



Australian Children's Rights News

Newsletter of the Australian Section of Defence for Children International

Issue Number 30, September 2001
ISSN 1320-7091

Child Labour Does Not Need Exaggeration

This edition of ACRN's special focus on child labour begins with a challenge to the methods by which it is measured. Kristoffel Lieten is in charge of development sociology at the University of Amsterdam and is the chairperson of IREWOC, an organisation conducting and stimulating research on child labour.

Within one decade, child labour has graduated from a non-issue to centre-stage in international social concerns. The ILO, UNICEF as well as various organisations that until recently were not interested in the issue, like the World Bank, now have well-funded special departments. The growing concern is welcome, for children at work need protection from inhuman treatment and entitlement to the life enabling facilities, like education, health, safety and nutrition.

Still too many children remain in conditions that are inappropriate for their development. It remains morally repulsive that a certain class of children for whatever reasons, usually linked to a low class position, has to work for their present and future living while another class of children enjoys a non-working childhood. That injustice exists at various levels, at the world level and at the micro-environment. In this sense, child labour is a class issue and a moral issue as well.

The growing interest in child labour is therefore welcome, but there is a bit of simplistic reasoning on the subject that one needs to be aware of.

continued page 4

Features:

Child Labour Does not Need Exaggeration - p1

US State Department Trafficking Report "A Mixed Bag" - p6

The Child Labour Problem in Australia - p7

Child Labour and Exploitation in South Africa in relation to Children in the Criminal Justice System - p8

Chocolate's Bitter Ingredient : Child Slavery - p12

Child Prostitution A Major Risk to ASEAN Tourism - p13

Rugmark : Buying a Brand Name Can Help to Fight Child Labour - p14

0.1% for Children - From Exploitation to Education - p17

Children Asylum Seekers - "Where is the Safety Net"? - p18

COLUMNS

President's Column
Child Labour Update
Publications
Conferences
Websites

AND MORE

President's comments:

I am privileged to be writing this edition's column on the other side of the world, en route to the September 2001 World Congress on Family Law and the Rights of Children and Youth. As promised, this edition features a special focus on child labour with articles especially written for ACRN.

Once at the World Congress, I will be representing DCI-Australia (at no expense to the organisation) with a presentation on the mandatory detention of children and young people especially in Australia. The topic couldn't have become hotter lately.

On the up-side we have the promise of legislative reform by the new Northern Territory Government and the hope of a nationwide ban in Senator Bob Brown's federal bill. But then there is the on-going shame of Australia's barbed wire bootcamp hospitality to undocumented refugee claimants.

If that wasn't enough, just to prove how much the Federal Government values international law and "sovereignty", it has diversified into the mandatory detention of vessels, beginning with the Norwegian ship *The Tampa*, after the captain led the crew in doing a humanitarian rescue duty.

Meanwhile on shore we sank to new lows. Our elected representatives were in pre-election mode. They fear-mongered and pandered to the xenophobic pockets of Australia taking all of us into unchartered waters.

Where is there a national captain to steer us back on course? Is there any reason for thinking we can expect to be buoyed by what comes out of the federal ballot box later this year?

Voting time is here again too for our own DCI-Australia electorate.

continued next page

Defence for Children International - Australia

Level 6,
Number 1, Elizabeth Street Melbourne 3000
Phone: (02) 6257 6422
Fax: (02) 6257 6722
Email: infor@dcj.org.au
Web: www.dci-au.org

Patron : **Phillip Adams AO**

National President : **Danny Sandor (Vic)**
Vice President : **Judy Cashmore (NSW)**
National Secretary : **Michael Beresford-Smith (Vic)**
Treasurer : **Sophia Cason (ACT)**
Joe Bowler (SA)
Craig Mackie (Tas)
Andrew O'Brien (NSW)
Teresa O'Sullivan (NT)
Cheryl Vernon (WA)
June Wangmann (NSW)
Rob White (Tas)

Advisory Panel
Prof. Phillip Alston
Dr. Quentin Bryce AO
Ms Sally Castell-McGregor
Prof Hilary Charlesworth
Justice Richard Chisholm
Hon John Forgy AM
Prof Chris Goddard
Ms Moira Rayner
Mr Sid Spindler

Australian Children's Rights News is published quarterly by Defence for Children International Australia. The editors of this issue are Danny Sandor, Judy Cashmore and Andrew O'Brien. 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 faxed to the Editor, (02) 6257 6722 or emailed to : info@dcj-au.org

The Annual General Meeting has been scheduled for 5:00pm on Wednesday 7 November 2001 (the day after the Melbourne Cup).

If you have not already done so (and thank you to the many who have) please make yourself financial and renew your membership/affiliation or subscription straight away. Although all of DCI-Australia's work is done by voluntary labour the bills still have to get paid.

The rent on the National Office was a relatively considerable recurring cost and I am delighted to advise that DCI-Australia has found a new home co-located with the Youth Affairs Council of Victoria, the peak policy advocate for young people and those who work with them in that State. Under the present arrangement which was agreed to by our National Committee, DCI-Australia does not pay rent in return for the loan and gift of our resources and equipment.

I'm sure I speak for us all when I publicly thank the generosity and children's rights commitment of the Council, and say that we look forward to further enhancing the close working relationship that has been developed. To celebrate the relocation of our National Office, the DCI-Australia Annual General Meeting will be held at the new premises.

Don't just think about coming to the AGM – consider standing for our National Committee (even if you can't make it to Melbourne).

We have enjoyed a vibrant and energetic National Committee with ongoing representation from nearly all States and Territories. We want that to continue. We only lacked a representative from Queensland this year and hope that the gap will be filled after our forthcoming AGM.

It is also our misfortune but to the benefit of East Timor, that Sophia Cason will be unavailable next year as a result of her overseas posting.

See you at the Annual General Meeting:

5:00pm on Wednesday 7 November 2001 at Level 6, Number 1 Elizabeth Street Melbourne (our phone and fax numbers are unchanged for the moment)

This leaves us with both a geographical gap (representation of the A.C.T.) and a vacancy in the important role of Treasurer. Maybe you could fill either or both of those roles!

It is also our loss that we have had to bade Northern Territory representative Russell Goldflam goodbye from NatCom due to his other heightened new responsibilities. We are very lucky though that Teresa O'Sullivan – a national winner of the Children's Lawyer of Year Award - has come on board. Teresa brings us insights acquired in the course of many challenging roles; her present one is with the Central Australian Aboriginal Legal Service

Lastly, the President role for 2002 will also be up for grabs as it looks like I will be spending a lot of time away from Australia. I hope, however, to remain on the National Committee to be part of the National Committee's proven track record of support to whoever takes the presidential baton.

Anyone wanting the low down on the President's position or nominating for NatCom generally, is welcome to contact me to find out more – 0409 311 510. Also, if you would like to attend the AGM by telephone link, please contact me and we will try to make arrangements.

Call for Articles



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

We are now seeking articles to be considered for the final edition of 2001. Contributions of between 700 and 1500 words are preferred and should be e-mailed with full author details to judycash@nsw.bigpond.net.au

Suggested graphics or photos to accompany the article are most welcome. The closing date for receipt of material is 15 November 2001 however authors should advise the editors as soon as possible if they are planning to submit.

If you have an idea which you would like to discuss, please phone Judy Cashmore 02 988 2286

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

The focus on child labour only tends to shift the focus away from the wider issues at stake, issues that are related to poverty and powerlessness and that basically have been conditioned and continue to be conditioned by the international economic system, whatever name it has. The neo-colonial conditions that keep many millions of people in the developing countries at the edge of deprivation have a fundamental impact on the prevalence of child labour.

The focus on child labour also widely overshoots the target: child labour is being defined as a condition of what are termed “Third World” countries and the numbers are exaggerated in such a fashion that the problem appears to be too overwhelming to solve. I turn to consider this issue below.

Conventional surveys, for example by the national census operations, by the ILO and by the World Bank, have suggested that there are 250 million child labourers in the world. In East Africa and West Africa 32.9 % and 29.2 % of the children are supposed to be child labourers; in South Asia and Melanesia the figures are 14.0% and 23.9 % respectively. In the OECD countries on the other hand, the figures is put at 0.0 (Fallon and Tzannatos 1998: annex).

Human Rights Watch (1996) dwells on the fate of ‘58 to 113 million’ child labourers in a publication with a very suggestive title indeed (*The small hands of slavery*). UNICEF, a respected organisation that stands for the rights and the welfare of the child uncritically relies on the horrid picture drawn by Human Rights Watch. It states unequivocally that tens of millions of children live the life of an indebted slave:

An estimated 20 million, and perhaps as many as 40 million, girls and boys in South Asia toil in this debt servitude, hunched over looms, making bricks, or rolling cigarettes by hand. Countless others spend their childhood and adolescence in domestic servitude, sweeping floors and scrubbing pots and pans. It is almost

unfathomable to think of a girl from the Nepalese mountains who ... finds herself in a windowless room in Calcutta or Mumbai with other girls, forced to have sex with as many as two dozen adult clients a day. (Unicef 2000: 20)

These things do happen. The injustice caused by the system of debt slavery to numerous children needs immediate attention and redress. The suggestion, however, that tens of millions of children in South Asia live such an existence in brothels, carpet sheds and brick kilns, creates more confusion about the real nature (and the ultimate solution) of child labour than is called for.

The ‘advocacy statistics’ purposely dramatise the magnitude of child labour. The ‘over-estimates of child labour’, Richard Anker (2000) of the ILO has argued, can make the problem appear too big to solve, and the figures are ‘often misleading since different types of child labour are combined into one number —resulting in the proverbial mixing of apples and oranges.’

Fine-tuning of the data contradicts some of the many sweeping statements which some studies have come to. With respect to India, for example, many international organisations project a figure of more than 100 million child labourers. Officially recorded child labour based on a fairly reliable survey instrument is around 15 million, of which around 90% is recorded in the agriculture sector. The official estimate is that the participation rate of children (in the age group of 5 to 14 years) is 3.1 % in the cities and 7.3% in the rural areas.

Many activities which children, and women, may be undertaking, like weeding the fields, looking after cattle or collecting firewood, have been recorded as work, but even here the question can be asked whether it should be considered as ‘labour’.

Quite a lot of what has been subsumed under child labour, and as such has entered the statistics, is work performed during a standard process of socialisation. Most of the child labourers in Africa and Asia are residing in the countryside, and assisting on the family farm. The working child in

fact is very much a rural phenomenon, in self-employment on the family farm or joining the family work force unit during the crop season as agricultural labourer.

The opportunity to work, seeing in it a preparation for adulthood, is something to be encouraged. Work can be a gradual initiation into adulthood and a positive element in the child's development. Light work which does not pre-empt the other essential activities of children, is not to be subsumed under "child labour".

The concept of child labour, in my opinion, should be restricted to the sphere of production and services that interfere with the normative development of children. Such a definition would be in alignment with the UN Declaration and with the ILO strategy of targeting the intolerable forms of child labour, the 'worst forms' as referred to in Convention 182 of June 1999, and further specified in Recommendation 192. The UN 1989 *Convention on the Rights of the Child* recognises 'the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development' (Article 32.1).

If we were to go by the activities that these Recommendations and Conventions refer to, the figures of 'child labour' in the world would dwindle to realistic proportions. Yet, that is not done, and I have three suggestions to offer for the excessive accounts.

The first one relates rather simply to a misconception about child labour, as stated above. The assumption that any type of work or even any non-attendance at school is child labour can be useful for drumming up support (and donations). Organisations like the Ministries of Education, ILO, UNESCO and UNICEF should abide by a more rigorous demarcation.

The second suggestion relates to the usefulness of high accounts in the debate on social clauses in international trade agreements. In particular, the US Government, and the ICFTU take a strong

stand on the inclusion of child labour as a social clause in international trade sanctions. The acceptance of the highest possible figure, not discriminating between the intolerable forms and milder forms of child 'employment', helps to paint a dire situation that cries for outside intervention. Trade policy initiatives are more likely to be endorsed by the public if the idea is carried that developing countries make use of child labour on a massive scale and thereby disrupt normal economic business in the developed world.

The third suggestion is related to a degree of arrogance in the developed world. Some will call it paternalism. A high prevalence of child labour would conform with the negative image that people in the 'developed countries' generally have of the "Third World". The image of child labour helps to stereotype developing countries in a malignant way. It also help to put the blame on governments that are portrayed as being callous, and on parents, who are suspected of having more children in order to make them work and earn an income.

