

1989-1999

NO ORDINARY

DECADE FOR

CHILDREN'S RIGHTS





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AN INTERNATIONAL GATHERING TO CELEBRATE THE 10TH ANNIVERSARY
OF THE CONVENTION ON THE RIGHTS OF THE CHILD, WITH SPECIAL REFERENCE
TO CHILDREN OF MINORITIES, INDIGENOUS PEOPLES AND IMMIGRANTS

Documents and Reports

Florence, 10 December 1999



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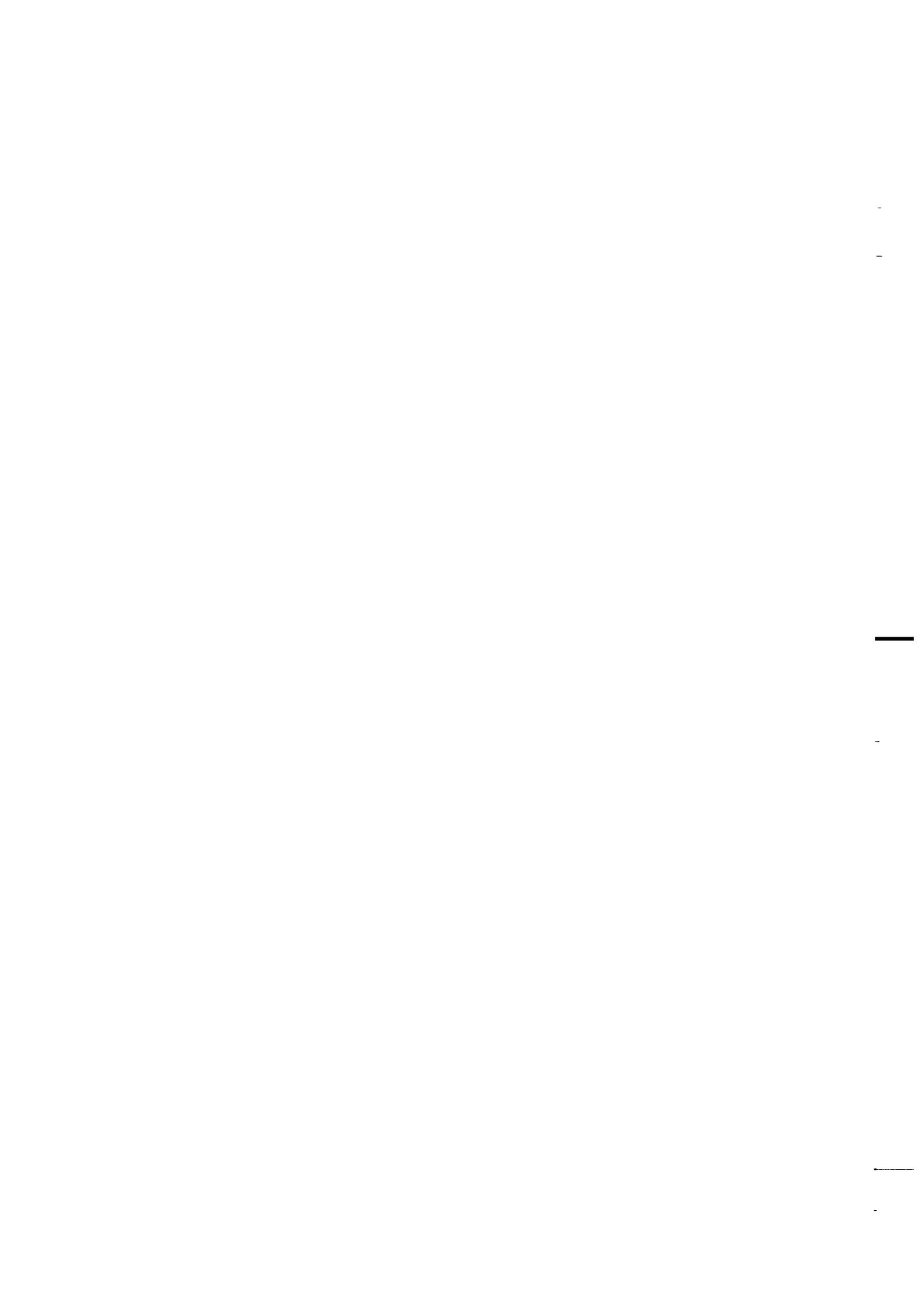
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PREFACE

1999 marked the 10th anniversary of the United Nations Convention on the Rights of the Child – an opportunity not only to celebrate progress on children's rights, but to recognize those areas where the protection of rights must be strengthened.

Working with the Tuscan Regional Authority and the Italian National Committee for UNICEF, the UNICEF Innocenti Research Centre organized an international gathering to highlight one particularly crucial area: non-discrimination.

The meeting, entitled *No Ordinary Decade for Children's Rights*, focussed on the principle of non-discrimination as set out in Article 2 of the Convention on the Rights of the Child.

The meeting recognized that, while most of the world's children are vaccinated against disease, and most of them go to school, there are still many who have been excluded from the achievements of the last ten years. Among these, in large numbers, are the children of indigenous people, of minority groups, of refugees and asylum seekers and those children caught up in ethnic conflict. These children are often seen as outsiders, denied those things that other children take for granted – schools, clinics, good housing, clean water and proper legal protection. The very idea of a child as an outsider goes against the spirit of the Convention and against everything for which UNICEF and its partners stand.

The meeting also recognized that the gap between these children and other, more privileged, children is actually growing.

Preparations for the Conference included in-depth consultations with leading experts on such issues, as well as the creation of an Overview Document by Kenneth Bush of Dalhousie University, Canada, Philip Cook of the University of Victoria, Canada, and Terry Smith of the British Refugee Council in the UK, outlining key challenges and possible solutions. Ten case studies were also gathered to provide examples of best practice and to highlight the problems confronting children who, for reasons of their colour, their origins or their circumstances, experience discrimination. The Overview Document and the Case Studies are included in this report in full.

On the day of the event itself, thousands of children from schools across Tuscany gathered at the Palazzo dello Sport in Florence to hear keynote speakers, including Carol Bellamy, Executive Director of UNICEF, Vannino Chiti, President of the Tuscan Regional Authority, and Giovanni Micali, President of the Italian National Committee for UNICEF, and to listen to the music of Carlinhos Brown.

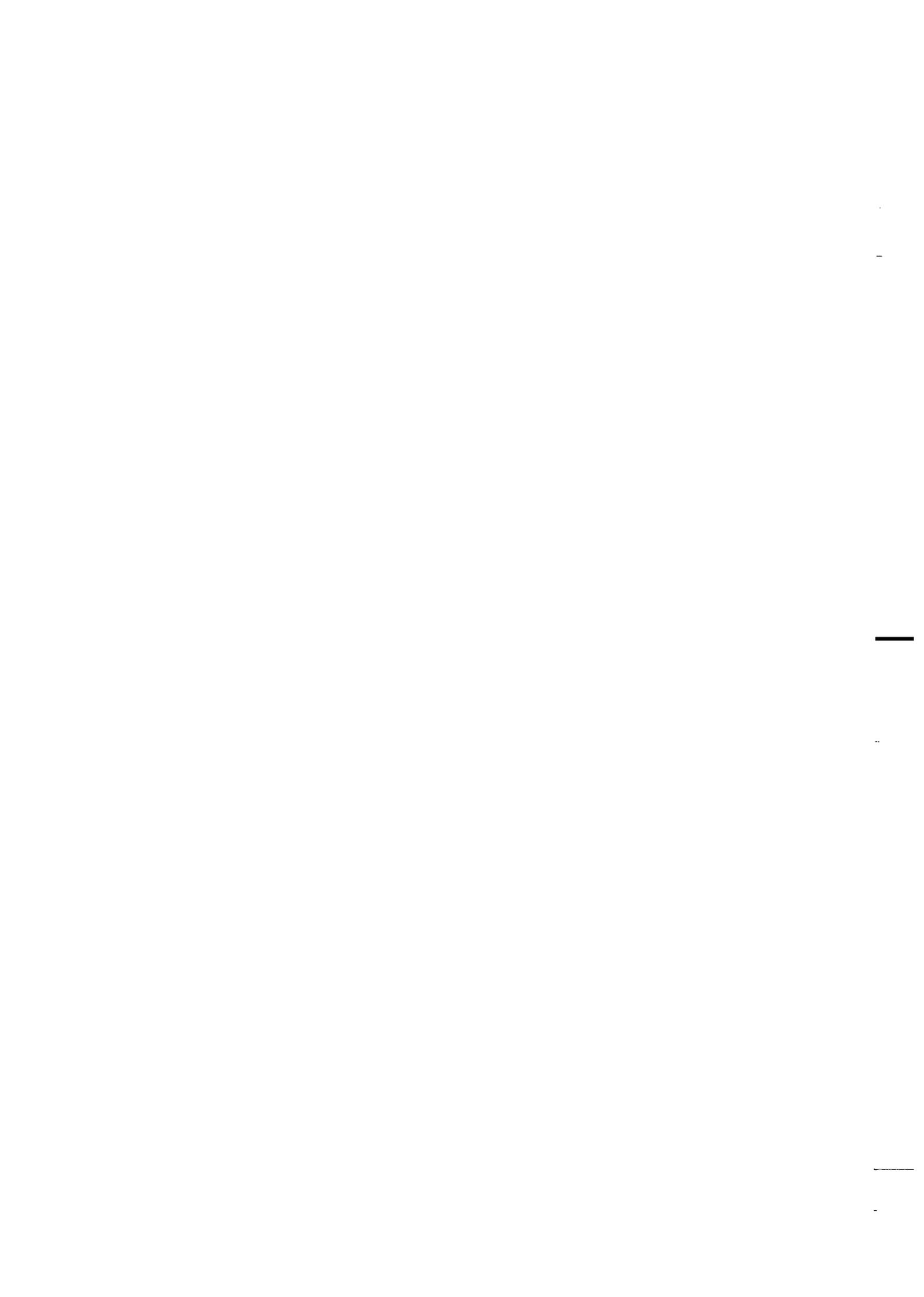
Ten young rights activists from Australia, Canada, Romania, South Africa, the United Kingdom, Venezuela and West Bank and Gaza were also there with the support of CIDA, the Canadian International Development Agency, and were joined by five Italian youth representatives in a lively round-table discussion ably led by the Italian national television personality, Red Ronnie. Speaking at a press conference during a break in the proceedings, Carol Bellamy said "I've been to so many events this year to mark the anniversary of the Convention. They divide into two groups: those for adults, which are worthy but dull, and those for young people, which are unpredictable, exciting and wonderful."

The youth participants later joined international experts and practitioners at three technical workshops focusing respectively on:

- Legal protection and access to basic services for children of minorities and indigenous peoples;
- Legal protection and access to basic services for children of immigrants, refugees and asylum-seekers;
- Children in situations of armed conflict and peace-building initiatives.

The workshops were primarily intended as capacity building exercises to provide participants with a practical hands-on orientation to new initiatives and examples of best practice. The testimonies of young people were crucial to the success of these workshops, bringing the reality of their everyday lives into what might otherwise have been dry and overwhelmingly 'adult' discussions. Their testimonies ranged from the almost despairing: "It is not easy to give away hate. I'm starting to forget my past, but I'm afraid to forget my history"; to the uplifting: "By demonizing 'the other' we demonize ourselves. My humanity and your humanity are inter-linked."

The plenary session organized at the end of the gathering included feedback on each workshop and the final agreement of the wording of the Florence Declaration – a statement of principles to tackle the problems facing minority children. The youth participants gathered at the plenary to present their own detailed Youth Statement, calling on the United States of America to ratify the Convention on the Rights of the Child and giving more details about their own experiences, their feelings and their hopes, in an inspiring end to the meeting.



A REVIEW OF THE ISSUES

Prepared by Kenneth Bush, Dalhousie University
Philip Cook, University of Victoria
Terry Smith, British Refugee Council

■ INTRODUCTION

On November 20, 1989, the UN General Assembly adopted the Convention on the Rights of the Child (CRC). The CRC has been ratified by every nation except Somalia and the United States – the most widely ratified human rights treaty in history. The CRC is now the catalyst and common reference point for the mobilization and consolidation of efforts to improve the situation of children around the world. However, there is much work ahead of us before we attain the goals and standards set in that ground-breaking document. It is true that most of the world's children are now vaccinated against basic killer diseases. And it is true that most of the world's children get some kind of education. But, as we mark the 10th anniversary of the adoption of the CRC and the end of the millennium, it is time to reflect on what has been achieved since the adoption of the CRC, and to see just how far we still have to go.

At the end of the twentieth century, we are concerned to find that not all rights are fulfilled for all children. There is a gap between the 'haves' and the 'have-nots' that must be closed. The challenge for the future is to overcome the marginalization that excludes some children from the most fundamental rights – the right to a name and nationality, to an education, to life itself.

Article 2 of the Convention, one of the central tenets of that document, calls for measures to overcome this marginalization, saying:

"States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, ethnic or social origin, property, disability, birth or other status."

This Overview Document outlines three areas that are central to the CRC and linked, in particular, to Article 2:

- Access to basic services and protection for children of minorities and indigenous peoples;
- Access to basic services and protection for children who are refugees, asylum seekers, and immigrants;
- Children in situations of armed conflict and involved in peace-building initiatives.

The document is divided into three sections to reflect these three issues. Each section includes a discussion of current issues. One overarching issue, relevant in every case, is the continuing lack of awareness of the CRC and its principles. Each section also includes recommendations for action. Case studies on initiatives addressing each of the three main areas are also given.

■ Ten Years After the CRC

1999 sees not only the 10th anniversary of the adoption of the CRC, but it is also the year of the birth of the world's 6 billionth person. Human Rights Day, December 10 1999, seems the right time to look back on the achievements made for children over the past decade. It is also time to cast our gaze forward.

It is vital to assess the relevance and impact of the Convention, particularly in view of the many positive actions emanating from the goals established at the World Summit for Children in New York in 1990. Both of these engines of social change have saved or improved the lives of many of the predecessors of the 6 billionth child. In general, many people would argue that today sees a friendlier, more rights conscious world for children and their families. They could point to the broadening of basic health and education services to reach most children in most parts of the world. The near-eradication of polio and the growing numbers of hospitals that support breastfeeding are just two of the achievements for children since the Convention entered into force.

In assessing the overall success of the Convention, it is also vital to highlight the principles that guide the implementation and monitoring of children's rights, in particular:

- the degree to which all the rights of all children are ensured without discrimination of any kind (Article 2);
- the centrality of the best interests test (Article 3);
- the fundamental right to life, survival and development (Article 6);
- the importance of giving due weight to the views of children (Article 12).

Ironically, the success of the first ten years of the CRC has also revealed the increasing rift between the 'haves' and the 'have-nots'. This has been the decade of 'ethnicity' and, in its most extreme form, the spectre of 'ethnic cleansing'. From the civil wars in Yugoslavia, Rwanda, and Mexico, to the discrepancies in levels of health and well-being between the affluent and the poor across and within rich and poor nations, a clear division is emerging. It is the division between the children of dominant cultures, who are more likely to enjoy the benefits their society has to offer, and the children of marginalized groups, such as the children of immigrants, minorities, indigenous or ethnic groups, refugees and asylum seekers – all of whom continue to dominate the grim statistics of child mortality and sickness.

The UN Human Rights Committee states that non-discrimination, together with equality before the law, constitutes a basic and general principle relating to the protection of human rights (Hodgkin and Newell, 1998). Similarly, the Committee on the Rights of the Child, the body that monitors the progress of each

country on its implementation of the Convention, stipulates that an “active approach” be taken to implementing the principle of non-discrimination. This implies that the non-discrimination principle does not bar affirmative action – positive discrimination – in favour of marginalized children. In this regard, the Committee on the Rights of the Child has consistently underlined the need to give special attention to disadvantaged and vulnerable groups including children of ethnic minorities and indigenous children. Such an active approach to non-discrimination also underscores the need for a focus on ‘strengths’ to support children undergoing discrimination so that they can act as advocates for themselves and other children and end their portrayal as passive victims.

The history of the notion of non-discrimination and protection of the rights of ethnic and minority children can be traced to the so-called ‘second generation’ of human rights – rights that go beyond basic survival. These rights originate with the challenge to capitalist societies posed by socialist revolutions in the 18th and 19th centuries. In the next millennium, the rights of minorities and indigenous peoples are likely to dominate the ‘third generation’ of rights. Verhellen (1998) refers to this generation as the era of “peoples’ rights”, characterized as a time when issues of peace, a healthy environment, cultural integrity, and self government will take centre stage. As our societies become more multiracial and multicultural, the principle of non-discrimination with regard to ethnic minorities and indigenous peoples will be on the cutting edge of this global human rights challenge.

■ ACCESS TO BASIC SERVICES AND PROTECTION FOR CHILDREN OF MINORITIES AND INDIGENOUS PEOPLES

Professor Philip Cook, University of Victoria

.....
“It is our ethnic and cultural diversity – our differences in language, customs and beliefs – that provide the strength, resiliency, and creativity of our species”. (Octavio Paz)
.....

Current Issues

- Challenges in classifying minority and indigenous peoples
- Non-recognition of collective rights in international law
- The gap between the principle and the practice of non-discrimination
- Lack of access to appropriate education
- Inadequate health care
- Protection within the legal system

● *Challenges in Classifying Minority and Indigenous Peoples*

One of the greatest challenges in addressing the rights of minority and indigenous peoples is the establishment of common definitions and understandings of these very terms. Ethnic and cultural minorities do not always identify with specific territories and tend to maintain their identities through language, religion, culture, national origin or racial characteristics (Stavenhagen, 1994). Examples include the Kurds in Turkey, Iran and Iraq, the Tibetan populations in China, India and Nepal, and Jewish communities in Europe. Indigenous peoples are typically defined by four characteristics; priority at a particular time and in a particular place; the voluntary perpetuation of cultural distinctiveness, which includes aspects of language, social organization, religion, and spiritual values, modes of production, laws and institutions; self identification as well as recognition by other groups, or by State authorities, as distinct collectively; some experience of subjugation, marginalization, dispossession, exclusion or discrimination. Examples of indigenous peoples include the Aboriginal, Inuit and Metis of North America, the Maori of New Zealand, and the Maya of Central America.

● *Non-Recognition of Collective Rights in International Law*

The concepts of ‘minority’ and ‘indigenous’ have lost their predominantly racial significance with the evolution of international legal instruments. This has meant a redefining of the issue – a change in focus from the numerical disadvantages of genetic-biological characteristics to an emphasis on the *right to be different*.

A key consideration in examining the rights of minorities and indigenous peoples is that the current decline in the importance of the nation state encourages people to place more emphasis on their cultural rights. However, collective rights below the level of the nation state remain unrecognised, and there is strong resistance to their recognition on the part of both nation states and the United Nations (UNICEF, 1996). Alan Phillips, of Minority Rights Group, points out that the standards developed in international law are only useful when they are owned and taken back locally.

According to Philips "Too often they stay hidden, are treated as state secrets, and people do not know what their states have signed up to" (UNICEF, 1996).

Similarly, where the rule of law operates, it is typically the rule of the dominant people's law and often represents a tool of discrimination against the rights of minority children and their families. An example of this is found in the former Indian Act of Canada which permitted the forced removal of generations of "First Nations" (indigenous) children in Canada from their families, and, in their "best interests", forbade them to speak their language or practice their culture and religion.

