

The Year in

# Children's Rights

ANNUAL REPORT  
2016

Children have human rights too, not because they are "the future" or "the adults of tomorrow", but because they are human beings today.



# About CRIN

## Our organisation

Child Rights International Network - CRIN is a global research, policy and advocacy organisation. Our work is grounded in the UN Convention on the Rights of the Child.

## Our goal

A world where children's rights are recognised, respected and enforced, and where every rights violation has a remedy.

## Our beliefs

All our work is based on five core beliefs:

- We believe in rights, not charity;
- We are stronger when we work together;
- Information is power and it should be free and accessible;
- Societies, organisations and institutions should be open, transparent and accountable; and
- We believe in promoting children's rights, not ourselves.

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# Introduction

From a year disfigured by violence and cynicism, whether bombings in Paris and Beirut, random shootings, or organised repression of dissidents in Turkey and elsewhere - the inventory needs no introduction - we believe we can salvage opportunities to recharge and redirect children's rights activism.

First we need to take a look at where we stand as civil society. In an environment in which authorities look for respectable-sounding reasons to choke out free speech and claw away the right to privacy, we must have the courage to work outside the system to challenge power that refuses to admit fault.

In 2016 those both in and coveting power sought to co-opt children's advocates and other challenging voices in their attempts to sharpen divisions and dampen dissent. Teachers were exhorted to surveil children's behaviour and internet use to identify any possible 'radicalisation'. This happened most notably as part of the UK's Prevent programme but also in France, Australia and beyond. Privatisation of education persisted, promoted as part of development aid and bolstered by the private sector's funding of the Sustainable Development Goals. Intimidation and harassment of human rights activists continued the world over, but the UK Charities Commission took a more insidious path, discouraging NGOs from speaking out publicly about how the decision to stay in or leave the European Union would affect them. And that's without mentioning the global impact of the US election results and attendant rhetoric of intolerance.

Children's views on these and other world events were marginalised, but their stories of protest are instructive. Children in Brazil occupied schools, outraged at the poor quality of education and in defiance of police brutality. Schoolchildren in the UK confronted NGOs and UNICEF over their use of emotive pictures of children, declaring them undignified. Children in Ethiopia, Angola and elsewhere lost their lives in protests defending democracy. All these children showed a refusal to compromise in the face of power, whether its source was overtly hostile or professing to act in their interests.

At a time in which civil society's independence is jeopardised by restrictions imposed by governments shutting down debate, and by donors insisting that all work must result in a grand total of how many children have been 'saved', we too must remain authentic and stick to our principles. Children's rights work will always be adversarial because it requires holding those in power to account. It also necessitates long-term commitment and complex discussions that can never be quantified meaningfully by ticking boxes and counting children. We must therefore have the courage to speak out and show solidarity with others who are willing to do the same. This is all the more important at a time when the United Nations' moral authority has been repeatedly punctured by its mishandling of child sexual abuse revelations and surrender to political pressure on children's rights issues: we must all now act as the guardian of our values.

The need to question our positions is true within as well as outside the children's rights movement. We want to encourage debate without fearing that this will not always result in consensus. As CRIN we have instigated new debates about ending the detention of children and proposing criteria for setting minimum ages. We are planning others. We realise not everyone accepts all our ideas, but believe it is the contest of ideas that leads to new ways of looking at the world and in turn solutions to the problems we are all grappling with. Partnership is fundamental; but we should come together when it makes sense, not feel compelled to agree uncritically or shy away from our varied strengths as organisations.

Diversity is beautiful.

We hope you will work with us - and question us - in 2017.

