



Australian Children's Rights News

Newsletter of the Australian Section of Defence for Children International
Issue Number 44, October 2007
ISSN 1320-7091

“Constitutional Niceties or the Care and Protection of Young Children?": Aboriginal Children and the Silencing of Debate

by Megan Davis

Megan Davis is the Director of the Indigenous Law Centre at the University of New South Wales. Megan has held a United Nations Indigenous Fellowship, UNOHCHR, Geneva and has participated during the past nine years in UN expert seminars and working groups including the Working Group on Indigenous Populations, the Working Group that elaborated the UNDRIP, WIPO and also the UN Committee on the Rights of the Child. She is an Australian member of the International Law Association's Indigenous Rights Committee.

On 17th August, the Commonwealth Parliament passed unamended, the full package of bills¹ implementing the Federal government's national emergency response to Ampe Akelyernemane Meke Mekarle, the Little Children are Sacred report.² The legislation implementing the intervention includes alcohol restrictions; prohibition on the use of customary law in bail and sentencing; changes to welfare including abolition of the Community Development Employment Program (CDEP); changes to the permit system and compulsory acquisition of five year leases over prescribed aboriginal townships.

Interrogation of the (mis)use of children by political actors in the public discourse that immediately followed the NT Plan should not be jettisoned on the basis that protecting innocent children renders nugatory policy contestation. Rather policy debate is crucial to the effective functioning of liberal democracies, particularly for Indigenous Australians who are 2% of a 20 million population.

The complexity of the legislative and policy framework of the NT Plan particularly in relation to those initiatives that have no apparent link to the welfare of children inevitably evoked passionate responses from Aboriginal

Continued on page 3

Features:

“Constitutional Niceties or the Care and Protection of Young Children?": Aboriginal Children and the Silencing of Debate - p1

Commonwealth Government Intervention in NT Communities: Background - p5

Black Kids' Tampa - p7

SNAICC's Response to the Federal Government's Emergency Measures in Northern Territory - p9

What I Would Do - p11

Life in Utopia - p12

Memories from the Dark Side - p13

Children: The Silenced Citizens Canada: Governments failing native children, report says - p 16

India: Children Still Work, Despite Ban - p18

India: Child Bondage Continues in Indian Cotton Supply Chain - p19

Positive Discipline - What it is and how to do it - p21

COLUMNS

President's Column - p2
Publication - p 26

President's comments:

The issues associated with the Northern Territory intervention, justified by the Howard government in the name of fighting an epidemic of child abuse in Indigenous communities, provide the main focus for this issue of Australian Children's Rights News. The level and seriousness of child abuse in Indigenous communities across Australia has been well known for some years. The over-representation of Aboriginal and Torres Strait Islander children in the child protection system continues: in 2006 Indigenous children were almost 5 times more likely to be the subject of a substantiated report than other children, and they were over 7 times more likely to be in out-of-home care than other children across Australia (Australian Institute of Health and Welfare (2007), pp. 26, 57. In fact, these figures are likely to underestimate the overrepresentation because there is evidence that children's Indigenous status is not consistently recorded. For example, the *Non-Government Report* to the UN in 2005 stated, example, that "two recent audits concerning children on orders in Queensland and in the Australian Capital Territory, for example, found that some Indigenous children who had been wards of the state or in foster care arrangements for many years were not recorded as Indigenous."

Despite numerous inquiries, reports, and calls for action to redress the serious problems for Indigenous children over the last decade, there has been little action or federal leadership until the precipitous and contentious intervention in the Northern Territory in July this year. In its Concluding Observations in 2005, the UN Committee on the Rights of the Child urged the Australian government to "prioritise working with, and continue to work with Indigenous community leaders, agencies and communities to establish a range of best practice solutions for Indigenous children and young people". It also recommended that the Government "intensify its cooperation with indigenous community leaders and communities to find, within indigenous families, suitable solutions for indigenous children in need of alternative care." Clearly, the reaction of numerous Aboriginal women, in particular, is testament to the contravention of this recommended consultative approach. And Megan Davis provides a thoughtful analysis of attempts to silence the debate.

It doesn't have to be done this way – the *Little Children are Sacred* report that supposedly led to

the NT intervention did not recommend such action, and the *Bringing them Home* report had numerous recommendations for better approaches that have not been implemented. And other countries have done it differently, as Terri Libesman pointed out in a forum on the 10 year review of the *Seen and Heard: Priority for Children in the Legal Process* by the Australian Law Reform Commission and Human Rights and Equal Opportunity Commission (1997).

Barbara Rogalla's article 'Memories from the Darkside' provides a reminder of the impact of the shameful treatment of children and adults seeking asylum in Australia. As a nurse at Woomera, Barbara saw first-hand the conditions and difficulties these people underwent, now much more difficult to observe because asylum seekers are now kept "safely" off the mainland under the "Pacific solution". Her PhD study gave her the opportunity to analyse the policies and practice that underlay that experience.

Australia now has a chance to change the way it deals with such "problems" and to respond with concern for social justice and equity, with respect for Indigenous children and their kin, and those seeking asylum.

Judy Cashmore

President, DCI Australia

IRAQ: Iraqi NGOs claim Child prisoners abused and tortured

Iraqi NGOs have raised concerns about the condition of children in local prisons, saying they are abused and tortured during interrogation. Children are being treated as adults in Iraqi prisons and our investigations have shown that they are being abused and tortured, according to a spokesman for the Prisoners' Association for Justice (PAJ), Khalid Rabia'a. Child prisoners between 13 and 17 are being accused of supporting insurgents and militias. Most were detained during Iraqi army military operations in the Baghdad neighbourhoods of Adhamiya, Latifiya, Alawi, Doura and Hay al-Adel

"Our investigation started after families brought their five sons to our organisation looking for psychological help for their children who were recently released from prison, and what we found out was shocking".

"The five children showed signs of torture all over their bodies. Three had marks of cigarette burns over their legs and one couldn't speak as the shock sessions affected his conversation," Rabia'a said. "It is against international law that protects children and we call for interventions in all Iraqi prisons to save the lives of these children."

At least 220 children are believed to be held in Iraqi prisons. IRIN requested permission to visit the prisons said to be holding child prisoners but the request was denied.

[Source: IRIN News; <http://www.irinnews.org>]

CRIN: www.crin.org/resources/infoDetail.asp?ID=15271

representatives. Questions were raised about the paucity of evidence-based policy underpinning the framework. Moreover concern was expressed about the lack of Federal government consultation with those Northern Territory Aboriginal communities affected by the intervention. The questioning of elements of the intervention by Indigenous and non-Indigenous organisations such as the Northern Territory police were aggressively censured as willing the prolonged suffering of “the innocents”. Questions about the discriminatory and rushed nature of the legislation were dismissed as “constitutional niceties” by the Prime Minister who deemed critical analysis of the plan as irrelevant because the safety of Aboriginal children was paramount.³³ Mal Brough referred to critics of the legislation as “soul less” and Noel Pearson described the questioning of the NT Plan by “nay sayers” as a “terrible indulgence”.⁴

The attempt to silence critics by aggressively deploying images of innocent, suffering Aboriginal children is insidious. It is insidious because it seeks to censor legitimate policy contestation and it shields from interrogation those public institutions that have failed Aboriginal children over the decades. According to Pearson, “I’m amazed that anybody would put the protection of children secondary to anything ... those who have objections to immediate intervention have to ask themselves whether they’re willing this whole exercise to fail, and geez, if you’re willing the whole exercise to fail, what kind of priorities do you have in relation to the wellbeing of indigenous children?” Pearson is being disingenuous, because he freely admits everything in Indigenous affairs occurs within a political context and that people are justified in being suspect of Howard’s motives, yet simultaneously says that we must put the care and protection of Aboriginal children above everything. Yet most of the reporting of Indigenous sexual child abuse is done by members of the Aboriginal community. The life stories of Aboriginal children that NT Crown Prosecutor Nanette Rogers recounted in a cool and precise manner on *Lateline* instigated renewed national focus on the problem. Yet those stories taken from case law had been brought to the attention of the authorities by Aboriginal people working in the community.⁵ In fact for over three decades Aboriginal people have tried to bring to the attention of government the serious problems of alcoholism and sexual abuse in Aboriginal communities and the impact upon children.

It is perfectly legitimate for Aboriginal people to

question why is it an emergency now while simultaneously wanting Aboriginal children to be safe. Particularly given the absence of a causal link between land tenure and the permit system and child sexual abuse, then it would be politically naïve of Indigenous peoples not to question the need for such a measure in the emergency response. The response also included the prohibition of the use of Aboriginal customary law in the mitigation of bail and sentencing. Again, there is no evidence-based casual link between the use of aboriginal customary law in the mitigation of bail and sentencing and child sexual abuse. Both the issue of the permit system and Aboriginal and land tenure and the issue of aboriginal customary law in bail and sentencing were in fact the subject of Senate inquiries and legislative reform in 2006. Yet in 2006, the reforms were sold under the banner of economic development which many Aboriginal people viewed as assimilation and were strongly resisted and protested by Aboriginal people in the Northern Territory. However in 2007, the use of “children” to bolster radical legislative reforms that wind back Aboriginal rights that traditionally the conservatives have been critical of has been effective. The typical response has been to ignore the obvious flaws in the legislative framework and the almost universal expectations that they won’t work because children are involved.

The indifference of our public institutions to Indigenous voices must not be overlooked in fashioning a response to the serious issue of child abuse in the Northern Territory. The lack of consultation with Aboriginal communities and the timeframe provided to respond to the proposed legislation not only undermines the democratic process but continues the deleterious trend of indifference among public institutions toward Indigenous peoples’ opinions, ideas and worldviews. The first recommendation of the Anderson Wild report stated,

That Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments, and both governments immediately establish a collaborative partnership with a Memorandum of Understanding to specifically address the protection of Aboriginal children from sexual abuse. It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.

This key recommendation endlessly cited by the government to justify its emergency response promotes collaboration and the importance of genuine consultation with Aboriginal communities. Evidence-based research shows that Indigenous peoples must be included in formulating solutions to the complex problems in their communities and best practice reveals that very few policies and laws are effective if Aboriginal people are not consulted from the outset.