The set of assumptions underlying such approaches will not contribute to the solution of the problem. ILO Convention 182 should become the basis for a proper definition of child labour and for a realistic measurement of its prevalence.

References

Richard Anker (2000). 'The economics of child labour: a framework for measurement.' *International Labour Review* 139(3):257-80.

P. Fallon and Z. Tszannatos (1998). *Child labor: Issues and directions for the World Bank*. Washington: The World Bank.

Human Rights Watch (1996). *The small hands of slavery. Bonded child labor in India*. Internet version: www.hrw.org.

G.K. Lieten and Ben White (2001). *Children at Work. Policy Perspectives*. Amsterdam: Aksant.

Unicef (2000). *The state of the world's children 2000*. Oxford: Oxford University Press.

To contact IREWOC email irewoc@psw.uva.nl

U.S. State Department Trafficking Report “A Mixed Bag”

According to Human Rights Watch, the US State Department’s first annual report on trafficking in persons contains serious flaws.

The State Department released the 102-page report to comply with the *Victims of Trafficking and Violence Protection Act* of 2000. It came five weeks after the congressionally mandated deadline of June 1, 2001.

The report evaluates the performance of 82 countries, putting each country in one of three categories depending on how its domestic efforts meet the legislation’s minimum standards for the elimination of trafficking. The law required reporting on all countries worldwide with a “significant number” of trafficking victims.

”The State Department’s report is a real mixed bag,” said LaShawn R. Jefferson, Acting Executive Director of the Women’s Rights Division of Human Rights Watch. “We’re glad the US government is finally paying close attention to this important human rights abuse. But the report has some major flaws that will need correcting the next time around.”

One of the report’s chief weaknesses, Jefferson said, was that it glosses over the problems of state complicity and corruption. Trafficking cannot flourish without the involvement of corrupt police, border guards, and state officials.

Human Rights Watch said the report also concentrates too much on trafficking for “sexual exploitation,” to the exclusion of trafficking into other forms of forced labour, among them sweatshop labour, domestic servitude, and forced agricultural and construction work. Many of the country chapters fail to document whether

governments have set up and funded programs to provide victims of trafficking with services.

”The report confirms what human rights activists and experts on trafficking already know: that governments around the world treat victims of trafficking as undocumented migrants, criminals, or both,” said Jefferson. “Governments should be offering protection to these victims, not hitting them with prosecutions.”

Human Rights Watch noted that Bosnia and Herzegovina, Greece, Saudi Arabia, Israel, and Pakistan are accurately tiered to reflect their abysmal record on trafficking. However, missing from that list of Tier 3 countries are Moldova, Costa Rica, and Japan.

Human Rights Watch urged the State Department to ensure that; all future reports consistently include information about all forms of trafficking in persons, not just trafficking for “sexual exploitation”; to include the role of state complicity and corruption in facilitating trafficking and government measures to identify, investigate, and prosecute state agents involved in trafficking; to include reporting on human rights protections of trafficking victims, in particular victims’ access to legal counsel and other services; and to include information on concrete measures governments are taking to prosecute traffickers.

(For further information, please contact LaShawn R. Jefferson: + 1 202 612 4348 and Martina Vandenberg: + 1 202 612 4344)

For a detailed analysis of particular countries, please contact:

for Africa: Rumbi Mabuwa (New York) + 1 212 216 1225;

for Americas: Jude Sunderland (Washington): + 1 202 319 3010;

for Asia: Farhat Bokhari (New York): + 1 212 216 1858;

for Europe and Central Asia: Martina Vandenberg (Washington): + 1 202 612 4344;

for Middle East and North Africa: Isis Nusair (Washington): + 1 202 612 4347

The Child Labour Problem in Australia

Patrick Parkinson, Professor of Law at the University of Sydney sees worrying gaps in local standards

Britain's laws regulating the hours that children can work were put in place in 1933. The current law in the United States of America dates back to 1938. For decades, the exploitation of child labour in developing countries has been a matter of international concern.

Yet, remarkably, in New South Wales, in contrast to Victoria, Western Australia and the Australian Capital Territory, the law imposes no restrictions on children's employment, apart from in the entertainment industry and a couple of other selected occupations. There are no restrictions on the hours that children can work, and nor does the law prescribe a minimum age for working. Many employers will not employ a child below the age of 14 years and nine months, but this is not a legal requirement. It is just the earliest age at which young people can be permitted to leave school. There is no law which prevents 11-year-old children doing 30 hours work each week as long as it is not in school hours, or working a 12 hour day on a Saturday. There is no law which restricts children working through the night to help a parent meet an employer's deadline for sewing clothes.

Nor are there many laws which aim directly to protect children from dangers in the workplace, either as employees or visitors. The general occupational health and safety legislation does not specifically address the particular risks there may be for children in workplaces. As an International Labour Organisation report put it:

“Children are susceptible to all of the dangers that are faced by adult workers when placed in the same situation, but they are more seriously affected because they differ from adults in their anatomical,

physiological and psychological characteristics.”

For example, teenagers are much more susceptible than adults to serious back injuries due to heavy lifting. The reason is that in many cases their backs are still in the process of development.

A range of laws restrict young people from engaging in certain occupations, but the laws are piecemeal and somewhat incoherent. For example, a 16-year-old can work down the mines but not be in charge of a petrol pump. The *NSW Children and Young Persons (Care and Protection) Act* has a vague offence of putting a child's physical or emotional well being at risk in employment. However, no prosecutions have ever been brought under this section. One of the problems is that most of these laws refer to paid employment. Many children work on an unpaid basis in family businesses, and are not protected by such employment legislation.

Yet the NSW Government's own figures paint a damning picture of the State's safety record for children and young people in workplaces. Hundreds of young people each year are permanently disabled or have to be off work for 6 months or more due to workplace accidents. No-one can claim the safety standards are adequate when so many young people are being maimed for life before they reach their 18th birthday.

The greatest dangers for children and young people are construction sites and farms. WorkCover NSW estimates that a tractor death occurs on Australian farms once every 11 days and that one in every four people killed in tractor accidents is a child under 16 years. Between 1990 and 1996, the number of children who died from accidents on farms in NSW and Queensland averaged nearly one per month; 37% of these accidents were attributable to farm machinery or vehicles. No law prohibits children under 16 riding on tractors.

The solution is to find the right balance between sensible child protection measures and other constraints. There is no reason why sensible laws which protect children in workplaces should interfere with family businesses. If a child between 10 and 14 is allowed to work for up to 12 hours per week during term-time without any need for a licence, most parents would regard that as a reasonable maximum, given the evidence that working more than 10 hours per week affects school performance. If a child is under 10, or wants to work more than 12 hours per week, then there are good reasons for requiring a licence to ensure that the work is appropriate and safe.

The advantage of having appropriate child labour laws is that they set community standards. They send clear messages about what is acceptable and what is not, what is beneficial to children and what is not, what is dangerous, and what is not. Families need to know this as much as anyone else. It is the role of the Parliament to set such community standards after proper consultation and debate. NSW and the other Australian states which have not yet done so need to make an immediate start on this.

Child Labour and Exploitation in South Africa in relation to Children in the Criminal Justice System

Ann Skelton chaired the Committee of the South African Law Commission Committee on Juvenile Justice. She is currently the co-ordinator of a United Nations technical assistance project for the South African Government, called the Child Justice Project. In this article, she identifies issues about child labour and the exploitation of children in South Africa in the criminal justice system.

Possession and trafficking of drugs

Children and young people under 18 are often used by adult drug dealers to carry drugs. If caught, they are charged. The policy of the Office for the Director of Public Prosecutions depends to a great extent on the quantity and type of the drugs concerned. Children may be diverted to drug counselling programmes if the quantity is small and if it is clear that the child is a user rather than a dealer. Dealing in drugs is considered serious, and children can be held in prison to await trial where they have been charged under with "any offence under any law relating to the illicit conveyance or supply of dependence producing drugs": see Schedule 2 of the Correctional

Services Act 8 of 1959. They can be sentenced to imprisonment for such offences.

South Africa is in the process of reforming the way it deals with children accused of crimes. The *Child Justice Bill* is a draft law which has been presented to the Minister of Justice by the South African Law Commission, and which is soon to be considered by Cabinet and debated by the South African Parliament.

The draft *Child Justice Bill* accompanying the SA Law Commission's report on Juvenile Justice suggests an amendment to the way in which this offence is described in the schedule. The aim is to try catch syndicates, which will in almost all cases be operated by adults. This may mean, however, that children working with syndicates are more likely to be held in custody while awaiting trial, a negative aspect to this proposed formulation. The idea, however, is to get to the adult perpetrators who are using children to traffic drugs. It is always possible to divert young people or find alternative rehabilitative sentences for them once they have given evidence. If it is clear that children are selling drugs for survival or because they are dependent on drugs

themselves, the matter can be converted to a Children's Court inquiry, and this can be done even after the conviction, but before sentence.

Reformers in South African are promoting the idea that the focus should be on finding and prosecuting the adults who traffic drugs. This may sometimes mean prosecuting children as well, as to separate the trials may lead to the adult offender being acquitted. Once the adult is convicted, the child can always be given a rehabilitative sentence, or where the circumstances indicate that it would be appropriate, the matter can be converted to a Children's Court inquiry after conviction (under section 254 of the Criminal Procedure Act no 51 of 1977).

Gang related offences

Children and young people are active in gangs¹ in South Africa, a problem which is particularly prevalent in urban areas in Western Cape and Eastern Cape, Kwa Zulu Natal and Gauteng. The government's determination to deal with gangsterism led to the passing of the *Prevention of Organised Crime Act no 121 of 1998*. Section 11(b) of the Act states that a child can be identified as a member of a criminal gang by his or her parent or guardian. Section 11(c) refers to the factors that a court may take into account in interpreting whether a person can be regarded as a member of a criminal gang. These include style of dress, language and tattoos. Concern has been raised that these criteria could reasonably apply to many children who gather in groups, dress similarly in the latest street-gangster style and who use "street speak", and that typical teenage behaviour may become criminalized². There is no doubt, however, that children are committing crimes in gangs and that in many cases the gangs are run by adults.

Members of the gangs who are under 18 are often co-accused with adults. While it may be necessary to prosecute them together with the adults to ensure the conviction of the adults, the sentences of children or young people should take into consideration the influence of adult co-accused. As prisons are breeding grounds for gang activity,

reformists make the point that young people involved with gang activity should not be imprisoned wherever possible.

In the long run, preventing children getting involved with gangs is the solution. Some non-governmental organizations in South Africa have been experimenting with the idea of incorporating some of the positive aspects of gangs as part of the programmes on offer for prevention, diversion and alternative sentencing.³ The Journey project of NICRO⁴ and the programmes offered by Usiko⁵ are examples of programmes which have attempted to build on this innovative idea.

The utilization of children by adults in the commission of offences

Comments on the SA Law Commission Issue Paper on Juvenile Justice⁶ indicated a concern that increasing the minimum age of criminal capacity would lead to younger and younger children being used by adults in the commission of crimes⁷. The proposal that there should be an increased use of diversion and of alternatives to custodial sentences gave rise to a similar concern - namely that children would be used to commit crimes or would be left to "take the fall" because they would be less likely to go to prison⁸. The project committee's response to these concerns are to be found at section 117(3) of the draft Child Justice Bill, which states that:

"Any adult who incites, persuades or encourages a child to commit an offence is, in addition to any other offence for which such adult may be charged, guilty of an offence and is liable upon conviction to a fine or to imprisonment not exceeding two years."

Under the new Child Justice Bill, it is clear that adults using children to commit an offence is an offence in itself. The emphasis will therefore be on the prosecution of adults, with children as far as possible being diverted away from the courts into suitable programmes, or if they are tried and convicted, being treated in a way which takes

account of their age and the influence of their adult co-accused upon them.