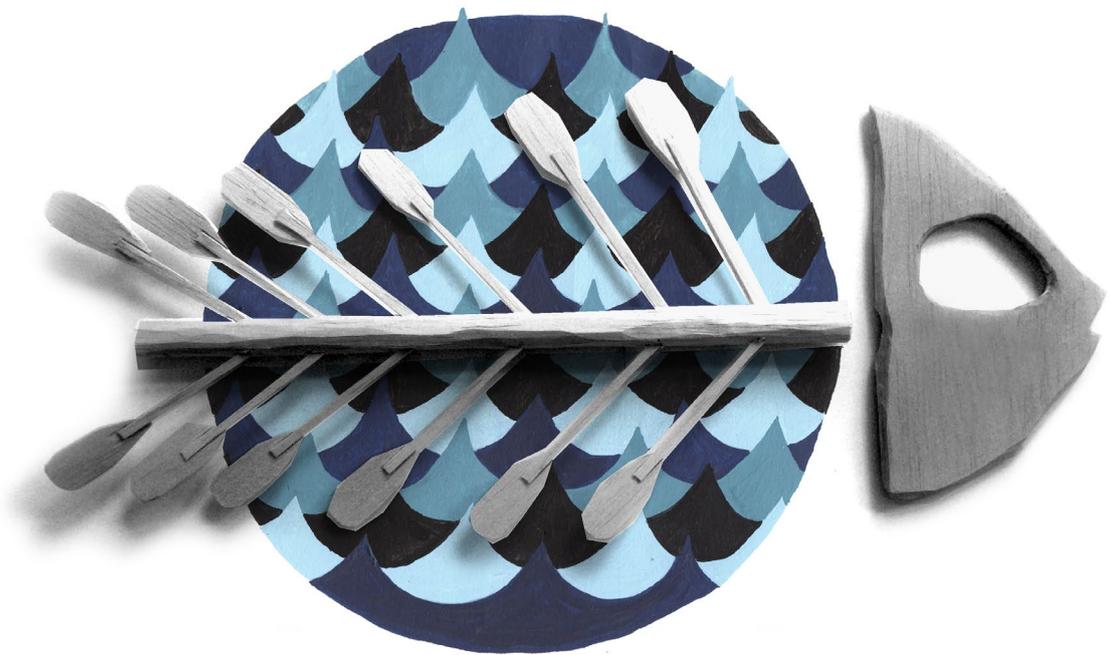
The CRIN Team

# About the year in children's rights

CRIN's annual report aims to convey a sense of children's rights globally and stir up action to address the structural failures which allow violations to continue. The report is based on information gathered throughout the year as part of our work to monitor what is happening in the news, at the UN and in law reform around the world. We believe that information is a powerful and necessary tool for advocacy. It gives us an authoritative platform to highlight gaps both to bolster advocacy efforts by others and to establish the foundation for our own research, policy and advocacy work. Where we recognise a pattern of violations or a gap in children's rights advocacy, we determine whether to take action, for instance, by conducting further research, provoking debate with a policy or discussion paper, or starting a campaign. Sometimes this work tackles the conditions needed to fulfil children's rights, at others it addresses specific issues. We always aim to work collectively and support other campaigns around the world. The ultimate goal is to make sure all children's rights are covered - and eventually fulfilled.

What follows is a round-up of some of the events that unfolded between September 2015 and December 2016 and how we responded to them.





# Chapter 1

## A global picture of children's rights

Stories throughout 2016 demonstrated that the clamour for justice, accountability and redress for children's rights violations is drowning out calls for weaker action such as training alone. CRIN played a part by ranking every country on how effectively children can use the law to challenge violations of their rights, in the first-ever global study on children's access to justice. The report, 'Rights, Remedies and Representation', illuminated how countries compare when it comes to ensuring that every child rights violation has a remedy, condensing findings from 197 country reports.

The study drew responses from several governments. In particular, Rwanda's Ministry of Justice announced that an amendment to family law would be tabled to review the age for attaining legal capacity - currently set at 21 - a promise kept in August 2016.

# Fending off sexual violence

The year saw a surge in cases of girls using the law to repel sexual violence. The Ethiopian government, was **ordered** to pay \$150,000 to a girl who was raped, abducted and forced to marry at the age of 13, in a landmark ruling activists hope will deter an outlawed, traditional form of child marriage. Woineshet Zebene Negash filed a complaint with the Gambia-based African Commission on Human and Peoples' Rights in 2007 after Ethiopia's court overturned the conviction of her perpetrator.