International Treaties Supporting the Right to be Different

- 1948: Universal Declaration of Human Rights
 - 1950: European Convention on Human Rights
 - 1959: Declaration of the Rights of the Child
 - 1960: UNESCO Convention against Discrimination
 - 1965: International Convention on the Elimination of All Forms of Racial Discrimination
 - 1966: International Covenant on Civil and Political Rights
 - 1966: International Covenant on Economic, Social, and Cultural Rights
 - 1979: Convention on the Elimination of All Forms of Discrimination against Women
 - 1989: Convention on the Rights of the Child
 - 1989: ILO Convention 169 on Indigenous and Tribal Peoples
 - 1992: Declaration on the Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities
 - 1997: OAS Declaration on the Rights of Indigenous Peoples
- (Note: Conventions are legally binding for ratifying State Parties; Declarations are non-binding.)

● *The Gap Between the Principle and the Practice of Non-Discrimination*

The CRC places considerable emphasis on the issue of non-discrimination and the importance of children's cultural rights. The preamble to the Convention sets the tone by underscoring "the importance of the traditions and cultural values of each people for the protection and harmonious development of the child." Specific articles in the Convention addressing cultural and minority rights include Articles 2, 4, 5, 8, 14, 20, 29, 30, and 31.

As Stephen Roth (Roth, 1992) states, "the protection of the family is of existential importance to minorities, just as the rights of the child are vital assurance of their continuity." Roth also points out that, "the oppression of minorities through killing of children has been a frequent historical phenomenon. Indeed the killing of children as a means of oppression goes back to biblical times." This practice continues today. Minority Rights Group points out that minority and indigenous children continue to be at higher risk than other children of becoming the victims of both criminal and militarized violence. They are also at risk of being coerced (directly and indirectly) to participate in such violence, sometimes against their own families and communities (Minority Rights Group International, 1997).

The Convention states that every child has the right to basic services such as education and health. But two issues are paramount

in ensuring the rights of minority children to basic services: the right to equality and the right to diversity. For indigenous and minority children accessibility is dependent on such factors as:

- economic accessibility (inability to access services due to lack of material resources);
- physical accessibility (many minority children live in remote locations);
- linguistic accessibility (providing services in local languages); and
- cultural accessibility (ensuring services respect and support local values and beliefs).

Work remains to be done in bridging the gap between the principle and the practice of non-discrimination so that such accessibility is ensured for all children from all groups.

● *Lack of Access to Appropriate Education*

Education can be both a hindrance and a support in promoting the rights of minority children (Bush and Saltarelli, 2000). For example, education can level the social inequality created by historical cultural prejudice. Too often, however, education systems are designed to develop conformity to national ideals of citizenship. For many minority children this amounts to a form of cultural imperialism or alienation. This type of education means that many of today's indigenous and minority children suffer from low self-esteem and a lack of cultural identity. Such children and youth often feel disconnected from both their own and the dominant culture, leading to high levels of school drop out, and vulnerability to the dangers associated with social marginalization such as alcohol and drug abuse, sexual exploitation, violence, and HIV/AIDS. An example of this phenomenon can be seen in the high rate of school drop out and a correspondingly high rate of alcohol and drug abuse among Aboriginal children in Australia, New Zealand and Canada (Cook, 1998).

Educational Exclusion

Roma children: the Roma children of Central and Eastern Europe are, in general, one of the most educationally excluded groups in the region. The figures on their education, and on their prospects, speak for themselves:

Bulgaria: a 1992 study found that only half of Roma children aged 7-10 attended school on a regular basis. One third had never attended or had dropped out. Around 20 per cent of men were illiterate, rising to 33 per cent of women.

Czech Republic: only 6 per cent of Roma youth are enrolled in secondary schools, and Roma children are routinely placed in special schools for children with mental disabilities, regardless of their actual abilities. Roma children comprise only 4 per cent of the total child population, but 30 per cent of children in public care. Around 70 per cent of Roma youth are unemployed.

Hungary: only half of Roma children complete primary education. Only 3 per cent go on to secondary school, and few of these complete their education. Roma children account for up to 50 per cent of children in homes for children with mental disabilities or other special schools. Two-thirds of the Roma population of up to 700,000 people live in poverty and extreme deprivation.

● *Inadequate Health Care*

Minority and indigenous peoples generally experience the same problems with access to health care as they do when trying to access education. The health status of their children is difficult to measure due to a lack of accurate statistics, and greater disaggregation of existing data is needed in this area. However, where data are available, trends point to poorer health status. For example, a recent Royal Commission on Aboriginal Peoples in Canada revealed that, on average, an indigenous child in Canada is more likely to suffer from a preventable birth defect, become injured as a child, contract HIV/AIDS, or commit suicide than his or her non-native peers. Similarly, recent statistics gathered by UNICEF Mexico indicate that children living in Mexican States with a high number of indigenous peoples (e.g. Chiapas, Oaxaca) have significantly less access to basic services and experience chronic shortage of water and malnutrition in comparison to Mexican states with low numbers of indigenous peoples. In Latin America as a whole, a disturbing trend is emerging in which increasing numbers of minority and indigenous children are involved in economic migration. This increases the vulnerability of these children as they are removed from the protective mechanisms of their communities, and are exposed to potentially dangerous working conditions and various forms of exploitation and abuse.

● *Protection within the Legal System*

While efforts are necessary to address the high rate of arrest and incarceration experienced by children and youth in these populations, there is also a need for far greater protection of indigenous and minority children within national legal systems. Many of these children spend too long in jail or holding centres awaiting trial - a situation that is contrary to the spirit of the CRC. These facilities - along with the prisons to which many of these children are eventually sent - are often grossly inadequate in meeting the requirements of the CRC and specifically Articles 37 (right to freedom from torture, cruel or degrading punishment, the right to be treated with respect and have contact with family members), Article 40 (right to due process, social reintegration, and interpretation), and Article 28 (right to education). Of particular concern is the damage done to children by being incarcerated with adults from different cultures in facilities that are often far from their communities. It is also disturbing that certain countries with large numbers of indigenous children, for example Canada, Australia, and New Zealand, have included reservations to Article 37 - which provides for the systematic separation of adults and children in custody - in ratifying the CRC.

■ *Into the New Millennium*

“In addressing the challenges to non-discrimination of children of minorities and indigenous peoples, a number of steps are needed. First, and most importantly, a **rights-based approach** must be applied to the problem. This means acknowledging that all rights are **universal**, and that members of disadvantaged groups have the same rights as those in powerful groups. Second, all rights are **indivisible**; no one right is inherently more important than any other right. Finally, rights are **interdependent**, meaning that action to realize rights such as those to health and education and protection should be integrated.” (UNICEF, 1996)

When dealing with the rights of minority and indigenous children to life, survival and development - generally the basis of access to basic services and legal protection - we must again turn to the other guiding principles of the CRC on monitoring and implementation. Some of the key issues that must be addressed in implementing a rights-based approach include:

Recommendations for Action

- Ensuring the child's best interests
- Enabling genuine participation
- Strengthening the monitoring and implementation of the CRC

● *Ensuring the Child's Best Interests*

The best interests test of the CRC is meant to ensure that a child's rights are central to every decision affecting him or her. In the case of minority and indigenous children, too often this test is either ignored or applied without regard to family, community, and culture. Greater awareness, and above all education, is therefore needed to counteract this current oversight in the implementation of the CRC. This is critical in areas such as education and juvenile justice where respect for rights to equality and diversity are key. In the case of education, for example, CRC Article 28 (the right to education) needs to be implemented without discrimination, while also acknowledging the importance of educating majority teachers and children to respect the cultural rights of minority children as formulated in Article 29. Similarly, greater emphasis must be placed on affirmative action programmes addressing the particular needs of these children and taking into account the importance of family and community in reinforcing cultural traditions.

● *Enabling Genuine Participation*

The participation of minority and indigenous peoples, and especially their children, is necessary if the CRC is to be implemented in partnership with these populations. It is ironic that we are now in the middle of the Decade of Indigenous Peoples, yet there has been almost no mention of the rights of indigenous children during the various fora and events of the first half of the decade. This is an excellent opportunity for young people from these populations to inform the global community on their concerns as well as providing alternative examples of participation grounded in their own cultural traditions. One exception was the workshop of indigenous children held in Victoria, Canada, in 1996. This provided innovative examples of the diversity that young indigenous people bring to the notion of civic involvement.

UNICEF can play a key role in the participation process by drawing on its technical expertise in promoting children's participation at the local, national and international level. In certain countries where there is widespread discrimination against minority peoples this may be difficult. In these situations it is imperative that UNICEF work in cooperation with other UN agencies, the Committee on the Rights of the Child, and local NGO's to develop an advocacy approach that can address issues of systemic discrimination.

● *Strengthening the Monitoring and Implementation of the CRC*

Gathering new data where needed and disaggregating existing data

on minority and indigenous peoples is vital in carrying out situation analyses on the needs of these populations. Again, it is crucial that minority organizations be included in this process, both to ensure that cultural indicators are not forgotten and to build local advocacy capacity for children.

At a global level, creative strategies must be adopted to harmonize the relevant declarations and conventions. An example of this work is a recent study published by the International Union on the Conservation of Nature (IUCN) that charts the areas of mutual support between international environmental treaties and human rights conventions in protecting the traditional resource rights of indigenous peoples (Posey, 1996).

These networks must also be replicated at the regional level to reinforce existing monitoring and implementation mechanisms. One example of such a mechanism is the Iqaluit Declaration (Government of Canada, 1998), recently signed by all the representatives of the eight countries of the Arctic Council. This Declaration, drafted by the Government of Canada, seeks to establish protective measures ensuring the rights of children in the Arctic, particularly Inuit children, with a special focus on their health and traditional education. Furthermore, the Declaration sets out a regional framework within which the participation of indigenous children and their communities will set an agenda for the sustainable development of the Arctic.

At a national level, initiatives should be promoted that examine the harmonization of customary (tribal) law and family and criminal law. In many countries customary law often dominates at the local level, while being scorned by district and national level courts using derivatives of European legal codes. While acknowledging that there are some inherent weaknesses in customary law (such as the difficulty in promoting the participation of women and children), such systems are often adept at applying a more effective model of community conflict resolution, based on notions of conflict resolution rather than punitive justice systems. An example of this in practice is the Navajo sentencing circle which is used to address certain cases of child abuse by applying traditional community healing strategies as opposed to punitive measures.

At the local level, the role of traditional knowledge must also be highlighted in promoting the rights of indigenous and minority children. Many of these populations pass on cultural traditions via oral legends and stories. Elders are frequently key players in the process of transmitting such information. The benefits of traditional indigenous knowledge are already being promoted in environmental programmes. Similar knowledge needs to be considered for its social value where such customs or practices are not harmful to children.

All levels of monitoring should attempt to take into the account the increasing tendency for migration among minority populations. Special monitoring procedures need to be developed to account for the relationship between the globalization of trade and tourism and their impact on the well-being of vulnerable children, including children of ethnic minorities and indigenous children.

■ Conclusion

In summary, the 10th anniversary of the adoption of the Convention on the Rights of the Child highlights the child's right

to non-discrimination as one of the great challenges of the new millennium. This is particularly true for children of ethnic minorities and indigenous peoples who may have missed out on the achievements made for children over the past decade, and who face more challenges today than almost any other group of children. The strategies suggested here are the starting point for initiating a dialogue with these children, their families, Elders, communities and advocacy organizations.

Our hope is that this discussion will begin to shed light on those children still waiting in the shadows of the success of the CRC. The text resulting from this dialogue aims to create innovative strategies to turn the rights of these children into a reality, while enriching our experience of the diversity of the collective human spirit.

■ ACCESS TO BASIC SERVICES AND PROTECTION FOR CHILDREN OF IMMIGRANTS, REFUGEES AND ASYLUM SEEKERS

Terry Smith, British Refugee Council

When considering the needs of refugee children, it is first important to recognize that they will have the same broad needs as any other children... but as refugees they will also have particular needs, not least being the need to be protected from return to a potentially life-threatening situation in their country of origin.

As we approach the new millennium it is sobering to think that there are probably more displaced persons and refugees than at any other time in history. The United Nations High Commissioner for Refugees (UNHCR) estimates that children constitute well over 50 per cent of the 24 million people who are either refugees beyond their national borders or internally displaced persons within their own countries. In the last four years alone, the scope of UNICEF's humanitarian activities has almost quadrupled – from 15 to 55 war-affected countries.

It is likely that a large proportion of the world's refugees have always been children. Indeed it was the problems faced by child refugees from the Balkans that prompted Eglantyne Jebb, founder of Save the Children, to draft a document that was to form the basis of the Declaration of the Rights of the Child, subsequently adopted in 1924 by the League of Nations as a guideline for its Member States.

Refugee status is recognized by States – not granted, given or allowed. All applicants are subject to an assessment and verification of the substance of their claim to be a refugee, a process which can take months or even years. While applicants are awaiting a decision on their claim, they are referred to as 'asylum seekers'. This term is also usually used to describe those applicants who have had an initial negative decision and have lodged an appeal against this decision. Many States provide discretionary protection to those not recognized as refugees under the 1951 Convention definition but where, at least on a temporary basis, it would be unsafe for the applicant to return to his or her country of origin. The term 'refugee' is used here to cover asylum seekers who have applied for asylum and are awaiting a decision; asylum seekers who have received a negative decision and are appealing against this decision; those recognized as having refugee status under the 1951 Convention, and those with discretionary leave to remain within the country of exile.

Although the current discussion focuses on issues relating to refugee children, it is important to recognize that many settled ethnic minority children whose families were not forced into exile but chose to emigrate often face the same difficulties as those children seeking international protection.

When considering the needs of refugee children, it is first important to recognize that they will have the same broad needs as any other children. These should not be overlooked even if their experiences are likely to have created the appearance of a maturity beyond their years as highly developed survival skills. However, as refugees they will also have particular needs, not least being the need to be protected from return to a potentially life-threatening

situation in their country of origin. They also need to be protected from other forms of harm and abuse and need somebody to safeguard their welfare. They must receive the same standards of legal protection offered to all children.

Like all children, refugee children need to be nurtured, to feel safe and loved and to have a supportive network of friends and family, where possible, and community. They need warmth, food and shelter and access to preventive and remedial health care if they are to grow and develop, and skilled intervention to help them deal with the traumas and stresses that they have experienced before, during or after their flight into exile.

Opportunities must be offered for play and stimulation as well as formal education to encourage the maximization of potential. They need assistance to help them navigate the challenges of adolescence and to prepare them for an independent life and the transition into adulthood. All children need to grow up with a sense of identity. This is particularly true for refugee children. They may be isolated from their traditional culture base and tempted to adapt to the new and often alien cultural values to which they are exposed, as a means of gaining the approval and acceptance of their peer group. It is important that appropriate boundaries are imposed if children are to respect others, develop relationships and meet expected standards of social behaviour. Individuals or agencies charged with addressing the needs of unaccompanied children and the difficulties they face must provide support that is culturally sensitive and appropriate. Equally, issues around marginalization and racism cannot be ignored, and the difficulties that refugees experience in accessing statutory services cannot be overstressed.

We must not forget the needs of refugee children who are part of a family group. It is usually assumed that in such situations children will receive satisfactory care from their families. While this may often be the case, it is not automatic. Adults also face a number of major hurdles as they start the long process of adaptation and rebuilding a life in exile. Not least, racism and discrimination will deny them many opportunities. Lack of employment and inability to provide for their families may lessen their self-esteem. Confusion will probably exist concerning new and sometimes alien procedures, cultures, attitudes and values. And, throughout the lengthy asylum determination procedure, anxiety and stress are likely to burden refugee applicants. Add to this the possibility of trauma as a result of harrowing experiences in the country of origin prior to exile and communication barriers, and it is not surprising that refugee families are sometimes unable to provide a stable and supportive environment in which their children can grow up and develop. In such circumstances, some children may actually take on responsibilities normally alien to them. Older siblings care for younger children or develop inappropriate supportive relationships with their parents. Because they are usually quicker at learning new languages, they often act as interpreters for their parents in their dealings with authority. As a consequence, children are sometimes party to family information that normally remains in the domain of adults e.g. financial or health matters. This can further add to the child's worries or can create difficult situations where children find themselves in powerful roles within their families. Neither scenario places the child in a healthy position.

The very nature of its universality means that the Convention on the Rights of the Child (CRC) is applicable to refugee and immigrant children in the same way as it is to any other child. It should be used effectively as a tool to safeguard and promote the welfare of these children and to serve as an instrument to inform and regulate the practice of state signatories.

Most practitioners would probably agree that the responses of most governments to refugee children have failed to meet their needs. As a result many, although not all, refugee children struggle to maximize their potential and grow up feeling unfulfilled and marginalized. Too often, they are under achievers in both the education system and the employment market where they are regularly exploited while struggling to maintain a sense of identity and purpose. If we accept this grim picture of the reality of life for many refugee children, we must draw the conclusion that States parties have failed to fully implement the CRC. In this light, it is worth examining some areas of the Convention and their application to refugee children.

Current Issues

- Lack of awareness of the CRC
- Difficulties documenting the age of the child
- Separation from family
- Grief and trauma

● *Lack of Awareness of the CRC*

While many population groups may be unaware of the principles, or even the existence, of the CRC, it is certain that this is the case for many refugee children and their families. They know little, or nothing, about the CRC or the duty of states to implement the rights it contains. There appears to be little initiative by States to promote the Convention within their frontiers and the Convention itself, summaries and guidance appear to be virtually unobtainable in languages relevant to refugees.

● *Difficulties Documenting the Age of the Child*

Article 1 of the Convention stipulates that the treaty applies to any person under eighteen years of age unless the law in a particular state applicable to the child recognizes majority earlier. No state has deemed it necessary to provide a different definition to be applied to refugee children when identifying a refugee as a child. However, many refugees are unable to provide satisfactory documentation that verifies their age. This may be because they have no documents or, in order to facilitate departure from the country of origin, the child had to travel on false papers. Indeed some cultures do not place the same importance on the recording of birth dates as the West and some children will have genuine difficulty in accurately recording their age. In practice this means that many refugee children are not recognized as such and are thus deemed to fall outside the remit of the Convention.

● *Separation from Family*

Unless there are clear indicators to the contrary, a child's best interests are usually met by keeping a child within his or her family. Where this is not possible, the extended family would be viewed as the first alternative option. Removing a child from his or her own community should be the very last resort. Many refugee children find themselves separated from one or both of their parents, sib-

lings or extended family. Historically, formal recognition rates under Article 1 (a) of the 1951 Geneva Convention on the status of refugees are low and this is particularly so for separated children. Without full refugee status, it is virtually impossible for refugees to leave their country of asylum without seriously prejudicing their asylum application. It is, therefore, very difficult for children to be reunited with parent(s) and other family members in those instances where families are split up across different countries, or indeed to be allowed to travel from and re-enter a particular country for the purposes of family contact. This is clearly incompatible with Articles 9 and 10 of the CRC which refer to State Party duties to ensure that children shall not be separated from their parents and that applications to enter or leave a country for the purpose of family reunions shall be dealt with in a positive, humane and expeditious manner.

Where children are deprived of a family environment the state is obliged to ensure that alternative family or institutional placements are available, and that such placements pay due regard to a child's background. In practice very few residential units exist that can provide a specialized, focused and skilled response to the needs of refugee children. While recognizing that there have been a number of imaginative initiatives in selecting and supporting substitute families from refugee communities, the fact remains that the majority of refugee children separated from their main carers are not placed in culturally appropriate settings.