Diversion and Alternative sentencing

Under the current law, community service is used as both a sentence and as a diversion programme. Sentences involving community service derive from section 297(1)(a). The section limits sentences of community service to persons who are 15 years or older. This age accords with current provisions regarding child labour. Although there is currently no law which provides for diversion, the practice of diversion has grown primarily out of co-operation between prosecutors, probation officers and non-governmental organizations. NICRO has offered community service placements as a diversion option for a number of years, and also adhered to the 15 year age limit. The SA Law Commission's Report on Juvenile Justice takes a different approach:

“(The Commission) has decided that, in the interests of making available as wide a range of diversion options to as many children as possible, there should be no lower limit to community service, although care must be taken to ensure that the tasks set for a child to perform are proportionate to that child's age, and to both the physical and emotional maturity of the child. Community service of children is not labour in any normal sense - rather, it should be seen as similar to the performance of chores, which most people would agree are suitable (and possibly desirable) for children below the age of 15 years.”⁹

The draft Bill sets out minimum standards which are designed to prevent any exploitation of children:

“49(1) No child may be excluded from a diversion programme due to an inability to pay any fee required for such programme
(2) A child of ten years of age and over may be required to perform community service as an element of diversion, with due consideration to the child's age and

development.

(3) Diversion options must-

- (a) promote the dignity and well being of the child, and the development of his or her sense of self worth and ability to contribute to society;
- (b) not be exploitative, harmful or hazardous to a child's physical or mental health;
- (c) be appropriate to the to the age and maturity of the child; and
- (d) not interfere with the child's schooling.”

In the system proposed by the South African Law Commission, decisions about diversion will be made at a preliminary inquiry, and is thus moved away from one person making decisions about diversion. The preliminary inquiry is attended by the child and family, the probation officer and the prosecutor and is chaired by a magistrate. Decisions about the content and duration of community service will be made by this group.

The draft Bill also allows for community service as a sentencing option, either as a sentence in itself or linked to other sentences, as in the case of correctional supervision.

While allowing younger children to access diversion and alternative sentences, the draft Child Justice Bill provides a strong framework of principles and minimum standards to ensure that children are not exploited. The draft bill further requires all diversion programmes to be registered to provide further protection from exploitation.

It is proposed that persons knowledgeable about legal protections relating to child labour inform the drafting of the regulations to the Child Justice Bill

Work done by children in prison and reform schools

The policy of the Department of Correctional Services is that prisoners under the age of 18 years

are not required to do manual labour. They are required only to participate in the cleaning of their own living areas. Children in prison often experience “lethargy and boredom”¹⁰, and whilst some correctional facilities have educational and vocational training courses, others have no programmes at all.

Children in reform schools do sometimes perform work, such as making and selling pottery¹¹. This is, however, seen as an adjunct to their learning and as they are usually able to keep the proceeds of their work they are usually happy to be engaged in such activities. Care must be taken to ensure that they are not exploited through such work.

The United Nations Rules for the Protection of Juveniles Deprived of the Liberty¹² state at rule 42 that “Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment”. The rules do not outlaw work for children deprived of their liberty, but make it clear at rule 43 that “All protective national and international standards applicable to child labour and youth workers should apply to juvenile deprived of their liberty”. Rule 45 goes further, stating:

“Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour”.

Reformists in the field of child justice take the view that vocational training serves a two-fold purpose of keeping children usefully occupied whilst preparing them to reintegrate into society. Vocational training should be offered to all children whose sentence deprives them of liberty. There is no legal impediment to children in custodial settings working, as it is preferable to them being bored and feeling useless. If children deprived of their liberty are to work, it should be for remuneration. It must always be in line with national and international protective laws for child labour. It may be particularly useful to link such work to vocational training.

Footnotes

1 See, generally, A Dissel Youth, Street Gangs and Violence in South Africa in *Youth, Street Culture and Urban Violence in Africa*, proceedings of a conference held in Avidjan, 5-7 May, 1997.

2 Ann Skelton “Juvenile Justice reform: Children’s Rights and responsibilities versus Crime Control” in ed CJ Davel *Children’s Rights in a transitional society*, Pretoria 1999.

3 D Pinnock, *Gangs, rituals and rites of passage*, Cape Town 1977

4 National Institute for Crime Prevention and Reintegration of Offenders.

5 A non-governmental organization in the Western Cape.

6 SALC Discussion Paper 79, 1998.

7 See comments by the Department of Legal Services, SAPS on page 28 of the Report.

8 See page 20 of the SALC Report on Juvenile Justice.

9 Page 106 of the SALC Report on Juvenile Justice.

10 Community Law Centre *Children in prison: A situational analysis*, 1998 3.

11 Inter Ministerial Committee on Young People at Risk *Report on Places of Safety, Schools of Industry and Reform Schools* July 1996 33.

12 Passed by the UN General Assembly on 14 December 1990.

Chocolate's Bitter Ingredient : Child Slavery

The US House of Representatives recently moved to curtail use of child slave labour on African cocoa plantations by passing a measure that would require US food companies to certify that no part of their product was made by workers held against their will.

The amendment, approved by a vote of 291-115, was likely to complicate US trade with countries of West and Central Africa, where, according to UN reports and US, use of bonded child labour remains rampant.

"We should ensure that all Americans, particularly children, who eat chocolate, can do so with the knowledge that no children were forced into slave labour to make their candy bar or treat," said Democratic Representative Eliot Engel of New York, who introduced the amendment.

The measure is attached to a 2002 appropriations bill funding the US Food and Drug Administration (FDA), the nation's premier regulatory agency responsible for the safety of food products and medicine.

It requires all US manufacturers using cocoa products to put labels on their goods certifying that no child slave labour was used to produce the beans. Under the amendment, the FDA will receive \$250,000 in the 2002 fiscal year to enforce the requirement.

The legislation could have far reaching consequences for the US food industry because under US law, wrong or misleading labelling could be grounds for legal action against the company. The US Chocolate Manufacturers Association vowed to fight the Engel amendment tooth and nail.

The Chocolate Manufacturers Association offered to work with international organisations, local governments and human rights organisations "to support the Ivorian government's efforts to end child trafficking."

"As an industry, we strongly condemn abusive labour practices, and our goal is to be part of the worldwide effort to solve this problem. If one child is affected, that is one child too many," said CMA President Larry Graham.

At least 200,000 children annually are trafficked in the central and West African slave trade, according to UNICEF estimates. CMA will help to identify an action plan as well as fund a study to be conducted by the United States Agency for International Development, that will evaluate the working conditions of 2,000 farms in Ivory Coast and 1,000 farms in Ghana.

While the action plan will be partially dependent on the outcome of the study, at this time, pilot programs under consideration include defining appropriate labour standards for family farms, working closely with local governments and non-government organizations to address child labour abuses and monitoring the cocoa export pipeline for abusive practices.

Members of the CMA include Hershey Foods Corporation, M and M/Mars and Nestle USA, among others. (Contacts: Susan Smith, Larry Graham or Susan Fussell of the Chocolate Manufacturers Association, + 1 703 790 5011; or Robert Reese of Hershey Foods Corporation, + 1717 534 7631; or Marlene Machut of M&M-MARS, + 1 908 850 2190; or Laurie MacDonald of Nestle USA, + 1 818 549 7131)

Source: the Knight Ridder News Service

Child Prostitution A Major Risk to ASEAN Tourism

The World Tourism Authority (WTO) considers that ASEAN nations working to stamp out child sex tourism must form national task forces to co-ordinate efforts to fight the abuse a World Tourism Authority (WTO) official said. The task force proposal was one of the recommendations made at a two-day conference of child protection activists, tourism authorities and legal experts, which concluded in the Thai capital recently.

The Organisation's chief of quality tourism development Henryk Handszuh urged authorities in the WTO's 138 member states to co-operate in fighting against the scourge of child sex abuse at tourist resorts. He said that Thailand had shown an especially strong determination to fight the problem by responding "energetically" to the issue and trying to change the nation's image as a destination for sex tourists.

Handszuh said the nature of child sex tourism worldwide had also changed in recent years, from an industry organised through tour companies to one that has taken root locally in tourist destinations such as Thailand. "Sex tourism, especially among children, has stopped to be organised within the tourism industry," he said. "Now it's everywhere. Thanks to the Internet, paedophile groups work together to help one another."

Tourism Authority of Thailand (TAT) director of market services Suraphon Svetasreni said he hoped to establish a new "Action Awareness Network" to monitor and report child sex offences. Suraphon said Thai authorities wanted to stop child sex tourists before they set foot in Thailand, adding that the crime was a widespread

social problem and not the sole responsibility of the tourism industry. "We want to stop it if we know one particular group is going to travel (here) for the sexual exploitation of children ... We want to stop them before they go, not try to tackle it when they're here."

Attorney General's Office executive director Wanchai Roujanavong urged Thailand's national carrier and other airlines to show in-flight videos warning travellers not to engage in child sex tourism. "They don't want to disturb the customers with this heinous or unpleasant story, but we have a different view," he said at the conference. "We think the airline that shows this kind of campaign shows that it is a responsible airline, that it can speak openly and say it doesn't want to support this."

TAT governor Pradech Phayakvichien opened the two-day forum, saying that the problem was a core issue for the industry. Pradech said about one in five of Thailand's estimated 70,000 to 200,000 prostitutes were under the age of 18, meaning there are some 14,000 to 40,000 child sex workers in the country.

On June 22nd, the UN Committee on Human Rights designated Juan Miguel Petit from Uruguay Special Rapporteur on the Sale of Children, Child Pornography and Child Prostitution. He replaces Ofelia Calcetas from the Philippines. The UN Special Rapporteur's position is for three years and can be renewed for one more term.

A new manual has been developed to strengthen the production and use of information about child labour in Asia. For more information, contact: Regional Working Group on Child Labour, Samsen Court, Room 1, 1056/4 Nakhorn Chaisri Road, Dusit, Bangkok 10300. Thailand. Tel: +66 2 243 2266; Fax: +66 2 669 3073; Email: rwg@loxinfo.co.th

Rugmark : Buying a Brand Name Can Help to Fight Child Labour

Paul Bravender-Coyle from the Anti-Slavery Society and DCI-A Member Laura Cusack urge us to exert consumer power to influence children's rights to safer labour conditions

You may have seen the program on Channel 9's 'Sunday' in April, which showed that many children who make carpets in Pakistan, India or Nepal are slaves. They are kidnapped from their parents while playing and are forced to work for their masters without pay.

A recent undercover investigation in South Asia by the Anti-Slavery Society revealed children are locked in carpet workshops, set to work at the loom, beaten, and provided with only with the basic minimum to keep them alive in order to work. The Society says that these child labourers are not working to support their families — they are working to support their masters.

The carpet industry is very complex and is generally controlled by export companies. These exporters arrange through contractors (who, in turn, engage sub-contractors) for a carpet to be produced on a particular loom. The exporter supplies the wool and design and after a price and quality is agreed, the loom owner is responsible for producing the carpet to specification.

Agents for the loom masters and owners find their workforce from a variety of sources. Children may be obtained from poorer regions by kidnapping or coercion from Bihar in northeast India to Uttar Pradesh; or from small villages in Nepal to Kathmandu; or outlying villages to small towns in Pakistan. Removed from their families, these children are, without doubt, the worst sufferers.

Although the children are often described as "weaving" the carpet, this is not a wholly accurate description of the work they do. The loom they use has warp threads forming the base of the carpet but there is no weft as such.

A row of 4 to 9 children sit in front of the loom. The caller (ie the foreman) sits on the other side of the carpet reading the carpet pattern. As he reads it, he calls out the instructions and each child selects a thread of an appropriate colour and knots it around an appropriate warp-thread, which is then trimmed with a sickle-like knife.

As the children have to work very rapidly and each child must keep up with the others, slower children or a child who loses his concentration and accidentally selects the wrong thread may be beaten by the caller.

All the children work long hours for very little pay. In many cases, particularly when children live at the looms, their wages are reduced to pay for food and lodging. They may receive no pay whatsoever, for example, where the loom owner applies their wages to cover the advances given to their parents and the agents who brought them in the first place. This is a form of debt bondage (which is defined as a slavery-like institution by the UN Anti-Slavery Conventions) and is quite common in the industry throughout South Asia.

For years the industry claimed that the nimble fingers of children are essential to form the intricate designs used in the carpets. However, the production of the finest quality carpets are not entrusted to children but to adult master weavers. Children only produce the low and middle grade carpets.

The Anti Slavery Society claims that there are two main advantages of child labour to the carpet makers:

- their very low wages and their docile acceptance of terrible working conditions;
- their good eyesight, which allows them to perform intricate work in very poor light.