Gender-based violence was also brought to the attention of the African Committee of Experts on the Rights and Welfare of the Child, in a **complaint** against Cameroon. Authorities failed to properly investigate the alleged rape of a 10-year-old girl and bring the wealthy abuser to justice. To make matters worse, the man accused of the crime was never detained and the Magistrate refused to share a copy of the judgment with the girl's lawyer - even suing the girl and her counsel for defamation.

Meanwhile four people in Malawi, including two girls, are **challenging** a rape law in the country's Constitutional Court, as they claim it stops women and girls from getting justice for sex crimes. The law, which has already been repealed in many other countries, is an 18th-century bill rooted in English common law requiring women to provide a witness or medical evidence in order to obtain a conviction for her attacker, under the 'corroboration rule'. It was created on the entrenched assumption that a woman might lie and send an innocent man to jail.

Patriarchal structures provided a get-out clause for those covering up sexual abuse in the United States. A judge in Louisiana **ruled** that clergy would be excused from mandatory reporting of suspected child abuse by religious officials, even in the

context of confessions, because it would violate their freedom of religion. The ruling was made in a lawsuit alleging negligence by the Catholic Diocese of Baton Rouge for the alleged sexual abuse in 2008 of a 14-year-old girl by a 64-year-old parishioner and its subsequent cover-up by Reverend Bayhi. Bayhi testified that, had he reported the suspected abuse, he would have been automatically excommunicated from the Church for breaking the sanctity of confession. **Courts** in Spain and Colombia conversely eschewed all justifications for abuse, finding the Catholic Church responsible for damages in cases of abuse perpetrated by members of the clergy and ordering compensation.

In an historic ruling, two men were **sentenced** to more than 100 years in prison each for forcing women and girls into sexual and domestic slavery during Guatemala's civil war. The case marks the first time that sexual violence in an armed conflict has been successfully prosecuted in the country where the crimes took place.

## The fragile structures of children's rights

If we are ever to secure redress for children's rights violations and prevent them from recurring, we need to know we can trust the structures responsible for holding perpetrators to account and improving standards. This snapshot of recent events shows how far we have to go.

### Sexual exploitation and abuse

The UN failed to regain its composure over its handling of the sexual exploitation and abuse of children by peacekeepers in Central African Republic. In December 2015, an Independent Panel released

a **report** strongly condemning both the personal conduct of high-ranking UN officials and the systemic failures of the UN's response, addressing many of the recommendations posed in CRIN's **submission**. Despite confirmation by the UN of 108 new allegations of sexual abuse that came to light in the country in April 2016, successful prosecutions of peacekeepers remain rare, with few peacekeepers charged in their home countries. In the wake of the report, the UN Secretary-General appointed US official Jane Holl Lute as a Special Coordinator to improve the UN's response to the crisis - a role she will hold until December 2016. The UN Security Council also took action in the form of **resolution 2272** which requires the repatriation of abusive peacekeeping contingents, but falls short of imposing a legal obligation on States to act.

Meanwhile senior official Anders Kompass who was suspended for first exposing the sexual abuse of children by peacekeepers was fully **exonerated** from charges of breaching confidentiality rules. He nevertheless announced his resignation in June.

What is clear is that the complexity of structures for securing accountability and reparation in UN peacekeeping missions left all involved ill-equipped to act effectively - a gap CRIN worked to fill with a **guide**.

### Corruption and the evasion of financial responsibilities

A giant leak of more than 11.5 million confidential financial documents from a Panama law firm exposed a system enabling crime, corruption and wrongdoing, hidden by secretive offshore companies in a scandal dubbed 'The Panama Papers'. It also clarified the reason why governments continue to lack resources to fulfil human rights. This point was made by UN Independent Expert on foreign debt and human rights, Juan Pablo Bohoslavsky, when he **called on the international community**

to put an end to financial secrecy, warning that "Tax evasion and the flow of funds of illicit origin undermine justice and deprive Governments of resources needed for the realization of economic, social and cultural rights." Human rights groups also turned their attention to these issues, for example in **calling on** the UN Committee on the Elimination of Discrimination against Women to address the impact of Switzerland's banking and tax policies on the fulfilment of women and girls' rights in developing countries in its October 2016 review.

