that the legal representative must see the child and meet sufficiently often and in circumstances which are comfortable and convenient for the child and allow the lawyer to develop and maintain the lawyer-client relationship. They also indicate the lawyer has a duty of confidentiality to the child whether acting as a direct representative or as a best interests representative.

The Law Society aims to promote the Principles widely to the profession and other State Law Societies and Bar Associations, law schools, legal assistance providers, and other agencies, community and professional bodies. The Law Society’s Children’s Legal Issues Committee will use the guidelines to encourage the development of a national network of children’s representatives, and to extend acceptance of the *Representation Principles for Children’s Lawyers* throughout Australia.

The *Principles* will be incorporated into the next edition of the *NSW Solicitors Manual* and are on the Law Society’s web site at:

www.lawsocnsw.asn.au/about/papers/clic/.

Comments and constructive criticism are welcome.

Young children's participation in decision-making



Dr Shirley Wyver of the Institute of Early Childhood, Macquarie University examines some key considerations and strategies to assist young children make informed decisions.

Introduction

The significance of children's participation in decisions affecting their lives has received increasing recognition. For example, the 'Principle of Participation' is central to the *NSW Children and Young Persons (Care and Protection) Act*. However, involving young children in decision-making processes can be difficult, particularly for professionals without training in child development.

Context

Initial consideration of contextual factors can be critical in determining whether the necessary rapport is established with a child. Children can be highly sensitive to changes in social and physical context (see Thompson, 1999). Ideally, information should be presented in a 'low stress' situation (Bruner, 1972). If a high level of stress is maintained, it is less likely that children will be able to acquire relevant new information or skills. Attention should be paid to the child's immediate physical and emotional needs. Early discussion should involve neutral topics and a demonstration of genuine interest in all aspects of the child's life.

Many children have been given explicit instructions about talking to strangers (Bull, 1996) and are justifiably cautious in the presence of unfamiliar adults. Professionals working with young children need to make clear their affiliations or provide children with other information to reduce the likelihood that legitimate concerns about strangers will interfere with open discussion.

Preschool aged children understand authority structures and recognise the authority of parents and other adults (McGrath & Bogat, 1995). Children also know that rules can be conditional (Harris & Nunez, 1996) and can be altered (Killen, 1991) as well as recognising different levels of legitimacy of adult authority (McGrath & Bogat, 1995). Clear information concerning authority may be necessary before a young child feels able to present views that conflict with those of adults.

During forensic interviews, children often assume that they are in some way responsible for adverse circumstances (Bull, 1996). Initial explanation of the reasons for discussions taking place can assist in alleviating these concerns and allow the child to participate more freely in decision-making processes.

Presenting information

Multiple methods should be used to provide information. These include the following:

1 Relating information to existing knowledge

Contemporary developmental theories of cognitive processing emphasise the advantages of making explicit links between existing knowledge and 'to be acquired knowledge' in educational and other applied contexts (e.g. Siegler, 1998). Relating information to existing knowledge can be achieved in at least two ways:

- a) Finding out what the child already knows about the situation and extending the information provided. This will also provide a further opportunity to discover whether the child considers that the current situation is a consequence of their own actions,
- b) Relating information to other aspects of the child's life - particularly in relation to "neutral" information obtained when establishing rapport with the child.

2 Presenting information in stages

Children's ability to retain and process large amounts of information is less than that of adults (see Flavell, Miller & Miller, 1993). However, it is possible to provide information in a manner that will support or scaffold the use of some of the strategies generally utilised by adults. Firstly, in presenting information in stages, it is useful to chunk or cluster related pieces of information. This requires providing an overall information relevant category to the child. For example, there might be three important pieces of information that the child should know about a medical procedure. The child should be told, e.g. "When we get to the hospital....." then the three pieces of information should be presented together. If the child can count, it may be useful to say that there are three things to remember.

If time permits, it is useful to present relevant information over several sessions rather than attempting to present large amounts of information in a single discussion. At the end of each session, opportunities should be presented for children to ask questions. It may be helpful to ask the child to restate the information in their own words, although the appropriateness of this will in part depend on the child's comfort in speaking openly during the discussions and the sensitivity of the material presented.

3 Providing a context to assist understanding and retrieval processes

In forensic psychology, use of the Cognitive Interview technique has become increasingly popular as an interview method to be used with children (e.g. McCauley & Fisher, 1996; Memon, Cronin, Eaves & Bull, 1996). Although the Cognitive Interview is used to obtain information about events that have already occurred, and its validity as a forensic tool is still being debated, some of the underlying principles may be important in determining how information is provided.

One of the techniques used in the Cognitive Interview is that of Context Reinstatement. Context Reinstatement requires the interviewee to consider all the details of a situation, e.g. "How did you feel at the time?", "What did the room look like?" "What was the weather like?". This procedure maximises the retrieval cues available to the interviewee.

Although research on such procedures for introducing information to children is not available, similar research on *elaboration* (see Flavell, Miller & Miller, 1993) suggests that such strategies may assist a child in building a mental picture of a situation they will encounter. This is particularly true if they have had previous experience in similar situations. Enabling the child to organise events in this way may help the child to develop a clearer mental account of expected events. This leads to a greater opportunity to make an informed decision about whether they wish to participate and how they would like their participation managed.

4 Use of nonverbal material and props

Although orally presented information will probably always be preferred, due to its flexibility, it should be used in conjunction with other strategies. Young children are disadvantaged when information is presented orally as their receptive and expressive vocabularies are not fully developed. Their capacity

to retain information or make links with existing information is still developing and they are unable to use strategies to assist in retention of information, such as writing down key points of a discussion.

To assist children, it is important to consider incorporation of other materials such as pictures or props. Pictures have been used to effectively convey information in sexual abuse education with preschoolers (McGrath & Bogat, 1995) and pictures can be given to children to keep (if appropriate). Props such as anatomically correct dolls have had a controversial history in their use in children's testimony (Koocher, et. al, 1995). However, anatomically correct dolls may be useful when explaining for example, a medical procedure that may be performed. Additionally, enactments with puppets may be valuable in some situations.

5 Understanding children's knowledge of the minds of others

Children's understanding of the minds of others is different to their understanding of the physical world (Flavell, Miller & Miller, 1993). Children's understandings of intentions, motives and beliefs are emerging during the early years and researchers are still describing the developmental pathways to mature understanding (see e.g. Joseph & Tager-Flusberg, 1999). Generally, however, it seems that preschoolers understand motives and intentions (acquired in that order), but have difficulty understanding false beliefs and may have difficulties understanding mixed emotions. Children may require assistance for all of the above (e.g. through pictures and props), but particularly for discussions of false beliefs or mixed emotions.

False beliefs and mixed emotions are likely to come into discussions when, for example;

- an adult thinks the child is staying in one place, but they are actually staying elsewhere (adult has a false belief, but it may be difficult for the child to understand that the adult does not know where they are staying)
- a parent continues to love a child but does not want to be with them at that time (mixed emotions).

6 Use of prompts

Many young children will not spontaneously express views, but will require prompts to do so. Prompts serve as an aid to information retrieval (Flavell, Miller & Miller, 1993) and may also be important to open discussion about particular types of information. For example, Wilson and Pipe

(1996) found that young children did not spontaneously report information that had been labelled a "secret". Prompts were required before this information was revealed.

In some cases, a child may be asked to decide between two or more options. If children are given forced choice options to determine their preferences, it must be clear that a response of "Don't know" is acceptable to avoid misrepresenting the child's actual needs or decision. Without an explicit statement that "don't know" is acceptable, children may feel obliged to select one of the options, regardless of their feelings or knowledge about the choice.

Concluding comments

The ability of young children to participate in decision-making processes can be underestimated, particularly if practitioners do not have an understanding of child development. The above discussion has demonstrated that by understanding children's thinking, practitioners can introduce strategies that will increase the likelihood of meaningful participation by young children.

Shirley R Wyver PhD, Institute of Early Childhood, Macquarie University NSW:

Email: swyver@iec.iec.mq.edu.au . Sections of this article were originally presented in a paper prepared for New South Wales Office of Child Care, Department of Community Services.

References

*Indicates recommended for further reading.

- Bidell, T.R. & Fischer, K.W. (1992). Cognitive development in educational contexts: Implications of skill theory. In A. Demetriou, M. Shayer, & A. Efklides (Eds.). *Neo-Piagetian theories of cognitive development: Implications and applications for education*. New York: Routledge.
- Bruner, J.S. (1972). The nature and uses of immaturity. *American Psychologist*, 27, 687-708.
- *Bull, R. (1996). Good practice for video recorded interviews with child witnesses for use in criminal proceedings. In G. Davies, S. Lloyd-Bostock, M. McMurrin, & C. Wilson (Eds.). *Psychology, law, and criminal justice: International developments in research and practice*. Berlin: Walter de Gruyter.
- Flavell, J.H., Miller, P.H. & Miller, S.A. (1993). *Cognitive development* (3rd ed.). Englewood Cliffs, NJ: Prentice Hall.
- Harris, P.L. & Nunez, M. (1996). Understanding of permission rules by preschool children. *Child Development*, 67, 1572-1591.

- Joseph, R.M. & Tager-Flusberg, H. (1999). Preschool children's understanding of the desire and knowledge constraints on intended action. *British Journal of Developmental Psychology*, 17, 221-243.
- Killen, M. (1991). Social and moral development in early childhood. In W.M. Kurtines & J.L. Gerwirth (Eds.). *Handbook of moral behaviour and development* (Vol. 2). New Jersey: Erlbaum.
- *Koocher, G.P., Goodman, G.S., White, C.S., Friedrich, W.N., Sivan, A.B., & Reynolds, C.R. (1995). Psychological science and the use of anatomically detailed dolls in child sexual-abuse assessments. *Psychological Bulletin*, 118, 199-222.
- McCauley, M.R. & Fisher, R.P. (1996). Enhancing children's eyewitness testimony with the cognitive interview. In G. Davies, S. Lloyd-Bostock, M. McMurrin, & C. Wilson (Eds.). *Psychology, law, and criminal justice: International developments in research and practice*. Berlin: Walter de Gruyter.
- McGrath, M.P. & Bogat, G. A. (1995). Motive, intention, and authority: Relating developmental research to sexual abuse education for preschoolers. *Journal of Applied Developmental Psychology*, 16, 171-191.
- Memon, A., Cronin, O., Eaves., & Bull, R. (1996). An empirical test of the mnemonic components of the cognitive interview. In G. Davies, S. Lloyd-Bostock, M. McMurrin, & C. Wilson (Eds.). *Psychology, law, and criminal justice: International developments in research and practice*. Berlin: Walter de Gruyter.
- New South Wales Government (1998). *Children and Young Persons (Care and Protection) Act 1998* No 157.
- *Siegler, R.S. (1998). *Children's thinking* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.
- Thompson, R.A. (1999). The individual child: Temperament, emotion, self, and personality. In M.H. Bornstein & M.E. Lamb (Eds.). *Developmental Psychology: An advanced textbook* (4th ed.). Mahwah, NJ: Erlbaum
- *Wilson, J.C. & Pipe, M-E. (1996). Children's disclosure of secrets: Implications for interviewing. In G. Davies, S. Lloyd-Bostock, M. McMurrin, & C. Wilson (Eds.). *Psychology, law, and criminal justice: International developments in research and practice*. Berlin: Walter de Gruyter.