As a result, according to the Society, many of the children, who may begin working as young as six years old are severely ill by the time they are adults. Their eyesight is damaged and lung diseases are common as a result of the dust and fluff from the wool used in the carpets.

What is RUGMARK?

RUGMARK was initiated in 1995 by Indian non-governmental and international organisations. RUGMARK is a global non profit organisation working to end child labour and offer educational opportunities to children in India, Nepal, and Pakistan. The aid organisations “Bread for the World”, MISEREOR, “terre des homes” and UNICEF support RUGMARK and during the past year, RUGMARK has extended to other European countries. RUGMARK offices have also been opened up in Great Britain and the USA, and a new co-operation has been agreed upon with the Swiss STEP Foundation.

What impact does RUGMARK have on child labour?

RUGMARK works toward ending child labour through loom and factory monitoring, consumer labelling, and running schools for former child workers. RUGMARK recruits carpet producers and importers to make and sell carpets that are free of child labour. By agreeing to adhere to RUGMARK’s strict no child labour guidelines, and by permitting random inspections of carpet looms, manufacturers receive the right to put the RUGMARK label on their carpets. The label provides the best possible assurance that a carpet is not produced by children. The label also verifies that a portion of the carpet price is contributed to the rehabilitation and education of former child weavers.

Carpet exporters and loom owners only qualify to have their carpets labelled if they do not employ children under 14 years of age and if they pay their adult employees at least the official minimum wage. Approximately 60 per cent of the Nepalese carpet production is already being controlled by RUGMARK inspectors. In India, approx. 25 per cent of the looms operate under RUGMARK conditions, and in Pakistan, 20,000 looms have been included in the certification scheme. To date, RUGMARK inspectors have discovered over 1,800 cases of illegal child labour.

In order to fight the vicious circle of poverty and child labour, RUGMARK provides social and education programs for former carpet children and their families. In India, five schools operated by RUGMARK provide education and care for more than 1,200 children from families that work at the loom. At the Balashrya rehabilitation centre in Gopiganj, freed carpet children receive psychological and medical care; furthermore, RUGMARK offers comprehensive vocational and adult education programs. In Nepal, RUGMARK operates four rehabilitation centres in co-operation with various national and international aid organisations. In addition, social projects are being carried out for more than 4,000 children by local aid organisation partners. In Pakistan RUGMARK already supports two primary schools, and now there are plans to take on four additional schools.

RUGMARK places a priority on encouraging community-based rehabilitation. This means that every effort is made to reunite children with their families. So far, 150 children in Nepal have been reunited and in India, more than 300.

RUGMARK in Nepal has started preventative programs in the form of social programs for carpet workers and their children. The pilot programs include a day care centre, sponsored formal education for children of carpet workers, and awareness program for carpet workers on

issues like child rights, workplace sanitation, health, reproductive health & family planning and HIV/AIDS.

Other initiatives

In addition to RUGMARK, there is the 'Woolmark' label of the International Wool Secretariat. The label is granted to manufacturers who agree to meet certain criteria set out by the International Wool Secretariat. Since October 1993, all Woolmark licensees producing hand-knotted carpets in India, Pakistan, Nepal, China and Morocco have to sign a declaration.

However, unlike RUGMARK, the International Wool Secretariat in London has no monitoring mechanism to ensure that products carrying the Woolmark are free from child labour.

What is being done in Australia?

Myer Grace Bros once stocked RUGMARK carpets but, unlike the position in Europe, the UK and the USA, there has been very little consumer demand for them in Australia. Nevertheless, Myer Grace Bros still has a policy of not purchasing carpets that are made by children. The Anti-Slavery Society supports the ethical conduct of Myer Grace Bros. It believes that if retailers who sell carpets, which are not made by child labour, are perceived as having a marketing advantage over those who use child labour, then other retailers will certainly follow.

How do I know if a carpet is made by children?

Obviously, one would prefer a RUGMARK carpet. However, these are not readily available in Australia. The next option is to purchase rugs from a store which has been accredited by the Anti-Slavery Society, such as Myer Grace Bros.

As there is a high probability that carpets from Pakistan, Morocco, Nepal and India which are not RUGMARK carpets have been made by child slaves, it would be prudent to avoid these and buy carpets which are made in Belgium or Iran.

The expression "Persian carpets" does not mean that they are made in Iran. Carpets are called "Persian carpets" to describe the design and not the geographic origin. Thus, few of the "Persian carpets" imported and sold in Australia each year are actually made in Iran.

The next time you go shopping for a rug or any other imported product remember, Australian consumers, importers and retailers alike need to be aware that our purchases may be playing a role in the continuation of the exploitation of children.

THE GIRL CHILD:

Girls 2000: NGOs Report on Progress Since Beijing, prepared for Beijing + 5 is a new report on concerns most frequently voiced by NGOs in response to a survey, namely education, labour and violence. It reflects their view of progress made by governments and good practice by NGOs.

It concludes that awareness is improving, governments have made some progress but not enough and that gender and age-disaggregated research is grossly inadequate.

For more information, contact: NGO Working Group on Girls,
c/o UNICEF, 3 UN Plaza, New York NY
10017, USA. Tel: 00 1 212 824 6394; Fax:
00 1 212 824 6482;
Email: wrkgrp99@aol.com.

0.1% for Children - From exploitation to education

Making a world fit for children is a dream we all share. But to make this dream a reality we need more than just plans or promises. The Global March Against Child Labour says it will require specific, measurable and significant commitments of funds.

The draft outcome document for the UN Special Session on children recognises that: “Promoting healthy lives including good nutrition and control of infectious diseases, providing quality education, protecting children from abuse, exploitation, violence, and armed conflict, and combating HIV/AIDS are achievable goals and are clearly affordable for the global community.”

The international community needs to go beyond just saying that these goals are affordable, and actually commit the resources needed. The cornerstone of this commitment is the target of 0.7 per cent of GNP for official development assistance. So far only four countries have met this target and demonstrated their commitment to a just and equitable world. As an essential step towards the elimination of poverty and the promotion of humanity, we call upon all developed countries to meet this target as soon as possible.

Children, however, also have special, urgent needs that must be met now. The Special Session’s plan of action promises many specific measures including: reducing infant mortality, implementing early childhood development policies, ensuring childhood immunisation, giving proper care for children with disabilities, providing free education of good quality, protecting children from sexual exploitation and trafficking, rehabilitating children removed from the worst forms of child labour, reducing the proportion of infants infected with HIV, and many more steps to improve the lives of children.

But this is all a hollow exercise, if it is not backed by the funds needed to implement these measures. As a specific and measurable solution to the need for funds, we call upon all developed countries to commit at least 0.1% of their GNP to development assistance exclusively for children. Being only one thousandth of the wealth they produce, this target is well within the means of all developed countries. Moreover, it is a contribution that would not only be acceptable, but even popular among the taxpayers of developed countries, as a demonstration of their compassion for children.

Even though 0.1% does not seem like much at all, this amount would mean 25 billion dollars each year for the world’s poorest children. This is a significant sum and should be enough to meet the gaps in providing for their health, education, safety, and development. By comparison, UNICEF estimates that an additional 9 billion dollars could ensure quality education for all children. Even smaller amounts are required to protect children from preventable diseases, to register their birth, or to protect them from exploitation. In total, this amount should be enough to ensure that the promises made at the UN Special Session realistically can be kept.

As specific wording, we thus propose that Point 47a of the outcome document read:

“Urge the developed countries that have not done so to strive to meet the targets of 0.7 per cent of their gross national product (GNP) for overall development assistance, and the targets of earmarking 0.15 per cent to 0.2 per cent of GNP as official development assistance for least developed countries as soon as possible, and to allocate at least 0.1 per cent of their GNP as official development assistance

devoted exclusively for the needs of children.”

Surely the world’s children can count on at least this much from us.

If you are interested in helping to promote this proposal, please contact:

Global March Against Child Labour
L-6 Kalkaji, New Delhi-19, India
Tel: (91 11) 622 4899 Fax: (91 11) 623 8919
E-mail: childhood@globalmarch.org,
yatra@del2.vsnl.net.in, globalmarch@yahoo.com
Website: <http://www.globalmarch.org/>

Children Asylum Seekers - “Where is the Safety Net”?

For many women and children who arrive in Australia as refugees, it is often difficult to obtain the support and assistance required to become part of our community. Stancea Vichie of the Asylum Seeker Project at Hotham Mission, North Melbourne tells us the (anonymised) stories of two families and the issues they have faced.

Sarah is an asylum seeker from Sri Lanka. She is a single mother with two children – Bijma who is nine and Sanjaya who is six months. When she arrived in Australia, she believed her worries were over and she would be able to build a better future for her children. . Since fleeing her homeland and applying for a protection visa from the Department of Immigration, Sarah has suffered violence, homelessness and poverty. The family have no access to Medicare and do not have any income support. Sarah is a very independent woman and would like to work to support her family, however, the conditions of her visa state that she cannot work. When she arrived in Australia, she believed her worries were over and she would be able to build a better future for her children.

Sarah and her children were not able to find appropriate accommodation on their arrival and thus were forced to stay in over-crowded and cramped conditions with her sister and brother-in-law’s family. After a few months, Sarah’s brother-in-law became increasingly violent and refused to support her family. He threw Sarah and her children out of the house. For the next two months, Sarah moved from place to place and into crisis accommodation.

Sarah could not afford rent as she had used all her savings. Adding to the family’s difficulties is that Bijma suffers from an acute asthmatic condition which requires regular attendance at Hospital emergency departments. The Asylum Seeker’s Assistance Scheme of the Red Cross has provided support letters for the family to access health care services however on more than one occasion, the family have been turned away by hospitals because the cost of treatment could not be recovered. On one occasion, Bijma was treated after Sarah took her to the hospital in an extreme emergency. Bijma was at serious risk after an asthma attack.

During the period that the family was homeless, Bijma was not able to attend school. This upset Bijma greatly, and while she tried to support her mother by way of helping to navigate through the city and acting as her translator, sometimes she felt angry. Once the family was able to settle in accommodation provided by the community sector, Sarah tried to enrol Bijma into school. At first the school would not accept Bijma saying she would have to pay as an overseas student. Sarah could not afford milk and books let alone school fees. Finally the school agreed to accept Bijma after a support worker negotiated with the school administrator.

Sometimes Bijma still feels angry and she can’t explain why. Other times she feels very sad when she thinks of her homeland and the family and friends she left behind. Bijma is a bright girl however she finds it difficult to sit still in class. It has been a long time since Bijma has attended school on a regular basis.

Kahin, is a Somali woman with two sons, Ahmed

aged three and Ali aged six. Three years ago, they came to Australia and were placed in detention. During this time, Kahin's health deteriorated greatly. Given the trauma from which she had fled, as well as the uncertainty of the amount of time to be spent in detention, the children were taken out of her care and placed with a family member living in the community. After nearly two years in detention, she was released because of her psychological state.

Upon release, the family stayed with Kahin's brother, sharing a two bedroom Department of Housing flat with his family. Crowded living conditions soon strained family relationships and Kahin was forced to spend her days out of the house with her children, or else in the room she shared with the children. Ali had been accepted at the local primary school who were willing to waive fees, but no kindergarten or child care agency in the area was willing to offer full time free day care for Ahmed. This meant he spent his entire days in the local park or locked in the bedroom with his mother who was suffering severe depression and psychological breakdown.

Kahin now lives with her sons in accommodation, provided free through a church agency. She is ineligible to receive income through the Red Cross Asylum Seeker's Assistance Scheme. This means she travels on public transport every morning and afternoon to Ali's primary school, often without having valid tickets. This makes both herself and the children extremely vulnerable to inspectors who board trams at any moment.

The children are only now slowly recovering from the experience of being in detention. Ali is sometimes fearful that his mother will go away. Kahin strongly doubts her ability to be a good mother given all that she has been through and her lack of income to provide well for her children. Kahin continues to have difficulty accessing any free childcare for Ahmed. One Neighbourhood House has been able to offer her some free childcare on a casual basis.

Common Struggle

The stories of Sarah and Kahin are just two of

many situations where women and their children are at high risk as they struggle to live in the community whilst awaiting a decision during what is often a lengthy refugee determination process. The group most at risk are those who, for whatever reason, have not lodged their protection visa application until after they have been in the country for forty five days, or who have been released from a Detention Centre without a Temporary Protection Visa. They are granted a bridging visa but with no entitlements – no work rights, no Medicare, no income whatever. They may apply for work rights if a decision on their protection visa application has not been made within six months. If the application is refused by the Department of Immigration, the person may seek a review of that decision from the Refugee Review Tribunal. If refused by the Tribunal, the person may appeal to the Federal Court for judicial review, or directly to the Minister for Immigration and Multicultural Affairs, requesting intervention on humanitarian grounds.

