



**On the Record for Children**

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**From the AP Editorial Desk**

**From Our Readers:**

From Spiros Tzelepis (Greece)

**We are Young People, But we Also Understand Our Key Role in the World**

My name is Spiros Tzelepis. I am 16 and I live in Greece. During the past 3 years, I have been working as one of the editors in the Junior Journal (JJ), an online youth newspaper published by children from all over the world with the support of the MIT Media Lab.

The JJ emerged from the Jrsummit 98 project, organized and launched by the MIT, which brought together 3000 children from 139 different countries to interact in an online community. Our main purpose is to prove the capacities of young people by joining their voices and providing a 'window' to the world so that they can be heard by everyone. We are also committed to demonstrating that the differences in culture, religion, and nationality do not prevent us from working together.

For three years, we have dealt with the problems children face around the world; we have analysed delicate issues and we have interviewed well-known adults. Moreover, we have covered important events, expressed our opinions and conducted surveys.

Somebody once asked me if we try to retain our characteristics as children/young people. I replied, (as I do now, too) that to prove our real capacities and ability to participate in the decision making process, doesn't deprive us from our nature. We are young people, but we also understand our key role in the world. However, as well as covering serious topics, we have published jokes, cultural pieces and entertainment issues. We manage to combine the 'traditional characteristics' with those that are given to us by technology in the New Age.

### **Opinion By Leslie Wright**

#### **Closed Doors, Closed Minds?**

During the past few years NGOs have seen their access to UN General Assembly deliberations increasingly restricted. This time NGO access to negotiations about the Outcome document 'A World Fit For Children' is more than closed - now the delegates themselves are inaccessible to the people they serve. How can they expect NGOs to heed their call when there is no dialogue except behind closed doors?

Other sessions of the General Assembly meeting in Special Session (UNGASS) have not been so restricted. For example, the UNGASS Women 2000, a review of the Beijing Declaration and Platform for Action, was open to NGOs observing from the gallery.

The UNGASS on Habitat was even more open. The UNGASS on HIV/AIDS was closed, but it met on the lower level of the UN Headquarters building where NGOs could speak with delegates in the hallways.

The formal negotiation sessions for the UNGASS on Children are not only closed, but they are held in the Trusteeship Council at the UN, an area restricted to delegates where NGO representatives have no access.

By the time NGOs will be heard, 'A World Fit for Children' will be negotiated. Language that affects the world's children will be decided by government delegates who, though they care about and want to establish policies that benefit children, will do so without having input from children or their advocates.

We call on the delegates to open their minds, and to open the process. We ask that they share their issues and concerns with us, and that they hear our issues and concerns. We ask that they take our points of view into consideration, and that the process of improving the world be an open, just and democratic one.

The Bureau can open the process to NGOs by reversing its decision to bar NGOs from observing the dialogue among governments. The Bureau could also immediately agree to hold daily briefings, distributing the text that is in discussion for that day. Such action would inform the NGO community about progress, discussions underway, and areas for decision. The dialogue and openness of the process is as valuable as the outcome.

Governments that want NGOs left in the dark do so because they fear being observed. They do not want preliminary positions shared with the outside world.

NGOs will share in policy implementation. So let us be part of the process - and let the light of day shine on all of us who make the world fit for children.

- **Leslie Wright** is a member of the Zonta International Delegation and is First Vice President of the Conference of NGOs. She also serves on the NGO Steering Group of the NGO Committee on UNICEF that is facilitating the substantive participation of NGOs in the UN General Assembly Session on Children.

## **Special Report - The Outcome Document Negotiations**

From the editors:

Governments resumed formal negotiations on the Outcome Document for the Special Session on April 29. *On the Record for Children* looks at some of the most difficult issues on the agenda.

### **Informal Negotiations Resume**

Negotiations over the Outcome document for the Special Session on Children resumed informally on Monday, April 22. Patricia Durrant of Jamaica, Chair of the preparatory process for the Special Session, called the informal meetings to discuss the compromise proposals she put forth in the new text of the document. Two co-chairs facilitated the discussions, Ambassador Iftekhhar Ahmed Chowdhury of Bangladesh and Ambassador Hanns Schumacher of Germany.

The informal negotiations were staged to 'test the waters,' said one diplomat close to the discussions. None of the proposals for compromise language were officially voted upon during the informals.

'Everything could change when formal negotiations continue,' said the delegate. 'Who knows? This is a game of horse trading and it's extremely fluid.'

One delegate from the European Union (EU) predicted that the formal negotiations, which started April 29, would go more smoothly than the informals simply because time constraints could pressure delegates to compromise.

Nevertheless, last week's informal negotiations have yielded a number of proposals that may well lead to an agreement on the outstanding paragraphs of the Outcome Document, 80 percent of which has been agreed.

### **US Continues to Resist 'Primary Reference' for Child Rights Convention**

The United States, which is one of two countries that has not ratified the Convention on the Rights of the Child, is still opposing any reference to the CRC as the primary guarantor of children's rights. The majority of other delegations, especially those countries included within the Rio Group and the European Union, are unwilling to accept anything less. Paragraphs 4 and 29-30 include specific references to the Convention and are still being discussed.