Consultation fosters a sense of ownership and that feeling of ownership has been incontrovertible in the success of economic development of indigenous communities globally. It manifests in a sense of control over one's own destiny and life. Evidence-based research shows that all the good intentions in the world are irrelevant if the people affected are not consulted. In fact, the non-Government Report on the Implementation of the United Nations Convention on the Rights of the Child in Australia noted,

Current problems with substance abuse, violence and poverty are closely tied to historical experiences of dispossession and enforced separation. They create and recreate a climate of trauma for many Aboriginal and Torres Strait Islander children. Addressing the problems that beset Aboriginal and Torres Strait Islander communities requires a holistic approach, which facilitates and supports Indigenous communities developing and delivering their own solutions.¹

An evidence-based response by the Federal Government would instead emphasise the salutary influence of consultation with Aboriginal people in fostering a sense of ownership over solutions will result in real and beneficial outcomes for Aboriginal communities. Already reports indicate how ineffective the implementation of the NT Plan is. For example, the new federally-appointed manager of the Yuendumu Aboriginal community in Central Australia designed a scheme for school truancy. The plan was to force Aboriginal schoolchildren into work gangs and make them pick up rubbish until they are visibly tired. This caused outrage in the Central Australian Aboriginal community.

In concluding, it is important to note that in recent months one of the Aboriginal political responses to the NT Plan has been to establish a new political body. This body advocates that the legislation be overturned, that the NT Plan is genocide and that the government's

actions was because of a lack of Indigenous voice, "These attacks against Aboriginal people in the NT are a consequence of the lack of representation ... had there been a powerful black political voice in place, we doubt these attacks could have succeeded".

Yet many Indigenous peoples are expressing caution at reactionary politics in that we must be careful not to throw the baby out with the bathwater. The Aboriginal and Torres Strait Islander Commission failed also, as a public institution, to respond to the crisis in Aboriginal communities. In recent months critics of the NT Plan have argued that ATSIC cut significant women's and childrens programs because the Howard government reduced ATSIC funding. It is true that Howard reduced funding, however, it was the decision of the ATSIC Board alone that chose to cut these programs because of a lack of funding. The current crisis was not because of a lack of national representation but because of a serious epidemic of child sexual abuse in Aboriginal communities. This was confirmed by three state reports in Western Australia, Northern Territory and New South Wales. It is not sufficient to simply vocalise the proposition that we care for our children. We must grasp the opportunity to initiate a cultural change in urban, rural and remote Aboriginal and Torres Strait communities that domestic violence, alcoholism and child sexual assault will not be condoned nor swept under the carpet.

Footnotes

1. Northern Territory National Emergency Response Bill 2007 ('NTNER Bill'); and Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007 ('FaCSIA Bill'); *Social Security and Other Legislation Amendment (Welfare Reform) Bill 2007* ('WR Bill').
2. The Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007.
3. 'Indigenous child abuse 'emergency' prompts PM action' *ABC News* June 21 2007.
4. For comments censuring those who question aspects of the Federal Government intervention, see generally, ABC television, 'Noel Pearson discusses the issues faced by Indigenous communities' *Lateline*, 26 June 2007; 'NT intervention cost blow-out' *The Age* (Melbourne) 6 August 2007.
5. Australian Broadcasting Corporation, 'Crown Prosecutor speaks out about abuse in Central Australia', *Lateline*, 15 May 2006, <http://www.abc.net.au/lateline/content/2006/s1639127.htm> at 4 July 2006.
6. 'The Non-Government Report on the Implementation of the United Nations Convention on the Rights of the Child in Australia - May 2005', 66.

Commonwealth Government Intervention in NT Communities: Background

What aspects does it affect?

- It affects welfare benefits
- Community stores
- Changes to the permit system
- Land rights law
- Sentencing in Criminal law and bail
- Grog
- Pornography
- Management of communities

Where does it apply?

- It will apply to approximately 70 communities or more, including community living areas and town camps also affected

How long and Spending?

- Spending over \$587 million this financial year in “additional” money - 2007/2008 (Minister 7/8/08)
- “The emergency measures will last for up to five years while longer term approaches develop.” (23/8/07 FACSIA)

Welfare benefits changes include:

- Social security benefits
- Social security pensions
ABSTUDY
- Defence Service pensions
- Income support
- Defence force income support allowance
- Compulsory Income Management for welfare benefits
- For 12 months, half of all income-support and family-assistance payments will be income managed—that is, held back—so that the money can be spent only on food, rent and other essential items.
- One hundred per cent of advances, lump sums and baby bonus installments will be income managed (FACSIA Fact Sheet 14)

- Government Department will take out 50% of welfare benefit for Aboriginal inhabitants who live in a listed community for next 12 months, related to residence not behaviour
- Half or more of social security payments go will into an Income Management Special Account in the name of each resident, but managed by the government department, and can go into vouchers or store value cards.

- Money can be used for “priority needs” — food, clothing, health needs, things for the house, childcare, education, rent, funerals, motor car costs but cannot be used for alcohol, tobacco, gambling or pornography.
- You can ask for a statement showing how the money has been spent
- The Department can exempt a person from this new law (123UG)
- Appeals can be made against department decision to another Centrelink officer but there is no external review by SSAT OR AAT

School Enrolment

- The Department can give notice asking for proof that the child is enrolled in school. If the child is not enrolled or does not attend school regularly, this can result in up to 100% income management

Land Rights Changes

- No Permits will be needed for communities, the roads to the communities (access roads), roads within the communities, stores, football ground, art centre etc and community airstrip, barge landing areas. Permits for all other areas on Aboriginal land remain in place.
- Freehold title remains with traditional owners but Minister has right of exclusive possession of community area
- Minister will control who can live in the community under the 5 year lease
- Minister may/may not pay rent - his decision
- 5 Year Leases continued
- Existing leases/interests in land are protected but Minister can finish any existing lease or interest in land.
- the Government will continue negotiations with interested communities on 99-year township leases and if agreed will apply instead of the 5 year lease
- Compensation to Land Owners

- Compensation for the taking of 5 year leases will be paid to traditional owners if required by the Australian Constitution
- As we are a Territory existing High Court case law is that compensation doesn't have to be paid in a Territory
- NT Law Self Government Act changed so that compensation not required unless High Court says it is required by the Constitution.
- Possible test case.
- Government business managers for each community
- Government managers will be appointed to communities, or groups of communities
- manage services and assets - buildings, houses, rent collection, maintenance of houses
- Manage delivery of essential services and co-ordination of government programs
- Minister control all government programs
- The Minister or his delegate will be able to control all government programs delivered in a community
- Can appoint outside managers for a program
- Native Title
- If native title exists it is suspended for the 5 year lease period

Alcohol Laws

- "People will be banned from having, selling, transporting and drinking grog.
- Take-away sales across the Northern Territory are being monitored.
- Drinking permits will stay in place pending a review of their effectiveness and some clubs (licensed premises) in communities will be allowed to operate, but only if they have strict alcohol-management rules." (Minister 18/8/07)
- Pornography
- Pornography is being banned. All publicly-funded computers will be checked for any illegal material.
- community stores
- Licences will be issued to community stores that:
 - are able to participate in the requirements of the income-management scheme
 - have a reasonable quality, quantity and range of groceries and consumer items, including healthy food and drink, available and promoted at the store
 - can demonstrate sound financial structures, retail practices and governance.
- Conditional licences can be issued

- Minister can take over store if cant meet livensing conditions

FACSIA Fact sheet16

- Sentencing and Bail
- Change NT criminal law
- bans taking into account of ABORIGINAL customary law or cultural practices in bail and sentencing decisions of the Courts when it would reduce or make greater the penalty
- Courts can still take into account other community/ ethnic groups culture in sentencing and bail decisions if the Court thinks it is proper
- Racial Discrimination Act
- Government say the laws are not discriminatory
- Intervention law says the RDA sections 9 & 10 that make discrimination unlawful and NT Anti-Discrimination Act won't apply
- Government says the Northern Territory emergency response is a 'special measure' and for the benefit of the affected Aboriginal people
- Racial Discrimination Act (cont'd)
- One Judge in the High Court in *Gerhardy v Brown* indicated that special measures require the "consent" of the Aboriginal community people affected?
- But also that Parliament determines whether the special measures are necessary

Relevant legislation (all Federal Parliament Canberra laws)

- *Northern Territory National Emergency Response Act, 2007*
- *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007*
- *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*
- *Appropriation (Northern Territory National Emergency Response) Act (No. 1) 2007-2008*
- *Appropriation (Northern Territory National Emergency Response) Act (No. 2) 2007-2008*

See also Central Land Council fact sheets:

http://www.clc.org.au/media/publications/fact_sheets/factsheets.asp

Black Kids' Tampa

Aboriginal women from the Top End have expressed their support of Aboriginal MP Marion Scrymgour's attack on the Federal intervention in the Northern Territory. Minister Scrymgour used the 2007 Charles Perkins Oration at Sydney University to blast both the motivation and implementation of the intervention, attacking it as a 'vicious new McCarthyism'.

She warned that the federal Government's intervention in the Northern Territory would go down in history as "the black kids' Tampa".

Ms Scrymgour condemned the federal government's motivation saying that "John Howard and Malcolm Brough, this evening I am doing far more than merely criticising you and your Government's assault on Aboriginal Territorians; I am condemning its motivation, I am condemning its operations and I am condemning - outright - its moral basis and the moral authority you purport to exercise in 'saving the children'. You are doing nothing of the sort."

While agreeing that some action was necessary to address the violence and problems with housing and alcohol in Aboriginal communities, her complaint, and that of the Women for Wik, was with the implementation and the lack of consultation with Aboriginal communities.

A host of inquiries in Queensland, Western Australia and NSW had investigated child abuse and neglect in Aboriginal communities over the last decade or so and the UN Committee on the Rights of the Child expressed their concern in strong terms in the 2005 Concluding Observations. But there has been little action from the states or from the Commonwealth to solve the problems.

Aboriginal women had been begging for action from Howard over a raft of social problems for the best part of a decade - entreaties which he had ignored or paid lip-service to".

"Women's shelters, night patrols, kids' programs had

been dumped by the commonwealth over that decade, a process which had been accelerated since the abolition of ATSIC (the Aboriginal and Torres Strait Islander Commission) after the 2004 election."

The Minister was particularly critical of the abolition of the Commonwealth Development Employment Projects, and was concerned about the effect on a large number of projects and the Aboriginal art industry.

"Aboriginal enterprises that have been built - sometimes over many years - on the basis of subsidised wages through CDEP now face ruin or drastic reductions in their capacity and effectiveness," Ms Scrymgour said.