The impact on children living in the community under these conditions is often enormous. Emotionally, the children are vulnerable, especially as their mother may often be anxious regarding ongoing essential food supplies, further accommodation, education, health issues, access to transport, social support, and the long term future for the family, particularly if their chances of being granted a visa to stay in Australia are narrowed down. Anxiety increases dramatically when a child is sick. Many women are adept at seeking to hide their anxiety from the children, however, children are especially alert to changes in mood when they and their mother are in a vulnerable situation.

Behavioural problems are sometimes a consequence of this overall situation. Raising children alone can be difficult enough at the best of times. Raising them alone with no income, apart from the support of concerned people, churches and organisations covering minimal essential needs, can be intolerable.

Most parents wish to work to support their family. Where work rights are unavailable,

children are then often accompanying their mother to various welfare agencies or other organisations for food parcels or food vouchers, an experience which is very difficult for someone who has never relied on handouts before.

The Asylum Seeker Project in North Melbourne has been especially set up to work with those asylum seekers like Sarah and Kahin who have no entitlements. The Project works closely with the Red Cross Asylum Seeker Assistance Scheme, Foundation House, and the National Council of Churches from where the majority of asylum seekers are referred. It provides temporary accommodation, support and referral as well as initiating a programme called LinkUp. The programme aims to link asylum seekers with families and individuals from the wider community for social support and encouragement. This helps to stem some of the isolation which women and their children feel, particularly if they have no relatives or friends in Australia, or feel they are isolated from their cultural links.

It is heartening to see the growing response of people in the Australian community to asylum seekers, especially when they learn more of the reality of children and their mothers, given the difficulties they face in day to day living. However, policy development needs to reflect an understanding and commitment to providing resources, and ultimately, dignity to women and their children who are asylum seekers. When this occurs, it will be an important aspect of Australia's response to those who have fled the horrors of war, trauma and violence seeking a more secure life for themselves and their children and in meeting our obligations to international covenants.

An Asylum Seeker Welcome Centre will soon commence in Melbourne at 205 Nicholson St, Footscray. The centre is aimed at providing practical assistance, advice and referral to asylum seekers in the community. The centre's services will include a nurse, legal advice, housing referral, recreation and educational activities, internet and fax facilities, as well as a place for asylum seekers to meet, relax and feel welcome in an increasingly hostile community.

Young People Addressed in Western Australian Gay and Lesbian Law Reform

In Western Australia, people can be refused a job, denied housing and other services, and young men jailed on the basis of their sexuality. DCI-A National Committee Member Cheryl Vernon, Manager of the Youth Legal Service (W.A) hopes that such happenings will soon be a thing of the past. Moves are afoot to bring the legislation into line with other Australian states.

Recently, the Western Australian Attorney General, Jim McGinty, commended to the State Parliament a number of proposed legislative changes. They form part of a package of recommendations from the Gay and Lesbian Law Reform Committee Report to the Attorney General in May 2001. New legislation will be drafted to reflect the changes. After consideration by the Labour Caucus, there should be no problem passing the legislation given that Labor hold the majority in the Legislative Assembly and Labor and the Greens hold the majority in the Legislative Council.

Briefly, the recommendations include:

- Amending the Equal Opportunity Legislation to make discrimination on the basis of sexual orientation unlawful. Furthermore, the *Equal Opportunity Act* 1984 will be incorporated into the *WA Industrial Relations Act* 1979, thereby making it illegal to discriminate against gay men and lesbians in employment. Same sex relationships will receive the same recognition as de facto relationships and mechanisms will be developed for resolving property disputes in cases of relationship breakdown.
- Amendments to the *Artificial Insemination Act* 1985, and the *Human*

Reproductive Act 1991 will remove discrimination against lesbians, and same sex couples will have access to adoption assessments and placements.

■ Finally, and controversially, the *Criminal Code* will be amended to drop the homosexual age of consent from 21 years of age to 16 years of age. Thereby, creating a uniform age of consent for females and males in relation to heterosexual and homosexual activity. Currently, section 322A specifically criminalises male homosexual activity between the ages of 16 and 21 years.

The Criminal Code amendment has been the source of fervent community debate, with the Attorney General being accused of not protecting young people, of supporting sordid paedophiles, of vote winning, of supporting acts against nature and so on. It would seem that myths pertaining to homosexuality have blinded a vocal section of the Western Australian public to changes that have already taken place in our society; changes that this section of the community may not be ready to accept while they are all too ready to blame homosexual men for threatening societal stability. Such myths are dangerous because they blind us to how things really are, particularly in a society exhibiting alarm and insecurity, and a fervent desire to restore control.

The criminalisation of homosexual activity appears to be based on a moral position that such activity is wrong and should therefore be unlawful. There is divergent community opinion in regards to the morality of homosexual activity but in such circumstances the Criminal Code should only interfere in order to protect the community or any individual with special needs.

If one supposes that given adequate psychological development, a young person has the competence to make informed decisions, it follows that this includes the ability to consent to homosexual activity (and therefore does not have particular special needs).

However, adults in positions of both formal and informal positions of authority should not use such a position to gain sexual advantage over a young person. Relevantly, section 322 creates a sexual offence in respect of a person who engages in sexual behaviour with a person between the ages of 16 and 18 years who is under the alleged offender's care, supervision or authority.

It may be that regulation of sexual activity between young people of similar age should be through education, support and guidance rather than through the threat or imposition of criminal sanction, as is currently the case. In adopting this position, one does not encourage sexual activity among young people but acknowledges the reality that sexual activity takes place between young people and that it is preferable that such activities not fall within the reach of the criminal law. This appears to be the approach adopted by the Gay and Lesbian Law Reform Committee and the Attorney General.

Speaking from a perspective based on frequent contact with young people in relation to educating them about their legal rights and responsibilities, the issue of age of consent generates much discussion, comment and debate. However, the primary issue is why consenting sex between people is seen as a legal issue?

The fact is that having a legal age of consent does not deter people from consenting to sex whilst under the age. It is also the fact that the homosexual age of consent law is not consistently enforced and to do so is problematic. The view expressed by young people is that the law in its present state seeks to punish rather than protect young people. Many young people also express contempt for the law because of the impossibility of enforcing it.

No doubt the public debate on this issue will continue, as the Attorney General forges ahead in his campaign to remove discrimination from this state's legislation.

Children Asylum and Detention is this the Australian Way?

DCI-Australia Member, barrister and solicitor Julie Redman reports on a recent South Australian initiative to develop better responses.

Did you know that hundreds of children are detained in Australian detention centres awaiting processing as refugees or deportation? Typically these children come with families from Iraq or Afghanistan. A growing number are unaccompanied.

On Saturday the 30th of June at the Law Society of South Australia, the Children & The Law Committee of the Law Society of South Australia, Action for Children SA and The Australian Refugee Association ran a combined seminar focusing on the conditions for children asylum seekers, both within our detention centres and after release as temporary protection visa holders. The Workshop was made possible as a result of generous funding from the Law Foundation of South Australia which has provided \$8,000 for the workshop and the production of a booklet for dissemination to a broader audience on the issues facing children asylum seekers. This is currently in preparation.

Speakers at the workshop included the Minister for Immigration, Mr Phillip Ruddock, Dr Mary Crock – Senior lecturer in law University of Sydney, Christine Charles – CEO of Department of Human Services South Australia, Tim Haines – Director of STTARS (Survivors of Torture), Alvin Gonzage – a Representative of the UNHCR in Australia and Kevin Liston – Australian Refugees Association who all poignantly highlighted the issues facing the Australian Government both at Federal and State level, for NGO's and for the asylum seekers themselves, in this complex but growing reality within Australia.

Dr. Crock opened the seminar with a powerful and passionate presentation focusing on the disjunction between the rights of the child embodied within international law and the experiences of child refugees and asylum seekers in Australia. The hundreds of children in detention centres in Australia today are the victims of the Australian governments unwavering commitment to combat “people smuggling” and illegal forms of immigration.

The 60 participants at the workshop representing some 37 organisations wrestled with the complexity of the issues involved but resolved to work together to look in more detail at the issues and to provide a coordinated approach to support of children asylum seekers.

An ongoing group of participants has begun working together on a coordinated plan of action.

The Minutes of the workshop will be available for distribution in the near future and anyone interested in the plight of children asylum seekers should contact Graham Jobling, Committee Resource person of the Children & The Law Committee or Julie Redman at Alderman Redman on 8212 5186.

The LGBT Peer Support Project was funded by the Brisbane City Council through the Youth Suicide Prevention Strategy. The project worked with lesbian, gay, bisexual and transgender young people to develop sustainable models of peer support and education. A new booklet SISTA OF VENUS has been produced for young women who identify as lesbian, bisexual or queer, or who are exploring their sexuality.

Contact Othilas Young Womens Housing and Support Service Tel: + 61 (0) 7 3847 9633 for more copies.

The booklets are free, however assistance with postage is requested.

Senator Bob Brown initiates another legislative attack on Australia's mandatory sentencing laws

Senator Bob Brown launched another legislative attack on Australia's mandatory sentencing laws before the recent change of government in the Northern Territory. His bill to ban mandatory sentencing of adults for property offences throughout Australia remains of critical importance. It would override similar laws and prevent new ones throughout Australia. The bill is under inquiry by the Senate Legal and Constitutional Committee and DCI-A's submission made the following key points.

The Bill and its accompanying second reading speech are endorsed by DCI-A. We also endorse the majority Report of the 1999 Inquiry by the Senate Committee into the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999. DCI-A's submission maintained our previously stated objections to mandatory sentencing which robs judicial decision-makers of sentencing discretion, and we referred in this regard to our October 1999 Submission to the Senate Committee.

Our recent submission noted two developments since the Committee inquiry. First, DCI-A acknowledged that despite the fact that mandatory sentencing remains on the statute books of the Northern Territory, mandatory sentencing for juveniles in the Northern Territory is in practice not longer in effect as a result of the Agreement between the two Governments made on 27 July 2000 ('the Agreement'). However, for those aged 18 years and above, mandatory sentencing to incarceration remains very much a reality.

The Agreement was seen to have apparently brought about a significant decline in criminal prosecutions of juvenile offenders, and an apparently concomitant increase in the number

of juveniles who are 'diverted' by police. While DCI-A supports the diversion of young people away from court, we consider it is of significant concern that, according to Northern Territory Police figures, the vast majority of these young people are dealt with by way of the administration of a police caution in one form or another.

We also find it unsatisfactory that the bulk of the \$5,000,000 per annum provided pursuant to the Agreement has to date been utilised to employ more police officers. DCI-A submitted that the funds under the Agreement should be provided to appropriate community-based organisations which provide – or are attempting to provide – programs, services and facilities to young people in the Northern Territory to assist them to avoid getting into trouble in the first place, and to address the issues which underlie their offending behaviour. Police cautioning is no substitute for properly resourced, designed and administered diversionary programs.

The second development is that the criminal laws in the Northern Territory have been altered so that the age of adulthood is 18 rather than 17. This is welcomed as a further step in conformity with the United Nations Convention on the Rights of the Child. We continue, however, to deplore the failure of the Northern Territory Parliament to repeal mandatory sentencing altogether, and the refusal of the Commonwealth Parliament to use its undoubted power to override the Northern Territory laws. Both resist acknowledging that mandatory sentencing is wrong in principle and ineffective in practice.

continued next page

UPDATE! - The Senate inquiry been delayed by the imminent federal election. The Committee, to be reconstituted in a new Parliament, will now report in March 2002.

Australian Young Leaders working together for a common “Bill of Rights”

The Foundation for Young Australians, formerly the Queens Trust and Australian Youth Foundation, holds an annual leadership forum for 100 nominated and selected young Australians from diverse backgrounds and geographical areas across the country. Row Allen, the CEO of Cutting Edge Youth Services explains one of its recent outcomes.