● *Grief and Trauma*

As noted in the introduction, refugee children are invariably dealing with grief and trauma. Article 39 of the CRC requires states to ensure that child victims of torture and armed conflicts receive appropriate treatment for their recovery and social re-integration. There are, at present, extremely limited facilities for helping children address traumatic and emotional difficulties, particularly services that can provide culturally appropriate support. In addition, the process for assessing the needs of traumatized child refugees seems to be rather ad-hoc and lacking in co-ordination.

■ **Health and Education**

Article 24 of the CRC states the child's right to the highest available level of health care and obliges the state to inform and educate parents and children about basic health and nutrition. Many refugee children, whether separated or as part of a family unit, often experience difficulty in registering with medical practitioners or, because of their economic situation, meeting the costs of prescriptions and treatment. The patterns of mobility forced on refugees, who invariably have poor quality housing, exacerbates this dilemma and information is not consistently available in appropriate languages.

Many of these issues are also factors in the difficulties children face in accessing education (Article 28). They are often compounded by the lack of support for children who are being taught in a second language, the disruption of their previous education as a result of flight into exile and the violence within their home countries, the different styles and cultures related to teaching and learning and, for separated children, the lack of parental support

■ **Systems of Support**

Most states deny asylum seekers the right to work until their asylum application has been processed and they have been formally

recognized as refugees. While refugees are prevented from providing for themselves, they are either left destitute or forced to claim benefit from the state. The systems of support vary greatly but refugees are usually offered the residential accommodation that the indigenous population does not want and subsistence is offered either in kind, by vouchers or in some instances in cash. The mechanism for delivering support is often different from that provided to non-asylum seekers and the amount is frequently less than that provided to other claimants of state support. This is inconsistent with the provisions of Articles 26 and 27 of the CRC which recognize the child's right to benefit from social security and to an adequate standard of living.

Article 22 is the one article that relates specifically to refugee children and notes that they should be granted special protection. Although many governments have produced internal guidelines laying down standards for dealing with asylum applications lodged by children, these are invariably adapted from adult procedures and are only minimally child-friendly. They are usually inconsistent with processes and standards used for gathering sensitive and often painful information from other, non-refugee, children. Similarly those charged with caring and planning for the welfare needs of refugee children are often unaware of the context within which children claim asylum or the specific causes of individual exile. States have an obligation to co-operate with competent organizations yet often consultation between appropriate government departments and relevant non-government organizations appears to be lacking. Throughout the world most states reserve the right, under certain circumstances, to detain those who they feel have no legitimate right to be within their territories. Sadly, these provisions are invariably extended to refugees and regrettably to children as well. CRC Article 37 is perfectly clear – children should only be detained as a last resort, for the shortest period of time, in separate accommodation from adults and must have access to prompt legal support. They should also be detained in a manner that takes into account the needs of a person of their age. In practice the reverse is true. Children are invariably held in centres unable to address their specific needs, with adults and for long periods of time.

It is against this backdrop of failed application of the CRC that many states provide, or fail to provide, support and services for refugee children with the consequent bleak scenario as outlined earlier in this section.

■ Into the New Millennium

Recommendations for Action

- Ensuring the right to life and reducing the risk of persecution
- Establishing a child-sensitive asylum process
- Separation from family
- Access to legal advice
- Ensuring the child's best interests

● *Ensuring the Right to Life and Reducing the Risk of Persecution*

Article 6 is one of the most fundamental articles in the Convention. It states every child has an inherent right to life. For refugee children fleeing persecution this is particularly pertinent. Failure to

accurately and fairly assess a child's application for asylum could result in their return to a situation where their lives are in danger.

Procedurally it is the responsibility of any asylum applicant to establish that there is a risk of persecution – a daunting task for most applicants, especially so for children. This is compounded by an apparent reluctance on the part of decision-making bodies to acknowledge child-specific persecution. Many children can be easily confused or influenced when asked to outline events and experiences, particularly if they have been stressful and traumatic. Hence the risk is that the information needed to make an accurate assessment of a child's asylum application will not be forthcoming. In making decisions it is rare for the child's best interests to be given primary consideration. Instead, it is normal for the immigration law of receiving states to take precedence.

● *Establishing a Child-Sensitive Asylum Process*

Essentially the asylum determination procedure is not child-friendly and fails to reflect the standards and safeguards of accepted good childcare practice. This must be rectified as a matter of priority. A starting point could, perhaps, be the drawing up of guidelines for those bodies charged with making decisions. These would cover a range of areas relating to both the process of gathering information and the factors to be considered in making decisions. They would seek to clarify procedure to address, for example, the circumstances under which a child should be interviewed. What safeguards need to be established for children in appeal court settings? Guidelines would also look at practical issues, such as training for decision-makers and the creation of child-appropriate interview rooms, among others.

● *Separation from Family*

We have already mentioned the importance of family and family life to children. We have also noted that many refugee children are separated from one or more significant members of their family often for long periods of time and with minimal contact. Such situations further add to the hardship and distress many refugee children are experiencing. Once again, consideration of the child's welfare appears to be secondary to the international community's desire to prevent an influx of illegal immigration into their countries. Systems for family reunion are at best fragmented, and at worst non-existent.

This must be addressed and countries must take their commitments to family life seriously. One important consideration must be the welfare of the child. This should form the basis for making decisions around the location for family reunion. It is vital to maintain an open mind as to whether the most appropriate course of action would be for the child to return to their country of origin if that is where other family members remain. Where families are dispersed across a number of territories, careful consideration may be needed to assess the most appropriate country for reunion. Lack of permanency concerning the immigration status is often cited as a stumbling block to family reunion. It is difficult to see how this is so. Presumably it is feasible for families to be reunited prior to decisions on status being made with the provision that the family will remain as a unit throughout the determination procedure.

If successful family reunion is to be increased, there must be a

commitment by the international community to work together and to engage the voluntary sector and refugee communities in genuine partnership.

● *Access to Legal Advice*

It is essential that refugee children be able to obtain quality legal advice in order to guarantee satisfactory representation of their asylum application. New arrivals in a strange country are unlikely to be familiar with complex legal procedures, particularly if they are children. Unfortunately there are some who claim to offer legal advice but who are actually negligent, incompetent or a combination of both. As a result, some children are left at the mercy of unscrupulous advisers. Given the vulnerability of children, one of the initial steps that should be taken is the introduction of mechanisms to ensure that refugee children are advised of their right to legal advice as a matter of procedure. It is also desirable that immigration practitioners who wish to work with children should be assessed as competent to do so and their performance regulated by an independent body. In order to make this a reality, governments would need to allocate the necessary resources and afford such schemes appropriate priority.

● *Ensuring the Child's Best Interests*

Over and above representation relating directly to a child's asylum application there is the need to ensure that the child's other interests are represented. This role would normally be undertaken by the child's parents or carers. Nobody would wish to suggest that refugee parents are any less able to advocate for and protect their children than any other parent. But we should be mindful that the experiences and particularly the trauma that some refugees experience may have a negative impact on their parenting skills. Separated refugee children will, by definition, be without a guardian. It would, therefore, seem appropriate that, in order to safeguard their interests and to promote a durable solution in the child's best interests, a system of guardians be established to represent separated and other vulnerable refugee children.

Previous reference has been made to the detention of refugee children and how the current conditions surrounding this practice are at variance with the requirements of the CRC. It is possible that it may, at times, be in a child's best interest to be detained as part of a family group rather than undergo the trauma of separation from their carers, even where the standard of substitute care is high and well regulated. Under such circumstances the task of assessing the child's best interests requires specific skills and should only be undertaken by a competent child-care professional whose paramount consideration is the welfare of the child and who is not influenced by state immigration policy. Separated refugee children should never be detained due to matters relating to their immigration status or method of entry into a particular country. However, it is conceivable, though highly unlikely, that evidence could be presented to demonstrate that a child may come to harm or inflict harm on others if they were not detained. Under such circumstances the provision of secure accommodation may be appropriate although it is important to remember that detention may exacerbate the trauma a child has already suffered.

If, for the sake of argument, we accept the scenarios outlined above, then we have to think very carefully about the provision of

detention for refugee children. In other areas of child-care practice the decisions to detain children and the conditions under which they are detained are closely regulated and monitored, and it would appear essential that detaining refugee children must also be subject to strict regulation. Article 37 of the CRC should form the basis of regulations but equally important would be the implementation of judicial oversight of the decision to detain, and strict assessment of staff charged with responsibility for children in detention.

■ **Conclusion**

The response to the needs of refugee children is invariably reactive, ad-hoc, fragmented and inconsistent. History all too readily shows us that refugee children are not a new phenomenon. Sadly, there are few signs that world peace and stability is about to break out, or that no child will ever again have to seek safety in exile. Regrettably, we must, in the medium term at least, accept that there will continue to be refugee children.

What is lacking is a strategic approach to how we meet the needs of this extremely vulnerable group. Perhaps the biggest task of all as we enter a new millennium is to close the gap between good intentions and actual practice. Sadly, for many refugee children the response of receiving countries is at best inadequate and at worst actually adds to their difficulties and distress. This is unacceptable, given the framework of domestic legislation in many countries and the international instruments and resources available. However, it is difficult to foresee any significant change until we begin to stop treating refugee children as a problem and recognize that, in line with established childcare practice, they are vulnerable youngsters entitled to support. In short, refugee children are, first and foremost, children.

■ CHILDREN AFFECTED BY VIOLENT ETHNIC CONFLICT

Kenneth Bush, Research Fellow, Dalhousie University

Today, most armed conflicts are civil wars. Of the 25 major armed conflicts in 1997, only one – between India and Pakistan – was interstate, and all the others were internal (SIPRI 1999). The current trend is to call these ‘ethnic’ conflicts, perhaps in an attempt to stress the fact that, whereas before the underlying problems seemed to be ideological and political, now they appear at first glance to be motivated by such identity traits as ethnicity, religion, language, traditions, and so on – traits which are not openly ideological or economic in nature.

The reasons why ethnic intolerance flares up into unbridled violence are highly complex. A list of causal factors might include historical forces, economic tensions, bad governance, perceived threats to cultural identity and (in ways that are not adequately understood) formal, non-formal and informal educational and socio-psychological processes. Ethnicity itself is often asserted to be a key contributor to so-called ethnic conflict. However, it is increasingly evident that ethnicity neither causes conflict, nor in many cases does it accurately describe it. Rather ethnicity/identity is increasingly mobilized and politicized in contemporary violent conflicts (Bush and Keyman 1997). It is this particular dynamic, and its impact on children, that links ethnicity to the previous discussions on children within refugee and asylum seeking populations, as well as within communities of indigenous peoples, ethnic minorities, and immigrants.

The impact of ethnicized conflicts on children has been profound. As the cases of Bosnia and Rwanda illustrate, their brutalizing impact is exacerbated by the fact that they are increasingly dirty – that is, the principal weapon of war is terror. Not only do warriors systematically target civilians, and especially children, but they employ broad strategies of social, political and territorial control through the creation and manipulation of fear. This includes everything from scorched earth tactics designed to starve civilian populations and destroy infrastructure, to the hacking off of limbs, to sexual torture and mass rape, to ethnic cleansing and genocide. In spurring and directing the anti-Tutsi massacres in Rwanda, for example, *Radio Mille Collines* broadcast such messages as: “To kill the big rats, you have to kill the little rats.” The result was the murder of as many as 300,000 Rwandan children in 1994.

The changing nature of war, with its increased use of terror and ethnic hatred, means that the civilian casualty rate in today’s conflicts are as high as 90 per cent, compared with 5 per cent in World War I and 48 per cent in World War II.

Countries that have endured such conflicts have seen vast amounts of resources, both economic and human, diverted to support military actions. They often find themselves in a state of complete economic and social collapse. ‘Victory’, if ever finally declared, has a very hollow ring indeed. In such conflicts there are no victors, only victims.

Current Issues

- Development of national and international political and advocacy mechanisms
- Development of international legal mechanisms
- Addressing physical, mental and emotional needs
- The modalities of effective healing and community reintegration

● *Development of National and International Political and Advocacy Mechanisms*

Since the World Summit for Children, in 1990, the United Nations has increasingly sought to draw international attention to the horrendous plight of children affected by armed violence. In 1993, following a recommendation by the Committee on the Rights of the Child, the General Assembly adopted resolution 48/157 of 20 December 1993, recommending that the Secretary-General appoint an independent expert to study the impact of armed conflict on children. Ms. Graça Machel, former Minister of Education of Mozambique, was appointed the expert of the Secretary General, charged with the task of undertaking the study with the special support of UNICEF, UNHCR and the UN Centre for Human Rights. In 1996, following two years of extensive research, consultations and field visits, Ms. Machel submitted her report, entitled “Impact of Armed Conflict on Children” (A/51/306 and Add.1) to the General Assembly at its fifty-first session. This report, combined with the 1996 *State of the World’s Children*, contributed significantly to focusing international attention on the daily tragedies of war-affected children in both ethnicized and non-ethnicized violence. These initiatives are in keeping with Articles 3 and 19 of the Convention concerning the best interests, care and protection of children by all authorities.

One of the most conspicuous developments of the last ten years is the increase in attention paid specifically to the impact of militarized violence on children.

In the UN system, this is illustrated in a range of initiatives including the creation, in 1997, of the post of Special Representative of the Secretary General for Children in Armed Conflict, and the unprecedented invitation for the Executive Director of UNICEF to address the UN Security Council on the protection of children in armed conflicts in 1998.

Within member states, this is illustrated in the explicit incorporation of children’s rights into post-conflict treaties (as in Guatemala), as well as the creation of high-profile government offices responsible for acting on behalf of children nationally and internationally (e.g. Canada, Sweden, Austria, Peru, Guatemala).

At the NGO level it is illustrated by the development of capable and effective networks of individuals and organizations focusing on such issues as the banning of the use of child soldiers, war traumatized children, and peacebuilding education (e.g. members of the Save the Children Alliance, the Coalition to Stop the Use of Child Soldiers, MSF and World Vision).

● *Development of International Legal Mechanisms*

In the international legal field, the establishment of the International Criminal Court in 1998 has created a potentially

useful tool in efforts to protect children from militarized ethnic conflicts. It criminalizes specific acts of violence against children that have been, until now, purely within the category of obligations of States parties to international human rights treaties and international humanitarian law (Article 38).

● *Addressing Physical, Mental and Emotional Health Needs*

In the field of health, a particularly noteworthy and interesting initiative has been the holding of National Immunization Days (NIDs) in war zones since the late 1980s, through close cooperation between a wide array of actors – UN agencies (such as WHO and UNICEF), national governments, public health associations, NGOs, and the combatants themselves. This has led to formal, temporary, truces being declared for immunization campaigns in Afghanistan, El Salvador, the Philippines, Sri Lanka, Sudan, Liberia, and Tajikistan. In El Salvador and the Philippines, the truces were an important step towards the permanent settlement. In Sri Lanka, the networks of communication required to coordinate the event were similarly useful in negotiating other beneficial activities. NIDs in war zones point to the potential of children's health and well-being to serve as a bridge between divided communities. The emotional and psychological needs of children affected by the trauma of ethnic violence remain a pressing issue. However, the means at our disposal are often ill-suited culturally to the central issues as defined by the communities themselves (Giller 1998; Bracken and Petty 1998). These and other health initiatives in situations of militarized ethnic conflict are small but essential steps towards the attainment of the right of the child to enjoy the highest attainable standard of health. They are obligations of States parties to strive to ensure that no child is deprived of his or her right of access to such health care services.

■ **Into the New Millennium**

Recommendations for Action

- Development of tools to discern needs of children and to assess the child-specific impact of development initiatives
- Implementing projects which develop capacities of children as peacebuilders
- Effective programmes for trauma and psychological recovery, including rape and sexual abuse in the context of ethnic violence
- Support for peacebuilding education programmes
- Increasing genuine child participation, including supporting children as peacebuilders, and children's issues as peacebuilding issues
- Strengthening families and local value systems
- Creation of "children as zones of peace" — systematic efforts to apply global recommendations on the protection, rights and welfare of children to the specific contexts
- Ending the use of children as soldiers, beginning with the adoption of an Optional Protocol to the Convention on the Rights of the Child
- Concerted efforts to ensure the demobilization of child soldiers and their social reintegration working with and through communities
- The return and reintegration of displaced and refugee children

● *Development of Tools to Discern Needs of Children and to Assess the Child-Specific Impact of Development Initiatives*

There is a requirement to develop the tools to discern the needs of all groups of children affected by ethnic violence, and just as importantly, the tools to monitor the child-specific impact of our initiatives in regions prone to ethnic violence. In research, policy, and operational work, there is an urgent need for disaggregation of data and more targeted responses. The general category of civilians, for example, should be divided into male and female sub-categories. The same distinction should be drawn when discussing children. It is not sufficient to assume that the rights, interests and need of every child will be addressed automatically if they are left implicit in our mechanisms. This requires the explicit incorporation of children into peacebuilding, peacekeeping, and peacemaking initiatives. More broadly, it points to a need to develop a more methodical means of anticipating, monitoring, and assessing the child-specific impact of national and international policies and programmes in conflict zones. To the extent that this is undertaken at the moment, it has been wholly ad-hoc, and therefore unable to systematically absorb or learn from experience.

A child's experience of militarized ethnic conflict, and its consequent impact on children, varies according to a range of factors, particularly the age and sex of the child concerned, the level of family support, and the immediate exposure to conflict (which often varies according to pre-conflict, in-conflict, and post-conflict circumstances). These different and variable impacts should be recognized. In this context, the particular experiences of girls requires special attention. A one-size-fits-all programming approach must be jettisoned in favour of situation- and context-specific approaches. This would include a more detailed consideration and calibration of the use of international sanctions to minimize potential detrimental impacts on children. It could well be broadened and applied to international trade practices with regimes engaged in systematic human rights abuses against their citizens, including ethnic and minority groups.

● *Increasing Genuine Child Participation, Including Supporting Children as Peacebuilders, and Children's Issues as Peacebuilding Issues*

Article 12 of the CRC says that, "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." However, this article has not yet been taken seriously. It is particularly absent in the area of peacebuilding. Despite advances in some areas of the CRC during the last decade, there is still much work to be done in transforming the logic guiding our efforts from one of working *for* children to one of working *with* children. At a minimum, this points to the need to incorporate children's voices, insights, and suggestions into the planning, implementation, monitoring and evaluation of development efforts in conflict-prone regions. Genuine child participation may challenge usual approaches to development, peacebuilding and reconstruction, in a way similar to the challenges posed by the incorporation of gender and environment into our thinking and programming. There are few examples which attempt to genuinely catalyse the peacebuilding potential of children. In Colombia, however, the Children's Movement for Peace has advanced children's participa-

tion in that war-torn society. The Movement recently mobilized more than 2.7 million children aged 7 to 18 years to turn up at the polls and vote overwhelmingly in favour of survival and peace. One result was increased social pressure leading to peace talks between political leaders and guerrilla organizations. Such initiatives may be useful in environments characterized by lower levels of violence, for example, 'youCAN' (formerly the Canadian Peer Mediation Association). This organization works with young adults to promote the peaceful resolution of personal, community, and societal conflicts; promote the concept of non-violence, peer mediation and conflict resolution; establish a Canadian network of peer mediators and youth peace-makers; and to highlight and affirm the work of peace-makers of all ages, especially that of young Canadians.