Aboriginal women in the Top End supported Ms Scrymgour and expressed concern about Mr Brough's attack on Ms Scrymgour. Eileen Cummings, former policy advisor to the NT Chief Minister on Women's and Indigenous Affairs said "I absolutely disagree with Mr Brough, and I support Marion Scrymgour all the way. She knows what is happening in the communities she represents."

Ms Cummings is part of the Women for Wik group, which is monitoring the Federal Action in the NT. Olga Havnen, CEO of the Combined Aboriginal Organisations of the NT and Anne-Marie Lee, Vice President of Barunga Community also supported her. "

"This is why people voted for Marion, because she is strong and speaks out", said Anne-Marie Lee, Vice President of Barunga Community. "We need people like her, and Barbara McCarthy. They know what is going on and they represent us. They have strong voices to speak on behalf of countrymen."

"They are our people as well. If we don't have those kind of people sitting on those seats in parliament, none of us will know what is going on." said Anne-Marie Lee. "We need more information from the government. Everyone here is confused, and worried, especially about the abolition of the CDEP program, and the revoking of the permit system."

Ms Scrymgour also received support from Irene Fisher, CEO of Sunrise Health, which has responsibility for health service delivery to 10 remote Aboriginal communities in the NT, said "My first

response when I heard about this was to send an email to Marion saying ‘Thank God someone has the courage to stand up to these bully boys.’

Ms Fisher continued “This intervention is characterised by poor planning, poor communication a disturbing lack of transparency. This lack of transparency is an issue for all Australians.”

Aboriginal women are not alone in their condemnation. Elder Harry Jakamarra Nelson also condemned the intervention and the various measures involved, including seizing control of communities for five years. He said that the Warlpiri desert people are angry.

“This intervention has hit us like a ton of bricks,” says. “There’s been no consultation with us ... We don’t know what is expected of us and we really believe that our future is under threat.”

Mr Nelson chaired a meeting of Warlpiri elders who issued a statement attacking the Federal Government’s intervention in 73 remote Northern Territory communities. Their statement said the Warlpiri strongly supported action to tackle child abuse. But the statement said “We are worried with the lack of respect the Federal Government has shown us as the first Australians. We are not satisfied with the communication and information from the Federal Government to our communities.”

The elders spoke of their anger at the decision to quarantine half people’s welfare payments, which must be spent on food and other essentials in a designated shop. They also spoke of their opposition to the abolition of the permit system.

According to the Age, Yuendumu elders were furious when they learnt the Government was taking over culturally sensitive areas — including a men’s ceremonial area and the cemetery. One of the elders, Ned Hargraves, said Centrelink’s quarantining of the money in the half-dozen communities where it had been introduced had only caused problems.

Mr Nelson, president of the Yuendumu Community Council, said a government-appointed business manager, who lives in the community, had not made clear what he wanted from the elders. “Is he a watchdog here to inform Canberra what we are up to? I don’t know,” Mr Nelson said. “He has not spoken to us as a community.”

Mr Nelson said Indigenous Affairs Minister Mal Brough had never visited the community, one of central Australia’s largest.

We acknowledge the sources for this article: The press release from the Women for Wik and The Age 24 October 2007

<http://www.theage.com.au/news/national/desert-elders-lash-out-at-intervention/2007/10/24/1192941153102.html>

HEALTH: Child mortality ‘at record low’

Fewer children under the age of five are dying thanks to immunisation programmes and anti-malaria measures, according to the UN children’s agency, UNICEF. Worldwide, the number of young children who died in 2006 dropped below 10 million for the first time, it said. The UNICEF figures are based on government-conducted surveys in more than 50 countries in 2005 and 2006.

Measles vaccinations, mosquito nets and increased rates of breast-feeding were said to have contributed to the fall. However, experts said most of the deaths were preventable and that more needed to be done.

UNICEF said 9.7 million children under five died in 2006, down from almost 13 million in 1990.

The decline was particularly marked in Morocco, Vietnam and the Dominican Republic, where the number of children dying dropped by a third, UNICEF said.

The Latin American and Caribbean region is on course to achieve the millennium development goal of reducing child mortality by two-thirds by 2015 - it registered 27 deaths on average for every 1,000 live births in 2006, compared with 55 in 1990.

The majority of deaths occurred in sub-Saharan Africa (4.8 million) and south Asia (3.1 million). Rates were highest in west and central Africa, where HIV and Aids are prevalent. In sub-Saharan Africa, deaths from measles have been reduced by 75 per cent due to increased vaccination coverage.

In Vietnam, child mortality dropped by about 40 per cent after 30,000 people were trained as health workers and paid to treat people in their own villages, UNICEF said.

Mortality rates facts

Worldwide: 72 per 1,000 live births
Developed world: 6
China: 24
India: 74
Latin America and Caribbean: 27
West and central Africa: 186
Source: UNICEF

SNAICC's Response to the Federal Government's Emergency Measures in Northern Territory

The Secretariat of National Aboriginal and Islander Child Care (SNAICC) is the national non government peak body in Australia representing the interests of Aboriginal and Torres Strait Islander children and families.

SNAICC was formally established in 1981 after the creation of such a body was proposed by Aboriginal and Torres Strait Islander people at the 'First Aboriginal Child Survival Seminar' held in Melbourne in 1979. The organisation elected its first national executive in 1982 and has received Federal Government funding support from 1983.

SNAICC operates from a membership base of Aboriginal and Torres Strait Islander community-based child care agencies, Multi-functional Aboriginal Children's Services, family support services, foster care agencies, link up and family reunification services, family group homes, community groups and voluntary associations, long day care child care services, pre schools, early childhood education services and services for young people at risk.

In addition to these members SNAICC has a network and subscriber list of over 800 community groups, mostly Aboriginal and Torres Strait Islander, but also significant numbers of non Indigenous community based services and individuals with an interest in Aboriginal and Torres Strait Islander families and children.

SNAICC's immediate concerns about the Northern Territory (NT) emergency measures developed by the Federal Government, announced in July 2007, were that the lack of expert guidance means that the measures are too short term in focus, and fail to provide a way for stakeholders to contribute their expertise so the measures can have a lasting effect on the safety and welfare of children.

Since 1995, SNAICC has advocated for a national

action plan to prevent child abuse and neglect. As recently as May 2006 SNAICC wrote to every Premier and Chief Minister from each state and territory government and to the Prime Minister calling for a national action plan to prevent child abuse. All responded that they had the current issues of abuse and neglect 'in-hand'. Clearly they haven't and a national action plan is overdue.

SNAICC supports:

1. Provision of additional policing, child protection services and resources for Aboriginal non-government agencies across the NT to prevent abuse, respond to abuse where it has occurred, support victims and families, prosecute perpetrators and refer perpetrators to appropriate healing and rehabilitation programs
2. Voluntary health checks for children facilitated by existing health services, where necessary with additional short term staff, with parental consent and involvement
3. Appropriate follow up and comprehensive response to the identified health needs of children
4. Developing child protection systems at the local community level so that children at risk of abuse can receive immediate support and protection when abuse is reported
5. Establishing a statutory Aboriginal Child and Family Services authority within the Northern Territory to monitor and enforce standards for the care and protection of children
6. The development of full and comprehensive responses by the Federal and Northern Territory Governments to the Little Children are Sacred Report
7. Federal Government leadership in responding to child abuse and neglect within all states and territories – not just the Northern Territory.

SNAICC does not support:

1. Issues of land tenure and the NT permit system (currently used to authorise entry onto Aboriginal land) being changed or removed as part of an emergency child protection response
2. Short term interventions developed with inadequate planning and little or no local input
3. Unilateral federal government intervention with no clear commitment to funding long term programs and services

SNAICC's Ten Point National Action Plan

- 1. Safety is paramount - responsive child protection.** Allegations of child abuse and neglect must be investigated in a child centred way. Ensure child protection systems are well resourced to respond when called upon to properly investigate and intervene where children are at risk of abuse or neglect.
- 2. Support for children – remove perpetrators not the children.** Focus interventions on removing the risk and perpetrators from children rather than children from their families and communities. This requires extra funding and support for local community family support and counseling services and working in partnership with a child's extended family, family friends and local community services.
- 3. Effective policing - speak up against violence and abuse.** Ensure the appropriate levels and forms of policing within communities are in place to enable people to speak out against violence and abuse without placing their own safety at risk.
- 4. Early intervention.** Improve access to Indigenous community based early childhood, childcare, family support and child welfare programs to support families to access help early and promote children's well being.
- 5. Connections to culture.** Maintain

children's rights to be connected with their extended family and community and their cultural and spiritual heritage – child removal is a last resort.

6. Build on strengths. All Aboriginal families and communities have strengths and capacity to support and nurture their children. Governments must do things with local communities not to local communities. Recognise and build on the strengths of Aboriginal and Torres Strait Islander families, communities and kinship systems and develop workforce and community capacity.

7. Healing and restoration. Victims and perpetrators need access to a range of healing and therapeutic programs including alcohol and substance abuse rehabilitation, counselling and healing programs and family restoration programs to rebuild family relationships across generations.

8. Safe and Healthy communities. Disempowered communities with woeful housing, extreme poverty, chronic alcohol and substance abuse, few early childhood programs or health services, no economic base and inadequate schools are likely to have high rates of abuse and neglect. Well planned large scale investment over generations is required to create safe and healthy communities for all Australian children.

9. Listen to and do what works. Evidence on effective child protection systems from Australia and overseas demonstrates that community based and managed child protection systems achieve the best results. Governments should act on the best evidence and advice available – children deserve nothing less than a thorough response.

10. A national response for a national emergency. The Prime Minister has called child abuse in Aboriginal communities a national emergency – but the government has only developed a short term response for the NT. The problem requires sustained national commitment from all states, territories the commonwealth and non-government agencies planned and monitored through a National Indigenous Children's Well Being and Development Taskforce.

What I Would Do?

Professor Judy Atkinson is Director of Gnibi, College of Indigenous Australian Peoples, Southern Cross University, Lismore. After writing and talking about violence in remote communities for two decades, Judy responds to the Federal Government's intervention in the Northern Territory.

I have been looking for solutions since 1992. If I were prime minister, with all his powers, what would I have done? Firstly I would understand and respond accordingly to the fact that this is not an issue isolated to "Aboriginal Lands" in the Northern Territory.

