



## **On the Record for Children**

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### **From the AP Editorial Desk**

#### **Shadow Over the Special Session**

After three attempts to reach consensus on the all-important Outcome document (also known as 'A World Fit For Children'), governments will meet again in the last week of August in the hope of hammering out an agreement in time for the Special Session on September 19, 2001.

With close to a third of the Outcome document still in brackets, some delegates are less than optimistic. They say that several issues – notably child labor and children in armed conflict – are still the subject of fierce disagreement and that the positions have become more entrenched as the debate has progressed.

There is also growing concern that the United States and European Union (EU) are still at loggerheads over the death penalty and the role that the Convention on the Rights of the Child should play in the Outcome document. Added to which, nerves are still frayed over the way that abortion slipped into the discussion at the recent Preparatory Committee meeting (PrepCom), and the way it was exploited by pro-life lobbyists.

The Outcome document is intended to provide the forthcoming Special Session with a stirring text that can set the seal on progress since the 1990 World Summit for Children and chart a new course for the future. The document is being drafted by a bureau of five governments, with the UN Children's Fund (UNICEF) serving as the secretariat. It was first presented to the Second PrepCom in January, revised and again placed on the table at the Third PrepCom, where negotiations began in earnest.

In public, UNICEF officials are putting on a brave face and insisting that the Outcome document is a fine text even with the brackets. But behind the scenes, UNICEF is also struggling to avert a breakdown. UNICEF officials have prepared compromise positions on all of the disputed sections and offered this to Ambassador Patricia Durrant from Jamaica, the chairperson of the Conference Bureau, to be used as she sees fit when the PrepCom resumes in August.

Several diplomats who were interviewed by 'On the Record for Children' complained about a lack of urgency and 'a lack of political commitment.' This, they say, contrasts with the recent Special Session of the General Assembly on HIV-AIDS (UNGASS), which adopted a declaration that plunges bravely into the world of human rights, discrimination, safe sex, condoms, clean needles, and reproductive health services for girls – issues that are normally anathema to conservatives.

UNGASS also called for a massive mobilization of resources in the form of a \$10 billion global fund to combat the pandemic. And all this was done at one sitting, without any preparatory committee meetings.

Why are governments reluctant to show the same boldness when it comes to children? Part of the answer can be found in the nature of the challenge that faces delegates to the Special Session and in the position of the main protagonists, particularly the United States.

## **66 Heads of State Plan to Attend Special Session**

As the negotiations over the Outcome document have run into problems, UNICEF officials have taken heart from the fact that the Outcome document is part of a larger process that is beginning to take shape around the Special Session.

Thus far, 66 heads of state have announced they will attend the Special Session itself and another eight have expressed interest. This is seen as a major endorsement given that the meeting will not be a world summit, like the 1990 summit for children or last year's millennium summit.

UNICEF is hopeful that the Special Session will generate its own magic. The UN Security Council will be meeting at the same time, and it is hoped that the council will break off for 90 minutes on the first day (September 19) to hold a special session on children in war. Eight of the Security Council's 15 heads of state will be attending the Special Session and presumably could also attend. President Jacques Chirac of France is the only head of state from the five permanent members of the Council who currently plans to attend.

UNICEF is inviting business leaders from several major companies (including Microsoft, Ikea, Nokia, and Tata) to participate at a discussion about child labor and other employment issues that are relevant to children. UNICEF would like to extract a commitment that these companies will not employ children and that they will protect the rights of working mothers.

Civil society will also make its voice heard through the Global Movement for Children, which was launched this spring by UNICEF and several major nongovernmental organizations (NGOs). The movement has issued a rallying call and is hoping to attract 10 million pledges by the time of the Special Session.

All agree that whatever momentum is generated by these events, and the presence of so many heads of state, it will be critically important to keep up the momentum once the Special Session is over and the spotlight has moved on.

On the political front, UNICEF is hoping that next year's meeting of the G-8 governments, which will be chaired by Canada, will pick up one of the major themes at the Special Session and endorse a major initiative. One possibility might be a fund for girl's education. NGOs will definitely use the Special Session to start holding governments accountable for any promises they might make and insist on the development of national plans.