Other relevant articles include: Article 5 (child's increasingly direct role in securing enjoyment of rights, thus emphasis on the "evolving capacities" concept therein); the "fundamental freedoms" – particularly freedom of expression, association and religion (Articles 13-15), access to information (Article 17), the goals of education (Article 29) and Article 39 on recovery and reintegration.

● *Strengthening Families and Local Value Systems*

Addressing the needs of war-affected children is most effectively undertaken by strengthening the capacities of children, the family, and the community. In such situations, the Special Representative for Children in Armed Conflict has encouraged the revival of critically important local value systems, values that promote the rights, protection and welfare of children. In particular, the role of institutions and community structures that normally provide a sense of ethical roots, such as parents, extended families, elders, teachers, schools and religious institutions, should be supported and strengthened. This includes promotion of compliance with international standards and re-establishment of local norms that promote child protection and welfare (Articles 7, 8, 30).

■ **Education**

In keeping with Articles 28 and 29, priority must be given to education – both for its own sake and for the preventive and protective impact that it may have on the lives of children. We must develop a clearer understanding of the constructive and destructive impacts of education. Only then is it possible to stop those elements of education that destroy peace, and start developing and supporting peacebuilding educational initiatives (see Bush and Saltarelli, 2000). Education should be undertaken in a culturally sensitive way to prepare children for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

■ **Responding to the Child-Specific Impact of Ethnic Violence**

While ethnic violence has a specific and brutal impact on children, it also has broader ripple effects throughout the entire community. The killing of (and by) children is only the tip of the iceberg. Children are both victims and instruments of such violence. Recent literature and reports have identified the following issues and challenges, among others:

- development of effective programmes for trauma and psychological recovery, including from rape and sexual abuse in the context of ethnic violence;
- support for peacebuilding education programmes;
- creation of "children as zones of peace" – systematic efforts to apply global recommendations on the protection, rights and welfare of children to the specific contexts;
- ending the use of children as soldiers, beginning with the adoption by all states of an Optional Protocol to the Convention on the Rights of the Child, setting 18 years as the minimum age for all military recruitment and participation in hostilities;
- the return and reintegration of displaced and refugee children.

The Convention on the Rights of the Child, the most universally ratified international instrument, calls for the protection of children's right to life, education, health and other fundamental needs. These provisions apply equally in times of armed ethnic conflict and in times of peace. However, the value of these provisions is limited to the extent to which they are applied. Words on paper cannot save children in peril.

It remains to be seen what the broad impact of these responses has been, or could be. While it is possible to assess the impact of specific projects (see Lowry 1999), it is more difficult to identify progress at a broader level. Efforts to combine normative, political and humanitarian strategies to promote prevention, protection and rehabilitation for the benefit of children are still at a preliminary stage. We are still at a stage of responding to the war-affected children's problems, instead of the problem of war-affected children.

In some ways it seems incredible that there could be resistance to international efforts to protect children in militarized ethnic conflicts – in the same way that it is difficult, if not impossible, to understand the brutality of the violence experienced by children in ethnic conflicts. However, even the creation of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Landmines was by no means a foregone conclusion, despite a global wave of public pressure in favour of such a measure. The resistance in some quarters to the adoption of an Optional Protocol to the CRC to abolish the use of child soldiers also points to the absence of political will on these issues both within states and between them. The creation of such political will is as important as the need for creativity and innovation.

CASE STUDIES

■ INDIGENOUS CHILDREN'S EDUCATION PROJECT, VENEZUELA

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In 1985 the Wayuu Women's Network established a partnership with the University of Zulia to address growing concerns over the situation of Wayuu children. The gradual breakdown of Wayuu culture as a result of external pressures and influences, had resulted in the loss of language, tradition and religion, and an ensuing disintegration of old family and community methods of child protection. The Wayuu, a matriarchal indigenous nation, inhabit a strip of territory on the Caribbean coast of Venezuela and Colombia, and have experienced longer contact with the dominant Spanish culture than many of their indigenous neighbours in the region. This has resulted in a severe breakdown of traditional child rearing customs and beliefs, as local communities have been badly hit by loss of land to rapid population growth and the incursion of the oil industry. The recent growth of a cross-border drug trade has also had a negative impact on the Wayuu in the form of persecution by border guards and police, and an escalating rate of youth drug use and addiction.

The Indigenous Children's Education Project was initiated by Noeli Pocaterra, founder of the Wayuu women's network, and former vice president of the World Council of Indigenous Peoples. Ms. Pocaterra, an active advocate for women and children, is both a traditional leader in her own community and a faculty member in the Department of Social Anthropology and the University of Zulia. The project's main aim is to provide Wayuu and neighbouring indigenous children with a high standard of bi-cultural education to provide them with the tools to thrive in their own and the dominant culture. The project also trains teachers at the University of Zulia (both Wayuu and non-Wayuu) to work effectively in local community settings. This means adapting curricula to fit the daily lifecycle of children and their families, many of whom work during the day, as well as drawing on the strengths of traditional Wayuu teaching by eliciting the help of traditionally trained Elders.

Girls are especially targeted in the programme as a vulnerable sector of the Wayuu population. Many of these girls are hired as domestic servants by wealthy Venezuelan families, and a high percentage of them experience work-related discrimination and abuse due to lack of regulation and protection measures. Similarly, as part of the programme young people are encouraged to voice their opin-

ions through youth clubs initiated by students from the University and local community members. These clubs meet once a year to discuss issues of mutual concern, as well as participate in traditional activities organised by their Elders and youth animators. The success of the yearly meeting has grown to such an extent that it has now become a regional meeting for indigenous youth, and is partially supported by UNICEF Venezuela. Many of the youth 'graduating' from the Wayuu educational programme have gone on to become leading social advocates in their own communities. For example, during a cholera epidemic in 1998, Wayuu youth organized children's teams to help educate other children (Wayuu and non-Wayuu) about cholera prevention and treatment, reducing the incidence of the disease in many of these communities.

One of the challenges of the programme is replicability. The open attitude of the University of Zulia towards this type of equal partnership with indigenous peoples is not common in many countries where discrimination is prevalent. Another challenge facing the programme was to overcome some of the deeper cultural practices that were actually harmful to children. For example, while the Wayuu are matriarchal, it is still a common practice for girls to marry at a very young age, exposing them to all the risks associated with premature pregnancy. Even though these traditions have been addressed in community discussion and in youth conferences, there remains a deeply entrenched adherence to this practice among many girls and their families.

The Wayuu children's education programme, however, stands as a potent example of the effectiveness of partnerships between indigenous peoples and mainstream institutions in overcoming the discrimination that blocks the right of indigenous children to basic education. The programme also offers useful strategies for ways to combine equal opportunity and education. This is achieved by promoting the child's right to basic education as well as to education in their own language, culture, and religion. The programme thus actively promotes CRC Articles 28 (right to education), 29 (right to education supporting indigenous culture), and 30 (right of an indigenous child to their language, religion, and culture), through the lens of Article 2 (non-discrimination).

■ THE BUTTERFLY PEACE GARDEN OF BATTICALOA, SRI LANKA

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■ The Context

The Butterfly Garden is located in Batticaloa in the Eastern Province of Sri Lanka. This part of the country continues to suffer profoundly from the effects of protracted ethnic violence. Since the escalation of the conflict in 1983, an estimated 60-70,000 people have been killed in the north and east of the island. The civilian population is caught in a vice between a variety of government and pro-government forces on the one hand, and anti-government forces on the other. Harassment, intimidation, extortion, torture, killings, disappearances, kidnappings, assassinations, and a range of human rights abuses are common. Ethnic cleansing campaigns have destroyed relations between the communities – Muslim, Tamil, and Sinhalese (until they were terrorized out of the region). Not surprisingly within this context, contact between children of different ethnic and religious communities has diminished and a corrosive culture of segregation and violence has evolved.

■ The Project

The Butterfly Peace Garden is a garden of reconciliation and healing for the war-affected and traumatized children of Batticaloa and the Eastern Province. Children from six to 16 years of age participate in a nine-month programme, one day a week, in groups of 50 drawn from the local Tamil and Muslim populations. Many have endured profound family loss and witnessed great horror as children living in an active war zone within the ethnicized violence of Sri Lanka.

The Butterfly Garden has been described as follows:

“This oasis of imagination and creativity brings together animation artists, peace-workers, ritual healers and children from various ethnic and religious groups – Tamil, Muslim, Hindu, Christian – holding hands, hearts and minds, to nourish the spirit of healing and peace for generations to come in Sri Lanka. It is a small zone of peace, a symbol of hope and inspiration, focusing on the inherent rights and needs of children. Amid the horror and hopelessness of war, it gives them a fresh opportunity to discover their creativity and potential, affirming that, in their own hands, hearts, imagination and intelligence, they will find the seeds of peace and the possibility of shaping a new world together.

The war ethos of violence and destruction is replaced with gentleness and creation in the Butterfly Garden. Both those aspects of the child which are wounded and those which remain resilient are addressed. By tending to the garden within the human heart as well as the outer garden of earthly experience with equal imagination and compassion, children can heal and become healers within their communities.” (Butterfly Garden 1999)

In the Butterfly Garden these children are slowly restored to themselves and to the world through play and storytelling, music and drama, the arts of painting and puppetry and participation in the life of a garden. Many participate in a ritual of reconstructing their experiences in the war zone through the construction of a “genogramme” (also called the Mother-Father, or ‘Amma-Uppa,’ Journey). This allows them to begin telling the story of their families and their vil-lages; group storytelling allows them to find the narrative and dramatic power to represent new worlds of their own making.

Many of the Butterfly Garden staff are themselves victims of the war, and working there is a process of healing and recovery for them too. The work of the Garden extends to the villages in the countryside by a programme of outreach and by means of the Butterfly Garden bus which was a gift from the World University Services of Canada (WUSC), and a minivan funded by HIVOS (Humanist Institute for Cooperation with Developing Countries).

■ Distinctive Features and Reasons for Success

There are many distinctive features of the Garden. The following list identifies only some of them, but suggests why it is that the project has been so successful.

Cultivation of Relationships of Trust. Given the depth and intensity of war-experience that each child brings with him or her into the Garden, it would be impossible to even begin nurturing the self-healing process unless a relationship of trust was established between the child and the animator. By building relationships with the children themselves, the space is created for the development of a more intimate relationship. Physical and emotional presence is a necessary – but by no means sufficient – requirement for the development of trust. As importantly, relationships of trust are cultivated with communities themselves – on all sides of the ethnic, religious, and political divides. The Garden thrives within a network of trust between: children; animator and child; between animators; between the Butterfly Garden and the community. Any weakness in this network compromises the programme.

Sustained Presence. Trust is impossible without sustained presence. Emphasis is placed on unmediated presence which allows for animators to respond creatively and spontaneously to the child as he or she probes experiences through the various avenues of artistic expression in the Garden. It is important that the animators at the Garden are themselves traumatized by war. Such experience also allows for an empathetic presence which may catalyse self-healing both in the animators themselves and in the children.

The Child-Driven Logic of the Butterfly Garden. Everything in the Garden is shaped for and by children – the physical layout, the play structures, the program, the food, the art work. As one animator put it, “children are the alpha and the omega of the Butterfly Garden.” The result is a sense of ownership, comfort, and security. It creates a sense of a very unique and safe place; an oasis from the war-littered space beyond the walls of the Garden. The structure and the process of the Garden are derived from the children themselves. It is not dictated by adults on the outside. Nor is it shaped by what adults think children need or want. Those in the Garden emphasize that it is only in this child’s space that the opportunity for healing can arise, for it allows the child to leave the narrow – and often constricting and violent – world of adults and enter into the

'sacred space' of play. It is through play that children are able to touch their own originality and to see the originality of those around them.

■ Implications and Lessons for Future Work

"When the Butterfly Garden began in 1996, nothing of its kind had been attempted in Sri Lanka, or elsewhere. There were no models. Donor aid, where directed to children in war, addressed the child's urgent physical needs but long-term psychological healing was left unaddressed. The reasons for this are purely speculative. However, it might be surmised that the subtle and intricate nature of psychological healing does not lend itself easily to the calculus of development and humanitarian aid projects. In CIDA, and particularly in HIVOS, the Butterfly Garden has found allies willing to take risks with their funding, realizing perhaps, how very urgent the need is to find innovative models that will at least begin to address the psychological healing of children in war zones." (Butterfly Garden, 1998)

"Now the funding climate seems to be changing. Almost every week, there are visitors to the Butterfly Garden curious about what is going on here. It would seem that the word "trauma," especially when linked to children in war zones, has achieved a certain cachet. It would sadly appear that children and their trauma are about to be commodified as the hand-in-glove symbiosis existing between global development and militarization refines itself." (Butterfly Garden, 1998)

"We began without models and without knowing where our journey would take us. In bearing witness to the plight of the children, as well as to their beauty, vitality and staggering imaginations, we discovered in ourselves a deep commitment to healing not only their wounds, but also our own. We found that the transformative nature of this project required all those involved to 'disarm' – to shed old categories and ways of seeing, because these were imbued with the very violence from which we sought healing. We ourselves had to 'become again like little children'." (Butterfly Garden, 1998)

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■ PUNI, 11 YEAR OLD ASYLUM SEEKER FROM SRI LANKA

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Puni is an 11 year-old girl from Sri Lanka who arrived alone in the United Kingdom in September 1995. Puni lived in Colombo with her aunt and uncle as her mother and older brother had left Sri Lanka to claim asylum in Canada three years earlier. Her father had died when she was two years old, and she desperately wanted to join her mother, who she had not seen for three years, in Canada. So, through a third party, her uncle organized her departure from Sri Lanka. She left with three other children whom she knew only vaguely. Their destination – Canada. While in transit at Heathrow airport in the United Kingdom their documents were examined closely by an immigration officer and found to be false. Unable to continue their journey, the children decided to claim asylum in the UK.

The immigration service contacted a known Tamil community organization that arranged informal substitute care with an elderly Tamil woman who was herself an asylum seeker. The immigration service also notified a voluntary sector agency, the Refugee Council, of Puni's arrival.

When the Refugee Council first visited Puni she was living with the elderly caregiver and four adult men. The carer was having difficulty obtaining state benefits for Puni and was finding it hard to support her. It was obvious that her living conditions were far from ideal and it was clear that Puni was unhappy. She was not enrolled in school and was missing out on a formal education and on the chance to interact with other children. She was not registered with health professionals and had a bad case of hair lice. There was no formal involvement from the statutory child-care agencies.

The Refugee Council liaised with the relevant Education Department and quickly secured a school place. Contact was made with the local Social Services Department who quickly responded by funding the purchase of a school uniform and some warm clothes (October in the UK being much colder than in Sri Lanka). Following assessment, the Social Services Department agreed to make a small, regular financial contribution to Puni's care. The Refugee Council also helped Puni to register with a doctor and the lice were finally treated – much to her relief.

The elderly carer was reluctant to attend the Social Services Department to collect the weekly allowance and she was unwilling to accompany her to doctor's appointments. Concerns were raised that possibly the carer did not have Puni's best interests at heart and it was agreed that a full assessment of her welfare needs should be undertaken by Social Services. Quite abruptly the carer decided that she could no longer care for Puni and she was moved by the carer to another family in another part of London. Once again the Refugee Council had to do the liaison work with the Education Department, Benefit Agency, Social Services and Health Departments. The family with whom Puni was living also had a daughter aged 11 and this had a positive impact upon her happiness and feelings of security.

Puni had a solicitor arranged for her by the Tamil community shortly after her arrival in the UK. The solicitor appeared to have taken very little interest in her case. He had seen her only once and the deadline for submitting her written asylum application had been missed. The solicitor seemed unworried by criticism from the Refugee Council about the quality of representation he was providing.

Following the somewhat brief, late and poorly presented written application for asylum, the Home Office decided that Puni had no basis upon which to fear persecution in her native Sri Lanka, and that plans should be made for her to return to her aunt and uncle. The Refugee Council subsequently pointed out that it would be in Puni's best interests to be allowed to continue her journey and be reunited with her mother in Canada. In response to this request the Immigration Service liaised with the Canadian High Commission.

This case study highlights the fragmented and ad hoc response to the needs of separated children in the UK. There is no accepted procedure for dealing with new arrivals. There is no checklist of issues that need to be addressed, or structure for formal assessment. It was left to a voluntary sector agency to liaise between agencies, arrange a variety of assessments, e.g. education, social services etc., and to represent the best interests of the child, particularly regarding a durable outcome and family reunion. There is also a serious question around Puni's safety following her placement in accommodation with four men of whom very little was known.

A lesson for future work is that a lot can be achieved when one agency, in this instance the Refugee Council, takes the lead and coordinates planning. Liaison is imperative, and contact between all the agencies working with a child should ensure adherence to the best interest principle.

Puni eventually left the UK in 1996 – to Canada and reunion with her mother. However, this 'happy ending' may not be the norm.

■ THE FRIENDSHIP SCHOOLS PROGRAMME, REPUBLIC OF SOUTH AFRICA

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■ A Personal Testimony

First and foremost I am an African and I am a South-African citizen, but again I look at myself as an international citizen. Whatever affects or threatens humanity also affects me. My heart feels compassion for children involved in serious and violent conflicts in Sierra Leone, Democratic Republic of Congo, Eritrea, Chechnya and those in the Middle-East. As a young black South African I know exactly how it feels to live in fear. When I sit back and reflect on the scars of yesteryear, sad, painful, bitter and terrible memories come flocking into my head. I know how it feels to be trapped in a situation created and continuously perpetrated by people who claimed to be adults. When I think of the thousands of potential leaders we lost because of such an unfortunate era in history, I really consider myself privileged to live, and thus duty bound to work vigorously for peace. One might say that I am recovering, but the truth is I am seriously scarred and traumatized.

■ Historical Background

The conflict we experienced in South Africa was brutal, barbaric and merciless because racism underscored the whole problem. As a result, my positive African value systems have been largely eroded by a system of government that was imperialist in principle, racist in character, and that was sustained by violence and terror. The psychological lesson we learnt from this system was that the cool and best way to effectively deal with conflict is to fight. Racial conflict undermined my dignity and robbed me of my right to be. The devastating effects cut across our socio-economic, political and cultural rights, and thousands of us missed the most precious stage in life – being young – because we lived in fear of being killed or join the armed struggle. My right to education was forcibly taken away from me and today most of us bear the huge physical and emotional scars.

■ Disintegrating Family Life

The scars we live with are a living testimony to our horrible past. Most people still live in poor situations and there is a great lack of access to basic services like health, food, housing, water and sanitation. I am not saying the situation is not improving, but the pace is so slow and black people are still feeling the pain. No wonder we still find ourselves in the same situation, the perpetrators of our conflict also colonized us mentally, a process that bred a dependency syndrome. Most black families are still living in shame. But, through a negotiated revolution to resolve the conflict, at least some of our lives were spared, I believe, to be able to tell the story of the past and maybe collaborate with other young people in their efforts to re-build their own communities. I believe it is also through the support of the civil society, governments and committed individu-

als that we can draw out more humane solutions to conflicts around the globe and develop holistic peace programmes that will identify with people and their experiences. I believe that it is through those concerted efforts that we will change our attitudes towards conflicts and see them as opportunities for more understanding in our search for peace and co-existence. It was after realizing this truth that the Umtapo Centre decided to invest in a holistic programme for peace building – a programme that identifies with the experiences of people on the African Continent.