The 2001 weeklong forum gathered together prominent Australian presenters; experts in the fields of globalisation, the economy, our region role in Asia and the Pacific, reconciliation, education, the environment, life choices, political life, leadership development and social issues. Each session fed into small groups or syndicates of ten people. Each syndicate was asked to picture Australia in 2050, what they hoped it would look like, how would they help it get there, and more importantly what would their role be.

Why pursue a bill of rights? Basic human rights, the environment, health, education, reconciliation, and the impact of the economy were all discussed in relation to various social prejudice and injustice. Rather than narrowing our focus to one issue, we stood back and tried to identify a strategy that may concurrently address more than one of these issues. It was then agreed, if Australia had a Bill of Rights, the underprivileged, oppressed, deprived, and discriminated against in this country would stand a better chance of receiving common social justice. As one fellow participant said:

“I know that a “Bill of Rights” can be a very complex document with lots of legal talk. But my understanding was that **OUR** main aim, or theme if you like, of a bill was that it was going to be a document that stated the values for each of the above stated issues, the values that we would like to live

by to make a better Oz. And I think one of the reasons we went with the concept was that it would be easier to change than the Constitution”.

We don’t know how far we will get, however, we do believe we will have an impact in keeping the conversation alive in the lives of policy makers, politicians, our local communities, work colleges, families and friends. All efforts picking up from and supporting previous efforts, take us one-step closer to making a more tolerant Australia.

Continued from page 23

DCI-A maintains that laws compelling courts to impose sentences of incarceration offend against international treaties, including the International Covenant on Civil and Political Rights which is particularly apposite to adults.

Our submission to the Senate Committee attached a copy of the analysis on this subject that DCI-A and the National Children’s and Youth Law Centre jointly forwarded to the United Nations Human Rights Committee in July 2000, when it was examining Australia’s third and fourth reports under the Covenant.

That analysis is available at: <http://www.dci-au.org/html/iccpr.html>.

Also, the DCI-A website news and events page has links to a recent judgment of the High Court of Fiji which struck down mandatory sentencing provisions in drug laws and a recent paper by DCI-A President Danny Sandor which surveys the prevalence of such sentencing regimes.

UNSW Centre for Refugee Research Policy Position Asylum Seekers - mandatory detention

The University of NSW Centre for Refugee Research recognises that:

1. According to the 1951 Convention Relating to the Status of Refugees¹, a refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.”
2. Under the United Nations (UN) 1951 Geneva Convention on Refugees, an agreement signed and ratified by Australia, we have a legal obligation to provide asylum to genuine refugees.
3. Australia’s policy of mandatory detention for asylum seekers directly contravenes our commitment to the Universal Declaration of Human Rights (UDHR), which states that “[e]veryone has the right to seek and to enjoy in other countries asylum from persecution” (Article 14, UDHR)².
4. Seeking asylum in a country other than one’s own is not illegal, nor is it ‘queue jumping’, but rather a fundamental human right of any person experiencing persecution in their country of origin.
5. The overwhelming majority of asylum seekers are genuine refugees, fleeing persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, which is perpetrated or condoned by the State or beyond State control. Experiences include torture, rape, imprisonment, threats of death, murder, and disappearance of family members³.
6. Most asylum seekers are severely traumatised by the experiences they have lived through prior to their arrival in Australia. Such experiences are documented torture and rape, witnessing the death of family members, separation from family and community, extreme material hardship and food scarcity, exploitation by border officials and camp guards, and appalling conditions during their flight to Australia⁴.
7. Australia’s treatment of asylum seekers violates international human rights standards. The International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC) prohibit arbitrary detention particularly that of children.⁵
8. The Refugee Council of Australia reported that as of 1 June 2001, there were 2,857 adults and 520 children, of whom 39 were unaccompanied minors, in Detention Centres⁶. Detention Centres are inappropriate places for children, however family units may not want to be separated. Detainees may be held in poor conditions and for long periods of time, often up to eighteen months.
9. The detention of children is a serious concern and violates the Convention on the Rights of the Child, signed and ratified by Australia, posing long-term risks to their psychological and social development and well being, in particular their ability to successfully resettle in an Australian community.⁷
10. The mandatory detention of asylum seekers is an excessive response that arbitrarily denies people of certain human rights; prolongs and exacerbates the trauma they have experienced before and during their flight; denies them the possibility and security of normal family life; impairs their successful resettlement; and severely affects their mental health and well being.

11. The trauma and uncertainty of detention upon arrival is exacerbated by the denial of Permanent Residency visas to asylum seeking refugees, who can obtain Temporary Protection visas for three years only with limited access to resettlement services and inability to sponsor vulnerable family members. This places extreme pressure on those men who have left wives and children in situations of danger, in either situations of ongoing conflict in home countries or in unsafe refugee camps.

12. Australia has one of the lowest intakes of refugees of the Western world, more of a 'trickle' than a "flood" as reported in the media, yet it the only Western nation with a policy of mandatory detention⁸.

The Centre for Refugee Research believes that:

1. The Federal Government should abolish its policy of mandatory detention for asylum seekers.
2. The [Federal Government should establish a] Royal Commission [which] should undertake an investigation into the conditions in current detention centres and the treatment of asylum seekers within these centres.
3. Australia should fulfil its international legal obligations to protect the human rights of asylum seekers by fully implementing the terms of the Geneva Convention on Refugees.

The Centre for Refugee Research therefore recommends that:

1. At a minimum, families with children, and without criminal records should be immediately removed from detention centres, to enable them to regain some family routine, to benefit from community support, to decrease their vulnerability detention centre guards, and to provide the children with more freedom, access to education and better socialisation.

2. The Federal Government should urgently review its policy of mandatory detention in view of its international human rights obligations.

3. ACM should immediately upgrade the resources and facilities available to asylum seekers in detention, particularly addressing the treatment of asylum seekers by ACM guards through training programs.

4. The Federal Government should abolish the Temporary Protection Visa category, and provide permanent protection and asylum status to refugees seeking asylum in Australia.

The UNSW Centre for Refugee Research can be contacted on Tel: + 61 (2) 2 9385 1961
Email: cenrefre@unsw.edu.au, Website: www.crr.unsw.edu.au

Footnotes

1 UN Convention relating to the Status of Refugees of 28 July 1951, ><http://www.unhcr.ch/refworld/legal/instrume/asylum/1951eng.html>

2 UN, Universal Declaration of Human Rights, 10 December 1948, <http://www.un.org/Overview/rights.html>

3 According to recent government figures, approximately 80% of asylum seekers detained in Australia are recognised as refugees. Amnesty International Australia Newsletter, August-September 2001, <http://www.amnesty.org.au/airesources/index-92as2001.html>

4 Pittaway, E. (1999), *Refugee Women the Unsung Heroes in Nobody Wants to Talk About It*, Refugee Women's Mental Health, Transcultural Mental Health Centre, Sydney, Australia.

5 Amnesty International, 1998, Australia, *A Continuing Shame: The mandatory detention of asylum-seekers*.

6 Refugee Council of Australia Report

7 UN Convention on the Rights of the Child, Article 37(b)

8 All asylum seekers who arrive in Australia without documents, including women, men and children are either deported or detained.

Good Practice with Refugee Children

The Refugee Children Coordination Unit of the United Nations High Commissioner for Refugees (UNHCR) is conducting a study on good practices in refugee/displaced children's programming for the purposes of producing a practical guide for field staff.

The aim is to share knowledge and experience of successful initiatives and lessons learned in order to help staff working with refugee children on the ground. The guide will be divided up into different subject areas. Each subject will then contain examples of good projects or initiatives described in 2-3 pages covering background; objectives; activities; outcomes; aspects of good practices; lessons learned; problems and how overcome; future plans; factors facilitating or impeding replication; links to available documentation etc.

At this stage, feedback on the following would be appreciated:

1. Suggestions of good practice examples of projects, strategies, situations involving refugee children (or which could be applied to refugee children on a wide range of issues. Please send ideas with any ready materials you have at hand (e.g. project descriptions, evaluation and assessment reports etc.) and some brief comments on why the project is being proposed.
2. Names of contacts in international, national or local organisations who may have suggestions or more information.
3. Any frequently asked questions which should be addressed in such a guide. This work could then seek out responses to those particular points.

Please contact: Asmita Naik, Refugee Children Coordination Unit, UNHCR Geneva, Switzerland.
Tel: + 41 22 739 8549, or + 41 79 239 7449;
Email: naik@unhcr.ch or asmita99@yahoo.co.uk; Postal address and fax can be supplied if needed.

A Lower Voting Age in Bangladesh

In countries like Bangladesh, where young people are running families and girls are becoming mothers at a very young age, there is a growing demand from young people, particularly those below the age of 18 to exercise the right to vote. Adolescent children in Bangladesh have conducted a survey with the CSKS Street Children's Movement; and they demand the right the vote under the age of 18.

They have met with representatives of political parties to campaign for this and they want to prepare and submit a memorandum to political parties urging them to incorporate in their political party manifestos both the implementation of Convention on the Rights of the Child and also the right to exercise voting rights at 16 (instead of 18 as now provided under the law). They feel this will empower them politically.

We understand that in other settings including north Europe and Germany this question has been raised. We would like to know as much information on this issue as is possible.

Kindly email us with more information, if you are working in this area:

Contact details:

Shah Rahman, Executive Director, CSKS Street Children Movement, Dakar Bangladesh.
93 Dudley Court, Endell Street, Covent Garden, London WC2 9JR, UK

Phone: + 44 0207 240 0643,

Email: jamalhasan@lineone.net

* Note: subject line should read "message for Shah Rahman CSKS Street Children Movement."

Child labour update

CHILD TRAFFICKING ON THE RISE

The trafficking of children in West and Central Africa is on the rise, and combating the problem will require a concerted effort from all sectors of society in affected countries, says a new report from the ILO's International Program on the Elimination of Child Labour (IPEC). Trafficked children lack enough food and water and can work from 10-20 hours a day. The report stresses the importance of co-operation between countries to repatriate victims and extradite traffickers, and notes agreements between several African nations. The U.S. is providing \$4.3 million through the ILO to rehabilitate child victims and prevent trafficking. The work targets an estimated 27,000 children in the region.

NHRC CALLS FOR CHECK ON CHILD TRAFFICKING

India — The National Human Rights Commission has asked the Centre and the West Bengal government to initiate steps to prevent illegal trafficking of Indian Muslim children to Saudi Arabia for begging during Haj. According to a NHRC spokesperson, "As majority of the children sent to Saudi Arabia from India used to be from the border districts of West Bengal, the commission recommends that steps should be taken to stop influx of migrants from Bangladesh to West Bengal." Since 1997 the Saudi Arabian authorities have apprehended 223 children while begging in Jeddah, Mecca and Madina during the Haj season and deported them to India.

MULTINATIONALS EMPLOY GIRL CHILDREN FOR A PROFIT

As many as 48,000 girl children have been employed in the hybrid cottonseed farms managed by multinational companies in Andhra Pradesh. The offending companies include Novartis, Hindustan Lever, Advanta (formerly ITC Zeneca), Proagro and Mahyco-Monsanto. In hybrid cottonseed production, girl child labour constitutes 85-90% of the total work force

engaged. They are mostly employed for emasculation and pollination work, which is the most important activity in seed production. It is estimated that in India, nearly 400,000 girl children, in the age group of 7-14 years, are employed in cottonseed production fields. Andhra Pradesh alone, which accounts for 70% of the cottonseed production in the country, employs 250,000 girl children.

CAMPAIGNING FOR EDUCATION AT GENOA

The last time the G8 met, the world's richest countries promised to support poorer countries serious about providing free basic education. Since then, despite vigorous campaigning, their plan to get all children into school by 2015 has stalled. At the upcoming meet of G8 leaders in Genoa, Oxfam together with other NGOs will seek a Global Initiative on education that checks progress - or lack of it - against the 2015 targets, and to provide the \$8bn a year - from the North and South - to make education a reality.

FORMER CHILD LABOURERS GET AID

The Federation of Uganda Employers (FUE) handed over scholastic materials and fees to over 30 former children labourers in Lugazi. The donation was handed over under the International Program on Elimination of Child Labour (IPEC). IPEC, through FUE is carrying out a pilot scheme on elimination of child labour in Uganda. The materials worth over sh2 million were handed over to the pupils by the project co-ordinator, Ms. Jennifer Lukeera. The project started 1999 in Kakira, Lugazi and Tororo and targets children who work in sugar plantations and rice fields. Over 500 pupils were involved in the program.