But those promises will be contained in the Outcome document, which is why the current negotiations are critically important. Few doubt that the Special Session will be gravely compromised if governments enter the Special Session still arguing about the text.

### **New Challenges Facing Children Since 1990s**

The importance of the Special Session -- and the Outcome document -- lies in the fact that the world has changed dramatically since the World Summit for Children in 1990.

This is laid out clearly and succinctly in a recent report from the UN Secretary-General that reviews the follow-up to the 1990 World Summit for Children. Entitled 'We the Children,' the review runs to 141 pages and has won high praise for its candor and presentation. [1]

As the report shows, the last decade has not been kind to children. HIV-AIDS was barely known in 1990. Ten years later, it poses a mortal threat to the world's children. According to the UNGASS declaration, 36 million people were infected by the end of last year. Young people account for over half the new infections in Africa.

Wars have become ever more violent since the World Summit, and they have taken the lives of over two million children. At least 300,000 children are now under arms. The last ten years has seen outbreaks of genocide in both Bosnia and Rwanda.

Globalization has become a general catch-phrase for all that is wrong with international relations, but many would argue that the spread of the private sector -- which is often aggressive and unaccountable -- has combined with the reduction of government programs to increase the

vulnerability of the poor, marginalized groups, and indigenous peoples. As always, the burden falls most heavily on children.

But if children are more exposed and more vulnerable, they also have more champions. There now exists an international legal framework for the protection of children that enjoys the support of most governments in the world.

The Convention on the Rights of the Child has been accepted by all but two governments, and its prohibitions against sexual exploitation and recruitment of children will be significantly toughened once the convention's two new protocols become international law.

The International Labor Organization's (ILO's) Convention 182, which bans the worst forms of child labor, has been ratified by 75 governments in record time, and 107 governments have accepted ILO Convention 138, which calls for the abolition of work for children under the age of 15, except for light work.

This legal foundation is also being exploited to great effect by child advocates. A highly effective international campaign has formed to lobby for an end to the recruitment of child soldiers. A coalition of NGOs in Geneva helps to organize and support advocates in countries that submit a report to the Committee on the Rights of the Child – thus ensuring that a government's policies will be scrutinized and discussed at home before it submits to questioning by the committee. As this article will argue later, NGOs have also seized the opportunity presented by the Special Session to mobilize and lobby.

In other words, the picture is by no means bleak. If the past decade has thrown up ominous new threats to children, it has also laid a solid legal foundation, based on human rights, that is now being used energetically by civil society.

In the view of NGOs, the success of the Special Session will lie in its ability first to define the challenge and second to strengthen and bolster these emerging assets.

### **Adolescents at Risk**

One of the most dramatic changes to take place during the last decade involves adolescents.

The 1990 World Summit focused mainly on infants. It came about because Jim Grant, the former Executive Director of UNICEF, realized that the scourge of infant mortality and morbidity could be prevented by simple, cheap solutions like vaccinations. Grant used this inspiring message to attract world leaders to the 1990 World Summit and shifted the focus of UNICEF's own work from 'loud emergencies' like war to 'silent emergencies' affecting infants.

The focus has now shifted again. As the Secretary-General's report puts it, adolescents have drawn increasing attention in the last decade from the international community. 'Adolescence is a critical period in shaping a child's future course in life, for it is during those years that young people develop a definitive sense of self, which occurs as they acquire social values, form civic commitments, and become increasingly aware of matters of sexuality and fertility.'

It is no coincidence that almost without exception, all of the most controversial issues before the PrepCom – child labor, children in war, HIV-AIDS, reproductive health, sexual exploitation, and juvenile justice – affect adolescents, not infants.

The controversy arises partly because these new threats require an approach that is based squarely on human rights and participation. Polio can be prevented by a single dose of vaccine, but medicine will not put an end to the trafficking of children or recruitment of child soldiers or the spread of AIDS among adolescents. These can only be curbed by a combination of special protection, education, and the active participation of those who are threatened.

Once again this is carefully laid out in the Secretary-General's report: 'The potential of adolescents as creative, energetic actors and leaders for positive change has been widely underestimated. Societies need to encourage and support the participation of adolescents....'