Children's participation - how and why?

DCI-Australia Vice President Dr Judy Cashmore reviews some of the current literature.

There is increasing interest in Australia, the UK and elsewhere in children's involvement in decision-making that affects their lives. This is in line with Article 12 of the UN Convention on the Rights of the Child to allow children and young people an opportunity to express their views freely and have them taken into account in all matters that affect them. While some adults may not agree with the idea of involving children, even among those who are committed to the idea, many either do not know how to involve children effectively or think - wrongly - that they are already doing it. The following books are therefore very useful, both in challenging the barriers and providing guidance for those interested in doing it better.

Lansdown, G. (1995) Taking Part: Children's Participation in Decision Making. Institute for Public Policy Research, London.

The Institute for Public Policy Research published this report examining the extent to which children's views are taken into account in decisions affecting their lives. The report concentrated on looking at decisions made inside and outside the home, including schools, hospitals, local authority care, and the child protection and criminal justice systems. This is the first in a series of handbooks outlining the findings of the study.

The report argues that despite the changes that have been made in the UK to enhance the participation rights of children and young people, further changes in legislation, policy, practice and social attitudes are necessary. The Children Act 1989 has provided a legal framework to increase the participation rights of children and young people in the UK and child protection practices have shifted as a result of the Act. Children's rights officers have been appointed to advocate on behalf of children and young people who are in care, and there is greater participation from children and young people in case reviews and case conferences. Some areas are trying to involve children and young people in policy development. However, Lansdown argues that the legislation is not far reaching enough as it only applies when there is a crisis in the life of a child or young person.

Lansdown describes the importance of participation to the success of the welfare state. "If children are denied any opportunity to contribute to decisions

that affect their lives, if adults operate with a presumption of children's incompetence, then those children will be denied the opportunity to develop a belief in themselves as actors rather than recipients of protective services. Failure to do so will mean the repetition of all those aspects of the welfare state which so evidently failed to create a culture of active participation and ownership since its inception."

He outlines the results of research into the extent to which young people in out-of-home care felt they participated in decisions affecting their lives. Of 600 young people surveyed, 2 in 5 felt that they were not listened to in case conferences and reviews.

In challenging the belief that children are not competent to participate, Lansdown discusses the differences between granting autonomy to a child or young person and ensuring that the "views of the child are given due weight in accordance with the age and maturity of the child." Children and young people have an evolving capacity to participate in decision-making processes.

In relation to the stability of the family life, Lansdown challenges the belief that promoting the rights of children and young people to participate cuts across traditional notions of the power of parents to exercise control over their children. He argues that increased participation will empower children and young people and will result in the development of more democratic families and he outlines a number of prerequisites for establishing a culture of listening to children both within the family and in other 'institutions':

- Ensure that children have adequate information appropriate to their age with which to form opinions. Children cannot participate in decisions if they are not fully informed of the options available to them and the implications of those options.
- Encourage children to express views and demonstrate a willingness to take those views seriously. A serious commitment to respecting children's right to participate in matters of importance to them implies making the time necessary to ensure that the child has ample opportunity to explore the issues facing them. In assessing a young person's competence to take responsibility for decisions, it is important to consider the young person's own views about their competence.

- Listen to their views with respect and seriousness and tell children how their views will be considered. They need to understand the process of decision making, who will be making the decision, when, and what will inform the decision. There is obviously no point in listening to a child's views if you have no intention of taking them seriously.
- Let them know the outcome of any decision and, if that decision is contrary to the child's wishes, ensure that the reasons are fully explained.
- Respect and promote the child's right to take responsibility for those decisions, which they are competent and willing to make.

Treseder, P. (1997) Empowering Children and Young People Training Manual: Promoting Involvement in Decision Making. Save the Children and the Children's Rights Office, London.

This training manual has been designed for professionals and organisations that work with children and young people in a range of services both within the government and non-government sectors. It contains a range of exercises focusing on the following areas:

- the importance of empowerment to children and young people
- the benefits of empowerment to children and professionals alike
- the barriers to empowerment
- the need for workers and organisations to understand their own intentions before embarking on moves towards empowerment.

The background text and training activities contained in the manual can be used as a training tool for children, young people and professionals alike.

Willow, C. (1997) Hear! Hear! Promoting Children and Young People's Democratic Participation in Local Government. Local Government Information Unit, London.

This aim of this guide was to inform elected officials and other policy makers about contemporary developments in children and young people's participation across the United Kingdom and Europe. It outlines: (1) current debates and issues relating to children's participation rights; (2) 50 projects in the UK and Europe focusing on children's rights; and (3) principles for participation and methods for involving children and young people in local government.

The guide outlines a number of principles for involving children and young people in local government, which are widely applicable to participation in general:

- The right to be involved and contribute to society is a basic human right applicable to all human beings.
- The opportunity to participate should be available to children and young people across all abilities, ages, ethnic and religious backgrounds, social classes and personal circumstances and behaviour.
- Councils have responsibilities towards all citizens regardless of their age.
- Children and young people have a right to communicate their feelings and wishes through different mediums such as speech, actions and behaviour.
- Listening to children is not enough - action must follow.

ECPAT and IYPASEC (1999) Standing up for Ourselves: A Study of the Concepts and Practices of the Young People's Rights to Participation United Nations Children's Fund, Manila.

This book details the outcomes of an exploratory study conducted by ECPAT-IYP ASEC. Representatives of young people from all over the world advocated for the elimination of the exploitation of children for commercial gain. The agenda to end poverty and the commercial sexual exploitation of children (CSEC) was passed in the World Congress in 1996 held in Sweden. Emphasis was placed on actively involving children, their families and others to fight against CSEC and to help child victims recover from their experiences.

The study documents 104 projects in a number of countries in Asia, Europe, Africa, the Pacific and the Americas (eg., Denmark, Sweden, Japan, Philippines, The Netherlands, the UK, the US) and identifies the approaches used to gain the participation of children, the experiences of the children and young people, and the problems encountered. The children and young people took on different roles across a range of issues as advocates, educators, peer counsellors, researchers, policy makers, mass media communicators and protectors of the environment. The benefits and the pressures they experienced were clearly described and this and the overall discussion provides a helpful guide to others trying to develop projects in a range of areas to foster the participation of children and young people in their communities.

Social Connectedness and Freedom from Discrimination: VicHealth's response to the mental health of refugees and new arrivals to Australia

The World Health Organisation's (WHO) prediction that depression will be the second leading cause of disability in the world by 2020 is the impetus for the Victorian Health Promotion Foundation's (VicHealth) \$4.6 million commitment to promoting mental health. DCI-Australia member Irene Verins of VicHealth explains why its *Mental Health Promotion Plan 1999-2002* signals a bold and timely recognition of the impacts of structural factors on health.

Through extensive intersectoral consultation, three factors were identified as significantly influencing mental health-social connectedness, valuing diversity and economic participation. The Plan gives direction for investment in a range of populations because of their inherent vulnerability to psychosocial pressures, isolation, poverty and discrimination. These include rural people, older and younger people, Kooris and new arrivals to Australia.

VicHealth's Plan complements the values of the Australian National Mental Health Branch policies, and reflects the WHO interpretation of health promotion, which is fundamentally concerned with action and advocacy to address the full range of potentially modifiable determinants of health. These determinants not only include those related to the actions of individuals, but also income and social status, education, employment and working conditions.

VicHealth's Plan also reflects the *United Nations Convention on the Rights of the Child*, one of the most comprehensive international human rights agreements ever adopted. It is committed to working within the Convention's framework, which sets out the basic requirements for ensuring that children grow to their full potential and participate in society.

VicHealth recently funded a number of initiatives as part of this Plan, which were launched by the Hon. John Thwaites, Minister for Health in Victoria. A number of these focus on the needs of people who are refugees or new arrivals to Australia, in particular children and young people. The aim of

this funding is to trial innovative, capacity building ideas, to address some of the social determinants of mental health.

New Arrivals to Australia

Most new arrivals to Australia ultimately settle very successfully in Australia and make a positive contribution to Australian cultural, social and economic life. However the process of adjustment to a new country is stressful for many entrants. If they have been formally subjected to human rights abuses this makes resettlement all the more difficult. Settlement is also a time when new arrivals may have limited access to the resources required for mental health and wellbeing.

Stress factors for refugee and new arrival children and young people

A national report on refugee young people entitled *Wealth of All Nations*¹ raised concerns regarding the stress factors associated with resettlement. Experience of torture and trauma, educational disruption, family loss and dislocation, lack of access to basic material resources, barriers to accessing support services and inter-generational conflict and racism often represent the transition period for children and young people. These factors are compounded by the often turbulent period of development from childhood to youth and onto adulthood. Longer-term risks for young people who have experienced resettlement difficulties include educational failure, over representation in juvenile justice and adult correctional systems, substance misuse, homelessness and marginalisation. In short, the stress factors related to transition can impact significantly on the mental health and subsequent physical health of this group.

VicHealth's Mental Health Promotion Plan

Research and practical experience suggest that support offered at an early stage of the settlement process can engender a resilience against the development of future mental health problems within the individual and family. This support also makes economic sense. *The Mental Health*

¹ Louise Coverntry. *Wealth of All Nations: Young Refugees in Australia*. A draft report to the National Youth Affairs Research Scheme from the Centre for Youth Research and Development (RMIT) and the Ethnic Youth Issues Network.

Promotion Plan was developed recognising that a significant reduction in the social and economic costs associated with mental illness will not be achieved purely by activities at the acute or treatment end of the mental health intervention spectrum. A comprehensive approach is required with interventions that impact the developmental trajectory of mental health problems. The approach is underpinned by community development principles, social justice and equity concerns.

VicHealth's investment reflects the organisation's commitment to this upstream end of the intervention continuum, which focuses on structural change and capacity building. The intention is to fund a range of implementation trials, some of which focus on new arrivals as a population group. These trials will be developed in partnership with other government and non-government agencies.

The Community Guides Program in Footscray illustrates the scope of the projects funded under the New Arrivals to Australia program. This project will train local youth and adult representatives from newly arrived communities to act as guides to the more recent arrivals within their communities. The capacity for trainees to enhance the social connectedness of their newly arrived peers cannot be underestimated. Neither can we underestimate the major mental health benefits which can be achieved by communities for their own members when they are adequately resourced.