GUINEA: NIGERIAN SEX SLAVE SYNDICATE EXPOSED

The police arrested 35 Nigerian teenagers and their agents in the Guinean capital, Conakry. The girls, who were about to be taken to Europe to

work as sex slaves, were alleged to have been offered between US \$178 and \$1,779 by an 18-man syndicate with the promise of good jobs in Europe. The agents usually take the girls to Guinea via Mali where false Guinean passports are bought using fictitious Guinean names. They are then returned to Mali where they are sold to other syndicates that transport them to Europe, generally Italy and Spain.

PEDOPHILE RING BUSTED IN COSTA RICA

Five persons were arrested in San Jose for sexually exploiting four children during an activity of the so-called "Costa Rican Association of Paedophiles". The Costa Rican paedophile ring was infiltrated several months ago by a humanitarian organisation, Casa Alianza. "The sexual exploitation of children in Costa Rica is increasing and now having dismantled this first paedophile network, we are beginning to uncover other forms of exploitation of street children that have remained hidden for a long time", commented Bruce Harris, the Executive Director of Casa Alianza. The authorities also witnessed that the children were given cocaine and marijuana before they were sexually exploited, a crime which carries a 20 year sentence.

KYRGYZSTAN: STREET CHILDREN ON THE RISE

Bishkek — As poverty continues to grip this tiny Central Asian country, the number of street children has reached alarming proportions. Many children in the bazaars work as porters, or sell newspapers, flowers or candy, or wash cars in the streets. There have also been incidences of child prostitution. While most of the children working on the streets of Bishkek are between eight and 10 years old, statistics of their number vary between 1,000 and 5,000. The phenomenon of street children is a new one in Kyrgyzstan. Prior to 1991 and the fall of the Soviet Union, there were no street children, and the family unit was much stronger. Without the necessary social services to provide assistance, many issues and problems never before seen in the country have arisen - street children being one of them.

DISNEY WINS THE "SWEATIES" AWARD

The Maquila Solidarity Network announced that The Walt Disney Company beat out Wal-Mart by a narrow margin to win this year's Sweatshop Retailer of the Year award. According to Bob Jeffcott of the Toronto-based Maquila Solidarity Network, which co-sponsored the awards with Oxfam Canada, close to 3,000 consumers voted on-line, selecting Disney from among four retailers most associated with sweatshop abuses over the past year. Nike finished third in the vote, and Reitmans came in fourth. According to Jeffcott, Disney's selection as "Sweatshop Retailer of the Year" can be attributed to a report by the Hong Kong Christian Industrial Committee documenting sweatshop abuses in 12 Disney supply factories in China.

TURKEY: 1,600 WORKING CHILDREN TO GO TO SCHOOL

Under a joint program between the International Project to End Child Labour (IPEC), the Confederation of Turkish Labour Unions (Turk-Is), the Labour Confederation (Hak-Is) and the Confederation of Revolutionary Workers' Union (DISK), 1,600 children from five cities in Turkey have started regional elementary boarding schools. The project, supported by the Education Ministry, encompasses the cities of Adana, Bursa, Diyarbakir, Gaziantep and Edirne. The children chosen for the project have been working under dangerous conditions. As part of the program, the families will receive job training and education.

AFGHANISTAN: BBC LAUNCHES CHILDREN'S RADIO PROGRAM

The BBC launched a new radio series aimed at Afghan children who have been deprived of normal schooling by almost 20 years of warfare and restrictions imposed by the Taliban. With girls banned from attending school, the UNICEF-backed project is not intended as a replacement for school education, but aims at stimulating curiosity and encouraging children to ask questions. Under the name of Radio Education for Afghan Children, the program will broadcast in Pashto and Persian.

Conferences

RAMATLHODI MEETS WITH UK LAWYERS ABOUT ASBESTOS CASE

Northern Province Premier Ngoako Ramatlhodi accused British asbestos mining company Cape plc of leaving South Africa with a "legacy of death and suffering". He has sued the company on behalf of about 5 000 poisoned South Africans. "Cape plc made use of child labour, many of whom are among the claimants in the case, which will be heard in the House of Lords in England soon," Ramatlhodi informed. He said he was appalled by recent reports that Cape plc dumped bodies of unknown victims of asbestos related diseases in mineshafts during the late 1960s. Last year the British House of Lords judged in favour of the victims when it ruled that the case be heard in Britain, and not in South Africa, where Cape plc no longer has representation. The case is one of the firsts to hold First World countries accountable for abuses in the Third World. Ramatlhodi called for the quick finalisation of the settlement claims.

CHILD LABOUR DATABASE - CALL FOR SUBMISSIONS

Over the years, several commendable efforts have been made for the elimination of child labour and some have been highly effective involving innovative strategies. Global March Against Child Labour is in the process of organizing a database of successful initiatives by organizations targeted towards elimination of child labour. The database will prove helpful for other organizations to take lead from. We call upon all the organisations implementing/ supporting such initiatives to share with us the program details that they feel can act as model projects. For more information please contact Upasana Choudhry (Research Director) or Mamta Srivastava (Researcher) at yatra@del2.vsnl.net.in OR childlabournews@vsnl.net

Action for Children and Youth Aotearoa, which is the national child rights coalition in New Zealand, has launched its website at <http://www.acya.org.nz>. The site provides an overview of child and youth rights in New Zealand against the backdrop of various international treaties and declarations.

10-12 October 2001

Victorian Council of Social Service Social Policy Congress – 'Developing Visions for New Ways Forward', venue to be advised. This will be an annual event providing a forum for those in the social and community sector to identify innovative strategies that address key needs and issues. It will have a hearing style format calling for submissions, receiving verbal presentations before a panel and will include audience participation in panel led discussions.

For more information contact Carolyn Atkins on Tel: + 61 (0) 3 9654 7498; Fax: + 61 (0) 3 9654 5749;

E-mail: catkins@vcoss.org.au

11-12 October 2001

8th National Conference of the Association for the Welfare of Child Health 'Children on the Margin: addressing the health care needs of marginalised children and young people' The Powerhouse Museum, Sydney, Australia. Speakers include:

Dr John Yu AC, Chancellor of University of NSW

Linda Burney, Director General, NSW Department of Aboriginal Affairs

Dr Sev Ozdowski, Human Rights and Disability Discrimination Commissioner

Ann Symonds, Patron of the Mother and Children's Program in Corrective Services

Amanda Adrian, NSW Health Care Complaints Commissioner

Julie McCrossin, Media Personality and Co-presenter of 'Life Matters' on ABC Radio National

Website: www.conferenceaction.com.au

Email: confact@conferenceaction.com.au

3 - 13 December 2001

The First Southeast Asia Regional School in Forced Migration

Bangkok at Chulalongkorn University

The Refugee Studies Centre, University of Oxford, in collaboration with the Asian Research Centre for Migration, Chulalongkorn University, Bangkok, is pleased to advise that enquiries about the course and requests for application forms should be addressed to either:

The SEA Regional School Administrator, ARCM, Asian; Research Centre for Migration, Institute of Asian Studies, 7th Floor Prajadhipok-Rambhai; Barni Building, Bangkok, 10330, Thailand. Tel: +66 2 218; 7462; Fax: +66 2 255 1124; Direct Email: Ratchada.J@Chula.ac.th; or

The SEA Regional School Project Manager, RSC, Refugee; Studies Centre, Queen Elizabeth House, 21 St Giles, Oxford, OX1 3LA, UK. Tel: +44 1865 270723/270726; Fax: +44 1865 270721; Direct Email: sea.school@qeh.ox.ac.uk URL: <http://www.qeh.ox.ac.uk/rsc/sea>

6 - 9 December 2001

‘The Refugee Convention, where to from here? An International Conference’

University of New South Wales, Sydney, Australia

The Centre for Refugee Research is hosting an international conference to mark the 50th anniversary of the Refugee Convention. A conference organising committee comprising academics from several faculties in the university, UNHCR, the Refugee Council of Australia, ANCORW, academics from other universities and community groups are planning a multi-media event. This will include:

- an academic stream delivering a refereed publication presenting major conference papers;
- a community stream with a community focused publication; and
- a conference outcomes document which will report the deliberations and recommendations from the conference workshops and plenaries and will be presented to UNHCR and the Federal Government.

The aim of this conference is to stimulate vigorous debate between major players in the Refugee Arena and to exchange experience, knowledge and ideas in order to produce a set of sound

recommendations to Government and to UNHCR. Special events will include:

- A “Hypothetical” facilitated by Julie McCrossin, a well known Australian television and radio presenter, exploring community attitudes to refugees and asylum seekers; and
- A Moot Court, to be held in the Legislative Assembly, NSW Parliament House, Sydney, will explore Australia’s response to aspects of the refugee convention. The Moot Court will be followed by the official conference dinner in the Parliamentary dining room.

In conjunction with, but separate to the conference, there will be a “Human Rights” Tribunal focusing on testimonies from refugee women and Australian indigenous women, posing the question “Do current Human Rights Conventions address the needs of minority and marginalised women’s groups?”. A panel of celebrated human rights experts will deliberate on the experiences of the testifiers in light of current human rights law.

For copies of the registration form or further information see the CRR website: www.crr.unsw.edu.au or contact CRR on +61 2 9385 1961. If you are interested in participating in any other capacity please contact: Linda Bartolomei on +61 2 9385 1961 or on e-mail centrefre@unsw.edu.au The Conference Committee Centre for Refugee Research School of Social Work University of New South Wales, NSW 2052.

13 May - 15 May 2002

3rd International Conference on Drugs and Young People, to be held in Sydney in 2002. AJC Convention Centre, Randwick Sydney NSW Australia

This conference is organised by The Australian Drug Foundation and the Centre for Youth Drug Studies, in conjunction with the Ted Noffs Foundation. It will focus on youth drug policy and practice in: Prevention, Education, Treatment, Law Enforcement, and Legal and justice issues.

The Call for Abstracts and Registration Brochure will be distributed in August 2001. Submission of abstracts will close on 15 November 2001. To express your interest in attending the conference or submitting an abstract, please contact: Conference Secretariat Australian Drug Foundation PO Box 818 North Melbourne VIC 3051

Australia

Email: events@adf.org.au

Internet: <http://www.adf.org.au>

Facsimile: +61 (0) 3 9328 3008

Publications

Development - Volume 44, 2 June 2001: Women's Rights and Child Rights

This edition of Development aims to explore how the women's rights and child rights movements could best tackle income inequalities, poor access to resources and ingrained gender biases in development by looking at what these two movements can offer each other. For more information, contact: Wendy Harcourt, Editor, Development, SID, 207 Panisperna, 00184, Rome, Italy.

Email: Wendy@sidint.org or see:

<http://www.crin.org/resources/infoDetail.asp?ID=1841>

Failing the World's Children

The debt burden of the poorest countries helps keep children out of school. School fees make education an unaffordable luxury for the world's poor. The G8 has failed to tackle this crisis, despite the commitment made at the Okinawa Summit in 2000 to ensuring that developing countries achieve the target of universal primary education by 2015. Debt relief is not deep enough and aid levels are falling. This report argues that the world's richest nations should launch a global initiative to abolish school fees and get all children into school. For more information, contact: Martin Brodetsky, Oxfam, 274 Banbury Road, Summertown, Oxford, OX2 7DZ, UK. Email:

mbrodetsky@oxfam.org.uk. To view the report online go to:

<http://www.oxfam.org.uk/policy/papers/g8b.html>

Disability and NESB- August 2001

A newsletter for people interested in issues relevant to people from NESB with disabilities and their families produced by the Multicultural Disability Advocacy Association (MDAA) of NSW. For queries, questions, comments and any other contributions please email us:

mdaa@healey.com.au or phone + 61 (0) 2 9891 6400.