■ The African Peace Education Programme

- is concerned with liberating and empowering people from the violation of human and political rights and from the confines of a colonial mentality that breeds division and conflict
- is unique because it is rooted in the experiences of African people
- addresses the root causes of conflict in Africa and promotes positive indigenous values as part of the solution
- is fundamental to the African Renaissance and to reviving the spirit of Ubuntu.

Our other peace-related programmes include:

- Peace and Anti-Racism/Discrimination
- Women and Development

■ Friendship Schools Programme

Background

The Programme came into being as a result of the larger Peace Education Programme. Because of the ongoing violent and aggressive incidents in schools, I saw schools as the logical point of entry for Peace Education. I go to schools, meet the authorities, explain my presence and ask for permission to hold a Peace Workshop. After the workshop, those involved come together to form Peace Clubs. Today, these voluntary Peace Clubs are mushrooming as an implementing arm of Peace Education in schools. After a number of them were established, the young Peace Activists involved decided to form their own co-ordinating body: the Friendship Schools Programme.

Description

While African Peace Education is national, the Friendship Schools Programme is located in the Central Eastern Cape Region (Eastern Cape Province: RSA). The Programme involves teachers, volunteer youth and pupils in research wherever possible. It centres on discussions, debates, information exchange through schools, school visits, human rights education through Peace Education Workshops as part of the ongoing capacity-building and Conflict Resolution Training.

Objectives

- to maximize interaction among people sharing the same beliefs and values of peace;
- to promote and encourage inter-cultural understanding and increase solidarity among young people;
- to promote inter-dependency as an answer to individualistic approach, thus helping young people to plan peace activities that will be jointly implemented;
- to promote peace education as an instrument to root out ignorance;

- to look into the possibilities of organizing Peace Conferences, Peace Camps and Peace Exchange youth programmes for its members.

Execution

- All activities are carried out by involved peace activists.
- Debates aim to implement practical peace projects.
- Peace camps and excursions are currently being organized, subject to funding.
- Competitions and Regional Projects publicize and extend the work.
- African peace educators/trainers provide training for all those involved.
- Materials include: audio-visual: film, video; oral: relevant songs, stories, poems and plays developed by the participants.
- Other activities include essays, poster competitions for peace clubs, speech festivals and peace rallies.

Main actors

Umtapo Centre, learners, educators, youth, parents, court officials and school governing bodies. However, the lobbying for more actors is continuous.

Successes

- Ten peace debates have been held at various schools since January 1999.
- Three peace camps have been held.
- Peace-Africa Awards functions have been held to recognize the selfless efforts made by learners, teachers and parents towards building peace (inter-generational approach).
- A Year 2000 peace programme of action has been created by the young people themselves.
- Three practical peace building projects have been identified in schools that will be jointly implemented.

Failures

Lack of funds resulted in us failing to do some of the planned activities and this is a serious threat; young people can be easily demotivated if they are not encouraged, possibly through incentives. Young people are eager and motivated and are aware of where they are going but we do need initial funding.

Lessons for the future

- Our approach to peace and racial harmony is unique.
- It decolonizes the mind and brings about real awareness of people and their environment.
- The Programme teaches co-existence, tolerance, understanding and is based on the philosophy of non-violence and self-reliance.

We hear from and work with like-minded organizations and individuals in our quest for true humanity. In conclusion, any prospective partner can be confident that they will not have to reinvent the wheel!

■ GAMES AND ACTIVITIES FOR VILLAGE CHILDREN IN PEJE/PEC, KOSOVO

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■ Background

Since 1996, *Beati i costruttori di pace* (*Blessed Are the Peacemakers*) has organized projects for children in conflict zones in Sarajevo and other towns in Bosnia Herzegovina. The organization believes that children and adolescents are not only those most vulnerable to the traumas of armed conflicts, but that they are also those most likely to overcome the consequences of war with great vitality, opening up new paths to peace.

■ The Project

We visited Kosovo immediately after the signing of the Kumanovo accords in June 1999 and found a mixed situation. The area that had suffered the greatest material destruction was around Peje/Pec. Almost every house had been destroyed (especially in the villages) and many killings and episodes of violence had been perpetrated against the population. As the Kosovar Albanians began to return to their villages, we realized that those most affected in their return from Albania, Macedonia or Montenegro were the children, faced with scenes of destruction, constantly exposed to tragic tales of death and violence, and surrounded by adults speaking of hatred and vengeance. We felt that to offer some of these children the opportunity to play, to be children once again, would have broken – at least temporarily – the all-encompassing atmosphere of tragedy and negativity left behind by the war and would restore a sense of normality to their daily life. We also hoped that their joy and happiness might become a positive stimulus for the adults, encouraging them to look to the future rather than continuing to think about the recent past.

■ Preparation

We wanted the project to be accepted by the adults and the village communities as a whole: we didn't want it in any way to be considered 'frivolous' or even irreverent to organize games for children at a time when new mass graves were being discovered every day, when funeral services were being held, when so many people were still having difficulty getting enough to eat and people were beginning to set about repairing their destroyed houses before winter. The idea was proposed first of all to the Council for the Defence of Human Rights and Freedoms and other Kosovar institutions in Peje/Pec, then to the President of each village involved in the project, and was welcomed by all with enthusiasm.

■ Financing

The project was entirely self-financed by the Association with funds from private donors and by the volunteers themselves who, as well as working for free, also contributed – each according to his/her means – to eating and travel expenses.

■ The Activities

Italian volunteers aged between 18 and 28 years, all of them with previous experience in this type of activity, attended two training sessions in Italy. These sessions provided them with some information on the situation in this part of Kosovo and some basic Albanian words and phrases. During the training sessions the volunteers also planned some sample games activities and forged themselves into a team. The games included: 'getting to know each other' introduction games, co-operation games (between older and younger children, between boys and girls), non-competitive teamwork, movement games, group singing and mime activities. There would be an informal football or basketball match with the older children, and creative activities such as drawing and bead-stringing, with the younger ones at the end of each session.

The 18 volunteers lived in an unfinished house without running water or electricity in one of the villages, together with the other *Beati i costruttori di pace* volunteers working on a Human Rights monitoring project. Their living conditions, coupled with the fact that they were volunteers, meant that the villagers came to see them more as members of the community, as friends, rather than workers from yet another international organization. In almost every village, the volunteers benefited from the collaboration of teachers and parents, and were helped by some of the older local teenagers. One of the objectives of the project was to 'train' these teenagers so that they might continue the games activities once the project ended. This was not successful in every village, partly because there is no local tradition of voluntary work of this type.

■ The Villages

The villages involved in the project were Strelc, Kashic, Qyshk, Irzniq, Glogjan, Nepole. These villages were chosen by the project in consultation with the Council for the Defence of Human Rights in Peje. Strelc was the village where the volunteers lived. Paramilitaries had perpetrated two horrendous massacres in Qyshk and Kashic in April and May, both of them witnessed by some of the children. In Irzniq there had been heavy fighting between the KLA and Serb special forces in 1998 and 1999, with many houses destroyed by mortar shells before the people managed to escape. Glogjan and Nepole, two Catholic villages, were less affected by the fighting, but they had taken in refugees from other villages at various times.

The place where the games were held in each village was always agreed upon in advance with the village President or with the village Elders. It was important to avoid dangerous areas, where there might be mines, or parts of the village where playing games could be considered irreverent (near the mosque, or near the site of a mass killing, etc).

■ Notes

The games activities session lasted two to three hours and became the focal point of village social life, bringing together most of the inhabitants either as participants or as spectators. They were the only joyous social events during those weeks. All other gatherings at that time were funerals or commemorations of the dead.

We always tried to encourage games for all, younger and older, boys and girls, despite the fact that traditionally Kosovar children play separately, according to age and gender.

The presence of the Italian volunteers gave the children the opportunity to establish a relationship of trust and friendship with people outside their ethnic group. The fact that many of the volunteers had previously worked on similar projects with Serb children and adolescents in Bosnia surprised the adults, but also encouraged them to think more positively, recognizing that all children have the same needs and rights.

■ Comment of a Villager in Strelle

"I hadn't heard children's laughter in this village for more than a year."

The association *Beati i costruttori di pace* is registered in the Veneto region of Italy and is an international NGO associated with the Department of Public Information of the United Nations in New York (DPI-NGO)

■ THE 'COST OF THE TROUBLES' STUDY, NORTHERN IRELAND

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Over a period of 30 years, more than 3,500 people were killed in Northern Ireland as a result of political conflict. Around 350 of them were young people aged 18 years or younger. Yet throughout that period, relatively little attention was given to the victims of the violence. In part, people dealt with the violence around them by adopting a 'culture of silence'. It was only in 1998 that an official report (*We Shall Remember Them*, by Sir Kenneth Bloomfield) provided a public voice for the victims.

Those who work towards the promotion of reconciliation and tolerance in Northern Ireland recognize the importance of breaking through this 'culture of silence'. It is vital that there are open discussions on the implications and consequences of violence and an acknowledgement of the way in which it has affected people's lives. It is not possible, or perhaps even sensible, to 'forgive and forget', but nor is it sensible to remain trapped in bitterness and anger because of past violence. While remembering what has happened, it is necessary to look forward rather than back. Part of the process of healing involves a recognition of the pain felt by every community in Northern Ireland.

The Cost of the Troubles Project was originally established to collect information on the impact of the violence and had a number of objectives:

- to establish a directory of self-help groups and other organizations offering support to those affected by the Troubles
- to facilitate the building of a network throughout Northern Ireland among such groups and grass roots organizations
- to document the nature and extent of the effect of the Troubles on the population of Northern Ireland
- to establish a credible measure of the distribution of the Troubles, and quantify the relationship between the Troubles and deprivation
- to create a range of well-researched and accessible sources of qualitative and statistical information on the impact of the Troubles on people from different backgrounds and communities represented in Northern Ireland.

The project is committed to a participative style of research, works in partnership with local communities and seeks to make a positive contribution to the individuals and organizations with which it works. Research findings are reported in an accessible manner to people in the communities most affected by the violence and to the general public.

Data were collected through quantitative analysis of violence statistics, a large-scale survey and in-depth interviews in Northern Ireland and England. The findings suggest that young people had suffered disproportionately as a consequence of the violence.

A pilot project was established as a result, focusing on three

seriously affected communities, and groups of young people from North Belfast and Derry/Londonderry were interviewed. The transcriptions of the interviews, together with photographs taken by the young people themselves, provided the basis for a book and exhibition entitled: 'Do You See What I See?'

This pilot project has highlighted additional dimensions of the impact of violence on young people including:

- the link between areas of violence and educational achievement
- the development of a culture of violence in the most affected areas
- the impact on adult-children relationships
- the culture of silence and denial which developed as a way of coping with the violence
- coping strategies, including drug and alcohol abuse
- the inadequacies of services geared towards areas where violence was highest.

The Project is now recreating itself as the Community Conflict Impact on Children Project to collect more data and provide more detailed analyses of these issues.

A number of lessons have been learned from the work to date and some may be of value to groups planning similar programmes in other conflict situations:

- in a divided society it is important that a project like this consciously sets out to include as many diverse voices as possible: this should include people who are themselves victims of violence, but not **only** these people
- the location of the project is important: a deliberate decision was taken to locate the Project office in North Belfast, the area that has experienced the most intense conflict in Northern Ireland
- a considerable amount of energy was and is required to publicize the project and funding is always a problem. The issue is of enduring significance for a society emerging from violence, but its importance in the mind of the wider public seems to relate to the fact that the project exists
- it is crucial to establish debriefing arrangements for project team members, given the traumatic and sensitive nature of the information with which they are working.

The most important lesson learned has been the enduring consequence of violence and the importance of open discussion on these topics. The initial focus of the project was on the statistics of violence, but it became clear very quickly that young people were affected in a more profound way. Their stories highlight the way many young people continue to live with the consequences of violence on a daily basis.

For those not so directly affected by violence, an incident becomes a memory, an event that is painful and sad, but one that occurred at a distinct point in the past. But many young people experience the consequences of violence as an enduring process: they experience it every day in the absence of a friend, sibling, or parent, and for many it is a continuing disruption to what should have been a normal life. This disruption has been exacerbated by the silence that has surrounded the violence in Northern Ireland and has cast the pain as private and sometimes lonely. The Cost of the Troubles Project has helped to bring this aspect of the violence into the open and, in so doing, has added considerably to our society's ability to begin the process of reconciliation.

■ Project Personnel

The Cost of the Troubles Study, Ltd. is a recognized charity and a limited company. The Board of Directors is composed of a team of people from all parts of the religious/political spectrum who have all been directly affected by the violence of the 'Troubles'. The Board also contains two researchers, one full-time, – Marie Smyth, Research Fellow, INCORE (The United Nations University and the University of Ulster, Northern Ireland), who is the Project Director, and one part-time, Mike Morrissey, Senior Lecturer in Social Policy, the University of Ulster and Director of The Urban Institute, Belfast. The Project also employs Marie Therese Fay, Research Officer; Grainne Kelly, Researcher and Gwen Ford, Project Administrator.

PROJECT PUBLICATIONS

(Extracts from some of these publications are available at <http://cain.ulst.ac.uk/cts/>)

[na] (1999 April) *The Cost of the Troubles Study. Final Report* Belfast: The Cost of the Troubles Study.

Marie Therese Fay, Mike Morrissey, Marie Smyth and Tracy Wong (1999, April) *The Cost of the Troubles Study. Report on the Northern Ireland Survey: the experience and impact of the Troubles, Derry/Londonderry: INCORE. ISBN 0-9533305-5-9.*

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Do you See What I See? Young People's experience of the Troubles in their own words and photographs by the children and young people of: Sunningdale Youth Group; Survivors of Trauma, North Belfast; Woodvale Youth Group; Young people from The Alexander Park project in Belfast; Peace and Reconciliation Group Derry/Londonderry; with assistance from Joy Dyer (1998). Derry/Londonderry: INCORE. ISBN 0 95333 05 1 6.

■ CHILDREN AND ADOLESCENTS AS AGENTS FOR PEACE, WEST BANK AND GAZA

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■ Background

Palestinian children and adolescents have been at the forefront of political activity and resistance for many years. As a result, they have lived in an environment characterized by violence and traumatic events, long term interruptions in schooling and daily restrictions affecting every part of their lives. This environment has improved only slightly since the Oslo Peace Accord. Today, their rights are still affected by an unstable political environment, extremely high population growth, large family size, poor living conditions, frequent tensions and bleak employment perspectives. This has denied them many of the educational and psycho-social development opportunities enjoyed in more normal circumstances, leading to serious concerns about their future prospects and place in a peaceful society. Reaching out to this generation, engaging them in socially constructive activities, and equipping them with the basic skills, knowledge and values needed for their roles as today's citizens and tomorrow's decision makers and parents, are critical to the national building process. Now that the Palestinian Authority is becoming more established, the time is ripe to give a greater role to children and adolescents in shaping a new and peaceful society.

■ Objectives of Peace Education promoted by UNICEF West Bank and Gaza

- To lay the basis for an environment that is non-violent, democratic, healthy, listens to children's and adolescent's views, and provides qualitative, equitable and relevant child-oriented social services.
- To ensure that Palestinian children and adolescents develop mentally and physically to their full potential.

Strategies

1. Increase awareness on the rights of children and adolescents, by developing and disseminating information and communication materials through the media, parents, conferences, and other relevant communication channels, including Radio, TV and Theatre.
2. Assist the Palestinian Authority in developing and implementing national legislation, policies and programmes through:
 - legislation that aims to protect children from violence, abuse and exploitation;
 - introducing gradual changes in the primary and secondary school curriculum (with special emphasis on basic life skills education, including skills for healthy life styles, conflict resolution, stress management, peace education and communication);
 - strengthening the national social programmes and reinforcement of the links with other actors working with children, such as teachers, facilitators in youth organizations and the police.
3. Make 25 communities and municipalities more child-friendly,

by developing innovative approaches to improve the quality, relevance and equity, of health and education, as well as psycho-social and other social and recreational services at the community level, and by promoting the participation of adolescents in the life of the community, through support to children's parliament, leadership training, better parenting initiative, etc.

The realization of these three mutually-reinforcing strategies will contribute to a more peaceful Palestinian society. Indeed, awareness raising and demonstration of feasibility at the community level will contribute to the formulation of appropriate national legislation, policies and programmes. To reach all these objectives, and in order to ensure that results and activities are relevant, participation of young people themselves will be of strategic importance to this project.

Partners

Palestinian Authority Ministries, responsible for Education, Health, Social Affairs, Youth and Sports, Local Government, Planning, Justice, Information and Culture, as well as the Palestinian High Council for Childhood and Motherhood, the Palestinian Legislative Council, and alliances of Palestinian Non-Governmental Organizations, Universities and national and local Media.

Target Population

Children and adolescents living in the West Bank and Gaza Strip. Indirectly, the programme will target 1.3 million children and adolescents, but about 100,000 children and adolescents will participate in activities in selected communities.

■ Palestinian Commitment to the Convention on the Rights of the Child (CRC)

The CRC not only enshrines the concept of children's rights, it also recognizes the rights of children to express their views "in all matters that concern them" and to have those views "given due weight." As elsewhere, this presents a challenge to a commonly held Palestinian perspective that it is adults who best articulate and represent the needs and the rights of children.

The view of the Palestinian child as either victim of dispossession or hero of the *intifada* is simplistic and does little to explain the more complex reality. Palestinian children are neither helpless nor omnipotent: while much can be expected of them, it is unrealistic to expect them to shoulder the responsibility of the nation. The role of the Palestinian child is being re-interpreted in the post Declaration of Principles (DOP) era, following the Oslo Agreements and the peace process between Palestinians and Israelis agreed in 1993. It is important that a proper balance be struck between age-appropriate responsibilities and the licence of childhood. It is within this context that the CRC can become an important guide in child welfare policy formulation.

Under the terms of the DOP, the Palestinian Authority (PA) does not have jurisdiction in the sphere of foreign relations and consequently cannot formally enter into international treaties such as the CRC. Since the signing of the Declaration of Principles, however, the PA has been in the process of developing national legislation, sometimes referred to as a 'constitution'. The PA has also

adopted the CRC as the framework for the development of the National Programme of Action (NPA) for Palestinian children, entitled the 'Agenda for Social Renewal'.

■ UNICEF Programme of Cooperation and Peace Building

The UNICEF programme of co-operation for Palestinian Children and Women in the West Bank and Gaza was formulated at the initial stages of the peace process as the Palestinian Authority was evolving. It reflects the needs, as well as the strategies, of a transition period. Peace building is therefore considered extremely important to help children and youth to cope with the challenges of the new situation, whether through formal education or through non-formal education.

In this context, Peace Education initiatives are seen as a means for the rehabilitation and development of children, adolescents and youth, preparing them for parenthood and civic life and encouraging basic life skills in an atmosphere open to positive learning and analytical thinking. Focus is placed on activities conducive to sound development whether at the school level or at the community level, including the integration of Global Education in the newly developed Palestinian Education Plan. By focusing on child development, and relevance of education, Peace Education also contributes to improved quality of education and reductions in school dropouts, working children and gender disparities.

At the non-formal education level, community initiatives promote peace and development within the society, and, to a more limited extent, in relations between Palestinian and Israeli children. Community-based activities aim to create an environment for Palestinian children that is peaceful, safe, healthy, caring and stimulating. The participation of communities, children and young people is an important principle, and the participation of young people is stimulated by empowering those with leadership skills to become active members of a democratic society.