Educational institutions are essential as initial sites of engagement and early intervention between newly arrived people and local services. This is reflected in a number of projects funded by VicHealth. For example, the Rainbow Project will train teachers and parents of newly arrived children to provide more intensive support to their children. Despite the fact that the early years are the formative years of a child's life, too often children are excluded from strategies and funding in the field of mental health promotion.

Recognising that newly arrived and refugee young people are over-represented among early school leavers and students at risk, a consortium lead by the Northern Melbourne Institute of Tertiary and Further Education has been funded to develop a model which will enhance the educational and training success of this group, through building in support strategies which run in tandem with educational strategies. This three-year project will draw on links between the education and welfare sectors to provide the social supports necessary for students to make a successful transition between the English language centre and mainstream schooling.

In order to address the sparsity of research and

evidence in the area of new arrivals to Australia and social determinants of health, VicHealth has, under the Mental Health Promotion Plan, funded *A longitudinal ethnographic study of health and settlement among refugee youth*. It has been developed by a consortium which includes Deakin University and the Victorian Foundation for Survivors of Torture.

Existing research also suggests that sporting clubs lack cultural awareness and engagement strategies for newly arrived communities. It is important to look at ways to increase access to sporting clubs for newly arrived youth. The Centre for Multicultural Youth Issues will assist newly arrived young people to access a range of sporting and recreational opportunities through a project jointly funded by VicHealth and the Department of Sport and Recreation Victoria. The project intends to expand opportunities for social engagement for this often-isolated population.

These broad-based projects illustrate the breadth and diversity of areas encompassed by VicHealth's Mental Health Promotion Plan. The Plan also aims to increase the awareness of the general public about the importance of mental health promotion and to advocate for the development of innovative partnerships and strategies. *A Promoting Mental Health Kit* has been developed to build the capacity of community members to implement their own health promotion strategies.

It is hoped that the projects funded under the Plan may provide successful models of practice which can be transferred and integrated by a number of diverse communities across the state. Furthermore, it is hoped that the outcomes of these projects will have implications for policy and legislation. Ultimately, VicHealth strives to identify and support research and interventions to increase understanding of models of good practice and increase community understanding. It is also working to build the capacity of organisations and practitioners to develop, implement and sustain mental health promotion activity and to further develop a partnership approach to advocate for and foster strong mental health promotion activity across Victoria. These projects represent the stepping stones by which we can facilitate the journey of Victoria's refugees and newly arrived communities from the margins to the mainstream.

For further information regarding the Mental Health Promotion Plan please contact VicHealth on 03 9345 3200 or visit their website at www.vichealth.vic.gov.au

The provision of educational services to children with disabilities

The article by DCI-Australia Advisory Panel member Moira Rayner in the last edition of ACRN¹ mentioned a recent decision by the English House of Lords. Four people with disabilities were seeking damages from local educational authorities for failing to provide appropriate educational services to them when they were children.² DCI-Australia President Danny Sandor takes a closer look at the case.

The judgment suggests that English courts are shifting away from using public policy grounds to oust a duty of care, an important trend which might be felt in Australia.³ Two members of the Court⁴ specifically observed that the decision “should not be regarded as a basis for the mounting of generalised ‘educational malpractice’ claims.

Three claimants with dyslexia alleged that the authorities had negligently failed to diagnose their conditions. Lower courts had dismissed their claims on the ground that the professionals and the educational authorities did not owe the children a duty of care.

The House of Lords found instead for the children saying:

“Where an educational psychologist was specifically asked to advise as to the assessment of and future provision for a child and it was clear that the child’s parents and teachers would follow that advice a duty of care arose [and] that the local education authority was prima facie vicariously liable for a breach of that duty...”

The fourth claimant is a 16 year old who suffers from muscular dystrophy. His special education needs assessment emphasised the need for him to have access to a computer and to be trained in how to use it.

“The all-important thing as the disease takes hold is to preserve, so far as possible, his means of communication.”

He contended that the local education authority had negligently and in breach of duty failed to provide the equipment and training. He said that its failure

had resulted in “lack of educational progress, social deprivation and psychiatric injury consisting of clinical depression.”

The educational authority tried to prevent the proceedings going forward but the Court of Appeal concluded that he should be allowed to pursue his claim. The appeal to the House of Lords was brought by the educational authority and was dismissed.

Without deciding the merits of the case, the House of Lords found that the Court of Appeal was correct to decide that the facts could give rise to a valid claim and that he should not be excluded from trying to make out a case for damages. The outcome of the trial (if the case doesn’t settle) will be watched with interest.

So what does the decision mean for Australian law? Ian Malkin, Senior Lecturer in Law who teaches and researches on torts at the University of Melbourne, proffers this view:

“The changes in the composition of the High Court of Australia in recent years has led to different approaches being taken with respect to duty of care issues than had existed when Justice Deane and Chief Justice Mason for example were on the bench.

It is hard to predict what today’s Court might decide if it were presented with a case similar to that which arose in the United Kingdom, especially in the light of the fact that in recent cases where duty has been at issue, the judges on the High Court have not demonstrated a uniform approach to those issues. That said, the High Court justices may seek guidance from the House of Lords reasoning, incorporating it in their individual approaches to the duty questions.

Interestingly, particularly for cases concerning children and young people, is that several members of the High Court recently noted that one of the “salient features” relevant to whether or not a duty of care exists is the affected individual’s vulnerability to risk or harm as a result of the defendant’s activities.”

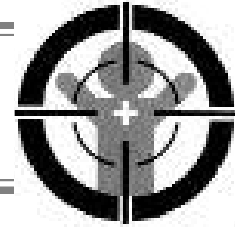
1 “The State of Children’s Rights in the UK” Australian Children’s Rights News No. 26, p.1

2 Phelps v Hillingdon London Borough Council [2000] 3 WLR 776.

3 Another example from the English House of Lords is Barrett v Enfield London Borough Council [1999] 3 All ER 193 - damages arising from foster placements.

4 Lord Nicholls of Birkenhead with whom Lord Jauncey of Tullichette agreed.

Child soldiers update



6 - 19 October 2000

The Coalition has continued to lobby Security Council members in relation to the proposed Special Court for Sierra Leone. While they welcomed the proposed inclusion of recruitment of child soldiers under 15 as a war crime under the court's jurisdiction, they have been disturbed that the proposal defines this narrowly in terms of "abduction" and "forced recruitment" rather than the broader definition used by the ICC Statute (consistent with international humanitarian law and the CRC) of ALL recruitment and use of children under 15. They have also joined with other NGOs and UN agencies in expressing concern about the possible trial of juveniles between 15 and 18, arguing that the Court's mandate is to prosecute persons MOST responsible for serious violations, ie the adults who have recruited child soldiers rather than child soldiers themselves. The proposal for the Court presented by the UN Secretary General had left this issue to the decision of the Security Council.

A press release issued by the Coalition can be found on their website at www.child-soldiers.org In Sierra Leone, the National NGO Coalition for the Protection and Promotion of the Rights of the Child issued a similar statement, which is available at <http://www.crin.org/crinmail/crinmail218>

In Israel/Occupied Territories almost one in five of more than 100 mostly Palestinian casualties have been children. Israeli officials have accused Palestinian groups of putting children in the front line - at the same time, serious questions have been raised about the use of lethal force by Israeli security forces.

The Coalition has been making the following points in media interviews:

- that children have participated throughout the intifada - while this has not been child soldiering as such, it exposes children to risk and violence; many children are drawn into the conflict because of their own experience of abuse at the hands of the state;
- that Israel conscripts at 18 and recruits voluntarily at 17 - either way, young people are in the front line where they are left to make life and death judgments;

- the involvement of children imposes special obligations on both the Israeli authorities and Palestinian community leaders. There is an urgent need to ensure protection of children in all security measures, including clear rules of engagement to prevent firing on children and special handling of any child detainees.

The Coalition is in the process of commissioning new research on child participation in conflict in the Middle East and plan to hold a regional conference on this issue in March 2001.

In the Solomon Islands, Amnesty International recently reported on the use of child soldiers by militant groups involved in ethnic conflict between the Malaitan and Guadalcanalese communities. Isatabu Freedom Movement (IFM), a collective name for armed political groups also known as "Guadalcanal militants", emerged between March and October 1998. Apparently without a single leader, several commanders representing eastern and western Guadalcanal groups cooperate in armed operations which in 1998 and 1999 focussed on driving out Malaitan settlers from rural Guadalcanal. In 1999, the IFM was also known as Guadalcanal Liberation Front, Guadalcanal Revolutionary Army (GRA), and Isatabu Freedom Fighters (IFF). Despite recent military setbacks, the IFM controls rural Guadalcanal around Honiara outskirts, extorting support from villagers. The IFM is said to draw most of its fighters, estimated to number between 300 and 2,000, from impoverished villages along the rugged Guadalcanal south coast, known as the "weather coast". They have, at times, included at least 100 child soldiers aged 12-17 and are armed with hunting rifles, some stolen police guns and explosives, traditional weapons and home-made pipe-guns or refashioned World War II rifles. For more information, see Amnesty's report, *Solomon Islands: A Forgotten Conflict* (September 2000) available at www.amnesty.org

Coalition to Stop the Use of Child Soldiers

PO BOX 22696

London N4 3ZJ UK

Tel: +44 207 274 0230

Fax: +44 207 738 4110

E-mail: info@child-soldiers.org

www.child-soldiers.org

Child soldiers liable for war crimes

The United Nations Security Council has authorised the establishment of a special war crimes court in Sierra Leone. This Court will have the power to prosecute child soldiers as young as 15 years of age.

It has been reported on the BBC online world news that, after outcry from human rights advocacy groups, the UN has revised a proposal for child soldiers in Sierra Leone to be tried for crimes committed during the country's civil war.

However, the UN has maintained its position that the UN Security Council will have the final decision on whether young people aged between 15-18 should face prosecution. The only ostensible concession is that the UN is saying that child soldiers will not be imprisoned if found guilty.

It is estimated that there are some 5,400 child soldiers in Sierra Leone. Human rights campaigners have argued that the children are themselves victims of the war. Amnesty International has called on the Court to prosecute those adults who have forcibly recruited children to fight in the civil war which has raged for the last decade.

Kerry Walker DCI - Australian National Committee Member

Child labour and child soldiers

A joint report released by the United Nations Development Programme (UNDP) and the Cambodian government has found that Cambodia has Southeast Asia's highest rate of child labour, with more than 16 per cent of children aged 10-14 years and 42 percent aged 14-17 years.

The report titled *Cambodian Human Development Report 2000* puts Thailand at the second place, with 16.3 per cent of 10-14 year olds working followed by China, with 11.6 per cent.

The report also noted the near-eradication of the use of child soldiers saying:

"While it is widely recognised that most child soldiers in Cambodia have been demobilised by now and that this problem does not exist at this time, the problem of child sex workers, street children and child domestic workers is a very real one."

Prime Minister Hun Sen called the new Cambodia numbers "an alarming trend," and said his government would work to fight the poverty and lack of education options that are believed to be the root cause of most child labour.