Making the Choice for a Better Life - Promoting the Protection and Capacity of Kosovo's Youth

This report, presents the results of a participatory research study conducted by the Women's Commission for Refugee Women and Children and Kosovar adolescents of all ethnic backgrounds in Kosovo and Albania into the protection and care situation of Kosovar adolescents in Albania and Kosovo. Despite substantial international investments in programming for youth in the first year following the war, the report finds that reconstruction efforts have failed to adequately address the situation of the majority of Kosovo's population - young people under 24. And while many young people benefited from much-needed psychosocial efforts, thousands of others with critical needs continue to fall through the cracks of international and local responses. This document is available on their website at:

<http://www.theirc.org/wcrwc/reports/womenscommission-kosovo-adol-01.01.pdf>

For further information, contact: Women's Commission for Refugee Women and Children, 122 East 42nd Street, 12th Floor, New York N.Y. 10168 - 1289, USA. Tel: + 1 212 551 3111; Fax: + 1 212 551 3180;

Email: Allison@womenscommission.org; Website: www.womenscommission.org or see: <http://www.crin.org/resources/infoDetail.asp?ID=1887>

Towards a Children's Agenda for Europe and Central Asia

This report by Save the Children UK outlines a consultation of young people in Europe and Central Asia in preparation for the United Nations' Special Session on Children. It provides a record of the process by which young people's views on their priorities for the next 10 years were agreed so that they could be presented at the Intergovernmental Conference on Children in Berlin in May 2001. This document is available electronically at: http://www.crin.org/docs/resources/publications/SCF_Towards_July25.pdf For further information, contact: Save the Children UK, 17 Grove Lane, London, SE5 8RD, UK. Tel: + 44 (0) 20 7703 5400; Fax: + 44 (0) 20 7793 7626; Email: b.bell@scfuk.org.uk; Website: www.savethechildren.org.uk

World Conference Against Racism Community Action Kit

This is now available for viewing and downloading from the Human Rights Council of Australia's website - www.ozemail.com.au/~hrca The Action Kit was produced by members of the Australian NGO Working Group on the World Conference Against Racism. It aims to inform people about the World Conference and the issues it will address and to equip and encourage them to work against racism in their communities. The Action Kit also asks people to write to the Australian Government asking it to take a positive and active role in the World Conference Against Racism.

Poverty and Children: Lessons of the 90s for Least Developed Countries

This publication shows that it is possible to improve the coverage and quality of social services for children in the Least Developed Countries through firm political commitment and action in partnership with domestic and international partners. Go to <http://www.unicef.org/pubsgen/poverty-ldcs/>. Also available as a PDF at: <http://www.unicef.org/pubsgen/poverty-ldcs/poverty-children-ldcs.pdf> Further information is available from UNICEF Division of Evaluation, Policy and Planning,

UNICEF Headquarters, UNICEF House, 3 United Nations Plaza, New York, NY 10017, USA. Tel: + 1 212 824 6740; Fax: + 1 212 824 6474;

Email: sschwarz@unicef.org;

Website: www.unicef.org/reseval/

United Nations Guide for Minorities

Many States have minorities within their borders. Although no firm statistics exist, estimates suggest that 10 to 20 per cent of the world's population belong to minorities. This means that between 600 million and 1.2 billion people are in need of special measures for the protection of their rights, given that minorities are often among the most disadvantaged groups in society, their members often subject to discrimination and injustice and excluded from meaningful participation in public and political life. The Guide has been prepared with a view to assisting minorities in understanding how to seek protection of their rights through the different procedures existing at the international and regional levels. Practical advice is also given on how to take legal action where members of minorities consider that their rights under a particular treaty have been violated. To view the guide online go to: <http://www.unhchr.ch/html/racism/01-minoritiesguide.html>.

Meaningful Youth Participation in International Conferences: A case study of the International Conference on War-Affected Children

Published by the Canadian International Development Agency, this paper is intended to contribute to the growing understanding of youth participation by sharing both the practical and the philosophical approaches taken for youth participation at the International Conference on War-Affected Children, held in Winnipeg in September 2000. For further information, contact: Canadian International Development Agency (CIDA) Policy Branch, Political and Social Policies Division, 200 Promenade du Portage, Hull, PQ, K1A 0G4 Canada. Tel: + 1 819 994 7927; Fax: + 1 819 997 9049;

Email: martha_nelems@acdi-cida.gc.ca or geeta_narayan@acdi-cida.gc.ca Website: www.acdi-cida.gc.ca

New edition of the Independent Social Security Handbook

The 4th edition is now available from the Welfare Rights Centre in Sydney (\$88 plus postage and handling). Over 700 pages long, the Handbook is a complete rewrite of the previous edition and covers, in plain English, all the changes to the Social Security system over the past two years. Launching the Handbook, Senator Amanda Vanstone said 'it is a must for community workers who deal with day-to-day Social Security issues'. To order a copy, contact Eric or Heather at the Centre + 61 (0) 2 9211 5389.

Creating better educational and employment opportunities for rural young people

The latest report from the National Youth Affairs Research Scheme is by (principal investigators) Peter Kenyon, Howard Sercombe, Alan Black and Dominica Lhuede. It looks at transitions in rural Australia, the experiences of young people, responding to the needs of rural young people, and creating better opportunities. The report is distributed nationally by NYARS and is also available for \$20 plus GST from the Australian Clearinghouse for Youth Studies.

Go to: <http://www.acys.utas.edu.au/ncys/orders/all.htm>

'TAKING PARTicipation seriously'

The NSW Commission for Children and Young People has launched an Australian toolkit which is designed to give organisations whose work involves children and young people some practical tips about ways to provide young people with a greater 'say' in the decisions traditionally made by adults. To this end, it provides positive examples of good design and practice. The kit is available online at

<http://www.kids.nsw.gov.au/publications/taking.html>

Hear by Right

A new set of standards has been developed by the UK's National Youth Agency and the Local Government Association. They provide a framework to increase and improve young people's involvement with local authorities. The standards are to be reviewed in 2003 to assess their practical impact and benefits. For further info contact Harry Wade on harryw@nya.org.uk

Children as Partners in Planning - A Training Resource to Support Consultation with Children

Published by Save the Children UK, this training pack is aimed at all who work with children in early years centres and out-of-school clubs as part of Early Years Development and Childcare Partnerships. It is aimed primarily at staff working with children aged between 0 - 11. It helps to lay the foundation for consulting children about their experiences and preferences and gives practitioners an opportunity to find out about the UN Convention on the Rights of the Child and to develop strategies for listening to children and taking their views into account when planning activities and services. For further information, contact: Save the Children UK, 17 Grove Lane, London, SE5 8RD, UK, London. Tel: + 44 (0) 20 7703 5400; Fax: + 44 (0) 20 7793 7626; Email: b.bell@scfuk.org.uk

Working Paper 21, Student Action Teams: an Evaluation 1999-2000

This report from the Youth Research Centre (YRC) draws upon two years of work with 20 Student Action Teams in Victorian secondary schools. With funding from the Victorian Department of Justice, as part of the (then) Vicsafe Community Safety and Crime Prevention Framework, through the Department of Education, Employment and Training (Victoria) the schools 'were challenged to identify and tackle a school or local issue of community safety'. The YRC acted as evaluators with the program. The Working Paper includes information on the processes of setting up and

maintaining Student Action Teams, stories of eleven of the schools, an analysis of program outcomes and learnings against its objectives, and a discussion of several of the issues. Copies are available for \$16 (includes GST, postage and handling) from the Youth Research Centre, Faculty of Education, University of Melbourne 3010.

Email inquiries: ycrc@edfac.unimelb.edu.au.

HIV/AIDS: Sexual Health Exchange

This quarterly newsletter provides policy guidance and ideas for initiatives relating to HIV/AIDS and other sexually transmitted diseases within the framework of sexual and reproductive health. It serves as a forum for the exchange of innovative programme experiences world-wide. Issue 2001/1 focuses on sexual and reproductive health promotion by, with and for children and youth. Go to:

<http://www.crin.org/resources/infoDetail.asp?ID=1899>

Guide for NGOs Reporting to the Committee on the Rights of the Child

Published by the NGO Group for the Convention on the Rights of the Child, this publication provides a step-by-step guide for NGOs preparing an alternative report for the Committee on the Rights of the Child. In addition, it outlines the procedures concerning NGO presentations at the pre-sessional meetings, procedures for follow-up action and background to the work of the NGO Group. Now available in English, French and Spanish on the CRIN website. Go to: <http://www.crin.org/resources/infoDetail.asp?ID=630> (English) For further information, contact: NGO Group for the Convention on the Rights of the Child, c/o Defence for Children International, 1 rue de Varembe, P.O. Box 88 CH-1211 Geneva 20, Switzerland. Tel: + 41 22 740 47 30; Fax: + 41 22 740 1145;

Email: dcj-ngo.group@pingnet.ch ; Website: <http://www.crin.org/NGOGroupforCRC>

Plan of Action on Child Protection: Promoting the Rights of Children who need Special Protection Measures

Children are an important focus of the Canadian International Development Agency. This action plan of social development priorities focuses exclusively on children-specifically, the most marginalised girls and boys who often experience exploitation, abuse, and discrimination and who require special measures to support their development. The action plan commits the Agency to adopting a strategic focus on child labour and children affected by armed conflict, and to exploring new opportunities in other areas of child protection, in collaboration with its partners. It adopts a rights based approach to development, using the framework of the Convention on the Rights of the Child for promoting children's rights through development. The approach recognises the right of girls and boys to participate in decisions that affect their lives, as well as the importance of building on children's coping strategies. It also values a multifaceted analysis of the structural causes that lead to violations of children's rights, and advocates a holistic response to children's situations. To view the report online, go to: [http://www.acdi-cida.gc.ca/cida_ind.nsf/f1b522f51afeefda8525697d005cce33/79ff9190d6765b5885256a69005ffe6f/\\$FILE/child_protection.pdf](http://www.acdi-cida.gc.ca/cida_ind.nsf/f1b522f51afeefda8525697d005cce33/79ff9190d6765b5885256a69005ffe6f/$FILE/child_protection.pdf). For more information contact: Canadian International Development Agency, Policy Branch, Gender Equality and Child Protection Division, 200 Promenade du Portage, Hull, PQ, K1A 0G4, Canada. Tel: + 1 819 994 7927; Fax: + 1 819 997 9049;

Email: martha_nelems@acdi-cida.gc.ca;

Website: www.acdi-cida.gc.ca.

Are You Listening To Us?

The Youth Affairs Council of Victoria's (YACVic) discussion paper outlines why Victoria needs a Children and Young People's Commission and a proposed model of functions and responsibilities. The Council seeks feedback as soon as possible. The discussion paper is at <http://www.yacvic.org.au/pages/policy/cypc/contents.htm>. For a hard copy of the report, contact YACVic on + 61 (0) 3 9612 8999 or email: info@yacvic.org.au

Join DCI!

You too can become a Member of Affiliate (for NGOs)

Your subscription includes each quarterly issue of ACRN. Members and affiliates also receive lots of other information about DCI's campaigns and activities

Subscriptions

under \$20,000 pa/student	\$25	pa
\$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
DCI Geneva Newsletter	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 \$.....

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

Credit Card Authority

Please debit my Bankcard/Visa/Mastercard

Account

Card # / / /

Exp date .. / ..

Signature

Name on Card

Name

Organisation

Address

State Postcode

Ph Fax

Email

Send this form with your cheque to:

DCI-Australia
GPO Box 3131
Canberra ACT 2602
or fax (card payments only) to 02 6257-6722

DCI members and affiliates add to the action!

Websites

<http://dci-au.org/>

DCI-Australia has changed its website address. To celebrate, a range of new items have been posted. Visit and reset your browser while you're there.

www.crimbarvic.org.au

The Criminal Bar Association of Victoria has relaunched its website. It includes material on topics particularly relevant to young people, such as mandatory sentencing and the right to protest.

<http://vic.uca.org.au/linkup>

The The Asylum Seeker Project Website is focused mainly on the Hotham Mission's LinkUp Program, which links support volunteers with isolated asylum seekers in the community. The site also contains some general information on asylum seekers, some projects and networks involved and to get a feel of some of the positive community input into asylum seekers in the community. It was designed and created by Ahmed, an asylum, Ahmed, who has been severely depressed and suicidal after being separated from his wife and children for almost 5 years. He spent over 2 months developing it.

<http://www.familycourt.gov.au/html/25thanniversary.html>

2001 marks the first 25 years of the Family Court of Australia. The *Family Law Act* which established the Court came into operation on 5 January 1976, having received Royal Assent in June 1975. A conference held in July: celebrated past achievements and developments; reflected on various lessons learnt and mistakes made; and looked forward with optimism to the next 25 years. This site contains a number of the papers that were given.

http://www.hreoc.gov.au/info_for_students/index.html

The Human Rights and Equal Opportunity has a special page set up to assist students.