In the short term

In the short term, I would focus on a child centred approach to building child centred, child safe communities.

A child centred approach: My first question would be to ask what child safe places are already within communities. How can I support them? Often the safe house in the community is inhabited by a grannie on welfare, who opens her door to any child in need. She is someone who, somehow, like the miracle worker with loaves and fishes, can feed many children from her welfare cheque. I would support those people who are already doing hard jobs with little or no resources.

Secondly, I would ask for Aboriginal peoples living in remote Aboriginal communities, rural towns and urban centres to put up their hands if they wanted to be involved in a long term approach to building their futures, from within a child centred-child safe infrastructure. I would then, in the short term, begin to work with select communities from each region across Australia, to help build their capacity. I would do this with an understanding that each community I worked with, supported and resourced, would be obliged to work, in turn, with others near them.

In the short to medium term I would provide educational opportunities to increase skill development which could be piggybacked from one community to another.

Third, following from my child centred approach I would immediately start to build networks of workers, already out there, on the ground, and I would build from their knowledge and expertise, resourcing them to do their jobs without the stress levels they live with, on a day-to-day basis.

I would provide educational opportunities to workers so they feel capable of working with the child, who as described on page 67 of the Northern Territory report, saw his mother shot in the head and had to clean her brains up of the floor. I would ensure that workers have clear child trauma counselling skills by providing short courses for culturally safe crisis intervention.

There are both Aboriginal and non-Aboriginal workers who have, as their fundamental work ethic, the rights of the child to live and learn in child safe, child friendly environments.

These workers would include police who are legislated to protect children from harm. Hence restricting access to alcohol and other drugs is an important part of their work responsibility. Social workers, and child protection officers who see the damage pornography does to the developing child would be encouraged to work with police to help restrict access to such material. I would charge mine workers, and mining companies for the behaviours of their employees, and others such as mechanics, school teachers, builders, who are found with such materials, on Aboriginal lands, in Aboriginal communities. I would expect school teachers to embed in their class curriculum, modalities and activities which heal trauma.

In the medium term

In the medium term, if I were the Prime Minister I would build into all that I do, a **community strengths based approach**, grounded in advancing education at all levels. The strengths based approach would provide educational opportunities for Indigenous Australians to acquire skills so they can

their own people, and others, for healthy early childhood development; education for life long learning, and education for healing.

Such educational packages would be both community based and tertiary delivered. They would have formal accreditation so that graduates could work in any field that helps build a society where children will always feel and be safe. This approach is an Indigenous employment strategy, and I would build that into my government's employment and enterprise strategies.

A long term approach embedded in education and quality research

In the longer term, if I were the prime minister, I would embed in all that I do, research on the ground. Those researchers undertaking professional doctorates, with scholarships for Indigenous Australians, would work with those working on the ground, and would document the activities and processes, so that in five or ten years time, I could show the Australian nation what works, why it works, and how it would work in the towns and regions of Everywhere.

I would expect then that we would be able to work together, all of us, to build a future for all people in this country. I would then be able to say to my senior bureaucrats: you now have the practice based evidence. Support these approaches, on behalf of all Australians. But I am not the prime minister. And I am sorry that I am not, for if I were this prime minister, I would ask of myself: am I now willing to say *sorry* for my government's inability to respond to this *long term* "emergency," an emergency that has existed over the ten years that I have been prime minister of this country? Am I willing to say sorry on behalf of my ministers, who have known of this crisis for many years, for their lack of will to do their jobs? Their inaction has profoundly deepened this so-called emergency. If I were the Prime Minister I would sit in deep soul searching about my lack of leadership in response to these critical needs, and I would acknowledge that in my mandate on behalf of all Australians, I have failed Aboriginal children today. And I would say... **Sorry**.

Life in Utopia

By Simon Quilty

Norman is the ambulance driver and general handyman for the health clinic in Utopia. He drives the troop carrier ambulance, changes the tyres and fan belts when it's needed, and can fix most things. I met him and became good friends when I was working as a locum Doctor in Central Australia earlier this year.

He and his wife and their growing family - four children under five years old, and two teenage daughters - live in a tin hut across from the doctor's three-bedroom house, and were my neighbours while I was working there.

Norman's home is constructed of corrugated iron on a concrete slab. It was the original doctors' house built over thirty years ago when white medicine first arrived. It's a single room about 6 meters long and three meters wide. The inside is dirty, from years of wear and the desert sand that finds its way into everything.

There's a single tap, and a single power point running two fridges, and an air conditioner that has been roughly cut through the wall. In the heat of summer when the temperature goes above 50, the family close all the doors and turn the air conditioner up, but it's still bloody hot in that little space with eight people packed in like sardines.

There are a few live wires poking out of a piece of PVC tube protruding from one of the walls and Norman has wrapped them up in plastic tape. He was told that an electrician and a plumber were on their way to fix all of these problems over two years ago, but still nothing has been done. He worries that little inquisitive fingers will explore the blue plastic tape, and yells at the kids if he finds them playing with it.

I spoke to Norman recently. I pushed hard for the construction of a new house for his family over six months ago when I was working with him, and was told that the Office of Aboriginal and Torres Straight Islander Affairs had listed this as a priority.

Norman told me that although he had been promised one earlier this year, nothing has yet come and that there is no longer any talk of a new house. He's not disappointed, he just resigns too easily to the reality of the situation - the only thing that an aboriginal man can do. And he says his house is not dissimilar from the way all the other blackfellas live out in this country. At least he's got a paid job.

Whilst every politician is howling hysterically about child sexual abuse, the only fundamental change that Brough has introduced is the incredible disempowerment of aboriginal people.

Aboriginal men have been labeled as pedophiles. Parents have been labeled as neglectful. Land rights have been forcefully removed.

What will extra policing bring except more black men in prison? What will the army be able to achieve in a 12-month stint? It's not even a start in the right direction. You don't empower people by firstly disempowering them.

When I spoke to Norman recently, I asked him how the army had been received when they visited Utopia a few months back. Norman recounted how all the old people listened to the man in the khaki suit, a very similar outfit to the local police, interested in what he was saying about their children's health and welfare. When it came to the point about land requisition however there was outrage.

The true agenda of Mr. Howard's profoundly racist agenda is clear to the people of Utopia. When I spoke to Norman, I was at first taken aback by his casual analysis of what is happening. But they've all seen it before and are powerless to prevent what most see as nothing but a land grab - it's just another chapter in the white mans invasion.

Memories from the Dark Side

By Barbara Rogalla

Barbara Rogalla has been a member of DCI for seven years, since she first publicly condemned the open-ended and mandatory detention of child refugee applicants. She has recently completed her PhD at RMIT University in Melbourne. Barbara is now seeking to further engage with debating the influence of political process on the law and public policy.

There seems to be a "dark side" to the generous side of protection. It becomes apparent when a government decides that a person does not belong. Then, the element of protection degenerates into a display of vicious persecution.

Just ask Tony Tran, a refugee who was locked up in an immigration detention centre for more than five years even though he had a valid visa and was lawfully in Australia. After Tony was locked up without cause or due process in 1999, the Department of Immigration and Multicultural Affairs (since January 2007 euphemistically called the Department of Immigration and Citizenship) put his son into state care and even changed the child's name to make it easier to send the boy to South Korea. These actions are deliberate and go beyond the "bureaucratic bungling" that served as departmental excuses to explain the detention of Cornelia Rau and the deportation of Vivian Alvarez. Yet the detention of neither these women nor of Tony Tran or the two hundred other people, who were also inappropriately detained under immigration law, is officially deemed "illegal".

This article takes us to the dark side of protection and winds back the calendar to the beginning of the 21st century, to a time of lies and half-truths peddled at the highest level of government: the time of the un-thrown children and the Khaki election in November 2001 when a documented human need of refugees was cleverly framed as a national emergency and a threat to Australia's sovereignty. It was a time of assurances that locking up refugee

children with their parents was the decent and humane thing to do in order to preserve the family unit.

At that time, I was colloquially known as “the Woomera nurse” — admired by some and despised by others because after practicing nursing for three months at the Woomera detention centre in the year 2000, I became an outspoken critic of the policy of the mandatory detention of refugees. My attempts to make sense of events that still stimulate Australia’s political debates today led me to focus on the dark side of refugee protection under the Howard government. Eventually, my thoughts became PhD material, with government accountability emerging as a central theme in the thesis. The research identified a unique pattern of legal rationality; legal rationality with a rhetorical and ideological edge. In the thesis, I have called this pattern “legal rationalism”, as the research identified a string of practices that differed considerably from what may be expected from an ordinary understanding of legal rationality.

Some DCI members may recall the defining moments of the Howard government’s refugee policy between 1999 and 2003 that so badly impacted on refugee children: the arrival of the *Tampa*, mandatory detention in desert outposts and, as a special part to the dark side, the mandatory detention of children. On the surface, it was all about the delivery of a humane refugee policy, about border protection, law and order and legal rationality. Senior members of the Howard government said so on numerous occasions. Something about these policy justifications continued to intrigue me long after I left Woomera. For instance, the Flood Inquiry confirmed my assertions that local management of Australasian Correctional Management, the private contractor at the Woomera site, had suppressed an investigation into allegations of child sexual abuse at that centre.

Yet senior figures behind the formulation and delivery of refugee policy were not held accountable. Riots, occasionally breakouts, were the order of the day between August 2000 until the de-commissioning of the Woomera detention centre in April 2003 and the opening of the high-tech security facility at Baxter 200 kilometres to the south. The government diligently reported these instances to the media and promised that the perpetrators would be charged. There was even a special website with explicit photographs of the property damage sustained during these riots.

To my mind, something was missing from the actions of a government that was concerned with law and

order and legal rationality. The diligence seemed one-sided, where the government only displayed a willingness to follow up with equally harsh measures when detained refugee applicants were the culprits. These observations came after my first-hand experience of the reluctance of the government to create a safe environment for children inside the detention centres, and vilification of those who eventually spoke with the media after the government had failed to act appropriately. There was also frequent writing and re-writing of legislation, at times even as the direct consequence of the outcome of some court cases that the government disapproved of, to guard against a similar “finding” in future cases. The law-and-order approach seemed empty rhetoric and the recourse to legal rationality was, at best, one-sided.