Source: Child Labour News Service Release 1 November 2000.



CHILDREN AND ARMED CONFLICT EMAIL LIST

The first issue of the CRIN Children and Armed Conflict email list has been launched featuring the following news items:

* Welcome Message *Children and Armed Conflict Working Group: Outcomes of Conference on War-Affected Children *Save the Children Opposes Trials for Sierra Leone's Child Soldiers *East Timor: Schools Open for First Time Since Referendum

To see Issue No. 1, which includes subscription information go to:

<http://www.crin.org/conflict/conflict01>

For the CRIN theme desk on Children and Armed Conflict and Displacement:

<http://www.crin.org/features/war/default.htm>



CRIN CHILDREN AND ARMED CONFLICT. Issue NO.3

Contents:

Medecins Sans Frontiers - Canada Campaign: More Than Bandages [news]; Update on Optional Protocol to CRC Signatures [info]; Child Soldiers: UN Representative Calls for Further Action [news]

To read Issue No. 3, which includes subscription information: <http://www.crin.org/conflict/conflict03>

Moving on with the children

When families fracture, it is not uncommon that one parent (usually the mother) seeks to change where she lives and to take the children of the relationship with her. DCI - Australia President Danny Sandor looks at new Australian caselaw.

Chief Justice Nicholson, Justice Ellis and Justice Coleman summarised the correct approach in the following way:²

“Courts of first instance faced with cases involving a proposal to relocate the residence of a child should adopt the following guidance and should be able to expect that cases are presented in a way which addresses the following matters to the extent that they arise:

In determining a parenting case that involves a proposal to relocate the residence of a child either within Australia or overseas:

- The welfare or best interests of the child, as the case may be under the relevant legislation remains the paramount consideration but it is not the sole consideration.
- A court cannot require the applicant for the child’s relocation to demonstrate “compelling reasons” for the relocation of a child’s residence contrary to the proposition that the welfare of the child would be better promoted by maintenance of the existing circumstances.
- It is necessary for a court to evaluate each of the proposals advanced by the parties.
- A court cannot proceed to determine the issues in a way which separates the issue of relocation from that of residence and the best interests of the child. There can be no dissection of the case into discrete issues, namely a primary issue as to who should have residence and a further or separate issue as to whether the relocation should be ‘permitted’.”

- The evaluation of the competing proposals (properly identified) must weigh the evidence and submissions as to how each proposal would hold advantages and disadvantages for the child’s best interests.

- It is necessary to follow the legislative directions espoused in s.60B and s.68F of the *Family Law Act* (Cth) 1975. The wording of s.68F(2) makes clear that the Court must consider the various matters set out in (a) - (l) of that subsection.³

- The object and principles of s60B provide guidance to a court’s obligation to consider the matters in s68F(2) that arise in the context of the particular case.

- It is to be expected that reasons for decision will display three stages of analysis and:

1 A court will identify the relevant competing proposals;

2 For **each** relevant s68F(2) factor, a court will set out the relevant evidence and the submissions with particular attention to how each proposal is said to have advantages and/or disadvantages for that factor and make findings on each factor as the Court thinks fit having regard to s60B;

- As one, but only one, of the matters considered under s68F(2), the reasons for the proposed relocation as they bear upon the child’s best interests will be weighed with the other matters that are raised in the case, rather than treated as a separate issue.

Paragraph 9.63 of *B and B: Family Law Reform Act 1995* is no longer an accurate statement of the law.

Some features of the decision warrant particular note.

First, a relocation application is not just an inquiry into whether the children should move: it is the weighing of the various proposals for residence of and contact with the child prompted by the application to relocate. Thus, it may be the case that a court is called upon to consider a proposal involving a parent relocating without the children and the children going to live with the other parent. As there is no legal presumption or onus favouring either party at a trial of the issues, the “best interests of the child” principle has full force.⁴ Moreover, the Full Court has asked courts to be proactive where

loss of contact is an issue, thereby reinforcing the principle that children’s proceedings in family law require courts to be more inquisitorial and go beyond what may be proposed by the parties.

Secondly, the guidelines are very child-centred and should result in better focussed evidence on how the proposal to relocate and the alternative options before a court, will affect the children rather than the parents. That should go some way to addressing the concern that relocation applications are vulnerable to turning into an interrogation of the moving parent’s reasons for wishing to relocate with the children. Indeed, previous case law

Relocations within the great expanse of Australia can have significant impacts on the capacity for children to maintain contact with the parent left behind and there are additional issues where the relocation is to another country. Many such disputes become court cases in which a party seeks “parenting orders” that permit relocation of the children.

In August, the Full Court of the Family Court published judgments in a pair of appeal cases where a mother was seeking to relocate the children with her: *A v A: Relocation Approach* [2000] FamCA 751 which set out guidelines for courts in hearing relocations applications and *H and L* [2000] FamCA 752 which applied the new approach to a further set of facts.¹

- The ultimate issue is the best interests of the children and to the extent that the freedom of a parent to move impinges upon those interests then it must give way.
- Even where the proposal is made to remove the child to another country, courts will not necessarily restrain such moves, despite the inevitable implications they have for the child’s contact with, and access to, the other parent.

3 On the basis of the prior steps of analysis, a court will determine and explain why one of the proposals is to be preferred, having regard to the principle that the child’s best interests are the paramount but not sole consideration.

- The process of evaluating the proposals must have regard to the following issues:
 - a) None of the parties bears an onus:
 - In determining a parenting case that involves a proposal to relocate the residence of a child, neither the applicant nor the respondent bear the onus to establish that a proposed change to an existing situation or continuation of an existing situation will best promote the best interests of the child. That decision must be made having regard to the whole of the evidence relevant to the best interests of the child.
 - b) The importance of a party’s right to freedom of movement:
 - In determining a parenting case that involves a proposal to relocate the residence of a child, care

must be taken by a court to ensure that where applicable, it frames orders which in both form and substance are congruent with a party’s rights under s92 of the Constitution, where applicable.

- In determining a parenting case that involves a proposal to relocate the residence of a child and in deciding what is in the best interests of the child, the court must consider the arrangements that each parent proposes for the child to maintain contact with the other and, if necessary, devise a regime which would adequately fulfil the child’s rights to regular contact with a parent no longer living permanently in close physical proximity. If the Court is not satisfied that suitable arrangements have been made for the child to have contact with the other parent, it may be necessary for the Court to order a regime which would best meet the right of the child to know and have physical contact with both its parents.

c) Matters of weight should be explained:

- In determining a parenting case that involves a proposal to relocate the residence of a child, a court must consider all the relevant matters referred to in ss60B and 68F(2) and then indicate to which of those matters it has attached greater significance and how those relevant matters balance out.

- In a parenting case that involves a proposal to relocate the residence of a child, no single factor should determine the issue of which proposal is preferred by a court.

directed the attention of courts to the *bona fides* of the applicant’s reasons for wanting to move. The Full Court has put the emphasis where it belongs by seeking to anchor any such inquiry in the relevance it holds for deciding whether the children’s relocation should be permitted.

Thirdly, the approach reiterates the importance of courts making the chain of reasoning in a relocation decision plain. Discretionary judgments of a court which rely on the broad “best interests of the child” principle need to provide reasons for decision that show how the Court was persuaded on the evidence and arguments before it.

That explanation is a right of the adult parties and the children involved, and the Full Court’s specificity as to how the reasoning should be displayed is certainly a welcome reminder.

Footnotes:

1 Available at <http://www.familycourt.gov.au/html/2000.html>.

2 At paragraph 56 of *A v A: Relocation Approach* [2000] FamCA 751, their Honours acknowledged that the principles they set out may have relevance to “other proceedings for parenting orders in which the best interests of the child is the paramount consideration”. Understandably, they said that such broader application of the principles should await direct argument before the Full Court.

footnotes continue next page

3 "SECT 60B Object of Part and principles underlying it

(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.

(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; and
- (b) children have a right of contact, on a regular basis, with both their parents and with other people significant to their care, welfare and development; and
- (c) parents share duties and responsibilities concerning the care, welfare and development of their children; and
- (d) parents should agree about the future parenting of their children."

"SECT68F How a court determines what is in a child's best interests

(1) Subject to subsection (3), in determining what is in the child's best interests, the court must consider the matters set out in subsection (2).

(2) The court must consider:

- (a) any wishes expressed by the child and any factors (such as the child's maturity or level of understanding) that the court thinks are relevant to the weight it should give to the child's wishes;
- (b) the nature of the relationship of the child with each of the child's parents and with other persons;
- (c) the likely effect of any changes in the child's circumstances, including the likely effect on the child of any separation from:
 - (i) either of his or her parents; or
 - (ii) any other child, or other person, with whom he or she has been living;
- (d) the practical difficulty and expense of a child having contact with a parent and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with both parents on a regular basis;
- (e) the capacity of each parent, or of any other person, to provide for the needs of the child, including emotional and intellectual needs;
- (f) the child's maturity, sex and background (including any need to maintain a connection with the lifestyle, culture and traditions of Aboriginal peoples or Torres Strait Islanders) and any other characteristics of the child that the court thinks are relevant;
- (g) the need to protect the child from physical or psychological harm caused, or that may be caused, by:
 - (i) being subjected or exposed to abuse, ill-treatment, violence or other behaviour; or
 - (ii) being directly or indirectly exposed to abuse, ill-treatment, violence or other behaviour that is directed towards, or may affect, another person;
- (h) the attitude to the child, and to the responsibilities of parenthood, demonstrated by each of the child's parents;
 - (i) any family violence involving the child or a member of the child's family;
- (j) any family violence order that applies to the child or a member of the child's family;
- (k) whether it would be preferable to make the order that would be least likely to lead to the institution of further proceedings in relation to the child;
- (l) any other fact or circumstance that the court thinks is relevant.

(3) If the court is considering whether to make an order with the consent of all the parties to the proceedings, the court may, but is not required to, have regard to all or any of the matters set out in subsection (2).

(4) In paragraph (2)(f):

Aboriginal peoples means the peoples of the Aboriginal race of Australia. Torres Strait Islanders means the descendants of the indigenous inhabitants of the Torres Strait Islands."

4 That is not to say however that courts would or should lightly alter established the residence arrangements of a child but that will be a question of fact in each case and will also be tempered by children's wishes, see for example H and L[2000] FamCA752.

Update on corporal punishment in New South Wales

DCI - Australia Vice President Dr Judy Cashmore highlights several recent developments in relation to the law on corporal punishment in New South Wales.

The Crimes Amendment (Child Protection - Excessive Punishment) Bill 2000

The report on the Inquiry into this Bill was released by the Legislative Council's Standing Committee on Law and Justice on October 25 2000. The inquiry considered the Bill introduced by the Hon Alan Corbett MLC in May 2000.