Elsewhere, children were punished for their parents' failure to pay taxes. The mayor of a town in central Italy **proposed** that the children of tax evaders be banned from public playgrounds and refused school lunches. "Taxes are used to finance services, and those who don't pay, don't have the right to use them," said Michela Rosetta, the mayor of San Germano Vercellese, a small village of around 1,800 inhabitants, which has a tax deficit of €100,000.

The Inter-American Commission on Human Rights' financial crisis provided more evidence that resources necessary to fulfil human rights are being undermined. Calling for Member States to shoulder their share of the financial burden, the IACHR **announced** in May that 40 percent of its staff's contracts would expire in July, with the organisation needing to suspend its July and October sessions to save money. Nevertheless, after a wave of support from governments, NGOs and human rights campaigners, the organisation's budget was funded, and its previously organised meetings were rescheduled to be **hosted and paid** for by the government of Panama. The Commission and the Inter-American Court formed a joint working group to **present proposals** for sustainable financing to prevent future crises - for now they are safe. Commentators have **noted** the Commission's importance for children's rights not only in the region, but also as a model beyond the Americas for its progressive standards. For example, it has **asserted** that the only justification for the detention of a child should be that the

child has been assessed as posing a serious risk to themselves or public safety. The Inter-American Court also issued an important **legal opinion** on corporal punishment, contributing to Latin America positioning itself to become the first continent in the world to achieve full prohibition.

## Shrinking space for civil society

The General Assembly of the Organization of American States, the IACHR's parent organisation, failed to fulfil its own responsibilities, as news came to light that civil society organisations had been **blocked** from accessing its session in the Dominican Republic. The night before the session opened, previously accredited NGOs received an email informing them that their participation was no longer feasible due to a lack of space. They were told they could instead view the session from another room via a video link. The NGOs involved shared their frustration with the hashtag #OEAPuertasAbiertas (#OASOpenDoors).

A miscellany of other examples illustrated how civil society space has shrunk across the world in recent years. The trend is particularly pronounced in Eastern Europe and Central Asia (EECA), where restrictive laws have stymied NGO operations. CRIN **published** a paper looking at how this diminishing political space is affecting children's rights and the work of their advocates in the region.

Israel featured among the cast of countries to pass restrictive NGO laws when its parliament **approved** a new law in July requiring national NGOs to declare if they receive more than half their funding, directly or indirectly, from foreign governments in communications with the public and with government officials, and to refer readers of their reports to donor lists posted on the Israeli nonprofit registrar's website. The penalty for non-compliance is a fine of up to \$7,500. Meanwhile Amnesty International **called** on Egyptian president al-Sisi to reject

a new bill in Egypt that would further tighten the government's grip on NGOs by granting it the authority to suspend their activities at any time, and allowing it to dissolve NGOs merely for carrying out their legitimate work.

Clampdowns were also physical. Teenage students were among 80 people **arrested at a military school** in Turkey for their alleged involvement in July's coup attempt. Turkey has **since closed more than 1,000 NGOs by decree**, including at least six children's rights organisations under the ongoing State of Emergency. The crackdown was prompted by a coup attempt in July, in which a rogue faction deployed tanks to the streets and targeted key infrastructure, leading to the deaths of 145 civilians. The army, judiciary, security and civil service have all since been targeted in what the President of the European Parliament, Martin Schulz, says is "revenge" against government opponents and critics. Almost 3,000 judges and more than **15,000 education staff have been suspended**, and the licences of 21,000 teachers working at private institutions revoked.