UNICEF is also pioneering a new approach to programme formulation by giving adolescents opportunities to participate actively and concretely in building a friendlier society, starting by giving them a well deserved seat as full partners in the formulation of its programme of cooperation.

■ Three Young Palestinians at the Conference: Samar, Faten and Hamza

Samar, Faten and Hamza are members of the Cana'an Institute in the Gaza Strip, a project supported by UNICEF through the Child-Friendly Community Initiative programme. The project aims to create better self-understanding, self-esteem and confidence, together with dialogue as the basis for peaceful relations with others. These aims are realized through drawing and kite flying competitions, theatre performances, and through leadership, peace education and communications training of members of the Cana'an Children's Parliament.

In 1999 UNICEF also supported the participation of two youth leaders from the Cana'an Institute (Gaza) in the "Peace Cruise" organized by the World Organization of the Scout Movement with the support of the EU, the North-South Centre of the Council of Europe and UNESCO. The Cruise took place in

August-September 1999, aiming to train about 100 youth leaders from the countries bordering the Mediterranean Sea, including Gaza and Israel. They were selected for their ability to act as multipliers in the youth sector, organizing activities to prevent and manage conflicts. It was a unique opportunity for them to meet many other youth leaders, especially the Israeli participants.

Samar is a 21 year-old from Gaza. She has worked as youth leader in the YMCA Gaza for the past eight years. Her deep involvement in youth activities led her to several workshops and summer camps and she was selected for an eight-month leadership training course held in South Africa and Norway. She has participated in youth forums in England on peace and cultural programs and recently took part in an exchange programme with Sweden. She was selected to chaperone Faten and Ibrahim at the Conference because of her exceptional skills and experience.

Faten is a 15 year-old from Gaza. Along with her other youth activities, Faten is a member of the Cana'an Children's Parliament. Hamza is 17 years-old from Deir El Balah Refugee Camp in the Gaza Strip. He has participated in several workshops on child rights and on the needs of youth in society. He represented Palestine at the first Scout Conference gathering movements from Europe and Arab countries in Tunisia in 1997. Faten and Hamza were chosen to attend this conference by members of the Cana'an Children's Parliament.

■ ROMA CHILDREN AND THE RIGHT TO EDUCATION

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Roma children throughout Europe are among the most disadvantaged of minority groups in the industrialized world. They are particularly vulnerable to discrimination in access to adequate basic services, including education. In many instances this is the result of institutional racism and of deeply ingrained prejudice and hostility. Throughout Europe, basic indicators such as health, life expectancy, infant mortality and adult literacy, are considerably worse for Roma than for other members of society and low literacy levels among adults perpetuate a lack of educational achievement and opportunity. Roma are often subjected to violent racist attacks, and may not rely on adequate protection from the police and other authorities. Large numbers of Roma, and especially their children, have suffered terribly as a result of the conflict in former Yugoslavia, and many are now living as refugees in host countries throughout Europe.

Access to education is denied to Roma children in several European countries, because policies and attitudes condemn their communities to poor living conditions. In Central and Eastern Europe in particular, Roma communities are often settled in the poorest urban and rural areas, with inadequate housing, education, health and other facilities. In some European Union countries, including France, Italy and the United Kingdom, official policies push Roma groups into inadequate camps in remote locations and often on disused industrial land.¹ Their isolation makes it hard for Roma children to attend mainstream schools or enjoy contact with non-Roma children in a multi-cultural educational environment.

This situation has come to the attention of United Nations bodies monitoring the implementation of international human rights Conventions. In 1999, for example, the situation in Italy came to the attention of the UN Committee on the Elimination of Racial Discrimination (CERD), a body which monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The Committee expressed concern at reports of discrimination against the Roma, and the fact that Roma families live in a situation of physical, political, economic and cultural isolation from mainstream society.

One particularly alarming example of institutional discrimination is the policy, widely used in Central and Eastern Europe, of segregating Roma children in 'special schools' that are mostly inferior and include schools designed for children with learning difficulties.

On 15 June 1999 a group of Roma children in the Czech city of Ostrava filed a lawsuit with the Czech Constitutional Court complaining of segregation in special schools for the mentally defi-

cient.² Their evidence showed that Roma children outnumber non-Roma in Ostrava's special schools by more than 27 to 1. While Roma account for less than 5 per cent of primary school-age students in Ostrava, they account for 50 per cent of the special school population. The situation is similar elsewhere in the Czech Republic. According to the Czech government, approximately 75 per cent of Roma children attend special schools and they account for more than half of all special school students in the country. This bias cannot be explained simply by the poverty of Roma communities. Many Czech children from equally poor families complete their education successfully in mainstream schools.

The Roma children of Ostrava complained that the teaching and curriculum of the schools were inferior, denying them the opportunity to re-enter the mainstream education system. Because they attended special schools for the 'mentally deficient', they were barred from entering non-vocational secondary educational institutions, limiting their future employment prospects and their ability to determine their future.

Such examples of institutional discrimination against Roma children must be understood by analyzing the underlying educational methods and assumptions that exist virtually unchallenged in many education systems throughout Europe.

Among the failures in the education system highlighted by the children of Ostrava, were the inadequate and discriminatory systems used to test children's abilities and 'intelligence'. Such tests continue to be used, even though they are known to generate racially-disproportionate results. The tests are designed with no input from Roma teachers, children or parents. There has been no scientific assessment of how appropriate they are for the assessment of Roma children and no account is taken of the linguistic and cultural differences that may influence 'intelligence' assessments. There are no guidelines to identify individual bias in the administration of the tests or interpretation of the results. Yet teachers rely on these tests to decide what type of school is suitable for a child.

Education authorities often fail to monitor the progress of Roma children in special schools to assess the suitability of their placement. Mistakes in initial assessments are, therefore, perpetuated and children effectively forgotten.

This picture is compounded by the misinformation given to parents and by the failure of school authorities to involve Roma parents in their children's education. Roma parents may be unaware of their right to contest the placement of their children in special schools, and may not realize that they cannot withdraw their consent for such a placement once it is given. They are not pro-actively told of the regulations that deny access to non-vocational secondary education to those from special schools. It appears that Roma parents have often consented to the placement of their children in special schools out of fear of racial discrimination and violence against their children in mainstream schools, not just from other students, but from staff.

The situation in the Czech Republic is not unique. There is ample evidence to show that Roma children are systematically sub-

1 United Nations Committee on the Elimination of Racial Discrimination, Consideration of Reports submitted by States parties under article 9 of ICERD, Concluding Observations: Italy 07/04/99. CERD/C/304/add. 68.

2 *Roma Rights*. Newsletter of the European Roma Rights Centre, 2, 1999.

jected to what a UN committee of experts has called “de facto racial segregation” in many European countries.

Much evidence of this discrimination, and of increasingly vocal opposition from the Roma, can be seen in the increase in legal action throughout Europe against discriminatory policies, racist behaviour and violent attacks.³

On 1 December 1998, the City Court of Nyiregyhaza in Hungary, brought a verdict against the local government of Tiszavasvari for segregating Roma children in local schools. The local government was ordered to pay roughly \$500 to each of the fourteen plaintiffs. The children had filed a suit complaining that for the past eight years Roma children had been made to study in separate classes in their local school. They were not allowed to enter the gym or the cafeteria and had to hold a separate graduation ceremony. The groundbreaking verdict openly condemned discrimination against Roma children in the school. There is hope that such judgement will be used as a precedent and will also act in inducing authorities in Hungary to review their discriminatory practices and introduce measures which ensure equal education opportunities for all children, including Roma children.⁴

But action in court or attention in the media is not enough to produce a deep and long lasting change in access to education for Roma children. It is necessary to act locally to create education systems that protect the rights of all children to an education free from bias and discrimination.

One of the main challenges is the lack of non-prejudicial contact between children, teachers and parents and the lack of education on cultural diversity. Negative images of minority groups are passed on from parents, teachers and the media to all children, including the children of the minority groups experiencing discrimination.

To protect the rights of all children it is necessary to create structures that support the development of groups' identities while emphasizing the common ground between them. Inter-cultural and multi-cultural models of education recognize the importance of cultural identity for all aspects of social life, including schooling; in other words, the importance of ethno-cultural and religious identities can not be denied, nor should it give rise to discrimination or be confined to private life.

Teachers, community groups, parents and children have joined ranks to tackle the situation with some success. Their examples provide models for action to policy-makers, activists, educationalists, children and their parents.

In Bulgaria, for example, minorities were given the right to study their own languages in the 1990s. However, teachers and schools were not provided with training and support or teaching materials to turn legislation into reality. In a country with a complex ethnic and cultural landscape, enriched by the presence of Roma, Turkish, Hungarian, and other minorities, the implementation of this change was left to individual schools, teachers, parents and children.

In one school with a high percentage of Roma pupils, teacher Lilyan Kovatcheva tried to foster the teaching of Romani, a Roma language, for all children. One of the first obstacles was, surprisingly, the suspicion and concern of Roma parents who feared the marginalization and ‘ghettoization’ of their children in mainstream

school. Lilyan succeeded, however, in forming Romani language classes with parental approval, developing new teaching materials to provide appropriate teaching in written and spoken Romani.

This success led to further projects to improve intercultural education in the same school. In partnership with the Intercultural Dialogue Programme at Sofia University, the school developed methods of teaching cultural issues and literature within mixed groups of Roma, Bulgarian and Turkish students. The initiative had considerable success and has become an example for other schools and local authorities attempting to develop intercultural education.

The Inter Ethnic Initiative for Human Rights, a non-governmental organization, took action at a national level in the mid-1990s by developing a pilot project for the introduction of intercultural education to the formal education system in Bulgaria. With support from the Minority Rights Group, which has been active for decades in the field of protection of education rights for Roma children in a number of European countries, the project developed supplementary curriculum materials reflecting a non-discriminatory attitude to Roma communities, including their history and culture. Roma and non-Roma educationalists, community activists, children, parents and others, worked together to design the project, collecting authentic material about the Roma. The resulting materials were used in mainstream curriculum subjects, such as history, literature and music and emphasize the equality of all cultures and ethnic groups. Their message was directed to non-Roma children, burdened by the prejudices of the adults and the society surrounding them, and to the Roma children themselves, who saw the value of their own culture validated.

Early reluctance on the part of the Bulgarian Ministry of Education to use materials created by NGOs in schools was overcome by the political changes of 1996-7. A more welcoming attitude by the Ministry resulted in materials being approved for inclusion in the national curriculum. Dozens of schools are now using the materials.

This is one of a number of projects by NGOs, teachers, Roma children and activists, government authorities and others, to develop intercultural education which addresses the difficulties experienced by minority groups in securing their education rights. In many areas, however, work still needs to be done. In Bulgaria, for instance, the development of materials was welcomed by Roma educationalists and others concerned about the education rights of Roma children, but there is a lack of training in intercultural education for the teachers expected to use such materials in schools.

In conclusion, many challenges exist right now to the enjoyment of adequate and equal education opportunities for Roma children throughout Europe. In many cases Roma children and their communities are mobilizing to obtain the respect and protection of their rights. More attention to their plight, clear political will by local and national authorities and adequate resources are needed to tackle these problems and address the needs of children from disadvantaged groups throughout Europe.

³ *Roma Rights*. Newsletter of the European Roma Rights Centre, Autumn 1998.

⁴ *ibid*.

■ PROGRAMME TO IMPROVE THE EDUCATIONAL INCLUSION OF IMMIGRANT CHILDREN, FLORENCE

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This Project has been created by Punto Giovani, a service for young people run by the Municipality of Florence and implemented by Associazione Nostrostras, an association of immigrant women from several countries.

■ Background: Why Was this Project Necessary?

A growing number of immigrant children from non-EU countries has been arriving in Florence in recent years, requiring a new approach to measures to ensure their inclusion in the Florentine and Italian community. Children are disorientated by their plunge into a totally new and unknown cultural environment. They lack positive role models and feel excluded from mainstream society. Many drop out of school and some may even drift into delinquency or criminality. Meanwhile, the skills of those who could assist these children – the immigrants who have lived in Florence for many years – are not fully exploited.

Immigrant children usually face two alternatives. They can close ranks and refuse to have any contact with the new environment in which they find themselves. They are sometimes encouraged in this by their families, who may express hostility and suspicion towards the surrounding cultures. Or they can reject their original cultural identity and embrace the new Italian culture.

A project created by *Punto Giovani* offers these children a third alternative, based on the combination of their original values with those of the host country. Experience so far shows that there are no irreconcilable differences between the cultural or historical values of the original and new cultures.

The initial disorientation experienced by immigrant children is undoubtedly caused by their own response to their changed environment, but this may be aggravated by some problems that could be resolved. First, we found no homogeneity in the criteria used to assign children to a particular class. Criteria vary from school to school and are, in some cases, based on concrete information. In others the decisions are made for the convenience of the school. Children may be put in classes according to their age, or their previous school experience, or, in some cases, according to assessments of their skills.

Children may be further disoriented by the different approach to school discipline in Italy. Children coming from Romania, for example, will find the regime less harsh than in their own country, where corporal punishment is still the norm. Children from other countries may also find it hard to adapt to the discipline they find in the Italian classroom. In Albania, discipline in schools during recent years has deteriorated as a result of general neglect.

First contact with Italian school methods has often resulted in

Romanian children misbehaving, interpreting the lack of corporal punishment as a sign that the teachers are weak and powerless. The opposite problem arises with Albanian children, who find the existing basic rules unbearably rigid. The same system can be seen as too lax or too strict, according to the children's previous experiences. These different reactions can occur within the same class, placing the teachers in great difficulty as they try to cope with the two extremes while trying to create a united class with both immigrant and Italian children participating.

Sadly, some teachers have shown prejudice against pupils who are unable to communicate with ease in Italian, seriously underestimating the levels of educational achievement such children may have already reached in their country of origin. Teachers may also find it hard to cope with the sudden arrival of children who do not know Italian after the academic year has begun. They may find it hard to tailor their lessons to the needs of classes that have immigrant children from two or three different countries alongside a majority of Italian pupils.

■ The Project

We must not underestimate the importance of offering positive role models to newly arrived foreign children, suggesting to them that it is possible to overcome the initial hurdles, however difficult this may appear. This project aims to help immigrant children familiarize themselves with the Italian school system with the help of adult immigrants who achieved good levels of education in their countries of origin, and who have attended training courses organized by the Association Nostrostras.

Their collaboration helps to improve the relationship between the school system and the parents of the new arrivals.

The specific objectives of the project were to:

- a) Offer immigrant children of compulsory school age, especially new arrivals, a native-speaker in their own mother tongue to ease the impact of the new environment.
- b) Provide these children with positive role models to reduce their feelings of exclusion and reduce the risk of drop-outs and delinquency.
- c) Reduce tensions between Italian and immigrant children, usually caused by communication difficulties rather than prejudice or xenophobia.
- d) Enable immigrant children to become acquainted with a new culture without having to abandon their identity. By helping the children to retain the values of their culture of origin, the project also strengthens the positive traditional and cultural values that could easily exist alongside new-found Italian values.
- e) Help teachers work with children from different countries (in many cases from cultures about which they knew little).
- f) Enable several immigrants of an elevated cultural and educational standing to make use of professional skills that would otherwise have been neglected.

How is the project implemented?

Sessions are held in schools for at least two hours each week. An educated and trained adult immigrant works with a group of immigrant children who are the same age and have similar levels of experience within the Italian school system. The programme is discussed with the teachers beforehand, and usually includes an initial

stage to help the adults and children get to know each other. Later stages focus on specific sessions to illustrate the Italian school curriculum and to compare the cultures of the Italy and the countries of origin.

The Programme was originally drafted by an overall Project Co-ordinator in partnership with school officials and teachers. The Project Co-ordinator then advised and offered training to the immigrants who were responsible for the sessions with the children. All aspects of the project were discussed, including how the children's groups were to be formed, taking into consideration the needs of each child. Regular meetings were held with the school-teachers as the project progressed.

Around 50 children were included in the programme during the school year 1998/99, including children from six different countries: Albania, China, Morocco, Peru, the Philippines and Romania. Around 40 per cent of the children were Albanians, while the smallest group came from Romania.

Six adult immigrants took part in the project, representing the same nationalities as the children. There were also two co-ordinators responsible for ensuring communication with the teachers and with the Association. All the adult foreigners attended a training course organized by the Association and were assisted by counselors, who helped them plan and assess their work.

Two elements of the project should be addressed if the benefits of the projects are to be maximized in the future. First, the programme must be implemented from the start of the academic year. Second, the sessions should be planned together with the school-teachers in as detailed a manner as is possible. A great deal has been learnt from this first programme, especially in terms of how best to collaborate with the teachers. The co-ordinators now have a greater understanding of the best type of collaboration in which to engage teachers and school officials.

■ AMINA, A ROMA CHILD IN ITALY

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Some passers-by had alerted the police: on the main street of the town a group of little Roma girls had set up the classic pickpocket trick. Holding up a sign, on which was written in ungrammatical Italian, "I've got four little brothers and sisters, my daddy's dead, help me please," they would stretch out their little hands, concealed behind the sign, and try to pick the pockets of anyone who stopped to offer them something.

When the police arrive all the little girls run away, except one, perhaps the eldest. She looks about twelve or thirteen years old and hesitates when the policewoman tells her to stop. She could run away, but doesn't. She appears resigned. The policewoman will later say, "It was almost as though she wanted to be caught." The girl says her name is Amina and that she lives in an encampment authorized by the Municipality on the outskirts of town. She says she is thirteen; she is small and skinny, and the policewoman has no reason to doubt her word. After reporting the incident to the Juvenile Prosecutor, as is the norm in these cases, Amina is accompanied to the encampment. But none of her relatives are there.

The Juvenile Prosecutor is informed by phone and arranges for her to be placed in a facility for minors. The following day the Juvenile Court makes the child a ward of the Municipality and confirms her placement in an institution.

Amina is the eldest of five children, born into a Roma family of Moslems from Serbia. When she was born, her mother Jasmina was only fifteen; her father, Kemal, now thirty, does a few odd jobs, mostly transporting things in his van (at that time he was distributing newspapers). Amina's parents have no criminal record, except for two instances in which the mother was reported to the police for begging on the street. Both parents can read and write, both have had schooling: the mother says she went to school for five years, the father attended the first eight years of compulsory schooling in Serbia and the first two years of a vocational school after that.

They all live together, with no residency permits, in a fairly decent shack (although too small) set up just outside the authorized encampment. According to the social worker, the family has always been willing to collaborate; the schoolteachers in the nearby elementary school confirm that Amina and her two younger brothers, of school age, regularly attend classes. Both the social worker and the school teachers, however, agree in their description of Amina: she is shy and withdrawn, often sad, perhaps because she has been forced by necessity and traditional customs to take care of her younger siblings and has had no childhood of her own. According to the encampment's educators, Amina is the Cinderella of the family. When she misses school, her excuse is always that she had to stay at home to look after her little brothers and sisters.

Two days after her placement in the institution, her parents, accompanied by a voluntary worker, go to the Juvenile Court. The

father claims that Amina has not taken part in any theft, and the voluntary worker testifies that the family is worthy and honest. The mother says that Amina, only thirteen, and therefore under age, is being held in custody without trial.

The Municipality's social worker, whose ward Amina now is, goes to visit the girl. She finds her quite content, serene, she has fitted in well in the institution; she has become particularly close to Sister Carla, for whom she has clearly developed trust and respect, and is adapting to the facility as though in view of a long stay.