The aim of the Bill is to provide some clarity and limits to the defence of 'lawful correction' so that it would be unlawful to hit a child on the head or the neck, or with a belt, stick or other implement or to cause harm that lasts for more than a short period. This would codify the common law in relation to 'lawful correction' in New South Wales, and for the first time in Australia provide some limits to the use of physical punishment by parents and others acting for parents. It would not, however, ban smacking.

'There is no guarantee that the Excessive Punishment Bill will pass into legislation and even if it does, it ... will still allow limited forms of corporal punishment'

The Committee has unanimously resolved to recommend that the Legislative Council support the Bill, subject to some minor amendments. It believes

that the Bill “is not only an advance in the protection of children. The common law does not provide guidance to parents. The Bill sets a standard for acceptable physical discipline, and discourages methods of discipline which have been shown to have most risk of causing serious injuries to children.” (p.54).

The Bill is expected to come back to the house for further consideration. It will return at a time when several religious schools in northern NSW are refusing to ban caning although this would put them at risk of de-registration because one of the requirements of registration for non government schools in NSW is that ‘official school policies do not permit corporal punishment of students attending the school’ (s47(f) of the Education Act).

Proposed regulations in relation to corporal punishment in out-of-home care

In another and less positive direction, the draft Regulations for the *Children and Young Persons (Care and Protection) Act 1998* appear to be taking a retrogressive step by removing the protection for children and young people in foster care from corporal punishment and other unacceptable forms of punishment. The current provision in the Regulations for the 1987 Act prohibits corporal punishment, immobilisation, force-feeding and other punishments that intend to humiliate or intimidate children and young people in foster care. This section does not appear in the proposed regulations for the new Act.

While there are some other provisions in the Act, including the Children’s Guardian, that will guide carers and agencies providing care for children and young people in out-of-home care, there needs to be a clear statement in the regulations consistent with the objects and principles of the Act about what behaviour management measures are not permitted.

The establishment of the Children’s Guardian office is a very positive step and a first for Australia. The Children’s Guardian will exercise ultimate responsibility for all children in out-of-home care and for the operation of the system itself. It will oversee the accreditation of agencies providing care for children and young people in out-of-home care, including children and young persons with a disability. While the accreditation process may include directions restricting or prohibiting the use of corporal punishment and other unacceptable forms of punishment, the timing and the certainty of this process is uncertain.

Relying on other provisions in the Act or elsewhere is also inappropriate. One such provision is the possible inclusion of a restriction of certain forms of punishment in the Charter of Rights. This Charter of rights for all children and young people in out-of-home care must be developed within 12 months of the proclamation of the Act (s.162) but like any directions given by the Children’s Guardian, the timing and content of the Charter of Rights is uncertain.

‘Children and young people who are removed from their own families because of the inadequacy of the care they receive there are entitled to, deserve and need the best available alternative care.’

Another possibility is that the *Crimes Amendment (Child Protection - Excessive Punishment) Bill 2000* could provide some protection. There is, however, no guarantee that the Excessive Punishment Bill will pass into legislation, and even if it does, it will not provide sufficient protection for children and young people in care. It will still allow limited forms of corporal punishment and is not concerned with other unacceptable forms of punishment or ‘behaviour management’.

Children and young people who are removed from their own families because of the inadequacy of the care they receive there are entitled to, deserve and need the best available alternative care. This includes a guarantee that they will not be hit or otherwise punished in ways that might humiliate, frighten or intimidate them.

Those who are responsible for their care in these circumstances need to give a clear message to anyone caring for these children that such treatment is unacceptable and prohibited. Clearly the intention of the Review process, articulated in the objects and principles of the Act, was that these vulnerable children and young people should be better protected, not less so.

The regulations need to clearly support those objects and principles.

A better deal for children and young people

DCI-Australia member Janet Jukes is the Executive Officer of the Youth Affairs Council of Victoria. In this article, Janet considers recent media attention in Victoria to how the State is failing to meet the rights of children and young people to protection from abuse.

The Youth Affairs Council of Victoria welcomes *The Age* Insight investigation which has prompted renewed attention to the systems meant to deal with child and adolescent abuse. Our organisation is the peak non-government body funded to represent young people and the youth sector in this State.

The reported responses of both the Minister for Community Services Christine Campbell and her Opposition counterpart Lorraine Elliott deserve to be supported. They auger well for the bipartisan political response which is required to repair the system.

Ms Campbell is right to resist the extension of mandatory reporting obligations and to focus on improving the response to detected cases of abuse. Her stance accords with pioneering YACVIC research funded by the Criminology Research Council that was published five years ago. We questioned young people and youth sector workers about various aspects of Victoria's mandatory reporting laws and the results of that study did not support the extension of mandatory reporting laws.

A specially designed self-report survey was administered to 150 workers drawn from YACVIC's membership. The key findings were that:

- workers had important knowledge deficits in relation to mandatory reporting
- workers felt lacking in numerous important skills
- in deciding to report a disclosure of abuse, workers appeared to be influenced by factors such as:
 - whether the young person agreed to a formal report being made
 - the worker's concern that abuse would continue.
- nearly half of the sample had at least once decided not to make a report due to considerations such as:
 - whether the survivor was still in reach of the perpetrator

- the young person's attitude to notification
- the capacity to arrange services without official involvement
- concern that notification may lead to systems abuse.

- although there was majority support for the notion of the mandatory reporting laws workers were concerned about the circumstances of their implementation and were undecided or could envisage a situation where they would not comply with the requirement and
- the major recommendation from the sample was for training.

The second research strand involved focus groups conducted by peer researchers with 163 adolescents. Some had experienced protective intervention, some had not. We found that they seemed more concerned about their right to have choices about to whom they disclose, whether their disclosure is notified and, if so, the course of the investigation than whether youth workers as a category should be mandated or not. Other key findings were that:

- young people lacked knowledge and understanding of the mandatory reporting system and did not seem to appreciate that a **guarantee** of confidentiality is **not** the alternative to a worker being required to report
- young people were concerned that mandatory reporting may be a deterrent to disclosure of abuse
- young people did not call for **complete** exemption from the mandatory reporting laws but rather for a presumption that their wishes prevail
- young people had a range of fears about the consequences of their abusive situation coming to the notice of the authorities and
- young people lacked knowledge of their rights when contemplating a disclosure, want more information about this and feel they need a support person if they embark upon the process.

Ms Elliot's support for a Children and Young People's Commissioner is also sound policy. Protection from abuse by individuals and by systems need not be the sole focus of the Commissioner and, in fact, there are strong arguments favouring a broader role for the Office than the limited abuse protection charter seen elsewhere.

A foremost reason is that abuse is inflicted directly and indirectly in a host of ways by the sins of

commission and omission. We need to better respond to the reality that abuse is both cause and effect.

The growth of gaming in Victoria is a good example where decisions made in one area of public policy can cause harm to children and young people. Yet our community has seemed surprised that significant protection issues followed.

Another important illustration is that so many of the young offenders of today were the abused children of yesterday and, on this topic, there is the related concern over truancy and the vulnerability of non-attending children and young people to exploitation. These disturbing pathways have to be understood with an eye to how well we are able to deal with troubling students and the extent to which programs, practices and resources are geared to stop such a chain reaction.

If we are to prevent and redress the many ways in which rights abuses give rise to protective risks, we obviously need a coherent whole of government and community response. Reducing the prevalence of abuse also depends upon enhancing the receptiveness and attentiveness of all systems and individuals involved in the lives of children and young people.

To meet these objectives, an enduring and independent focal point for children's advocacy is needed alongside any improvements to the law, service delivery and co-ordination structures. A properly designed Children and Young People's Commissioner for Victoria could be as powerful as our Auditor-General has been through providing a

dedicated responsibility for leadership, information synthesis and accountability. It has the potential to make Victoria the safest and most respectful part of Australia for children and young people. The time is ripe.



Janet Jukes is the Executive Officer of the Youth Affairs Council of Victoria
Website:www.infoxchange.net.au/yacvic
Email: yacvic01@vicnet.net.au
Phone (03) 9612 8999

The report on mandatory reporting can be accessed from the DCI-Australia website at <http://members.dynamite.com.au/dci-aust/html/crc.html>

The concluding chapter of the DCI-Australia report *Taking Australia's Children Seriously - A Commission for Children and Young People* can be accessed from the DCI-Australia website at <http://members.dynamite.com.au/dci-aust/html/section6.html>

Australia - land of the fair go, but do we give our young people a fair go?

The myth of Australia is of an egalitarian society characterised by fairness, justice, equality and tolerance: the land of the 'fair go' that entitles each person to a hearing. (Mackay,1999:50) DCI National Committee Member Cheryl Vernon questions whether the same 'fair go' is extended to young offenders, particularly those repeatedly coming into contact with the criminal justice system.

The phenomenon of juvenile offending has long been fodder for public comment and debate. Such comment is prevalent within our immediate environment, resulting in the propagation of myths

pertaining to young people and their propensity for offending.

The public scrutiny of some young people may be attributable to their innovative behaviour, which is by its nature, rule-breaking behaviour. Consequently, these young people are perceived as the cause of crime waves. (Graycar & Jamrozik,1989) This perception receives frequent media attention, which may play a pivotal role in public responses to juvenile offending.

continued next page

Responses tend to represent two polarities. The first suggests re-socialisation and non-punitive approaches as the key to juvenile crime prevention. The second postulates leniency as a contributory factor to offending and therefore, advocates for punitive responses as an effective deterrent to juvenile offending. Therefore, it is no surprise that responses to juvenile offending oscillate between the two polarities, are subject to public pressures and changing political agendas, and give rise to the myth that young people are a threat to our social stability.

‘Much of what forms the discourse of juvenile justice appears to be based on little more than the propagation of myths yet it would appear that the discourse is sufficient in strength to influence governmental decision-making and policy responses’

Juvenile justice issues have become increasingly visible on the Australian social agenda over the past years with the polarity emphasising a punitive response to juvenile justice issues seeming to have the upper hand, to the extent that law and order issues completely overshadow any positive contributions young people make to society.

Much of what forms the discourse of juvenile justice appears to be based on little more than the propagation of myths yet it would appear that the discourse is sufficient in strength to influence governmental decision-making and policy responses.

It may be as Mackay suggests that, the myths pertaining to young people and offending have blinded “us to the startling changes taking place in our society”. (Mackay,1999:50) Society as a whole may not be ready to accept such changes. It is however all too ready to blame young people for threatening societal stability, leading one to agree with Mackay’s assertion that myths can be dangerous because they may blind us to how things really are, particularly in a society exhibiting alarm and insecurity, and a fervent desire to restore control.

Australia is a country of contrasts, that on one hand celebrates and embraces myth, and on the other views myth as something to be denied and hidden.

What about the legend of the Australian bush? A homogeneous Australian culture and mythology

built on the legend of the bush that celebrates Australian larrikinism. A myth very clearly portrayed to the rest of the world during the opening of the Sydney 2000 Olympic Games on Friday 15 September 2000.