The international community **was urged** to address the Ethiopian government's crackdown on peaceful protesters which has left 140 dead since December 2015, including children. The police and military have repeatedly quashed peaceful protests against the transfer of ownership of a community school and areas of a local forest to private investors, using live ammunition against protesters, including children as young as 12. Ethiopia and its foreign aid partners, including DFID and USAID **have come under increasing criticism** for the adverse impact its development programmes have had in parts of rural Ethiopia, often moving communities from their ancestral lands to allow the re-allocation of their land for agribusiness and other private business interests.

## Appointment processes

Appointment processes became more open. In June, Member States at the UN General Assembly in New York elected **nine people**

to the Committee on the Rights of the Child in elections that take place every two years. The newly elected members will replace those leaving the 18-strong Committee when their terms expire on 28 February 2017. Many of the newly elected members possess a legal background - experience that has sometimes been lacking. While a variety of backgrounds is essential, a clutch of members with legal knowledge will strengthen the Committee's work in examining legal standards.

António Guterres, former head of the UN Office of the High Commissioner for Refugees was appointed as the new UN Secretary-General. The contest featured candidates taking part in live televised debates for the first time ever. The event came as the UN General Assembly works to ensure greater transparency in the appointment process which has been shrouded in secrecy for 70 years, insisting on open debates and hustings. The results of the Security Council's ballots to choose a candidate to recommend to the General Assembly for election, however, were not be made public. The final decision rested with the five nations that hold a veto on the Security Council - the United States, the United Kingdom, France, Russia and China.

## Impunity in conflict: no exemptions

Transparency has not only been found wanting in the appointment process of the SG, but also in the post-holder's actions. For the second year running, the SG came under fire for his handling of the annual blacklist of those who violate children's rights in armed conflict. This time a coalition of human rights groups published an open letter criticising the SG when Saudi Arabia was removed from the list after the country threatened to leave the UN, withdrawing all funding with

it. The military coalition led by Saudi Arabia in Yemen was included in the annual list after hundreds of children were confirmed to have died during their air strikes. The UN's findings were criticised by the Saudi coalition, which has claimed that the report was largely based on information from their enemies in Yemen, further noting that the Houthi rebels they are fighting have been on the same list for similar breaches of human rights for the last five years. Last year, the SG decided not to include Israel on the blacklist after diplomatic pressure from Israel and its allies. The decision was reportedly taken against the recommendation of the UN Special Representative of the Secretary-General (SRSG) and despite UN-documented evidence of attacks on schools, and the killing and maiming of children during Operation Protective Edge on Gaza in the summer of 2014. The SRSG said the past year has seen 900 children killed in Yemen, at least 848 recruited to take part in hostilities, and 115 attacks carried out on schools and hospitals. In August Ban Ki Moon warned that the coalition could be relisted unless bombing of schools and hospitals is halted after an airstrike in Sa'ada province killed 10 children and wounded 28 others. However, despite calls by UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein on the international community to establish an international, independent body, the Human Rights Council refused, instead calling for a national inquiry - essentially ordering Saudi Arabia to investigate itself.

For the fifth year in a row, the Obama Administration also prioritised politics over children's rights when it announced that a number of countries included on the Child Soldiers Prevention Act list of 2015 would continue to receive military assistance from the United States. The Act bans arms sales and assistance to countries using children in their militaries. The Democratic Republic of Congo, Nigeria, and Somalia were issued full waivers, while South Sudan received a partial waiver. The governments were included on the list for their use of or support for groups that recruit and use child soldiers.

To make matters worse former child soldiers in Somalia are allegedly being forced to work as spies for the government in programmes financially supported by the CIA. Sources inside the US-funded Somali intelligence agency **confirmed to the Washington Post** that hundreds of children were being detained in case they could be used as assets in the battle against Al Shabaab.