'Once we can agree on the CRC, everything else will fall in place,' said one delegate from the Rio group. 'We're ready to accommodate US concerns, but to say that the Convention is not the essential framework for children's rights is simply not true. Even the 1990 Children's Summit, the precursor to the Special Session, endorsed the primacy of the CRC. And the current US president's own father signed on to the 1990 Declaration. In the end, though, I'm sure we'll all accept some convoluted UN language as a compromise. That's what always happens.'

Compromise proposals could include referring to relevant portions from the 1990 Declaration on Children, which stated that the CRC 'contains a comprehensive set of international legal norms for the protection and well-being of children.'

Delegates are also hoping that the resolution supporting children's rights and the CRC from the recent meeting of the UN Commission on Human Rights in Geneva will help governments reach a consensus. (This will be reported in OTR#10).

### **Humanitarian Intervention is Challenged**

Several influential southern governments, including India, are requesting that the Outcome document ensure that humanitarian assistance is only delivered with the consent of the affected government, and in response to a specific appeal.

Together with a group of the 'some developing countries (SDC)' bloc, India is asking that the Outcome document include a reference to a 1991 Resolution by the General Assembly on emergency assistance. This states: 'The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country.'

India and SDC countries would like this statement to be included in sub-paragraphs 26 and 27 of paragraph 41 in the new Chair's text of the Special Session Outcome document. The EU opposes amending the Outcome text, on the grounds that it would emphasize sovereignty over humanitarian access.

This has revived a long-running debate over the legitimacy of 'humanitarian intervention.' Many NGOs and Western governments insist that the main goal of intervention is to save lives, and that this might require bypassing the central government, particularly if that government has collapsed or has contributed to the crisis.

This alarms many governments in developing countries, which feel intervention could be used as a guise for invasion and a new form of imperialism. The controversy flared again following the 1990 NATO action in Kosovo, and is again on the front burner as the United States considers invading Iraq.

### **Controversy Over Children Killed by Sanctions on Iraq**

The US delegation has rejected any reference in the Outcome document to specific numbers of children who have died as a result of the economic sanctions that have been imposed on Iraq by the international community.

The group of 'Some Developed Countries' (SDC) and a number of Gulf countries are proposing that paragraph 39 should state that 'at least 500,000 children have been killed as a result of the negative impact of economic sanctions.' This is a clear reference to the plight of Iraqi civilians affected by sanctions.

The European Union has proposed weaker language that would refer more generally to the death of children under economic sanctions. Gulf and SDC countries say this is unacceptable because the rest of the paragraph is filled with statistics.

'The debate over this paragraph has little to do with children's lives,' said one UN official. 'These governments are using children as political footballs to secure their own agendas.'

The SDC countries are also requesting that the paragraph include references to child fatalities caused by exposure to radiation and dangerous chemicals. The paragraph remains open to negotiation.

### **Text Could Weaken References to Refugees and Avoid Criminalizing the Sale of Children**

Some child activists are concerned that the current draft of the Outcome document could end up by omitting a strong reference to the protection of refugee children and the need to criminalize the sale of children.

Section B point 3 of the new Chair's text covers Abuse, Exploitation and Violence, and it appears to have adopted the language of the Millennium Declaration, which endorsed international human rights law in addition to international humanitarian law - but in relatively vague terms. Paragraph 40 (b) currently refers to 'international humanitarian law and human rights instruments.' This coded reference would incorporate laws protecting refugees, but could fall far short of addressing the specific needs of refugee children.

Sub-Paragraph 41 addresses the issue of child trafficking and sexual exploitation and now includes parts of sub-paragraph 46 from the September version of the document. The new paragraph, however, omits any call for the criminalization and penalization of the sexual exploitation and abuse of children.

Part of the controversy is whether to criminalize and penalize the sale of children 'for any purpose.' The US delegation has objected to this wording because it might prevent the bartering in the sports industry over athletes who are under the age of 18. It may also affect the adoption of children, argues the US delegation.

The Japanese delegation has been asked to come up with compromise language on this paragraph because Japan hosted a sex trafficking conference in Yokohama in December.

### **Compromise Seen Possible on Death Penalty**

A possible compromise seems to be emerging on the death penalty for acts committed by children under the age of 18. (General Protection, Paragraph 41, item (viii)). Governments seem to be close to accepting wording in the new Chair's text that would 'Protect children from torture and other cruel, inhuman or degrading treatment or punishment.'

This would be a blow to many rights activists because it would mean that the Special Session omits any specific reference to the death penalty. But it seems the only way to satisfy the United States, which is opposing any specific ban on the death penalty in the Outcome document.

The compromise wording would go some way towards meeting the concerns of activists, because more and more abolitionists are making the case that the death penalty qualifies as 'cruel, inhuman or degrading treatment or punishment.' This is forbidden under international laws like the UN Torture Convention for governments that have ratified the relevant provisions.

But many had hoped that the Special Session would issue a full-blooded call to end the death penalty for children - a practice that is overwhelmingly opposed by the majority of national governments (as well as most states in the United States).