Why would the exploits of a thief, namely Ned Kelly, be celebrated so publicly? Is it because the myth is not about Ned’s criminality but rather about Ned’s working class protest against despotism, and the rich and powerful (Molony,1987); a myth that is sanitised and celebrated by some, and despised by others.

Thus, the myth of the Australian larrikin as one that has little regard for established social conventions and a propensity toward impulsivity has a degree of applicability in relation to juvenile offending.

Young people are impulsive and at times prone to stupidity and rule breaking behaviour, yet rarely do they experience the phenomenon of a fair go. Perhaps by exploring the interface between myth and responses to juvenile justice issues, there is the opportunity to discover more about juvenile offending.

‘the majority of young offenders do not carry over offending behaviour into adulthood’

Furthermore, consideration must be given to the episodic and opportunistic nature of juvenile offending, and the fact that, the majority of young offenders do not carry over offending behaviour into adulthood, a finding very often lost in the hysteria associated with juvenile justice issues.

References

Graycar, Adam. & Jamrozik, Adam. (1989). *How Australians Live: Social policy in theory and practice*. The Macmillan Company of Australia Pty Ltd: South Melbourne.

Mackay, Hugh. (1999). *Turning Point: Australians choosing their future*. Pan Macmillan Australian Pty Ltd: Sydney.

Molony, John. (1987). *The Penguin Bicentennial History of Australia: the story of 200 years*. Viking : Ringwood.

Cheryl Vernon is the Manager of the Youth Legal Service of Western Australia. This article draws on research associated with a project which proposes to critically examine the historical context of juvenile justice responses in Western Australia.

Our woman in Geneva

DCI-Australia National Co-ordinator Helen Bayes has been snaffled away to steward the International Secretariat of DCI during a period of change.

When news of the outbreak of the Ebola Virus in Uganda hit the International Secretariat, there was panic. It threatened months of work organising a training and strategy seminar on Juvenile Justice to be held the following week. People from all over Uganda were to come to the Seminar to discuss what is happening to children in conflict with the law, and what needs to be done in the way of law reform, new sentencing options, meeting basic standards in detention facilities, courts, police, social workers, welfare agencies.

Did the threatening spread of Ebola mean we would have to cancel or postpone the seminar? Eventually, after a long anxious wait, the World Health Organisation faxed a reassuring letter. The virus was confined to the North, movements in the country were not restricted, and the virus can only be transferred with close contact!

OK so we can go ahead! This was not the first crisis in the planning of this event, nor was it the last. However as far as we know the Seminar is going well, as I write this.

I was more of an observer to the above crisis than a player. My attention was devoted to a proposal for a Child Labour Desk at the International Secretariat. We are looking for a three year grant to build the capacity of the International Secretariat to work with sections on the elimination of the worst forms of child labour and the development of model projects for socio-legal defence of child workers and the prevention of child labour.

I have also been working with the Editor of the International Children's Rights Monitor, Sharon Detrick, to introduce a special low subscription price for NGOs. The Monitor is published by DCI in collaboration with Kluwer Law Publishers in the Netherlands. It is a superb News Magazine on children's rights and the plan is to make it available to NGOs for US\$30 next year.

The last few weeks have been the 25th session of the Committee on the Rights of the Child. The office has

been filled with visitors from NGO Coalitions and three interns (Ana from Chile, Matthias from Sierra Leone and Ameena from Pakistan) have been attending the meetings and writing reports about the main issues raised by governments and NGOs and the recommendations made by the Committee. These reports are used by the NGO Group for the Convention on the Rights of the Child to assist NGOs in the submission of Alternative Reports. The Alternative Reports are published on the CRIN webpage (www.crin.org) and the interns' reports are published in the DCI (Geneva) Newsletter.

An NGO delegation of six members from Lesotho has spent some time at the DCI Office. It included 2 children and a young woman with disabilities. They met with the Committee on the Rights of the Child at its Pre-session meeting, and presented an NGO report and oral statements on how children's lives can be improved in their country.

Matthias Seisay from Sierra Leone has been seeking funding for the DCI Section that he co-ordinates. He and many volunteer lawyers provide legal advice and counselling to children affected by the guerrilla activities and gang violence in his country. He was helped to develop a project proposal for funding this work, and was very happy to receive a donated laptop, printer and modem to set up a small office in Freetown.

I am working here until Christmas as delegate of the International Executive Council, to implement a series of decisions it made at its meeting in September. These decisions are designed to strengthen the capacity of the International Secretariat to maintain active contact with the Sections and to develop global and regional projects. This has been made possible by the present Secretary-General, Mr Maurice Graber, finishing with DCI, this week.

We have advertised two new lower-level staff positions instead. The Council created these two positions to spread the workload of the Secretary-General and create a flatter structure in the office. The new Program Officer and Development Officer will work as a team to develop new initiatives, collaborate with sections and seek project funding. Applications have been flowing in from all over the world.

We are also embarking on a review of DCI's activities and resources around the world. This involves first re-establishing active contact with all of the Sections and Associate Members and then obtaining a full description of what they are doing, how they operate and what they are planning. It may

seem strange that such information is not already available at the Secretariat. However a long-standing problem for DCI has been the emphasis in Geneva on work at the international level, for example, at the United Nations and with other International NGO partners.

With limited resources, this has often meant that communications with the Sections and assistance to Sections get only sporadic attention. Some Sections establish enough independence to be very active on issues within their own countries. Others find it difficult to grow in the competitive environment of development NGOs. Some simply seem to fade away. So that we are better placed to develop global or regional projects, we must first have a clear and accurate picture of DCI worldwide.

Another interesting element is the number of organisations which are applying to become Associate Members of DCI. These applications indicate an increasing awareness that international links for information exchange is essential to children's rights work. We need to encourage this and develop clearer guidelines of how associate members can contribute to and benefit from the activities of DCI.

The Council decided in September that the next International General Assembly will be held in Latin America late next year. Each section is expected to send one representative to the IGA. In order to justify the cost of such travel, DCI has customarily organised an international congress at the same time. The proposed theme area is "Public Policy and the Defence of Children's Rights", with streams focused on global issues such as juvenile justice, child labour, sexual exploitation and poverty. These two events are now being organised by the Latin American Sections with support from the International Secretariat.

It is a great opportunity to work in such a lively and international setting. I can, from this perspective, assure you that the work of DCI-Australia is highly regarded. Many people have congratulated me on the Olympics too! I don't claim any personal credit there, but it's nice to be associated with something from Australia that people from all over the world have thoroughly enjoyed.

Helen Bayes
hbayes@pingnet.ch

Helen Bayes
Delegate of the International Executive Council
Defence for Children International
PO Box 88, 1211 Geneva 20, Switzerland

Wrongly counter-posing women's and children's rights: the debate over limiting access to reproductive technologies

Dianne Otto is Co-Convenor, Women's Rights Action Network Australia (WRANA) and a Senior Lecturer in the Faculty of Law at the University of Melbourne. In this article she explains why moves to amend the Sex Discrimination Act should be opposed and how readers can take part.

The right of Australian women to be free from discrimination on the grounds of sex, marital status, pregnancy and potential pregnancy is established and protected by the *Sex Discrimination Act 1984* (Cth) (SDA). The SDA implements some of Australia's international obligations under the Convention on the Elimination of Discrimination Against Women (CEDAW). However, on 1 August 2000, the Federal Government announced its intention to introduce amending legislation that will water down the SDA's prohibition of discrimination on the basis of marital status. The announcement was an important reminder that the enjoyment of rights in Australia is not constitutionally entrenched and is therefore subject to the political expedencies of government.

The Government's stance followed a decision of the Federal Court only 4 days earlier, on 28 July, which found that the SDA protected the right of access of all women, including single women, to reproductive services. A Victorian doctor, John McBain, who wished to provide infertility treatment to a single woman, Lisa Meldrum, brought the case. He argued that the provisions of the *Infertility Treatment Act 1995* (Vic) directly discriminated on the basis of marital status because it denied access to fertility treatment to single women. Justice Sundberg of the Federal Court agreed, declaring that the Victorian Act was invalid to the extent of its inconsistency with the SDA and that Dr McBain was free to provide infertility treatment to Ms Meldrum.

Although the Federal Court decision merely brought Victorian law into step with the law in most other

continued next page

states, the unseemly haste with which the Government announced its determination to, in effect, reverse the decision is notable. Amending legislation was introduced on 17 August, which would allow State and territory governments to discriminate on the basis of marital status in regulating access to assisted reproductive technologies. There followed an immediate outcry, to which the Government again hastily responded by promising another amendment that would protect the access rights of women in de facto heterosexual relationships. This further response revealed the Government's real motivation, which was to deny access to single women and women in lesbian relationships because it considered such families undeserving.

The Government has sought to justify its actions primarily in terms of children's rights, giving them precedence over women's rights. The Attorney General, in introducing the Bill, put it thus:

"This issue primarily involves the right of a child within our society to have the reasonable expectation, other things being equal, of the care and affection of both a mother and a father".

The implication is that children in families consisting of single mothers, lesbian and gay couples, or any other combination of non-biologically-related caring adults, are being denied their full rights to a family. This view impugns what must be close to the majority of family configurations in Australia today, giving the green light to prejudice based on family form. The Government appears unconcerned with the negative impact of its views on children living in non-nuclear families, at the same time as it trumpets its commitment to children's rights. Further, the Government's view elevates the question of family form over the quality of family life, while the United Nations Convention on the Rights of the Child emphasises the importance of a family 'atmosphere of happiness, love and understanding' (preamble). Therefore, the Government's appeal to children's rights is disingenuous, to say the least.

In fact, women's and children's rights converge in the question of the availability of assisted reproductive technology services. What will maximise a child's enjoyment of their right to a

'What will maximise a child's enjoyment of their right to a loving and happy family environment is to ensure that their conception occurs under conditions of free choice'

loving and happy family environment is to ensure that their conception occurs under conditions of free choice. Therefore, it is consistent with the best interests of the child that discriminatory access to reproductive assistance is prohibited because it promotes free choice. Further, denying intending mothers access to safe reproductive services, including semen screening processes, has possibly harmful consequences for the future child. And finally, recognising and protecting a diversity of family forms is consistent with the rights of women and their children.

In addition, the Government's intended legislation allows for inconsistency in the enjoyment of rights across the country, creates a precedent for the further erosion of women's rights, and breaches Australia's international legal obligations which require the Government to prohibit all forms discrimination on the basis of gender and sexual orientation throughout the Australian federation.

The Australian Democrats and, more tentatively, the ALP have expressed their opposition to the amendments, so it is possible that the Senate will not pass the Bill.