The “legal rationalism thesis” addressed this one-sidedness through an analysis of how the Howard government justified its refugee policies from 1999 to 2003. The research identified that the Howard government justified its refugee policies by making recourse to the law, either at symbolic or at concrete level, as the source of authority that justified a course of action. That is, the authoritative claim derived from legal rationality: the rules and procedures of the law and their institutionalisation within the structure of the state. However, the pattern of recourse had a rhetorical edge, with the effect that the actual recourse was not to legal rationality *per se*, but to something else. This “something else”, or “legal rationalism” as it was called in the thesis, placed overriding emphasis on the rules and procedures of the law without necessarily having concerns for consistency or continuity. Legal rationalism elevated the rules and procedures to centre-stage in refugee policy, as if these rules and procedures were the reason for conducting these policies in the first place.

It is arguable that children bore the brunt of this fetishism with legal rationality, perhaps in part because they could not be reasonably held responsible for the circumstances of their arrival to Australia. The Howard government’s rhetorical justification for the incarceration of child refugee applicants between 1999 and 2003 placed children in a special relationship with the law. Unlike the parents and adults, children were not framed as having broken Australia’s laws. Instead, Philip Ruddock blamed the parents.

In a strange version of contorted logic, the government justified the detention of children on its *Women and Children in Immigration Detention* website as follows. Not the actions of the government, but the

action of the parents, resulted in the detention of children. Detention could end at any time, as soon as parents agreed to co-operate with authorities, relinquish their refugee rights and ask to be sent to another country. As a special “humanitarian” gesture, the government offered financial incentives and free airfares. In reality, the choices for many refugee applicants were very limited, with one option being to return to a persecuting country. Those who did not take up the offer, the government argued, were responsible for their own detention and that of their children. The government, according to the argument, merely detained children so they would not be separated from their parents. This is but one of the many examples of the strange mix of rhetorical recourse to legal rationality that justified the policy of the detention of children.

The longer the period of detention, the worse it was for children. The full story of what went on inside the detention camps may never become known, because the Howard government tightly controlled the information behind the tall razor wire fences. Neither the company that managed the detention centres, nor its employees were allowed to speak publicly about these matters without written permission from the Department and Immigration and Multicultural Affairs.

It stands to reason that information that did not match the official government line would leak from “unofficial” channels, or not at all. As Australia’s immigration detention centres were filled to bursting point and profits of the private contractor run at a record high, these unofficial channels gave an insight of what life was like for the children to grow up behind razor wire. Regardless of the truth-value of the information, the government sought to discredit each of these “unofficial” sources.

After more than ten years since the enforcement of the policy of mandatory detention, there was no child protection policy that operated uniformly across all detention centres. The government said it worked closely with child experts and relied on their advice, so the children would come to no harm. Yet it implemented a Memorandum of Understanding between Family and Youth Services in South Australia that crippled the investigative powers and advice that child protection experts were authorised to give to government.

In contrast with the powers of child protection experts who are mandated by state legislation, there was no

requirement, perhaps not even an expectation that the government acted on such advice. It was a carefully orchestrated political exercise that prevented information from being placed on record. Investigations by the Auditor-General, the Human Rights Commissioner and by the Ombudsman — organisations that have a statutory mandate to contribute to public policy being conducted in accountable manner, were either delayed or their findings ridiculed. When the full picture emerged, the information was generally released long after the political saliency of the issue had subsided.

The incarcerated refugee children who were locked up between 1999 and 2003 have since been released. To a large extent, this came about after the release of the HREOC report *A last Resort?* in 2004, followed by the sterling efforts of former Human Rights Commissioner Sev Ozdowski to embarrass the Howard government to implement the chief recommendation of that report.

On average, a child was locked up for 18 months, with a record time of five years for one child. These days, the dark side has been removed from sight, largely because the detention centres that are financed by the Australian government operate abroad and in secrecy, far away from the jurisdiction of statutory bodies that are mandated to hold governments accountable. The legacy of legal rationalism has removed the initial purpose of the legislation; the purpose to protect those who are vulnerable. This requirement was replaced with a massive enhancement of the powers of the state over the rights of the individual.

Many of the children of Australia’s immigration detention centres have grown up to attend Australian schools and now speak with Aussie accents. Some have exercised, for the first time, their citizens’ rights to determine the fate of the nation by voting at the 2007 federal election. As they celebrate Australia day with us, will they recall the temperatures of up to 50 degrees centigrade without air conditioning in their crowded living quarters?

Will they remember queuing for food outside the “mess”, the khaki-clad guard at the door who scanned people with a metal detector before they could leave the dining room? Or are their sights set on the backyard barbeque, where the dark side is only a distant memory?

Children: The Silenced Citizens Canada: Governments failing native children, report says

Australia is not alone in its failure to provide adequate health and educational services for Indigenous children and in federal and state or provincial governments seeking to avoid the blame and shift the cost to the other level of government.

A recent report *Children: The Silenced Citizens* from Canada has concluded that “consecutive federal governments have not kept the promises that were made upon ratification of the *Convention on the Rights of the Child* on 28 May 1990” especially to Indigenous children.

“At the ground level, children’s rights are being pushed to the side and even violated in a variety of situations – one only needs to take a brief survey of the issue of child poverty, or the situation of Aboriginal or special needs children to realize that this is true. The Convention has been effectively marginalized when it comes to its direct impact on children’s lives. The Committee is deeply concerned about this situation, and through this study, emphasizes the importance of living up to our obligations under international human rights treaties. Serious initiatives to implement the Convention by the federal government, and by other levels of government across Canada, could have a profound impact on real children’s lives. In this report, the Committee calls on all levels of government in Canada to comply with our legal obligations respecting children by improving institutions, public policy, and laws that affect them.”

The report states that hundreds of aboriginal children with severe medical problems in Canada are being moved to institutions in big cities because health authorities cannot agree on who should pay for their care.

Yet if these children lived ‘off-reserve’, they would virtually be guaranteed the care they need at home,

according to a report in the latest edition of the Canadian Medical Association Journal.

“That is discrimination, pure and simple,” Noni MacDonald, a professor of paediatrics and a senior CMAJ editor, said in a hard-hitting editorial.

Amir Attaran, the Canada Research Chair in Law, Population Health and Global Development Policy, said the practice is “screamingly illegal,” a clear violation of the Canadian Charter of Rights and Freedoms and of the United Nations Convention on the Rights of the Child.

The editorial, co-written by the two academics, says that “governments deserve to be sued” for such a failure.

The pair reject arguments that services for complex medical needs, such as those of ventilator-dependent children, cannot be provided on reserves because communities are too remote.

“Geography is no excuse for the pusillanimous, inequitable distribution of wealth, such that advanced care exists only in the south and first nations children, parents and communities endure psychological and cultural stress to access it,” Dr. MacDonald and Dr. Attaran write.

Cindy Blackstock, executive director of the First Nations Child and Family Caring Society, said that in fact native children are being discriminated against both in remote communities and reserves located close to big cities.

Attempt to rationalise

“This is an attempt to rationalise pretty blatant discrimination,” she said.

At the root of the problem is an age-old dispute about who pays for the medical care of Indian, Inuit and Métis people. Generally speaking, care provided on reserves is paid by Health Canada (or Indian Affairs, if it is a social service) and by the province off-reserve.

But the situation gets complicated when someone

travels away for care and then wants to return to the community and receive continuing care.

The situation came to a head a few years back with the tragic case of a boy named Jordan from the Norway House Cree Nation in northern Manitoba.

Jordan – whose family asked that his last name not be published to protect their privacy – was born in 1999 with a severe neuromuscular disorder. He was referred for care in Winnipeg, where he became wheelchair-bound and ventilator-dependent. But his health stabilised and he was discharged in 2001.

He was placed in a specialised home near his home reserve but Ottawa and Winnipeg could not agree on who would pay.

For two years, bureaucrats warred over the most mundane details of Jordan's care, right down to who would pay for a showerhead required for a wheelchair-accessible shower.

Jordan ended up back in a Winnipeg hospital where he died at age of four.

Patient's interests second

“Jordan's interests fell a distant second; intergovernmental squabbling over the duty to pay came first,” Dr. MacDonald and Dr. Attaran write in their editorial.

“Many of the services Jordan needed would be paid for without question for a white Manitoban, or off-reserve aboriginal. It was Jordan's living on-reserve that caused the bureaucracy to choke.”

The boy's case became a cause célèbre in social welfare and child health circles. The term “Jordan's principle” was coined – the principle being that the needs of a child should supersede bickering over who pays the bills.

A pdf of the report is available at:

<http://www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep10apr07-e.pdf>
[Source: CRINMAIL Globe and Mail, Canada:
<http://www.theglobeandmail.com/>]

UNITED KINGDOM: 5,000 Child Prostitutes

Save The Children's *Small Hands Of Slavery* claims millions of youngsters are regularly attacked and raped in their lives as child slaves. The shocking figures were released to coincide with Slavery Remembrance Day, the bi-centenary of the trade's abolition.

Bill Bell, Save the Children's head of protection, said: “Child slavery is not a thing of the past. There are still millions of children in both rich and poor countries who are being forced to lead slave-like lives under horrific conditions of humiliation and abuse.

“Currently across the world there are, for example, 1.8 million children trapped in the sex trade, over a million children risking their lives working in mines, and millions more, some as young as six, forced to work up to 15 hour days as domestic workers. These children are treated as commodities, liable to be lent or sold to other owners without warning.

“World leaders and international donors must act with urgency to address child slavery and put in place the laws and resources needed to eradicate these terrible practices.”

The report states that 1.2 million children and babies are trafficked every year, including into Western Europe, the Americas and the Caribbean, and the number is increasing.

Gangs involved in child and people trafficking make an estimated profit of 32 billion dollars (£16 billion) per year, the charity said.

Approximately 1.8 million children are being abused through prostitution, child pornography and sex tourism - and 75% of the UK's child prostitutes are girls.

The report states that youngsters often lose their childhood by being sold into adult relationships. The report states: “Child marriage, which often includes mail order and internet brides, is one of the most widespread - yet hidden - forms of slavery. Girls as young as four are forced to live and have sex with their husband, and are often kept trapped indoors. Girls under 15 are five times more likely to die during pregnancy and childbirth than women over 20. In Afghanistan more than half of all girls are married before they are 16.”

[source: The Guardian.
See: <http://www.guardian.co.uk/uklatest/story/0,-6869293,00.html>]

India: Children Still Work, Despite Ban

A year after India banned children under 14 from working as domestic servants or in food stalls, millions continue to be employed according to a report by Save the Children. The report states that many of the child workers are denied food, and are beaten up, burnt or sexually abused.