This was recognized by the recent UNGASS Special Session. Although the organizers did very little to encourage the active participation of young people (or those infected with the HIV virus) at UNGASS itself, governments were able to agree on a far-sighted declaration that calls for greater participation by those who are most at risk – particularly adolescent girls. The declaration also accepts that successful programs will need to be accompanied by protection against discrimination.

None of this was particularly surprising. The threat from AIDS is so grotesque and daunting that UNGASS really had no option but to put pragmatism before prejudice. HIV-AIDS is one of the few global threats that finds all governments on the same page – and understandably so.

It is different with the Special Session on children. Instead of uniting to confront the challenge, as they did at UNGASS, governments are coming unglued over the Outcome document and giving in to prejudice and politics. This emerges clearly from a brief review of some of the issues under dispute.

### **Canada's Abortion Gaffe Proves Costly**

Among its many prescriptions, the Outcome document has proposed that adolescents should be provided with access to reproductive health services as a way of promoting healthy lives.

The logic of this, and the importance of reproductive health care in general, is irrefutable. Half a million women and adolescent girls die each year from complications in pregnancy, and it is now well established that condoms are one of the most effective ways of preventing the spread of sexually transmitted diseases, particularly HIV-AIDS.

During the 1990s, a series of major international meetings – Cairo (1994), Beijing (1995) and New York (Beijing Plus 5, 2000) – all grappled with the moral and ethical dilemmas and emerged with a clear consensus that women and girls have a right to reproductive health services. Whether or not this will include abortion is ultimately left to governments.

Some fear that this hard-won progress could now be in serious jeopardy at the Special Session on children. Conservative and pro-life groups have elbowed into the debate and willfully ignored the medical arguments. Sadly, they have been able to appeal to the darker fears of several misinformed governments, including the United States.

At the start of the recent PrepCom, the Outcome document called on governments to 'promote and protect the right of adolescents to sexual and reproductive health education, information and services in order to promote gender equality and responsible sexual behavior to avoid unwanted or early pregnancies.' (Paragraphs 32 and 33).

This was then blown wide open by the admission of a Canadian delegate that reproductive health services can include abortion. This is clear to all but is treated like a dirty secret by the PrepCom because American pro-life activists are so intimidating in their tactics and so clearly enjoy the support of the Bush administration.

These groups reacted to the Canadian comment as if the gates of hell had opened. Here, to them, was a clear indication that the Special Session is promoting abortion and irresponsible sexual behavior by teenage girls.

This red-hot issue was then taken up at a closed meeting in which the governments of Poland and the United States joined with the Holy See to omit the reference to reproductive health rights or services. They argued that the health needs of adolescent girls could be served through normal health channels, including primary health care.

This would have turned the clock back on the language of Beijing and Cairo. Yet all three delegations weighed in so strongly and aggressively that the two European diplomats who had been delegated to attend the meeting reportedly left in a state of some shock. It was, reported one, a fairly brutal encounter. The United States even questioned research that has found higher rates of mortality among girls than boys in developing countries.

By June 16 – the last day of the official PrepCom – the dust had settled and the battle lines had become a little clearer. The Europeans had added one important paragraph, to the effect that reproductive health care should be made more available through the primary health care system. The United States had proposed language that would promote 'sexual abstinence' as the main way of 'promoting the healthy lifestyles among adolescents.'

The Canadian gaffe undoubtedly proved costly. In a major concession to the anti-abortion countries, the delegates agreed not to include the provision of 'reproductive health services' to adolescents in the list of strategies that are aimed at 'promoting healthy lives.' This provision was present at the start of the Third PrepCom as the fourteenth bullet in paragraph 33. It no longer exists in the current draft.

As Gabrielle Engh explained in her article for the last issue, this is one more way in which right-wing American conservative groups are trying to use this Special Session on children to turn the clock back and impose their agenda on the international community.

## **'Politization' Threatens Protection For Children in War**

The disagreement over children in armed conflict will be very familiar to anyone who has attended a UN conference.

There is very wide agreement that children need to be given more protection in war, and the issue is particularly important to NGOs. But this entire section in the Outcome document is currently surrounded by brackets.