However, this happy outcome is not at all guaranteed. Please lend your support to the campaign to oppose the amendments to the SDA designed to limit access to reproductive technologies by:

- * signing a petition organised by the National Women's Justice Coalition, <http://nwjc.ozpetition.com>
- * joining an email list to stay informed, <http://www.nwjc.org.au/avcwl/lists/info/sda-alert.html> or <http://www.nwjc.org.au/avcwl/lists/info/sda-discuss.html>
- * contacting politicians to express your view, <http://www.nwjc.org.au/wrana/sexdisc.htm>

Dianne Otto
Co-Convenor, Women's Rights Action Network
Australia (WRANA)
Senior Lecturer, Faculty of Law, the University
of Melbourne

In Brief:

UNICEF condemns violence, regrets deaths of children in Middle East

UNICEF Executive Director Carol Bellamy stated on 12th October that UNICEF strongly supports UN Secretary-General Kofi Annan's call for a negotiated end to the conflict that continues to rage in the West Bank, Gaza and Israel. UNICEF is deeply concerned about the continuing loss of life, especially among children, and calls upon the adults of the region to do everything in their power to protect minors and to reach a negotiated end to violence.

In recent days, at least 27 children under 18 have been killed in the conflict. More than 1,200 have been injured, many critically. Such violence threatens the most basic rights of children — the rights to survival, healthy development, and general well-being. UNICEF is concerned that a failure of negotiations could lead to increased peril for all the children of the region. Both Palestinian and Israeli children have been promised peace for too long to let it slip away now. UNICEF continues to believe that if conflict can be held in check, these young people have the power and potential to build the better future to which they are entitled.

For more information:

<http://www.unicef.org/newsline/00pr65.htm>

Launch of world day for prevention of child abuse

November 19, 2000

The World Day for the Prevention of Child Abuse was created to focus attention on the role of women in protecting children from abuse. The Day will signal a first "Women of the World Commit" to taking their leading roles in the fight against child abuse to the international stage. In Geneva, the launching city of the Day, the organizers, the Women's World Summit Foundation and World Fund for the Dignity of Children, will light 2000 candles and convene an inaugural Round Table. Please share this Day with your friends and colleagues, spread the idea and encourage groups, child rights associations and NGOs to organize events in their communities to make the Day and to help increase public awareness for the right of the child to dignity and development. For further information:

Elly Pradervand - Founding Director, Women's World Summit Foundation/ Foundation Sommet Mondial des Femmes, P.O. Box 2001, 1211 Geneva 1, Switzerland
tel +41 22 738 6619/ fax +41 22 738 8248/
e-mail: wwsf@iprolink.ch

Afghanistan's warring sides agreed to a three-day ceasefire to enable the United Nations to immunise children against polio. The UN said both the Taliban authorities and the opposing northern alliance had given their commitment to respect a ceasefire while the programme takes place. During the last polio vaccination programme in May and June this year, a similar ceasefire was respected by both sides.

For more information:

<http://news6.thdo.bbc.co.uk/hi/english/world/south%5Fasia/newsid%5F964000/964852.stm>

At the International Conference on War-Affected Children in Winnipeg in September, Government representatives from more than 120 countries vowed greater protection for children from the horrors of war, but their declaration stopped short of what some human rights groups had wanted. The results of the conference, co-sponsored by Canada and United Nations Children's Fund (UNICEF), will be presented at a special session on children at the United Nations in September 2001.

For more information:

<http://news.lycos.com/headlines/World/article.asp?docid=RTINTERNATIONAL-CANADA-WARCONFERENCE-DC&date=20000917>

Publications

A new report by Graca Machel calls HIV/AIDS the most powerful new threat facing children in conflict-affected countries and appeals for urgent measures to address the compound impact of AIDS and war on children. This first major review of global progress since her ground-breaking 1996 study, *The Impact of Armed Conflict on Children*, highlights significant achievements of the last four years, including new measures to protect children from military recruitment and to prosecute and punish war crimes against children and women. It also describes the increased importance and emphasis on education as

the fourth pillar of humanitarian relief, joining food, health care and shelter.

For a copy of the report: <http://www.war-affected-children.org/machel-e.asp>

War Affected Children Conference web site:
<http://www.war-affected-children.org/>

Working for Change in Education: A Handbook for Planning Advocacy

Save the Children UK

A practical guide on how to do advocacy on education, from local through to national and international levels, this handbook is a valuable resource for anyone interested in advocacy work in any sector.

Save the Children's experience demonstrates that non-governmental and other groups can have a greater influence on the direction of educational change if they have a well thought-out advocacy strategy. The handbook offers a detailed framework for planning advocacy, alongside case studies and workshops for training or to facilitate analysis.

For copies of the publication: Save the Children Publications, c/o Plymbridge Distributors Ltd, Estover Road, Plymouth, PL6 7PY, United Kingdom tel +44 1752 202301/ fax +44 1752 202333/

email orders@plymbridge.com web site
<http://www.savethechildren.org.uk> Cost: £7.50

Publications from the UNESCO international clearinghouse on children and violence on the screen

Children in the New Media Landscape: Games, pornography, perceptions

Editors, Cecilia von Feilitzen and Ulla Carlsson.
Child and Media Violence, Yearbook 2000.

Bibliography - Research on Video and Computer Games, A selection.

Compiled by Johan Cronström

Bibliography - Research on Pornography and Sex in the Media, A selection. (1970-).

Compiled by Johan Cronström

Further information and copies of these publications: The UNESCO International Clearinghouse on Children and Violence on the Screen, Nordicom, Göteborg University, Box 713, SE 405 30 GÖTEBORG, Sweden

tel +46 31 773 10 00/ fax +46 31 773 46 55/
email nordicom@nordicom.gu.se web site:
<http://www.nordicom.gu.se/unesco.html>

Children, torture and power

A report by Save the Children UK, in partnership with The World Organisation Against Torture (OMCT)

Children all around the world suffer torture on a daily basis at the hands of governments and armed opposition groups because of prejudice or on suspicion of petty crime or political activity. Those who commit these atrocities are rarely brought to justice.

Amongst a range of recommendations, the report calls for the issue of child torture to be put firmly on the international human rights agenda and for action to be taken to combat the problem by the international community. Governments must ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute to establish the International Criminal Court (ICC) and establish alternatives to detention for children

For copies of the publication, contact: Save the Children Publications, c/o Plymbridge Distributors Ltd, Estover Road, Plymouth, PL6 7PY, United Kingdom tel +44 1752 202301/ fax +44 1752 202333/

email orders@plymbridge.com web site
<http://www.savethechildren.org.uk>

Price £12.95

What is Child Poverty?

The 24-page pack includes information about how child poverty is measured and some key facts about child poverty in the North and South. It also outlines how Save the Children is working towards eradicating child poverty and how they are looking to improve our knowledge and our understanding of it.

Available in PDF format on the CRIN web site at:
http://www.crin.org/pdf/child_poverty.pdf

Limited copies are available from:

Programme Resources Centre at Save the Children UK, email prc@scfuk.org.uk

Rights of Palestinian Children 1999

A report by Defence for Children International/Palestine Section (DCI/PS).

This English language publication provides an overview of the status of Palestinian children's rights in the West Bank and Gaza Strip, as well as detailed information about violations of those rights. Looks at the status of children's rights in those areas under Israeli occupation as well as the areas under the jurisdiction of the Palestinian

National Authority. Topics covered by the report include Palestinian children killed or injured in 1999, conditions for juvenile detainees, Israeli attacks on Palestinian homes and schools, the status of the juvenile justice system in the West Bank, and child labor, among others.

For more information, or to obtain a copy:
P.O. Box 55201, Jerusalem
Tel: +972 2 240 7530/ Fax: +972 2 240 7018/
Email: dcipal@palnet.com
Website: <http://www.dci-pal.org> (under construction)

New Publications from save the Children Canada
I've Got Them! You've Got Them!! We've All Got Them!!!

Based on the UN Convention on the Rights of the Child, this pocket-sized colouring book is a fun way for children to learn their rights and responsibilities.

A poster series has also been developed as a teacher's aid for the colouring book. Each black and white image is enlarged from the colouring book itself, and provides easy reference to the UN Convention on the Rights of the Child.

Children's Rights Colouring Book Activity Guide

A booklet that will help caregivers, teachers and adults introduce children to the full range of their rights and help them understand their responsibilities to themselves and others. It includes an explanation of the UN Convention on the Rights of the Child, and activities that accompany the colouring book.

Declaration and Agenda for Action Written by Sexually Exploited Children and Youth at the *Out of the shadows* summit

The complete text of the Declaration and Agenda for action ratified by the Summit. This integral document offers the original copy of the declaration as well as how to use and implement the Agenda for Action.

For further information and copies of these publications: info@sccwest.org

Working Children's Futures: Child Labour, Poverty, Education and Health

by Rosamund Ebdon, Save the Children UK
Recent research on the long-term implications of child labour shows that while not all child labour is

harmful, many children pay a high price for such work in terms of poor lost education opportunities and adverse health impacts. This in turn translates into high social and economic costs for the countries concerned. This paper highlights education and health as key areas for intervention alongside the need for equitable development and poverty reduction measures. Finally, it calls for further research into child occupational health as well as longitudinal studies into the impacts of child labour.

For copies of this publication:

Save the Children Publications, c/o Plymbridge Distributors Ltd, Estover Road, Plymouth, PL6 7PY, United Kingdom
Phone: +44 1752 202301/ fax +44 1752 202333/
Email: orders@plymbridge.com
Web site: <http://www.savethechildren.org.uk>

When Can I? a legal information handbook for young people.

Legal Aid Office of the ACT and CIRSACT (Community Information & Referral Service of the ACT). ISBN: 1 875984 10 0

A handbook for people from the ages of 10 to 18 years, providing a quick reference to legal issues that relate to driving, drugs, alcohol, sex, police contact and others. Most applicable for ACT residents. Contact: Legal Advice & Information Line 1300-654-314 (cost of a local call). Copies downloaded from: <http://www.legalaid.canberra.net.au>

International Children's Rights Monitor

Defence for Children International (DCI) is happy to announce the possibility of subscribing to the *International Children's Rights Monitor* for a reduced price.

The *International Children's Rights Monitor* is an international children's rights news magazine of DCI. Launched in 1984, the MONITOR is DCI's major tool for making known violations and responses in the children's rights field. Each issue contains critical articles on current children's rights situations, as well as regular columns: A Young Perspective, Viewpoint, Convention Update, United Nations and Children's Rights, NGO News, Publications, Upcoming Events, Mini Monitors. The *Monitor* will keep you abreast of all the important developments in the children's rights field worldwide.

The *Monitor* is edited by DCI and published in cooperation with the publisher Kluwer Law

International. DCI is planning to offer subscriptions to the MONITOR at a reduced price, especially for NGOs and community groups. This new subscription offer will begin in 2001 and will be 30 US\$ dollars per volume. Each volume has three issues published in a calendar year. (The Kluwer subscription price for organisations is US\$119 and for individuals US\$60.)

If you would like to make use of this offer or obtain further information, please contact: Dr Sharon Detrick, Editor International Children's Rights Monitor, Fax: +31 (0) 71-561-1310, Email: crci@worldonline.nl.