### **Indian Proposal for the 'Progressive Elimination' of Child Labor Meets Resistance**

In an effort to resolve a long-running dispute with other governments over child labor, India is asking that the Outcome document call for the 'progressive' elimination of child labor instead of its outright elimination.

The sub-heading in the new Chair's text currently asks for the 'Elimination of Child Labor.' The Indian delegation is proposing that the title reads 'Progressive Elimination of Child Labor.'

India has the largest number of child laborers in the world and thus carries weight on the issue. The Indian delegation argues that an immediate end to child labor is simply unrealistic in a poor country where child labor is a pervasive problem. As a result, it has been calling for a cautious and 'realistic and reasonable' approach.

But this is being opposed by other governments, which favour a specific plan, including clear benchmarks (including a minimum age) and timetable. 'This is the same argument the Indians made in 1919 at the first ILO discussion on child labor,' said one official close to the negotiations. 'Now, so many years later, it's time to commit to action. We know this won't happen overnight but child labor has to be dealt with.'

India has only committed to ILO resolution 182, which takes on the worst forms of child labor. But the Indian government has resisted ILO resolution 138, which calls for the elimination of child labor under the age of 15 - again, on the grounds that such a demand is not realistic or meaningful.

Sub-paragraphs 33 (bis) and 34 are still open for negotiation. The Indian delegation has claimed that 'in this context,' which opens paragraph 34, provides too strong a link to the elimination of child labor, which is the section heading.

The American proposal would take some of the focus off the burdens of child labourers by referring only to children rather than 'working children' in the first sentence. The Americans propose that the second reference to 'working' children be kept. Northern governments such as Canada, however, have expressed reservations over this proposal, which may well fall apart.

### **Stalemate Continues Over Reproductive Rights Language**

Negotiations over paragraph 35 (i) bis are stalled over the issue of reproductive health care. The problems arise over the third line, which states that women and adolescent girls should have affordable and universally accessible health care, 'including sexual and reproductive health.'

The Rio Group and the EU want this to read 'reproductive health services,' but the US and the Holy See believe that would endorse access to abortion. They say this is especially troubling because of the explicit reference to adolescent girls.

The controversy surrounding 'reproductive health services' began last summer during the third meeting of the Preparatory Committee for the Special Session. A delegate from Canada remarked that 'reproductive health services' clearly included abortion services. The US and Holy See delegations, both of which are staunchly anti-choice, jumped on the statement, and insisted on a change in the language.

During informal negotiations last week, the United States and Holy See suggested reproductive 'health care' instead of 'services.' But others are concerned that 'care' has more limited connotations than 'services.'

The irony, say women's rights activists, is that unlike the United States (where abortion is legal), countries that criminalize abortion are not objecting to the use of 'services.'

The United States has suggested that the reference to 'reproductive health services' be clarified with a footnote that specifically rules out any endorsement of abortion. But other delegates say this could not be adopted because it does not apply to countries where abortion is legal - like the

United States. 'This haggling by the Bush Administration is clearly driven by their own domestic political concerns,' says one delegate from the EU.

### **Vatican and U.S Pressuring Argentina and Mexico on Reproductive Rights**

According to conference sources, the Vatican and the United States are pressuring delegations from Argentina and Mexico to back away from their support for 'reproductive health services' in the Outcome Document.

The two governments are leading members of the Rio voting bloc, which has supported the continued use of language agreed to in the International Conference on Population and Development and the Beijing Women's Conference, and the five year reviews of each of these meetings.

NGOs in Argentina and Mexico report intensive lobbying by religious and business groups, urging each country to distance itself from the traditionally liberal voting record of the Rio group.

The Catholic Church has a strong presence in Mexico and Argentina, and the United States has close economic and trade ties with these countries. Argentina, which is reeling from recent political and economic turmoil, is especially vulnerable to US pressure.

Mexico, under the leadership of Vicente Fox, a conservative who is said to be a close friend of US President George Bush, is also wary of clashing with the United States during Outcome document negotiations.

Both the Mexican and Argentinean delegations are reported to be resisting this pressure. But it remains unclear how long their resistance may last.

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### **From the Editors: About On the Record for Children**

On the Record for Children is the newsletter of the NGO Committee on UNICEF, a network of 125 nongovernmental organizations that work closely with UNICEF while remaining independent.

On the Record for Children has covered the run-up to the Special Session of the UN General Assembly on Children since January 2001. It will be produced in email form until the Special Session, which will be covered daily in email and hard copy versions. One issue will be produced by young journalists for the Children's Forum.

On the Record for Children is produced by **The Advocacy Project** (AP). Anaga Dalal is the principal writer and Colleen Malone serves as copy editor and manager. AP is also working with Young People's Press (YPP), a Toronto-based organization that trains and works with

young journalists. Naomi Lightman, 16, from YPP, serves as youth editor for On the Record for Children.

The material in On the Record for Children is reviewed by an editorial group of the NGO Committee prior to publication. The editors welcome ideas for articles, letters, and opinion pieces, although they might be edited for length.

The material in this issue will be posted on the website of the NGO Committee, together with photos where appropriate. The website is currently being revised.