Deeply angered by the way that Israeli forces have targeted Palestinian children during the current uprising, Arab governments want more protection for children under occupation. Israel has responded by insisting on a reference to the impact of 'terrorism' on children. The group of mainly Arab governments known as the SDC (Some Developing Countries) has also insisted on inserting a reference that criticizes the sanctions against Iraq (unilateral coercive measures).

None of these demands is unreasonable, because occupation, terrorism, and sanctions have all had a demonstrably violent impact on children. The problem comes from the fact that these governments appear intent on using the Outcome document to achieve political results they cannot achieve in the political bodies of the UN.

This politicization has now spread like a verbal virus and infected other parts of the text. Even issues on which there is almost total agreement – like landmines and refugee children – are now held hostage. It bodes ill for a critically important section of the outcome document.

## **United States and Canada Argue Against Minimum Age For Child Labor**

In a dispute that crept up on the PrepCom and took many delegates by surprise, Canada and the ILO are at odds over whether the Outcome document should call for the banning of work by children under the age of 15.

Canada and the United States are among the governments that feel children should not be discouraged from working as long as the work is not abusive or keeps children out of school. At their insistence, the current draft contains no reference to the ILO's Convention 138, which bans work for children under the age of 15. Instead, the Outcome document calls for improving the quality of work and working conditions.

In a frantic series of submissions, the ILO has protested that such wording could open the way to the employment of very young children without any reference to a minimum age. This could also undermine Convention 138, which has been ratified by 107 governments, and create a loophole for governments to exploit children.

The PrepCom Bureau organized an informal group to search for a compromise during the PrepCom. At one stage, the United States was even asked to facilitate a discussion between Canada and the Europeans, who strongly support the ILO. The meeting ended in failure and created more antagonism between the United States and EU. The problem here is not

politicization, because the disagreement over child labor between Canada and the ILO is an issue of principle with important implications.

The real problem is that Canada and the ILO are both strong supporters of the 'rights-based' approach and friends of UNICEF. Thus far, neither is willing to concede in the interests of the Outcome document.

### **'Well-Being' Threat to Rights Language**

The group of mainly North African governments known as the SDC group has insisted on adding 'well-being' wherever rights are mentioned in the Outcome text, in an effort to stress the importance of social and economic rights and release more funds for social programs.

Once again, the underlying rationale is entirely reasonable because there is quite simply not enough money going to children's programs: it is incredible that at a time of global prosperity, 600 million children survive on less than one dollar a day.

However, this is neither the way nor the place to make that case. First, it is made more effectively elsewhere in the text, and with fewer words. Second, this sort of formulation risks diluting the concept of 'child rights.' Most would argue that a child's well-being will automatically be enhanced if his or her rights are protected.

This particular disagreement, which emerged late in the negotiations, is indicative of a tendency to pack the text with more words at a time when the bureau is desperately trying to pare it down. More does not necessarily mean better when it comes to UN declarations.

### **Europeans Ready to Concede on Death Penalty**

In a dispute between heavyweights, the United States and the EU are deeply divided over the death penalty and life imprisonment for children under the age of 18. The Europeans want both forms of punishment prohibited for any offenses that were committed by someone before the age of 18. The United States insists on their retention.

The death penalty has been in and out of the Outcome text. At present it is back in the text at the insistence of the Europeans, over the objection of Iran and the United States. Sources say that both governments have made it clear they will not accept an Outcome document that bans the death penalty.

This is described by one delegate as a 'make or break' issue. The majority of governments in the world now ban the death penalty, and international opinion is slowly but surely turning against this ultimate form of punishment. One reason for this revulsion is without doubt the capricious way the death penalty is applied in the small handful of countries (including the United States and Iran) that account for almost all of the legal executions.

The argument for excluding the death penalty from an international document protecting children would seem to be compelling. Yet it remains alive and kicking in the current Outcome draft.

Conference sources say that the Europeans might even agree to omitting any reference to the death penalty as long as they retain some reference to forbidding inappropriate forms of 'punishment.' This would strike many as a major concession.

### **Convention Compromise Parrots Language of the UN Human Rights Commission**

Throughout the last two sessions of the PrepCom, the debate has swung back and forth over how to reference the Convention on the Rights of the Child in the Outcome document.