But her parents and the camp's voluntary workers insist. Given the circumstances, there appears to be no reason why Amina can't be returned to her family. The Juvenile Judge decides to go and talk to Amina herself.

In the institution, before talking to Amina, the Judge meets Sister Carla who tells him that the child is very nervous at the prospect of the meeting and has asked the nun to tell the Judge that she, Amina, doesn't want to go back to the encampment. When the Judge meets Amina, the child insists that Sister Carla be present at the meeting. Throughout the interview the child keeps the nun's pale hand tightly clutched in her little brown hands. She says she is happy and wants to start school again, as soon as possible; she says she loves her parents and asks that they be allowed to visit her in the institution. She does not ask to go home.

Her parents are thus allowed to visit once a week. When they come, thinking that no one can understand them, they tell Amina to refuse to take any medicines, to complain about her condition, to try and run away, to refuse to eat. When the parents leave, Amina cries a little, but does not follow any of their instructions. On the contrary, she confesses to Sister Carla that she is ill at ease because of her parents' instructions. She enjoys her new school and makes good progress; she takes part in sports activities, she joins the girl scouts with the other children and starts to go on outings with them. She appears happy and content, and even appears to have gained a certain measure of self-confidence, which she lacked before. When the parents ask to take her home, the Juvenile Court authorizes them to take her back to the encampment for a few days over Christmas and on other occasions. Amina agrees. After each visit home, she regularly returns to the institution, accompanied by her parents. She admits to Sister Carla that she is embarrassed when her parents come to pick her up, since the family is so noisy and demanding.

Her parents, however, continue to believe that Amina is being unjustly punished and constantly appeal for her to be allowed to return home. They cannot see, or pretend not to notice, how well she is adapting to life in the institution.

But there have been no episodes of mistreatment, Amina's family appears reliable. Almost one year after her arrival in the institution, the Juvenile Court decides that Amina can be returned to her family, arranging for an educator to supervise her and requesting that the parents allow the child to continue attending girl scout activities and, if she wants, to visit the staff in the institution, as well as regularly attending school.

So Amina returned to the encampment. During the following school year, everything appeared to be going for the best; until April she attended classes regularly. Towards the end of the academic year, Amina starting missing school more frequently, and on several occasions some teachers saw her begging on a street corner. During the summer Amina was ill and did not attend any of the summer activ-

ities organized by the Municipality, nor did she participate in any scout outings. She spent a lot of time at home. When school began again in the autumn, she was absent.

At a village fair in a nearby town, her social worker was approached by a group of Roma children, begging. Amina was in the group: when she saw that the social worker had recognized her, she started to cry.

Two days later one of the educators went to visit her at the encampment. Amina was inside the family shack, she was caring for her younger siblings, and said she had no intention of going back to school.

■ The Issues Underlying this Case Study

Specific features of this case

- a) The needs of the child and those of her family do not coincide.
- b) The child cannot express her needs to her parents (out of fear of being psychologically rejected? Is there a lack of understanding?).
- c) The social workers are also incapable of expressing the child's wishes to her parents.
- d) Neither the social workers nor the Juvenile Court wish to remove the child from her ethnic group.
- e) Both social workers and Juvenile Court are willing to listen to Amina's requests and to meet her needs.
- f) The decisions taken by the social workers and the Juvenile Court are based on the firm intention of offering Amina the opportunity to benefit from both environments: the encampment, her family and ethnic group, on the one hand, and the institution, school, educator, scouts, etc., on the other, without expressing any value judgements, and without taking sides.

The major issues

- a) Is her father's fear of ending up with a "foreign child" an important aspect of Amina's story?
- b) How important are religious and cultural factors?
- c) How important is the fact that her parents need Amina to look after her younger siblings?
- d) Are Amina's decisions well-informed, or does she just want to be someone different?
- e) Did our institutions ask too much of Amina, placing her between two different life styles?
- f) What are Amina's hopes for her own future?
- g) What does her father plan for her? (she is considered to be almost of marrying age).
- h) What future can we suggest for Amina?
- i) How might this story develop? Who can do what?

Basic considerations

- a) When Roma reject their own ethnic identity they end up on the margins of Italian mainstream culture, with all the risks entailed: drug addiction, prostitution, etc.
- b) A Roma today would find it difficult to demonstrate that school has improved her/his life.
- c) Among the Roma communities in Italy, juvenile delinquency is an alarming reality.
- d) The Roma communities present in Italy are for the most part made up of minors.

e) The most simplistic and unenlightened way of describing the condition of Roma children in Italy is to see them as poor, innocent victims of unloving, brutal, money-grubbing parents. The majority of these parents, however, became parents when they were still minors, 'children' who still had a right to be cared for and protected themselves. Indeed, when it comes to the level of

caring for children, of listening to their needs, of fulfilling their wishes in Roma communities, parents are, in fact, excessively loving, caring and compliant with their children's requests.

f) Historically, the institution that has devoted most attention to Roma children in Italy has been the judiciary, providing discipline and social control rather than protection and promotion of rights.

WORKSHOP REPORTS

■ LEGAL PROTECTION AND ACCESS TO BASIC SERVICES FOR CHILDREN OF MINORITIES AND INDIGENOUS PEOPLES

Chair: Jaap Doek, Committee on the Rights of the Child, Netherlands

Facilitator: Philip Cook, University of Victoria, Canada

Presenters: Youth Representatives from Australia, Canada, Venezuela and Romania

Rapporteur: Maryam Farzanegan, UNICEF Innocenti Research Centre, Italy

Objectives

- to discuss the main problems facing indigenous and minority children
- to identify strategies to ensure that their rights, particularly in relation to access to health and education services and to legal protection, are met
- to review the Florence Declaration.

The Workshop included statements by youth participants and presentation of case studies.

■ Youth Presentations

Youth representatives from Australia, Canada, Venezuela and Romania made statements calling for the protection of their rights. Their statements were supported by the presentation of case studies on the conditions of children of minorities and indigenous peoples. The speakers identified the following overarching and common problems faced by indigenous and minority groups:

- ▶ poverty
- ▶ land exploitation
- ▶ poor housing
- ▶ higher rates of mortality and morbidity
- ▶ lack of access to health and education services
- ▶ racism and discrimination
- ▶ loss of cultural identity
- ▶ drug and alcohol abuse
- ▶ sexual exploitation.

Many of these problems are reflected in the following examples.

- ▶ In Australia, aboriginal children are 18 times more likely to be detained than their white peers.
- ▶ Aboriginal children are far more likely to drop out of school than white children. For every 30 aboriginal students that enrol, only four to six complete high school.
- ▶ In Romania, more than 50 per cent of Roma people are illiterate, only 25 per cent of Roma children of school age attend school and

most drop out at the primary level.

- ▶ Roma children are 27 times more likely to be found in schools for the mentally handicapped in the Czech Republic than non-Roma children.

The youth representative from Venezuela emphasized the importance of land in the lives of indigenous people and the special connection that exists between people and land on which they live. Exploitation of land in Venezuela, including petroleum and mining, has a highly negative impact on the lives of indigenous people and the negative impact of land exploitation was emphasized by several other participants. The participant from Zulia University, Venezuela, stressed that the "relationship between land and indigenous people is like the relationship between mother and child."

Similarly, a participant from Nigeria emphasized the impact of land exploitation, not only at the economic level, but also at the human level. Sexual exploitation and pregnancy of young girls by workers is, for example, an illustration of the negative human impact of land exploitation.

The youth representative from Canada stated that although Canada is a rich country, the people of First Nations live in poverty and in a violent environment. Many children turn to the streets, or are detained or even imprisoned. There is also a high degree of alcohol abuse on the reservations.

The youth representative from the Roma community in Romania stated that discrimination is the biggest problem facing Roma children, who are often seen as thieves. Many Roma children live in boarding schools. In relation to health services, child mortality is very high among Roma groups and the cost of hospitalization is beyond the reach of Roma people.

The youth representative from Australia stressed the lack of transportation to get to health services as a major problem. The participant from Zulia University identified the high rates of diarrhoea and malnutrition among indigenous peoples as a major cause of death.

The absence of accurate data and documentation was also highlighted as a problem that impedes assessment of conditions, identification of problems, prioritization of activities and advocacy. Data collection at the national level, while necessary for making broad comparisons across nations, tends to hide the gap between and within regions, at the district level and between groups.

■ Recommendations

In a discussion about strategies, participants discussed some positive steps that have been taken to secure the rights of indigenous peoples. In Venezuela, for example, they have been able to secure basic services in many areas as a result of dialogue with the government. They have also been involved in the process of changing the con-

stitution to secure the rights of indigenous children, in line with the principles of the Convention on the Rights of the Child. The new laws will take effect in April 2000.

Another good example is employment of Aboriginal principals and teachers in Aboriginal schools in Australia.

The strategies identified to address the overall problems facing children of minorities and indigenous peoples included participation, partnership, data collection and documentation, civil litigation, and education:

- systematic documentation is needed as the first step, with clear reliable disaggregated data, facts and figures and even personal statements (e.g. how girls are sexually exploited). Data should be gathered on basic indicators such as infant and child mortality, malnutrition, illiteracy, access to health services, access to schools;
- media should be used for the dissemination of information highlighting the problem, and for advocacy;
- more independence should be given to indigenous people, they can organize themselves, make their own decisions and take concrete action;
- partnerships and coordination should be developed between indigenous peoples, minority groups, international organizations and others;
- civil litigation: the justice system should be used to promote individual dignity. One good example was the successful lawsuit brought by 15 Roma children in the city of Ostrava in the Czech Republic, who had been placed in special schools for the 'mentally deficient'. They complained that the teaching and curriculum they received were inferior and constituted institutional discrimination;
- more opportunities must be provided for young people from different backgrounds to meet and work together;
- negotiations should be carried out with governments by all those concerned for increased access to education, especially bilingual education, as well as education on the principles of the Convention on the Rights of the Child;
- the youth representative from Venezuela said that at the political level, politicians who want to be re-elected should be judged on their handling of issues concerning children of minorities and indigenous peoples. He also called for national observatory or coordinating groups in each country to report to the Committee on the Rights of the Child on the implementation of the CRC in this respect.

Finally, several participants recommended holding a high level follow-up meeting focused on the rights of indigenous peoples and ethnic minorities. This will help to develop partnerships, raise the profile of children's rights issues, and push for changes in policies as well as attitudes.

■ LEGAL PROTECTION AND ACCESS TO BASIC SERVICES FOR CHILDREN OF IMMIGRANTS, REFUGEES AND ASYLUM SEEKERS

Chair: Philip Alston, European University Institute

Facilitator: Terry Smith, British Refugee Council, United Kingdom

Presenters: Shanell Johnson (Youth Participant), Steffen Angenendt (German Society for Foreign Policy), David Wright (European Network on Separated Children).

Rapporteur: Nigel Cantwell, UNICEF Innocenti Research Centre, Italy

Objectives

- to discuss the main problems facing the children of immigrants, refugees and asylum seekers.
- to identify strategies to ensure that their legal rights and their access to basic services are protected and enhanced
- to review the Florence Declaration.

Two key and interlinked concerns emerged regarding the situation of refugee and asylum-seeking children during this workshop: vulnerability and precarity.

■ Vulnerability

These children are vulnerable as a result of the inadequacy of protection and guidance services and because of inconsistent access to appropriate basic services.

Shanell Johnson, taking inspiration from the UK Black Children's Charter, noted the following situation in the UK:

- insufficient protection from deportation and family separation
- inadequate maintenance funding to enable children to remain with their families
- adoption practices that do not always take account of the ethnic or racial background of the child concerned
- a lack of guidance services that would enable young people to secure greater support.

She also emphasized the problem of access to appropriate education and to culturally-sensitive health services, particularly for girls.

These concerns were echoed by Terry Smith, with specific reference to refugee children in the UK. He felt that the services available fell well short of requirements, including the support system that social security should provide. He underlined a frequent failure to reunite unaccompanied refugee children with their families, and called for respect for the basic right not to be detained, unless this avoids separation from parents. In addition, he pointed out the special need for protection from loss of identity or, more positively, the need to enable children to conserve their roots.

Steffen Angenendt, noting that the situation of the 60,000 children of recognized refugees in Germany did not give rise to major concerns in terms of policy and legislation, stated that the circumstances of the 160,000 children of asylum-seekers is "problematic", especially for the 5,000 to 10,000 of these who are separated from their families and are, therefore, the most vulnerable. He cited limited access to medical care as one feature of their condition, and also noted that, at the age of 16, they are considered to be able to act on their own behalf and therefore do not benefit from an officially

appointed guardian.

At the European level, according to David Wright, there are an estimated 100,000 unaccompanied children seeking refugee status at any one time. However, statistics are poor: one example is that of Greece, where a Save the Children survey found more than 500 children in that situation, while official figures put the number at just two. He noted the general inadequacy of solutions for this especially vulnerable group.

The situation in the Italian city of Lecce highlighted the difficult situation of the many children from Albania and the former Yugoslavia who had arrived on the east coast of Italy seeking asylum in recent times. Marianna Prontera felt that there was a clear lack of skilled personnel and far too much reliance on unpaid volunteers to cope with the problems experienced by such children – not least that of living without their parents. She also regretted the lack of familiarity, on the part of all concerned, with the rights contained in the Convention on the Rights of the Child, which apply to all children within the territory of any State Party.

■ Precarity

Children of immigrants, refugees and asylum seekers face a situation of permanent insecurity – or precarity.

This stems from policies that deliberately or foreseeably maintain or foster the child's insecure status. While there are bound to be elements of 'instability' for a child during the initial and necessary phase of status determination – including temporary care measures – the avoidable continuation of such uncertainty flies in the face of good practice. This good practice would mean identifying as quickly as possible an appropriate and hopefully permanent solution for each child.

Steffen Angenendt described the insecure residence status of children of asylum seekers in Germany, including their ineligibility for vocational training as a result of the lack of work permits. He also underlined the constant threat of expulsion, a concern taken up by Shanell, who demanded protection from the policy of deporting children as soon as they reach adulthood – a kind of 'sword of Damocles' hanging over many children, even if they are spared expulsion during childhood.

■ Possible Strategies

However strict and/or limiting the legislation and procedures on immigration and seeking asylum may be, participants felt that many measures could be taken to reduce the forms and degrees of vulnerability and precarity currently experienced by large numbers of children. The following were among the general strategies suggested:

- teaching children about their rights as part of the school curriculum: systematic opportunities for talking about human rights and the issues involved already constitute a major step forward in themselves;
- ensuring that children and young people take part in strategizing and implementation: not only those who are directly concerned, but also those whose participation in various forms can impact on attitudes and services;
- collective lobbying and campaigning: although the benefits of non-governmental organizations and associations joining forces

have been well documented and are well known, examples of combined and sustained efforts are still too rare; this is all the more true when it comes to linking up with professional groups and governmental or quasi-governmental bodies;

- focusing on key issues: this is valuable in itself and should be a goal for joint efforts. Identifying certain specific areas on which to focus attention – especially when action in their regard can have a 'domino effect' – was seen as an important strategy. For example, a drive to ensure that every unaccompanied child seeking refugee status be granted an independent guardian or representative would tackle the key problem of vulnerability and reduce the likelihood of insecurity. It could also be an easily-acceptable aim for a multi-agency approach.

Interest was also expressed in how UNICEF might play a more active role on immigrant and refugee issues in industrialized countries. It was pointed out that these countries were not always able to respond adequately to the problems involved. This was not so much a matter of financial resources but one of available skills and expertise. With its experience and networks, UNICEF should be able to provide technical assistance as well as experts in specific fields when national human resources are insufficient, e.g. when there is a major influx of asylum-seekers requiring counselling as a result of psychosocial trauma.

■ ETHNIC CONFLICT AND PEACE-BUILDING

Chairs: Alberto L'Abate, Professor, University of Florence, Italy Marilena Viviani, Representative, UNICEF West Bank and Gaza

Facilitator: Kenneth Bush, Research Fellow, Dalhousie University, Canada

Presenter: Tony Gallagher, Professor, Queens University, Northern Ireland

Rapporteur: Angela Hawke, UNICEF Innocenti Research Centre, Italy

Objectives

- to look at the role of children as peacebuilders
- to discuss concrete recommendations for action
- to review the Florence Declaration

■ Summary of Key Themes and Conclusions

This workshop raised as many questions as it answered, as the role of children in peace-building is a comparatively new concept. The dialogue raised crucial issues, including links between individual identity and experiences that foster ethnic hatred, and the value of genuine youth participation, rather than the use of young people as the 'gift-wrapping' on peacebuilding programmes. The main themes and conclusions were:

- Education can be a source of problems and solutions.
- Youth participation is essential in peacebuilding initiatives. Children and young people can help adults to overcome war.
- How to overcome memories of hate? How do we ease the desire for revenge? Where do memory and identity overlap? One of the youth participants said, "It is not easy to give away hate. I'm starting to forget my past, but I'm afraid to forget my history."
- Another participant took a more optimistic view: "By demonizing 'the other' we demonize ourselves. My humanity and your humanity are interlinked."
- How to build trust – across ethnic lines, at every level and at every stage – between children, children and animators, animators and the surrounding community, etc.
- How do we measure the impact of our peacebuilding programmes?
- An end to conflict does not mean an end to its effects. Peace is an ongoing process.
- When do coping mechanisms help, and when do they hurt? Some children cope by becoming silent, by denying what has happened or is happening. How do we reach them? Should we break down defences that have been painstakingly built up?
- There are two groups to address in any conflict: those causing the conflict, and those affected, requiring two very different types of responses.
- How do we instil courage? Children may have to go against their ethnic group, friends and family. Each child must come to terms with her/his own view of peace.
- The workshop felt that the most powerful tool for peace is culture.

■ Case Studies

1. *The Butterfly Garden, Sri Lanka*

Kenneth Bush outlined the work of the Butterfly Garden in Batticaloa, Sri Lanka, a garden where Tamil and Muslim children

aged 6 to 16 can play. Their re-discovery of childhood creativity in the midst of war assists their own healing. Animators working with the children are young – aged 18 to 30 – and have also been traumatized by the internal conflict that has torn Sri Lanka for so many years. There are three key reasons for the Garden's continued success:

- Cultivation of relationships of trust – between children of the same background and from different backgrounds, between children and animators, between the Garden and the neighbouring communities.
- The sustained physical presence of both animators and children.
- The focus on the child. Everything in the Garden is geared towards children, above all its flexibility. Adult structures are controlled, planned and boring. Work with children needs an approach that is unpredictable, creative, playful, and never boring.

2. *West Bank and Gaza, the Cana'an Institute*

Hamza Abuaisa and Faten Alsharif, youth representatives from Gaza, outlined the work of the Cana'an Institute in Gaza. The Institute was founded to raise awareness of child rights and runs workshops that allow children to express their feelings and emotions. These children have no experience of living in peace. The programme aims to animate children, giving back to them what they lost during the Intifada. There have already been some successes, with authorities starting to take notice of these young workers for peace, and the adoption of new legislation outlawing the use of physical or verbal violence by teachers. Marilena Viviani, UNICEF Representative for West Bank and Gaza, outlined a forthcoming analysis of the situation of Palestinian children which will examine the barriers – economic, cultural, political, transitional – that must be overcome to reach the most vulnerable children. UNICEF's national programme activities promote the child's right to peace, aiming to build a culture of peace. The programme also supports Children's Parliaments taking place in the area and a non-formal project of peace education.