According to official estimates, India has more than 12 million child workers. Of these, about 200,000 are estimated to be working as domestic servants and in teashops, restaurants, spas, hotels, resorts and other recreational centres - the areas from where they were banned last year.

No difference

But unofficial figures, quoted by groups working with children, say the country has up to 20 million children working at homes and in food stalls. And the ban does not seem to have made any difference.

“I recently met a 12-year-old girl, Sonali, in the eastern state of West Bengal. She had been working for the last two years as a domestic servant in the city of Calcutta,” Anuradha Maharishi of Save the Children told the BBC.

Sonali’s job was to cook for a five-member household and clean a three-storey house. One day there was a delay in serving dinner and her employer poured burning hot food on her hands.

She managed to escape with help from a neighbour and Save the Children have now restored her to her family.

“Although she is 12, she looks like she could be eight or 10. Her eyes brimmed with tears as she showed me her burnt hands. She didn’t cry, she’s a very brave girl,” says Ms Maharishi.

Save the Children says that in Delhi alone, close to a million children are still employed at homes or in food stalls. Another 40,000 work in the southern city of Hyderabad and 50,000 more work in Calcutta.

Lax laws

Since last year when the government announced the ban, officials say only 2,229 violations have been reported. Save the Children - which works in the states of West Bengal, Orissa, Andhra Pradesh and Maharashtra - says that most of these child workers are routinely subjected to abuse and are in unsafe working conditions.

The study says in Delhi 99 per cent of child domestic workers are girls and in a large number of cases they are open to sexual abuse.

“Most of these young girls who come from poor families are forced to work up to 15 hours a day with no breaks and little or no pay,” Ms Maharishi says. She says protecting children working as domestic servants is difficult because it is carried out within the confines of private homes and information about their condition does not filter out easily.

Announcing the ban last year, the government had warned “firm action against those violating the law”. Punishments range from a jail term of three months to two years and/or a fine of 10,000 to 20,000 rupees (\$225 to \$450).

But child rights activists question the effectiveness of the ban in India. India bans the use of young workers in hazardous industries, but thousands of children continue to work in firecracker and matchstick factories or are involved in carpet-weaving, embroidery or stitching footballs.

Many parents say crippling poverty forces them to send their children, sometimes as young as five or six, to work in other people’s homes or in factories.

CHILD SOLDIERS: Call for more States to sign pact

France and UNICEF have urged more countries to sign an international set of principles outlawing the use of child soldiers and helping restore them to civilian life. Governments of 59 countries originally signed the "Paris Commitments" in February, pledging to do more to prevent children from being recruited as soldiers. Another seven committed themselves at Monday's meeting on the sidelines of the U.N. General Assembly.

French Secretary of State for Human Rights, Rama Yade, called Monday's meeting to rally support for the principles, drawn up with the United Nations children's agency UNICEF, which estimates that more than 250,000 children were recruited or used by armed forces in 2006.

"Every country says that they support the commitments and the principles of Paris," Yade told reporters after the meeting. "The problem is some accept to sign and the others don't."

She cited the United States as an example of a country that backs the core principles but has not signed because it opposes a clause dealing with the International Criminal Court.

"There are not two camps, on the one side against, on the other side for. It's more complicated," Yade said.

February's meeting in Paris agreed a set of principles, meant as practical guidelines for governments and aid groups working in the field, and commitments, which governments were asked to sign.

The documents include some 20 specific measures to protect children from being employed by armed forces or groups.

Many of the measures refer to ways of reintegrating child soldiers into society, saying such minors should be viewed "primarily as victims" and helped to overcome their traumas. The document calls for particular focus on the needs of young girls, who are often forced into sexual slavery.

The seven countries that agreed to the Paris Commitments on Monday were Argentina, Croatia, Guatemala, Laos, Mauritania, Morocco and Ukraine.

[Source: Reuters: www.alertnet.org]

Further information

The [Optional Protocol](#) on the Involvement of Children in Armed Conflict
Visit:

India: Child Bondage Continues in Indian Cotton Supply Chain

More than 416,000 children under the age of 18, and 225,000 younger than 14, are involved in (often bonded) child labour in India's cottonseed fields. Most of them are girls. They work in the states of Andhra Pradesh, Gujarat, Karnataka and Tamil Nadu. Compared to the 2003-2004 harvest season the total number of working children has risen. It only decreased in Andhra Pradesh because of local and international pressure.

These are some important results from the study 'Child bondage continues in Indian cotton supply chain', published on behalf of the India Committee of the Netherlands ICN), the International Labor Rights Forum (ILRF, USA), OECD Watch, German Agro-Action and OneWorld Net NRW (Germany).

The report is based on field research and has been written by well-known expert Dr. Davuluri Venkateswarlu, director of Glocal Research, who authored several other reports on this issue since 2001.

ICN's director Gerard Oonk says: "The report makes it chillingly clear that our cotton products are tainted with massive bonded child labour. The companies involved, both Indian and multinational, governments and international organisations should make every effort to get the children out of this pernicious work and into school. Together with organisations in India and other countries we will certainly urge them to do so."

Horrendous working and living conditions

Children are made to work 8 to 12 hours a day and usually earn between Rs.20 and Rs.30 a day (hardly half a euro). They are routinely exposed to poisonous pesticides and often trafficked as migrants from other districts and even states.

In Tamil Nadu and Gujarat more than 80 per cent of the children are trafficked. E.g. North Gujarat 'receives' tens of thousands of children from the neighbouring state of Rajasthan every year. They often live in make-shift shelters and are very vulnerable to mental, physical and sexual abuse.

The report contains a number of cases on the plight of children working in the cotton fields. These include stories of two girls being raped, three children being killed due to pesticide exposure, children forced to leave school because of a drinking father and a loan to repay, and the work schedule - from 5.30 AM to 6.30 PM - of a migrant child.

The overwhelming majority of the children working in the cotton fields are Dalits ('untouchables', officially called 'scheduled castes') or Adivasi (tribals).

Indian companies do nothing despite promises

More than thirteen big Indian companies and two multinationals, Monsanto and Bayer, are involved in this 'modern form of child slavery'. The ones which have outsourced the largest production to farmers are the Indian companies Nuziveedu, Raasi, Ankur and the American multinational Monsanto (including its Indian joint venture partner Mahyco).

They make use of more than 200,000 children employed by farmers to which they have sub-contracted the cultivation of their high-technology BT cotton seeds. The report 'The Price of Childhood' (October 2005) by Dr. Venkateswarlu provided ample evidence that companies outsourcing their seed production to farmers, are paying almost 40 per cent too little to enable them to hire adults for the local minimum wage of Rs.52 instead of children.

After years of both local and international advocacy on the issue the two multinational involved, Bayer (through its subsidiary Proagro) and Monsanto started working on the issue, both by monitoring and by giving slightly better prices to farmers, though much remains to be done (see 'Seeds of Change', May 2007). However the big Indian companies have

hardly done anything, despite resolutions and action plans by their associations from 2003 onwards.

Further information

Child labour: information and resources: <http://www.crin.org/themes/ViewTheme.asp?id=3>

Child labour: Caution - Children at Work: Galvanizing Communities to End Child Labor (August 2007)

Child labour: Seeds of Change (June 2007) : <http://www.crin.org/resources/infoDetail.asp?ID=13657&flag=report>

Visit: <http://www.crin.org/resources/infoDetail.asp?ID=14973>

UN launches \$220 million campaign to educate vulnerable children

The United Nations refugee agency has launched a campaign to raise \$220 million by 2010 to allow 9 million refugee and vulnerable children, particularly those from Sudan's Darfur region, Iraq and Colombia, to get an education, partly based on the Internet as well as by getting teachers into remote locations.

Launching the campaign at the annual Clinton Global Initiative summit in New York, UN High Commissioner for Refugees (UNHCR) António Guterres called the initiative "a means of ensuring that vulnerable children are fully able to realise their right to an education."

The renewed *nine million* campaign, through a so-called Education (Plus) programme, seeks to address all aspects of a child's educational needs from teachers and notebooks to transportation, water and vocational training. Its programme puts particular emphasis on getting girls into the classroom.

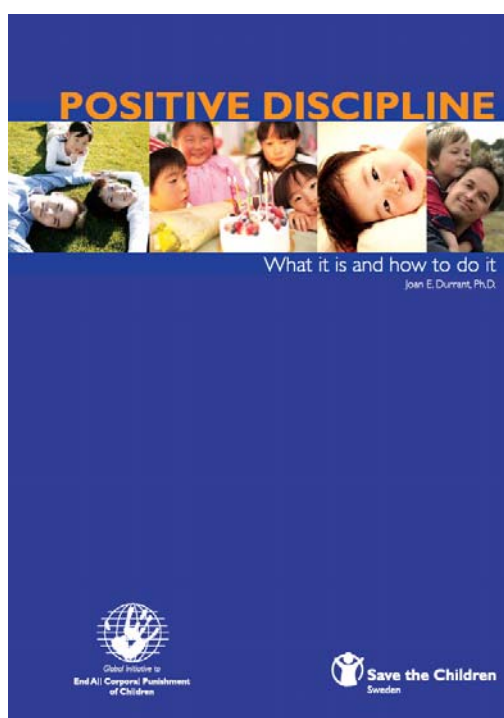
The campaign brings together UNHCR and private sector partners such as sports goods maker Nike, software giant Microsoft, employment service provider Manpower, the advertising group WPP, and GSMA, an association of mobile phone operators and equipment suppliers.

The initial focus of nine million will be on uprooted children from Darfur, Iraq and Colombia, which are among the world's worst displacement crises. The campaign was originally launched last year on World Refugee Day, 20 June, to open up education and sports opportunities for millions of refugee children around the world. Many have already benefited. The unveiling of Education (Plus) at the three-day CGI re-launches the campaign and gives it new concrete goals.

In a related development 150,000 children in conflict areas, especially Iraq and the occupied Palestinian Territory, will benefit from a distance-learning project under a \$30-million grant from the William J. Clinton Foundation to UNICEF which is working with Microsoft, the International Rescue Committee and computer maker Hewlett Packard on the project.

Positive Discipline - What it is and how to do it

This publication addresses the recommendations of the 2006 UN World Report on Violence against Children that calls for the elimination of all corporal punishment of children and the promotion of positive discipline.