The issue is of critical importance for NGOs because they want the Special Session to endorse the 'rights-based' approach to child protection and build on a decade of progress in strengthening the convention.

In theory, it should not be that controversial, because the convention is the nearest thing in existence to a universally accepted treaty. And yet, it is the convention that has looked like an interloper at the PrepCom. Early drafts of the Outcome document made almost no reference to the convention. This improved slightly at the insistence of NGOs, but the essential question is still unresolved: Should the Outcome document recognize a preeminent role for the convention in the global campaign for children?

This has prompted yet another high-profile confrontation between the United States and Europe. The United States refuses to ratify the convention and is ready to reject any declaration that gives it pride of place, but the EU shares the view of NGOs that the Special Session must recognize the near-universal support that exists for the convention.

Once again, it comes down to a few words in a few paragraphs. The EU has been arguing for the convention to be referred to as the 'sole normative framework.' Paragraph 27 currently states that the convention 'and its optional protocols and other relevant international treaties and conventions are essential standards for building a world fit for children.' The next paragraph (28) states that the Convention 'and other relevant human rights instruments' provide the 'best normative framework for all our actions.'

This is coming close to the language of a resolution on child rights that was adopted without a vote by the recent session of the UN's Human Rights Commission in Geneva. It might be acceptable to the United States, which supports the two optional protocols and the ILO's Convention 182 (on the worst forms of child labor).

But it should probably anger child rights advocates. They would expect that 70 heads of state would do more than simply parrot a compromise resolution at a routine UN meeting. And they will probably find it incredible that the United States can impose its own unilateral opposition to a major human rights treaty on the rest of the world.

### **The United States - At Odds With Europe, In Sync With Iran and Libya**

As is so often the case at UN meetings, the United States is once again swimming against the tide in the run-up to the Special Session.

On the positive side, the US delegation did not lash out at this recent PrepCom the way it did at the Second PrepCom and suggest that the Convention on the Rights of the Child was a flawed and dangerous treaty.

This time the chief US delegate Michael Southwick adopted a softer, gentler tone. He accepted that other governments might be committed to the convention, but stated that unfortunately the United States itself could not accept the convention.

This was offered in a spirit of regret and even compromise because the United States clearly does not want to be seen as a spoiler. But the sad fact is that the US delegation still parted company from the majority on almost every issue of substance: the death penalty, reproductive rights, the protection of adolescent girls, the preeminent role of the Convention on the Rights of the Child, and the participation of children. On each of these key issues, the US delegation seemed to be more concerned with appeasing right-wing American opinion than protecting children.

This certainly fits a pattern. Since taking office, President Bush has rejected international treaties on global warming, small arms, an international criminal court, and nuclear testing. But this is little consolation to those who are trying to build a strong international system of support for children.

One European delegate said that everyone knows that the United States distrusts international commitments. 'We could live with it if they would simply step aside and allow everyone else to get on with the (negotiations).' The problem, he said, was that the United States insists on imposing its retrogressive views on everyone else. This is much easier to do because it only takes one delegation to prevent consensus. At the very least, the United States is providing some fascinating insights into how it sees its allies in the international system. The Bush administration seems ambivalent toward UNICEF. On the one hand, it is common to hear that Carol Bellamy – a liberal Democrat from New York – is detested by the right-wing Republicans around President Bush. On the other hand, the administration has proposed \$100 million for UNICEF in its 2002 budget proposal. This has been increased by \$10 million by a Congressional committee, so UNICEF does appear to retain some of its appeal for Americans.

The EU seems to have no appeal whatsoever for the United States. Western European governments may be America's closest partners on the battlefield, but when it comes to child rights the two sides are far apart. The United States is opposed to the EU on almost all the most controversial issues under discussion – child labor, the convention, the death penalty, the participation of children, and reproductive rights. Adding to the irony is the fact that the United States is supported on these issues by some of its most detested foes, including Iran, Libya, Sudan, and even Iraq. Child rights makes for some strange bedfellows.