International Children's Rights Monitor, vol 13, no. 3 September 2000

Amongst many important children's rights articles in this issue:

"The Sorry and Shameful Saga of Mandatory Detention Laws in Australia" by DCI-Australia President, Danny Sandor; a young perspective from Notoum Jasmine of the DCI-Cameroon Youth Group; and updates on the United Nations and Children's Rights.

Opportunities

Vacancies at Defence for Children International (DCI) International Secretariat, starting in January 2001.

1 Program Officer

This is a full-time job for an expert in children's rights who will create, write and coordinate new DCI-worldwide programs. He or she has to correspond with DCI Sections and Associate members about worldwide programs to be developed and the possible implementation in the field. The program-officer needs to write draft narrative reports to foundations about progress, which will be submitted to foundations by the development officer. Sound knowledge of children's rights is required as well as writing and communication-skills. Knowledge of languages (English, French, Spanish) an advantage. Preferred is an expert who is or was connected with one of the DCI Sections or Associate Members.

2 Development Officer

This full-time job is for someone with an affinity with human rights and children's rights work, but who will try to "sell" the programs created by the Program Officer to funding-agencies. Good

writing-skills (in English, but French and Spanish an advantage). Proven knowledge of grant-writing needed. The Development-Officer must know how to make budgets and do financial reports, and supervise work of the bookkeeper. The position maintains contact with DCI's treasurer and CPA. He or she needs to give advice to DCI Sections about possible funding sources and build a database for DCI Sections and Associate members to consult about possible funders.

The two staff-persons need to work together as a team. For more information about these positions:

Helen Bayes, delegate of the International Executive Council, Defence for Children International (DCI),

T +41 22 7340558/ F +41 22 7401145/

Email: dci-hq@pingnet.ch

For applications write to:

Dr. Philip Veerman, President, Defence for Children International (DCI), PO Box 88, CH 1211 Geneve 20, Switzerland F +41 22 7401145/ Email: dci-hq@pingnet.ch (write for Philip Veerman)

Internships announcement:

Internship Programme one placement:

Responsibilities: to manage the ENYA Ecumenical Youth Perspectives programme. The post requires a two year commitment and residency in Eastern and Central Europe.

Further details: <http://www.nyaorg.cz>

Cath Moss, ENYA Co-Coordinator
cejenya@mbox.vol.cz

Ecumenical Network for Youth Action
U Nas 9, CZ - 14700 Prague 4, Czech Republic

Senior International Consultant on the social and economical reintegration of child soldiers

The InFocus Programme Crisis Response and Reconstruction department at the ILO in Geneva is looking for a senior international consultant on the social and economical reintegration of child soldiers.

The person should be fluent in French and should have a solid professional experience in war-affected countries and reintegration issues, by preference in Central Africa. The post is for 1 month based in Kinshasa (RDC) with eventual missions outside the capital. The programme concerns the reintegration of vulnerable groups among the ex-combatants, including child-soldiers. Please send CVs to: vanempel@ilo.org, with a copy to idowu@ilo.org/ fax +41-22-7996895

Conferences

November 10 to 11, 2000

Children, Social Exclusion and Citizenship, University of Sunderland, UK

Policy and practice for children who are socially excluded in Denmark and the UK

The conference will focus on the welfare systems in Denmark and England which demonstrate striking similarities and stark contrasts. With a critical focus on the changing worlds of social welfare, it will look at how social policy initiatives, legal discourse, and practice models impact upon socially excluded children and their families in the two countries. Leading researchers, practitioners, and service users from both countries will make presentations and workshops.

For further information:

Sue Cottam, University of Sunderland, School of Humanities and Social Sciences, Priestman Building, Green Terrace, Sunderland, SR1 3PZ, UK
Tel +44 191 515 3621/ fax +44 191 515 2229/
Email: susan.cottam@sunderland.ac.uk

November 30 to December 2, 2000

Youth Care - Youth Punishment, Luxemburg

Juvenile delinquency is on the increase in many European countries and a lot of criticism has been put forward regarding the effectiveness of the child and youth care system as well as of the juvenile justice system. This conference will focus on the roots and the phenomena of juvenile delinquency and deviant behaviour under a European perspective and will look at the different national debates. Different country-specific approaches to juvenile delinquency will be compared with the aim to evaluate weakness and strength of the different approaches.

Languages: German, English and French
(Interpretations will be provided in the plenary sessions)

A copy of the programme is available on the CRIN web site at:

<http://www.crin.org/news/youthcare1.htm>

For further information and to register:

Internationale Gesellschaft fuer erzieherische Hilfen (FICE-Germany), Schaumainkai 101-103, D-60596, Frankfurt am Main, Germany tel: +49 69 633986-11/ fax +49 69 633986-25/
Email: tagungen@igfh.de

June 9 - 16, 2001

International Conference on "Children and Young People in a Changing World: A Holistic Approach", Agrigento (Sicily) Italy.

The deadline for abstracts for this conference has been extended to December 31, 2000. The response continues to be quite good both in terms of prospective presenters and in attracting additional sponsors.

Contact: E-mail (csblanc@igc.org) or

Fax (718 601 8233) for assistance or for a more formal invitation letter.

Future updates will be on the CONFERENCE WEBSITE: www.icaes-florence2003.com.

June 10 - 20, 2001

Ecumenical Network for Youth Action, Prague, Czech Republic

In preparation for the upcoming Ecumenical Children/Youth/Students and Diaconial Development Consultation and Seminar all members and partners of ENYA and interested ecumenical/ denominational youth and children's and youth diaconial/social /justice /training-related direct service providers are invited to become involved in a dynamic process of identifying and helping to guide priorities for the new perspectives of the children's, youth and student's work of the Churches and faith Communities in the 3-4 upcoming years and to submit proposals of programmes and projects. Proposals can be local, national, country or inter-regional. DEADLINE NOVEMBER 20, 2000

For information: eyp@mbox.vol.cz or cejenya@mbox.vol.cz.

Other documentation may be requested from the secretariat of ENYA.

22 and 23 November, 2000

European Children's Network Conference, European Parliament, Brussels

For more information please contact: Mieke Schuurman, Euronet,

1 Place de Luxembourg, B1050 Brussels, Belgium
tel: +32 2 512 4500/ fax: +32 2 512 6673
email: savechildbru@skynet.be

9 - 22 September 2001

The World Congress on Family Law and the Rights of Children and Youth, Bath , England.

The World Congress on Family Law and the Rights of Children and Youth meets every four years to assess developments in the law, public policy and affiliated

professional areas that impact on the protection of children. It brings together lawyers, judges, health care professionals, politicians, community and government representatives, human rights advocates and representatives from the private and business sectors who share a common concern about the rights of children.

At the 2001 World Congress there will be four streams:

- The Protection of the Human Dignity of Children
- International Instruments for Cooperation
- Leading Children and Youth Speak out for themselves
- Family Law and Social Change

The Organising Committee is proud to announce that the Her Excellency Mary Robinson, United Nations High Commissioner for Human Rights, is the patron for the 2001 Congress.

To receive Registration Information please contact Congress Secretariat: Email: capcon@capcon.com.au

Tel: +61 2 9252 1635 Fax: +61 2 9241 5282
For updated information on speakers and online registration please see the congress website: www.lawrights.asn.au

December 12 - 14, 2000

Justice for Children: A Vision for the 21st Century. Washington, DC

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) invites you to make your reservations now to take part in OJJDP's third National Conference:

Justice for Children: A Vision for the 21st Century
Omni Shoreham Hotel, Washington, DC

Registrations will remain open until November 27 as long as space permits. The organisers advice that past experience, indicates that the demand is high and early registration is recommended to ensure your ability to attend. The deadline for registration for the conference hotel is November 17.

OJJDP's conference will feature seven topical tracks with 49 workshops. In addition, 15 pre-conference workshops will be held on December 10 and 11.

The conference aims to highlight effective responses to critical issues in juvenile justice and delinquency prevention and treatment, as well as strategies for the future.

To receive comprehensive, up-to-date information about the OJJDP National Conference, including registration and to register online, visit the

conference Website at:

<http://ojjdp.ncjrs.org/highlights/nconf2000/nconf2000.html>

For additional information or to be added to the mailing list for registration information, please contact OJJDP's Juvenile Justice Clearinghouse at 800-638-8736 (telephone) or askncjrs@ncjrs.org (e-mail).

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. Others 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 first edition of 2001. Contributions of between 700 and 1500 words are preferred and should be e-mailed with full author details to: dci-aust@dynamite.com.au.

Suggested graphic photos to accompany the article are most welcome.

The closing date for receipt of material is 1 February 2001 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 Danny Sandor on 0409 311 510.

Articles published in Australian Children's Rights News may also be placed on the DCI-Australia website <http://members.dynamite.com.au/dci-aust/>.

Join DCI!

You too can become a Member or Affiliate (for NGOs)
Your subscription includes each quarterly issue of ACRN. Members and affiliates also receive lots of other information about DCI's campaigns and activities.

Subscriptions:

under \$20,000 pa/student	\$25	pa
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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

Donations help to expand DCI's important work.

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Send this form with your cheque to:

DCI-Australia
GPO Box 3131
Canberra ACT 2601
or fax (card payments only) to 02-6257-6722

DCI members and affiliates add to the action!

Websites

MANY USEFUL LINKS ARE GIVEN IN THE DCI-AUSTRALIA WEBSITE - CHECK IT OUT!

<http://www.sce.gla.ac.uk/>

A newly-launched site with information about the Separated Children in Europe Programme, and access to Programme materials. A facility for discussion will be added shortly, and a newsletter will be available. The Programme's Statement of Good Practice and copies of the assessments carried out in Europe are also available.

<http://www.childpolicyintl.org/>

The Clearinghouse on International Developments in Child, Youth and Family Policies at Columbia University provides cross-national, comparative information about policies, programs, benefits and services available in advanced industrialised countries that address child, youth, and family needs.

<http://www.enyaorg.cz>

Building Partnerships and Hope with Street Children and Youth

<http://www.antislavery.org>

Check out the new anti-slavery web site

<http://www.acaint.org>

The African Child Association (ACA) promotes and protects the rights of African Children all over the world. The ACA website is being presently developed to suit some of your needs. Input is welcome from other organisations working for the protection of the rights of Africa's Children.

<http://www.unesco.org/education/>

An electronic version of the World Education Report 2000 is now accessible on UNESCO's Education Sector website. Copies of this publication can be ordered from this site.

Visit WER webpages where you can read and download:

- * Summaries of chapters
- * Education Indicators tables
- * Full text of WER 2000 online
- * Full text of WER 1998 online
- * Abstracts from previous editions of WER

http://errc.org/rr_nr3_2000/

Roma Rights 3/2000, the quarterly journal of the European Roma Rights Center (ERRC), addresses the theme of "Rights of the Child". Roma Rights 3/2000 is available, in its entirety, on the internet.