It dismisses the common belief that children learn through physical pain and aims to provide concrete answers to parents who want to raise their children without corporal punishment.

Positive discipline is explained through four basic principles that highlight the links among child development, effective parenting and children's rights. A unique feature of the book is that it provides ways to shift from impulsive punitive responses to thought-out constructive responses that support long term parenting goals.

“Positive Discipline: What it is and how to do

it” is launched officially in the Philippines, Thailand, and Fiji, on 11 September 2007 through a joint effort of Save the Children Sweden and Save Children Fiji, prior to dissemination in 16 other countries in Southeast Asia and the Pacific as well as other regions.

This Manual is a response to the 2006 World Report on Violence against Children, a global study of violence against children carried out by the United Nations.

The study found that maltreatment occurs in children's homes in every country of the world – and that it is often based in long-held cultural practices, as well as a lack of awareness of children's human rights.

The World Report on Violence against Children makes recommendations for reducing violence against children in their homes. These recommendations emphasize the importance of:

- Changing cultural practices that contribute to violence against children, including the elimination of corporal punishment.
- Promoting non-violent communication and relationships with children.
- Building parents' skills in non-violent discipline, problem-solving and conflict resolution.
- Respecting the whole child and their family, their dignity, and their developmental needs.
- Increasing understanding of child development.
- Increasing awareness of children's rights.

Visit:

<http://www.crin.org/resources/infoDetail.asp?ID=14845>

UK Government Rules Out Complete Ban on Smacking

A complete ban on smacking in the UK has been rejected by the government after a review suggested most parents, but not children or practitioners, opposed one.

The Government has been reviewing the law, which allows parents and some other carers to justify common assault as “reasonable punishment”.

Practitioners felt that the only way to protect children was to ban physical punishment outright. Meanwhile, most children who took part in the study “felt that smacking was out of place in modern childhood.”

But it was the views of parents, who were mostly opposed to an outright ban, which dominated.

Peter Newell, of the Children are Unbeatable! Alliance said: “The Government consulted very widely and found that an overwhelming majority called for children to enjoy the same rights to protection as adults. Support for banning smacking among parents is up to around 20 per cent and increasing. But of course this is an issue of human rights and equality on which Government must lead not follow public opinion. We hope to get the issue back before Parliament very soon.”

Minister Kevin Brennan said the relevant provisions in the 2004 Children’s Act appeared to be working and would not change further. He told MPs that while many parents said they did not smack children, most said it should not be banned outright.

He said it was the “common sense position” but other campaigners said the decision was a “missed opportunity”.

Disappointment

England’s Children’s Commissioner, Sir Al Aynsley-Green, was “deeply disappointed” by the

government’s decision. Children and young people should have the same right to protection under the law on common assault as that afforded to adults. There is no good reason why children are the only people in the UK who can still be lawfully hit,” he said.

For the Conservatives, Tim Loughton said: “Clearly, if any adult is responsible for abuse and violence towards a child they need to face the full rigour of the law. But there is a world of difference between that and criminalising loving parents that use chastisement as they see fit in the interest of their child.”

The Convention on the Rights of the Child and other international human rights instruments have recognised the right of the child to respect for the child’s human dignity and physical integrity and equal protection under the law.

The Committee on the Rights of the Child has formally recognised that corporal punishment violates the Convention in General Comment number 8

[Source: BBC; www.bbc.co.uk, The Guardian; www.guardian.co.uk]

Further information

UK: Child laws are fuelling rise in smacking, warns charity (17 September 2007)

South Africa: ‘No biblical justification’ for hitting child (8 August 2007)

UK: Bid to end smacking in shops

Global Initiative to End All Corporal Punishment of Children: The human rights imperative to ban all corporal punishment

DCI-IS is pleased to announce the official launch of its new website!

Their website can be accessed at the same address: www.dci-is.org For the moment, the text is only available in English; however, The site will be translated into French and Spanish as soon as possible.

ILO: New Global Partnership Against Child Labour in Agriculture

Three United Nations agencies have joined forces with key international agricultural groups to launch a new landmark global partnership to address the plight of children working in agriculture, on the occasion of the World Day against Child Labour.

The initiative will focus on policies and activities to promote the application of laws on child labour in agriculture, mainstream child labour issues into national agricultural activities, and promote youth employment opportunities in rural areas.

“It is only by mainstreaming child labour issues into mandates and policies and by working together that we can strengthen the worldwide movement to eliminate child labour,” International Labour Organization (ILO) Director-General Juan Somavia said, welcoming the new partnership.

The World Day was launched in 2002 as a way to highlight the plight of working children. The ILO estimates that 218 million children worldwide, from 5 to 17 years old, are engaged in some kind of labour, with 126 million children engaged in the worst forms of child labour.

The agency noted in a news release that worldwide, agriculture is where by far the largest number of working children can be found – an estimated 70 per cent, of whom 132 million are girls and boys aged 5-14, “who often work from dawn to dusk on farms and plantations, planting and harvesting crops, spraying pesticides, and tending livestock.”

“These children are helping to produce the food and beverages we consume,” said ILO.

The UN Food and Agriculture Organization stressed that putting an end to child labour in agriculture must become a political priority, saying it is “simply unacceptable” that 132 million children are forced to work the land under unhealthy and hazardous conditions.

Most studies point to poverty as the root cause of child

labour, with children working both for their own survival and for that of their families, according to an FAO news release.

“The true winning strategy against child labour is to reduce poverty in rural areas of the developing world, offering income opportunities, addressing health and safety in agriculture, improving pesticide management, and ensuring sustainable development,” said José María Sumpsi, FAO’s Assistant Director-General for Agricultural and Consumer Protection.

In addition to the ILO and FAO, members of the new partnership are the International Fund for Agricultural Development, International Food Policy Research Institute of the Consultative Group on International Agricultural Research, International Federation of Agricultural Producers, and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Association.

Organisation Contact Details:

International Labour Organisation

Email: ilo@ilo.org

Website: www.ilo.org/childlabour

INDIA: Child rights to be taught in school

[NEW DELHI, 1 November 2007] - The National Commission for Protection of Child Rights (NCPCR) in India has written to district collectors to ask that articles from the [United Nations Convention on the Rights of the Child](#) are read out in every class, and morning assemblies, at least twice a week

Children will now be educated about their rights and the laws protecting them in their classrooms. Since children are least likely to be aware of their rights and the laws meant to protect them, the NCPCR wants the move to begin from 14 November, Children’s Day, to make the day meaningful for them.

Besides schools, the NCPCR wants hostels, orphanages, juvenile observation homes, children’s homes and shelter homes etc also to take up this activity. “Despite having certain rights and laws, children never complain against the atrocities or the humiliation they face. They are simply not aware about what to do and where to go in such situations. Hence, it is important let them know of articles, laws and issues related to their rights so that they can stand up and speak against atrocities,” said a member of NCPCR.

Accordingly, children will be told about their rights in schools and at home. They will be informed that they have the right to be protected from being hurt and mistreated in body or mind.

[Source: Daily News and Analysis India; www.dnaindia.com]

South Africa: Attempt to Change Rape Law

Three children's rights organisations in South Africa are trying to get rules governing how raped children must testify in court struck from the law books. At present, they say, the adversarial system, founded in the Criminal Procedure Act, which forces children to confront their attackers in court and be cross-examined, "has a profound impact on a child's life". This is in direct conflict with the constitution which dictates that the interests of children must be paramount.

The probe has been called for by Pretoria High Court Judge Eberhard Bertelsmann, who raised the general inquiry while presiding over the sentencing of two men, both convicted in lower courts of raping children. At the time, the judge commented that the rules of evidence required confrontation between the child witness of the accused and his or her legal adviser. Applying the procedure, particularly to child victims of violent crime, was questionable and might not be in the best interests of the child, he said.

Dangers of no conviction

The judge also raised concerns about the effect on the child if the high court did not confirm the conviction of the accused. This meant the case would either be sent back to the lower court and the child would be called on to testify again or that the child would have to testify in the high court.

He then called for submissions from interested parties to be admitted as *amicus curiae* (friends of the court) and directed that the order be sent specifically to the ministers of justice and constitutional development, education, safety and security, health, police, social development,

correctional services and various academic institutions and non-governmental organisations.

Among those who have responded and been accepted by the court are Durban-based organisations Operation Bobbi Bear, which rescues and upholds the rights of sexually abused children, and the children's rights group Children First, as well as the Cape Town-based Rapcan (Resources Aimed at the Prevention of Child Abuse and Neglect) - all represented by Durban's Legal Resources Centre.

'Extreme anxiety'

The three organisations argue that children face pressures as a result of reporting the crimes against them, including physical, psychological and emotional trauma, particularly at having to meet the perpetrator in court, being questioned and cross-examined, all exacerbated if the accused is unrepresented and directly questioned the child. This results in extreme anxiety.

Children also get confused by the "semantics and linguistic agility of adult questioners", resulting in the truth being hidden from the court. She said their submissions would be bolstered by a case undertaken by Children First, which examined the "secondary abuse" experience of two young rape victims from Weenen, in Northern KwaZulu-Natal. The case took more than four years - and 20 court appearances - to conclude.

All interested parties have until the end of this month to make submissions and the hearing will be held in November. Should the judge find the relevant sections of the Criminal Procedure Act to be unconstitutional, the matter will be referred to the Constitutional Court for determination.

[Source: Independent Online, South Africa <http://www.int.iol.co.za/>]
Visit: <http://www.crin.org/resources/infoDetail.asp?ID=15129>

RIGHTS AND ADVOCACY WEBSITE: CRIN launches global portal for using child rights law

When governments fail to recognise and respect children's rights, they must be held to account. However, few child rights violations are brought before the international and regional human rights mechanisms which can be used to hold States to their legal obligations. At CRIN, we receive many enquiries from individuals or NGOs, in the developed and developing world, who are unaware of the national and international legal obligations entered into by their State. Others do not know how these obligations can be enforced.

CRIN is developing a guide for child rights advocates on how to use human rights complaints mechanisms to challenge breaches of children's rights. The goal of the legal tool is to make the international, regional and national laws and mechanisms which exist well known and freely accessible to those who need them on the ground. The guide will include the following:

- A summary of the international and national laws that protect children's rights.
- An explanatory guide identifying the international, regional and domestic mechanisms that can be used to vindicate breaches of children's rights.
- Links to national and international decisions in which those mechanisms have been used successfully in the past.
- A guide to States showing examples and best practices for implementing the CRC.
- A forum for debating what changes should be made to the existing laws and mechanisms to make them more accessible and sensitive to the needs of children and their advocates.