The EU contingent has been led by Thomas Hammerberg of Sweden, who hides a passionate commitment for child rights and a lifetime of lobbying for human rights behind a mild-mannered exterior. Belgium has now taken over as coordinator of the EU, and there is much speculation whether the Belgians can produce someone of Hammerberg's stature (and nerves), who is capable of standing up to the United States. Some lobbyists are frankly doubtful and very nervous as a result.

Regrettably, the negotiating process is now defined by this eyeball-to-eyeball confrontation between the Europeans and United States. The only other negotiating bloc with any weight is the new Rio Group of mainly Latin American delegations, which has surprised everyone by their strong position in favor of child rights. Other regions, including Africa and Asia – which have the vast majority of the world's oppressed children – have been sadly silent.

### **Progress on Child Participation Under Threat at Special Session**

To the great surprise of many, the PrepComs have made huge progress in encouraging the participation of children. Many are now waiting to see whether this can be sustained at the Special Session itself.

Participation by children is not one of the central rights of the convention, but it has emerged as one of the key components of any action plan because of the nature of the challenge to adolescents that was described above. Slowly but surely, delegates – and UNICEF – have come around to understanding that their conference offers an opportunity to experiment.

The result has been spectacular. Six governments brought children to the second PrepCom. This number increased to 15 at the Third PrepCom. NGOs had mixed success in organizing a forum for under-18s at the Second PrepCom. They succeeded brilliantly at the recent meeting, where well over a hundred children from all over the world were able to prepare and debate an alternative 'child friendly' Outcome document.

The results of this were felt throughout the meeting. This newspaper employed ten young journalists, who performed to a high quality. Groups of young delegates fanned out, lobbied their own governments, drafted positions, and formed negotiating groups. Visibly, and before their own eyes, we were able to see young people growing in confidence. It is hoped that they will take this confidence home and apply it to the fight against AIDS and other challenges.

The question is whether the Special Session will maintain or muzzle this momentum. UNICEF is organizing a three-day forum for 250 under-18s before the Special Session. This forum will elect six children to participate at three panels that will take place during the Special Session.

UNICEF expects that as many as half all delegations will include children. Some heads of state have reportedly expressed a willingness to share their five minutes of speaking time with children. PLAN International is working on a satellite hook-up that will allow youngsters from all over the world to talk live with their leaders at the Special Session. (See the accompanying article.)

All of this could take the experiment in child participation to a new level. But it could also result in a carefully controlled event that is micromanaged by UNICEF and gives children no chance to participate on their own terms.

Were this to happen, it would put a quick stop to one of the most exciting and innovative features of the PrepCom process.

## **NGOs Squeezed for a Voice**

Another major achievement of the PrepCom process that is very much up in the air concerns NGOs.

Somewhat against the expectations of many, the Special Session process has energized and invigorated civil society at the international level. The NGO Committee on UNICEF has used the Special Session to find its voice by organizing side events, sponsoring this newspaper, forming a task force to encourage the participation of under-18s, and developing a new web site. All of this will help the committee as it goes through a process of enlargement and democratization.

The PrepComs have also led to the emergence of a new caucus, the NGO Child Rights Caucus. This caucus, which now comprises over 100 NGOs, is a classic example of the way that civil society can take advantage of such events. It formed at the first PrepCom with the aim of introducing more rights language into the Outcome document and has now developed into a highly effective lobby. [2]

The caucus is flexible enough to absorb a wide range of organizations and cohesive enough to issue an alternative text to the Outcome document that has clearly influenced the drafting process. The Caucus organized daily briefings at the PrepCom that attracted influential governmental delegates. Its single most important message is that the Special Session must not create a parallel system that undermines the progress made in protecting child rights over the last decade. The EU at least has taken notice.

Once again, there are doubts whether this exciting progress can be maintained, and whether NGOs will be able to participate as fully at the Special Session as they have done at the PrepComs. Apart from anything else, security will be exceptionally tight and space will be at a premium. NGOs would like to showcase their achievements in the campaign for children at a major exhibition and also hold side events as they have done during the PrepCom. As of writing, it is not clear whether the space will be available.

[1] UN Secretary-General, 'We the Children: End-Decade Review of the Follow-up to the World Summit for Children,' May 4, 2001.

[2] See alternative draft Outcome document prepared by the Child Rights Caucus.