3. *Blessed are the Peacemakers, an Italian initiative in Kosovo:*

Lisa Clark described how Kosovo families returning to their homes in summer 1999 found their houses destroyed and, too often, the bodies of loved ones. Blessed are the Peacemakers ran games sessions in six or seven villages run by Italian volunteers aged 18-28. It was the first time these children had trusted anybody outside their own ethnic group. The games brought communities closer together, giving adults and children alike a glimpse of a more positive future. The project had the added benefit of keeping children away from minefields and follow-up included training for teachers in non-violent teaching techniques. One reason for its success was its reliance on volunteers, who lived in the same conditions as the local people. Alberto L'Abate pointed out one drawback – the temporary nature of their work.

4. *The 'Cost of the Troubles', Northern Ireland*

Tony Gallagher pointed out that most people in Northern Ireland, including himself, had been affected by the troubles and that the end of the conflict doesn't necessarily mean an end to the problems. The impact of the violence has been discussed within, rather than

across, the affected communities. The project records and acknowledges the impact of the conflict on all sides – on all communities. It works in partnership with local communities and makes its findings as widely accessible as possible. Two initiatives have been carried out in areas that have seen extreme violence. Children shared their experiences in words, photos and videos. The resulting exhibition toured Northern Ireland, demonstrating the enduring burden of violence, its impact on every aspect of life, and the depth of the culture of violence in those areas. The success of the initiative is due to the active participation of young people, demonstrating one way to deal with past memories. Commenting on this issue, Tony Gallagher said “Some say forget the last 30 years. That is neither appropriate nor possible. There is too much bitterness.” The project’s view is that it is vital to remember without being trapped by memories of hate.

5. The Friendship Schools Programme Umtapo Centre, South Africa

Jongi Hoza of the Umtapo Centre in East London, RSA described the anger and resentment that are still present in South Africa, admitting that he had taken part in violent acts in the past. South Africa’s schools have been at the heart of some of the

violence of the past, so they seem a logical point of entry for peacebuilding activities. The African Peace Education Programme organized peace workshops in schools, which then organized their own Peace Clubs. This resulted in the Friendship Schools programme, where teachers, volunteers, officials, school boards and pupils get together to share their experiences and maximize their impact. The programme includes discussions, debates and human rights education. The objectives are to mobilize action among young people to promote inter-cultural understanding and cooperation, so that Peace Education will help to root out discrimination. The programme is run by volunteers, who also provide some funding. Since January 1999, there have been 10 peace debates and three peace camps. The scheme’s inter-generational approach has been vital to its successes. Its future may be threatened by lack of funding.

■ Discussion on the Florence Declaration

The workshop called for the inclusion of specific references to the Optional Protocol to the Convention on the Rights of the Child, which would raise the legal minimum age of military recruitment to 18, to the abolition of landmines and to the impact of economic sanctions on children.



THE FLORENCE DECLARATION

On Children of Indigenous Peoples, Minorities, Immigrants, Refugees, Asylum Seekers, and Children Affected by Ethnic Violence

– adopted by the technical workshop participants at the International Gathering to Celebrate the 10th Anniversary of the Convention on the Rights of the Child, with special reference to children of indigenous peoples, minorities, immigrants, refugees and asylum seekers, jointly organized by the Tuscan Regional Authority, UNICEF Innocenti Research Centre (Florence) and the Italian National Committee for UNICEF.

■ 10 DECEMBER 1999

We have gathered in Florence, Italy, on International Human Rights Day 1999, to mark the 10th anniversary of the adoption of the Convention on the Rights of the Child (CRC), with the knowledge that children of indigenous peoples, minorities, immigrants, refugees, asylum seekers, and children affected by ethnic violence are at special risk of seeing their rights, as set out in that Convention, unfulfilled.

We believe that these children face special forms and degrees of disadvantage, often as a result of deeply-entrenched attitudes, although we recognize that many other children also face situations where their rights are severely neglected. It is all the more urgent to respond to such disadvantage in that many of our societies are becoming increasingly multi-cultural, and the number, severity and scale of conflicts are growing.

On the basis of experience to date, we have therefore sought to identify ways and means both of improving these children's access to basic services and legal protection in countries where they live or have sought refuge, and of preventing as far as possible the circumstances which lead to the special difficulties they face.

■ Our Pledge

Individually and collectively, at local, regional national and international levels according to our possibilities, we now commit ourselves to undertaking and promoting action to implement the CRC and, in particular, to achieving the following goals, consistently guided by the following principles inspired by the CRC, as well as seeking to work closely with children and young people to this end.

■ Our Goals

To *find and implement effective strategies* for combating policies and ideologies that foster violent conflict, for bringing about peaceful reconciliation wherever conflict has nonetheless occurred, and for promoting sustainable and equitable patterns of human development and measures such as early warning, preventive diplomacy and education for peace. Three steps that would complement this process would be as follows:

- ▶ The universal adoption and implementation of the Optional Protocol to the United Nations Convention on the Rights of the Child to raise the minimum age of military recruitment to 18 years of age.
- ▶ The universal ratification and implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and

Transfer of Anti Personnel Mines and on Their Destruction (the Ottawa Treaty).

Action to ensure that economic sanctions do not have a negative impact on the well-being of children.

To *guarantee access to appropriate formal and non-formal education* for all children which prepares them for a responsible life in a society free of discrimination, in the spirit of understanding and internalizing peace, respect for diversity, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

To *guarantee access without discrimination to the best available services* for physical and mental health and psycho-social well-being, including programmes which address the trauma, psychological stress, and emotional difficulties which may manifest themselves in children of refugees, asylum seekers, and children affected by ethnic violence.

To *ensure the legal and physical protection* of children of indigenous/ethnic minorities, immigrants, refugees, asylum seekers, and children affected by ethnic discrimination and violence when involved in administrative and legal/judicial processes, including a child-sensitive asylum process, non-separation of children from their families whenever possible, and the prohibition of recourse to measures involving deprivation of liberty purely on the grounds of the child's status.

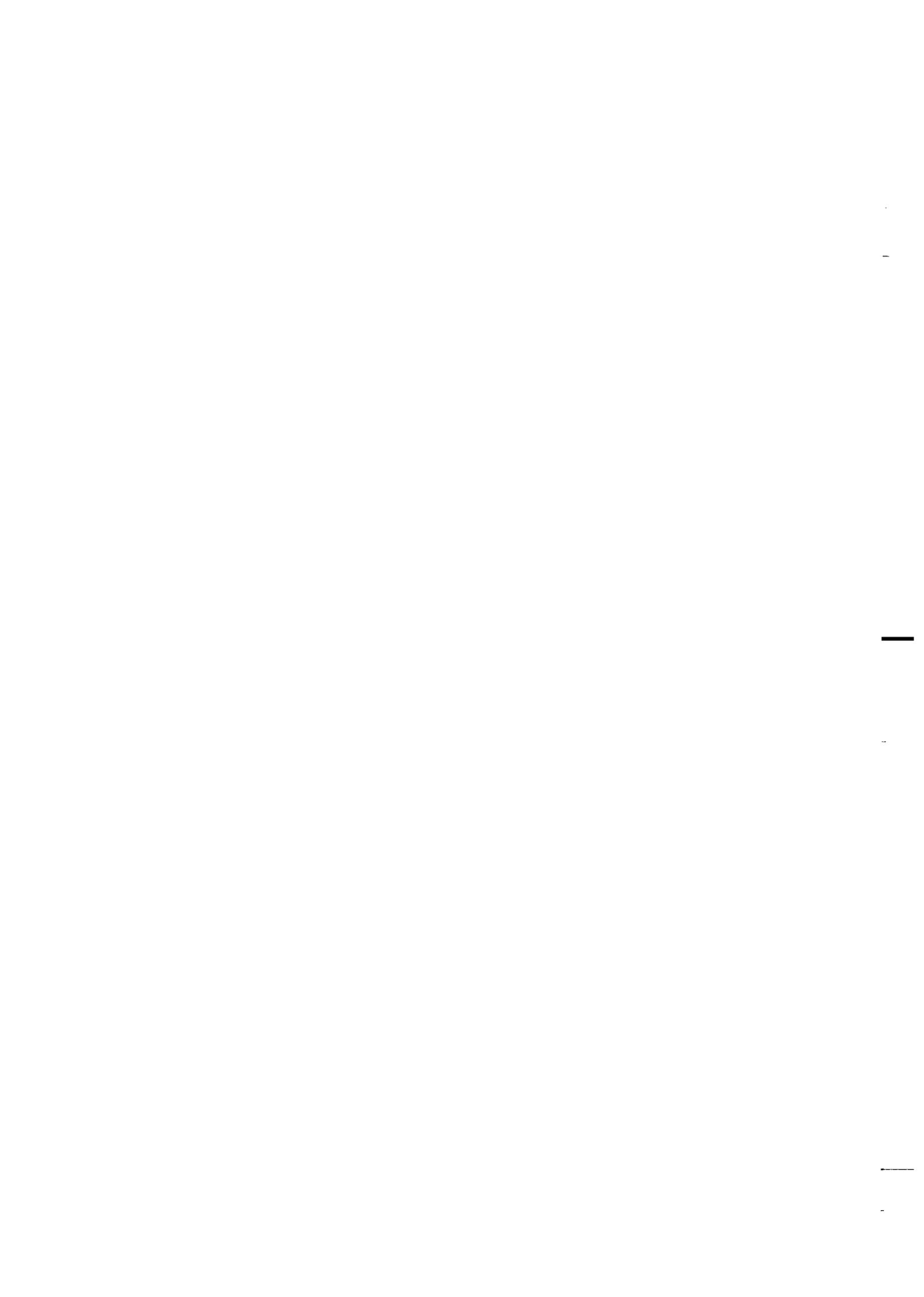
■ Our Guiding Principles

Rights-Based Approach: all initiatives and approaches must be respectful of human rights as a whole – those of the children concerned as well as those of all others, children and adults alike.

Non-Discrimination: given that all children within the territory of a State Party to the Convention, whatever their legal status, are to benefit from the provisions of that treaty, we undertake to respect, and to promote respect for, the rights of each child without discrimination in any form and on any basis.

Best Interests of the Child: while there may be differences in the specific circumstances of children of indigenous/ethnic minorities, immigrants, refugees, asylum seekers, and those affected by ethnic discrimination and violence, in every case the best interests of the child must be a guiding principle and a primary consideration in efforts on their behalf, recognizing that best interests are inextricably linked with respect for all rights set out in the Convention.

Participation: children should be enabled to be active participants in decisions and actions that affect them.



THE YOUTH STATEMENT

International concern over the situation of children took form in 1923, when the Council of the newly established organization 'Save the Children International Union' adopted a five-point declaration on the rights of the child. A year later the 'Geneva Declaration' was endorsed by the Fifth Assembly of the League of Nations. In 1948, the General Assembly of the United Nations approved a slightly expanded version of that text, and went on to adopt a new Declaration, containing ten basic principles of child welfare and protection, in 1959.

The 1959 Declaration served as the springboard for the initiative to draft the Convention on the Rights of the Child. The Government of Poland presented an initial text based on that Declaration to the United Nations Commission on Human Rights in 1978. The hope was that it could be adopted rapidly during 1979, the International Year of the Child, as a lasting symbol of that Year. The Commission, however, felt that this text needed in-depth review, and set up a special Working Group, which met once a year throughout the 1980s. The Working Group managed to come to consensus on the final version in time for the United Nations General Assembly to adopt it on 20 November 1989, the thirtieth anniversary of the Declaration.

The entry into force of the Convention on the Rights of the Child on 2 September 1990 marked the culmination of nearly 70 years of efforts to bring the international community to recognize the special needs and vulnerability of children as human beings.

The Convention has been criticised as a 'revolutionary' document, but it should be seen as a major landmark in a continuing process of experience-gathering and reflection on children's issues. The Convention is essentially the outcome of a well-tried process for developing international standards: basic principles are established, then introduced into international texts to cover a range of rights, and finally, formulated into a legally binding instrument with a specific focus.

We gathered in Florence, Italy, on International Human Rights Day 1999, to mark the 10th anniversary of the adoption of the Convention on the Rights of the Child (CRC), with the knowledge that we, the children of indigenous peoples, minorities, immigrants, refugees, asylum seekers, and who are affected by ethnic violence, are at special risk of seeing our rights as set out in that Convention unfulfilled.

The Florence Youth Statement

We have come together in Florence as a group of young people who have joined together as citizens of the world to represent our cultures, our communities, our countries and our differences.

Through our words and our actions we seek to attain a positive future for all human kind. We want to be taken seriously and our rights respected in every country.

At this point, we would like to make an appeal to the United States of America, to ratify our Convention on the Rights of the Child.

■ The Rights to Participation

Children's rights to participation are currently denied. For example politicians, decision makers, social workers, teachers, policy makers, local councillors and people working with young people don't seem to take action on youth ideas. Some simply stating that they have included us but only in their own agenda. Our opinions on the issues which affect us are not taken into serious political and social consideration.

Children must be taken seriously and advised on certain issues affecting them.

■ The Rights to Education

Today, Chinese immigrants in Italy face a very big problem for the education of their children. There is poor organization in schools, for teaching Italian and poorly trained teachers of Italian as a sec-

ond language. Students 14 years and older, who have not learned Italian earlier, become nearly illiterate in the language, as well as in sciences and culture. The result is the creation of barriers for integration into Italian society. Chinese youth who are born in Italy, have been influenced by Italian culture, but instead live everyday in the atmosphere of their original (Chinese) culture. Therefore their behaviour and thoughts are seldom acceptable to their parents, who think differently. Thus, a clash is created in the family. We need better integration and opportunities for unaccompanied minors in centres for immigrant refugees.

Children must not work, they must learn.

■ Children with Varying Abilities

Children with disabilities in Palestine don't have the same type of care as normal children. They don't have the right to be educated or to be given respect from others. For example, there was a boy who was born in 1984, when his parents found out that he was mentally retarded they wouldn't let him out. Everybody looked at him in such a way, making him feel unwanted. The family would keep him inside the house where nobody could see him, making him feel as if he were a heavy load on their shoulders. He never saw anybody, he never went out and never even saw the sunshine. His own family owned a farm, with animals: they put him to live with them. He lived there for

twelve years naked, sleeping on the ground, no-one to talk to or to care for him. They treated him no better than an animal.

In South Africa, we have schools catering for children with different disabilities, but in all the TV programmes, they act like we don't have deaf people. They don't cater for deaf people in news and other programmes. But they are part of us and need to know what is going on in our country and in the world. The other thing that is not good is to call them blind, dumb, crippled, handicapped. Instead we could say visually impaired, deaf and children with varying abilities.

Children must be protected according to their needs.

■ Health

In Africa boys are taken to 'initiation school' to be circumcised: though it might have good outcomes, it is done in a very harsh method. They say it is obligatory for us to go to initiation school, we are not given a choice and they are forbidden to cry. Then we are put in one straight line, to have their private parts circumcised with one razor on every person, no medication or remedy is taken afterwards. The girl child is also circumcised in a very bad way where the opening is harshly torn (cut) away in such a cruel manner. The boys pain heals but for girls it is pain forever.

Children must be protected from practices that injure their health. Children must have equal access to health services.

■ Sexual Exploitation of Children and Youth

It's hard to find help for sexual abuse because there's discrimination against children in the sex trade. For example, some people in the community are protesting against outreach programs that provide needle exchanges and give out condoms, food, and warm clothing. Society put down children and youth in the sex trade because they think it's their fault. Sexual exploitation should be seen as child abuse, not as child prostitution. Children are often used by people for their own purposes. We have to fight to receive help and resources and counselling. Due to our marginalization and vulnerability, indigenous children are often sexually exploited, both by adults within and outside of their communities. We then suffer from social exclusion and may get sexually transmitted diseases. (e.g. HIV/AIDS)

Children must be protected from sexual exploitation, to get out of this violation.

■ The Right to Healthy Environment

In our communities, our rivers are polluted, and this pollution is killing most of the fish, which have fed us for centuries.

Children must be allowed to enjoy a healthy, natural environment.

■ Poverty Issues

Before Aboriginal people were sent to reserves, we lived in a nomadic lifestyle where my people hunted and gathered food from the land. The houses were made from the surroundings of the natural wildlife. Now, many Aboriginal extended families live in 2-3 bedroom houses with up to 11 people. We think we have the right to have better conditions. An Aboriginal housing commission should provide more suitable housing for Aboriginal people and with this many children would have space towards their own privacy.

Children must have adequate homes, food and necessities to grow and thrive.

■ The Rights to Non-Violence

Many indigenous children are subject to violence from armed forces of the state involved in political repression and territorial disputes.

Indigenous children have the right to be free from state directed violence.

Children must be protected by the state, not hurt by it.

■ The Rights to Non-Discrimination

We, the indigenous children, suffer from various forms of discrimination, particularly in school. Whenever indigenous issues are discussed in the class most children laugh at our dresses, languages and traditional beliefs. If we are in a class of 25 children and two are gypsies and two are black or from some other place in the world, you start to hear – "I'm not sitting next to a gypsy", or "I don't want to be his friend because his colour is different than mine." This is not right because we all have the right to communicate in every sense, and even try to learn new languages. We are here and we hope also that after the beginning of the year 2000 we will be able to communicate and make people understand that we are all equal, without discrimination.

Children must be given equal chances and be treated as equal human beings. We all have the same rights and the responsibility to respect others.

■ The Right to Cultural Identity

We, the indigenous people, have the right to exist, and to our own social, political, economical organization. Nevertheless, these rights are denied. Our culture and religions are underestimated. Our natural resources are exploited by others. The right to the cultural identity and to bilingual and intercultural education are the first steps towards equity and social justice. We have the right to be given the opportunity to learn and use languages that are specific to our cultural heritage. We have the right to maintain and even reacquire our cultural identity by celebration. We must dispel the negative attitudes towards other cultures.

Children must be helped by all means to preserve their cultural identity.

■ Immigration

In the United Kingdom we have extremely tough immigration laws. In one case, there was a dispute over age: a 13 year old girl was detained at the airport. She was physically violated because the British Officials believed her to be over 18, when she obviously appeared her age.

We should have the right to independent doctors from the same background as others on entry into the country, if there is a dispute over our age. We want agencies to provide ongoing aftercare, counselling and guidance.

Children must be subject to special attention in immigration problems.

As voices of young people, we are angered at the present situation and motivated by love and the desire for change.

Brick by brick, we will build a global society that will understand, encourage and transform our vision into reality.

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INTERNATIONAL YOUTH PARTICIPANTS

The following young activists took part in 'No Ordinary Decade for Children's Rights', speaking about their own experiences, either as members of indigenous populations or as voluntary workers assisting particular groups. As well as sharing their views with thousands of school-children at the opening of the conference, these young people took part in intensive workshops with adult experts, and worked together to produce their own 'Youth Declaration'.

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Faten T F Alsharif, the West Bank and Gaza

1989-1999
NO ORDINARY DECADE
FOR CHILDREN'S RIGHTS

A Report of the international gathering held in Florence to celebrate the 10th Anniversary of the Convention on the Rights of the Child, with special reference to children of minorities, indigenous peoples and immigrants. The meeting was attended by youth participants who later joined international experts and practitioners at three technical workshops focusing respectively on: legal protection and access to basic services for children of minorities and indigenous peoples; legal protection and access to basic services for children of immigrants, refugees and asylum-seekers; children in situations of armed conflict and peace-building initiatives. The young delegates concluded the meeting by presenting their own Declaration on non-discrimination.

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