Visit our introduction page: www.crin.org/law

SEARCH THE DATABASE: BY INSTRUMENT

Instruments are legal tools used to designate, define and harmonise international human rights standards. They include treaties and protocols, declarations, resolutions, advisory opinions, standards and guidelines as well as case law. To find national, regional and international instruments related to child rights, search our child rights legal database at: <http://www.crin.org/Law/search.asp>.

BY MECHANISM

Mechanisms are international, regional or national bodies which monitor the implementation of instruments. Mechanisms include the UN Committee on the Rights of the Child and national courts of law.

BY COUNTRY

Country resources can be accessed from the CRIN homepage at www.crin.org. Over the coming months, the information below will be made available for all countries. We hope you will help us keep these pages updated. Email: info@crin.org

GLOSSARIES

To cut through the jargon of international human rights law, CRIN has published some basic glossaries.

- Human Rights Glossary
- A to Z of Child Rights
- Glossary on the Inter-American System of Human Rights
- Glossary on the European System of Human Rights
- Glossary on the African Human Rights System

Scotland: Adults' Attitude to Contact with Children and Young People

Adults are often too scared to work with young people for fear of being branded a paedophile, according to a new report. A survey by Scotland's Commissioner for Children and Young People revealed that the fear of being accused of harming young people was the main deterrent.

Kathleen Marshall's study found a shortage of adults prepared to take work roles and volunteering posts. More than 1,100 people took part in the detailed survey. Some 48 per cent of adults surveyed said fear of being falsely accused of causing harm was a barrier to contact with children and young people.

This same fear also made adults much less likely to help when they saw a young person in danger or distress.

The report also revealed that adults who work with young people in structured environments tend to have positive attitudes towards them, and enjoy seeing children and young people develop through their involvement.

However, people reported much more negative attitudes to meeting young people in informal groups, especially in large groups on the street. According to the report, fear was largely fuelled by media reporting rather than people's personal knowledge of young people.

Other concerns included fear of young people themselves, and concerns about bureaucracy and the culture of litigation.

'Social behaviour'

The survey showed that women are almost twice as likely to have formal contact with children and young people, either as a volunteer or through work.

Men in particular reported being afraid of being falsely accused of being a paedophile which they described as "the worst thing imaginable". Men are also disproportionately less likely to approach a lost child and try to help.

"The activities they want to take part in need adults to volunteer and support them and this report shows exactly why that isn't happening.

Potential volunteers

"We need to help bridge the divide between the generations and establish a framework for attractive activities that are stimulating, safe and fun for all involved.

The aim of the report was to start a public debate about how to bridge the generations and make it safe for children and adults without "wrapping either of them in cotton wool.

Further information: Organisation Contact Details:

Scotland's Commissioner for Children and Young People
85 Holyrood Road, Edinburgh EH8 7AU, Scotland
Tel: +44 (0)131 558 3733
Email: info@sccyp.org.uk Website: <http://www.sccyp.org.uk>
Source: CRIN

Publications

Debating Youth Justice; From Punishment to Problem Solving?

2007

Jeffrey A. Butts, Editors: Zoë Davies and Will McMahon

Debating Youth Justice: From Punishment to Problem Solving, calls for a fundamental overhaul of the current youth justice system in the United Kingdom. The report includes several reaction essays from international youth justice experts, including Chapin Hall's Jeffrey Butts. He notes the similarities between youth justice in the UK and the US, and he argues that problem-solving justice is not new. "The emergence of problem-solving justice is not significant because it represents a revolutionary way of thinking. It is significant because it returns the justice system to its foundational principles and a focus on community safety rather than law and order.

The full report (pdf) may be obtained from the Crime and Society Foundation.

Democracy and Young People's Use of the Internet

By Dr. Stephen Coleman

Remixing Citizenship starts from the position that it is not young people that are disconnected from formal politics, but political institutions that are disconnected from young people.



The report sets a new agenda for debating the relationship between young people, the Internet and democracy. It argues that the nature of citizenship is changing – there is a generation moving to newer, more creative forms of participation and that new forms of communication are key to this. Young people are now

able to sample and remix citizenship, picking out the desired elements and discarding those that lack relevance. Remixing Citizenship refers to the idea of adding one's own innovation to the concept of citizenship.

http://cypi.carnegieuktrust.org.uk/cypi/publications/remixing_citizenship

CHILD INDICATORS: Launch of new journal [call for articles]

The International Society for Child Indicators (ISCI) and Springer publishing House have launched a new journal – Child Indicators Research (CIR).

They would like to invite your contributions to the field of child indicators by submitting your work for publishing in the new CIR, a leading academic journal.

The Journal will welcome contributions from a wide variety of substantive areas, including:

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 2008. Contributions of between 700 and 2000 words are preferred and should be e-mailed with full author details to judycash@bigpond.net.au

Suggested graphics or photos to accompany the article are most welcome. The closing date for receipt of material is 31 December 2007 but please advise the editors as soon as possible if you are planning to submit. If you have an idea which you would like to discuss, please email Judy Cashmore judycash@bigpond.net.au. Articles published in Australian Children's Rights News may also be placed on the DCI-Australia Website: www.dci-au.org/

- Economic well-being
- Psychological well-being
- Physical health and safety
- Civic life skills
- Religion and environmental issues
- Education
- Social Behavior
- Child welfare and vulnerable children
- Time use and activities
- Social work and Social policy

For more details, visit:

<http://www.springer.com/12187>

Powerful Partners - Adolescent Girls' Education and Delayed Childbearing

More-educated women have fewer children. This seemingly straightforward relationship is actually complex, and the benefits associated with different levels of education can vary considerably by setting.

This policy brief describes adolescent girls' reproductive health risks and how increasing their educational attainment reduces those risks, including early and unwanted fertility, and benefits their future families and society.

This brief also highlights some factors that contribute to this powerful education-fertility dynamic. Many successful programmes are keeping adolescent girls in school and many programmes offer reproductive health information and services out of school, including family planning. Combining such programmes may yield more benefits than either one alone.

Further information

See:

<http://www.crin.org/resources/infoDetail.asp?ID=13937&flag=report>

International Monetary Fund: Getting All Girls into School

See report:

<http://www.imf.org/external/pubs/ft/fandd/2007/06/lewis.htm>

Visit:

<http://www.crin.org/resources/infoDetail.asp?ID=15030>

Child Rights Programming

A practitioners' guide *Getting it Right for Children* - a practitioners' guide to child rights programming is a new child rights programming (CRP) practitioners' guide launched by Save the Children. It aims to help readers apply child rights principles and values at every stage of programming. It answers many of the "how to" questions that staff and organisations using a CRP approach have raised.

CRP puts children at the centre of programming. It recognises children as rights-holders and helps practitioners to engage them as actors in their own development. It recognises governments as the main duty-bearers in fulfilling children's rights, and promotes accountability to their citizens. It will ensure plans and activities are based on four fundamental principles relating to children's rights: survival and development; non-discrimination; child participation and the best interests of the child. Each chapter in the guide offers: key steps that are tried and tested; top tips to help you as you begin the process; case studies of successful practice from a range of countries and contexts; a 'yes, but' section with common dilemmas and possible solutions; and key steps and case studies are mostly taken from Save the Children's own global experience.

The guide shows that adopting a child rights-based approach is the most effective way to bring about positive and lasting change for children, their families and communities. It is not an easy process to embark on - many organisations are still addressing the challenges it involves. It will take time, resources (both human and financial) and commitment, in both the short and long term. It might require changes to the way an organisation works, its structure, its culture and management. It might also require changes to the way an organisation works with children, communities, partners and donors. But the investment will reap huge rewards. You can buy copies of *Getting it Right for Children* - a practitioners' guide to child rights programming by emailing NBN International at orders@nbinternational.com For enquiries, contact publications@savethechildren.org.uk

Further information:

Child Rights Programming: How to Apply Rights-Based Approaches to Programming - 2nd Edition (International Save the Children Alliance, February 2006 see <http://www.crin.org/resources/infoDetail.asp?ID=7306&flag=report>)

Join DCI!

You too can become a Member.
Your subscription includes each issue of ACRN.
Members also receive lots of other information about DCI's campaigns and activities.

Subscriptions

under \$20,000 pa/student	\$25	pa
\$20,000 - \$35,000 pa.	\$55	pa
\$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

Donations help to expand DCI's important work.
Please consider adding a donation to your subscription:

\$10..... \$25..... \$50..... or \$.....

Credit Card Authority

Please debit my Bankcard/Visa/Mastercard Account

Card # / / /

Exp date . . . / . . .

Signature

Name on Card

Fax card payments to 02 9385 9589

OR - I enclose a cheque for \$.....

Name

Organisation

.....

Address

.....

State Postcode

Ph Fax

Email

Send this form with your cheque to:

DCI-Australia
c/- NCYLC
The Law Building
University of New South Wales
SYDNEY NSW 2052

Defence for Children International - Australia

**DCI-Australia
c/- NCYLC
The Law Building,
University of New South Wales
SYDNEY NSW 2052
Email: info@dci-au.org
Web: www.dci-au.org
Phone: 02 9385 9588
Fax: 02 9385 9589**

Patron : **Phillip Adams AO**

National President : **Judy Cashmore**
Vice President : **Moira Rayner**
National Secretary : **Janet Jukes**
Treasurer : **Helen Bayes**
ACT: Sue Packer
Qld: Tina Previtera
NT: Simon Quilty
SA: Vacant
NSW: June Wangmann
TAS: Peter Briffa
Vic: Diana Batzias
WA: Cheryl Vernon

Advisory Panel

Prof. Phillip Alston
Sally Castell-McGregor
Prof Hilary Charlesworth
The Hon. Prof. Richard Chisholm
The Hon. John Fogarty AM
Prof Chris Goddard
Sid Spindler

Australian Children's Rights News is published by Defence for Children International Australia. The editor of this issue is Judy Cashmore. Electronic formatting of this issue is by Web Enter www.webenter.com.au. The views expressed in Australian Children's Rights News are not necessarily those of DCI. Articles, reports, information about meetings and conferences can be e-mailed to: info@dci-au.org