Accountability was sought in other conflicts. A UN-mandated human rights inquiry concluded that the Islamic State in Iraq and Syria (ISIS) is **responsible for committing genocide against Yazidis**. The inquiry's **report** details how ISIS has sought to "erase the Yazidis through killings", and contains detailed information of abuses specifically affecting children. The Yazidis' faith has been publicly declared by ISIS as the reason for their persecution and men and boys aged over 12 years old are routinely separated from their families and executed should they refuse to convert. Women and girls are still being held captive in their thousands, subjected to sexual slavery and a multitude of other abuses. The report calls for an end to impunity for the crimes carried out against the Yazidi people and urgent action on the part of the UN Security Council, whether through referring the situation in Syria to the International Criminal Court (ICC) or by setting up an ad hoc tribunal for the prosecution of rights violations. Also on Syria, amidst the **siege** on Aleppo, which suffered persistent bombing by Syrian and Russian forces, the Human Rights Council in October adopted a resolution requesting the Independent International Commission of Inquiry on the country to conduct a comprehensive, special inquiry, and identify all those responsible for alleged violations and abuses of international human rights law.

Justice was extended to retired leaders when former vice president of Democratic Republic of Congo (DRC) Jean-Pierre Bemba was convicted of war crimes, marking the first time a high level official was **found** guilty for crimes committed by his subordinates at the International Criminal Court. The Court recounted graphic details of the alleged

crimes in its judgment, describing the rape of children as young as 10 by Bemba's forces while he was a member of an armed group in 2002 and 2003. The ICC case is also the first to focus primarily on crimes of sexual violence committed in war.

The case of Dominic Ongwen, a former child soldier and commander in the Lord's Resistance Army (LRA), was also finally brought to trial at the International Criminal Court (ICC) in March after a pre-trial chamber **confirmed 70 charges** against him. Ongwen is the only former child soldier to face charges before the ICC and, even though Ongwen committed the crimes he is charged with as an adult, it raises questions around how to hold to account a defendant who was himself a child soldier. At the International Criminal Tribunal for the former Yugoslavia (ICTY) meanwhile Radovan Karadžić, former Bosnian Serb leader, found himself sentenced to **40 years' imprisonment for genocide, crimes against humanity and violations of the laws or customs of war** committed by Serb forces during the armed conflict in Bosnia and Herzegovina (1992 - 1995). Karadžić was convicted of carrying out genocide in Srebrenica in 1995, and of persecution, extermination, murder, deportation, inhumane acts, terror, unlawful attacks on civilians and hostage-taking.

Despite public rejection of a **long-awaited peace deal** between the Government of Colombia and the country's main armed opposition group, children recruited to fight with FARC-EP are being separated and sent home by the group. The move is part of an agreed deal between the rebels and the Colombian government to sustain peace while further negotiations on ending the country's decades-long civil war continue.

The ICC also conducted its first ever **reparations hearing** in the case of Thomas Lubanga. Lubanga was found guilty of the war crime of enlisting and conscripting children under 15 in the Democratic Republic of Congo (DRC) into the Forces patriotiques pour la libération du Congo (FPLC) amid

armed conflict in the Ituri region of the DRC between 2002 and 2003. The Trust Fund for Victims (TFV) will spend US \$1.1 million over three years to support affected communities and individuals in eastern Congo. However, the funds allocated for reparations are limited, and victims will not receive individual reparations, which many had expected. However, the reparation hearings are ongoing - the award so far is for "symbolic collective reparations" and the court will issue another decision on further reparations. However, continuing insecurity and the influence of Lubanga's party in Ituri district could deter victims from participating in the reparations programme. CRIN hopes to further strengthen the Court's treatment of children's rights through our joint paper with Child Soldiers International submitted to the Office of the Prosecutor (OTP).

Burundi, South Africa and Gambia all initiated the process to withdraw from the jurisdiction of the International Criminal Court (ICC), among other reasons accusing the tribunal of persecuting and humiliating Africans. Gambian Information Minister Sheriff Bojang said the court had ignored Western war crimes. In November Russia removed its signature from the Rome Statute, the Court's founding treaty, in a symbolic move away from the ideals of the court.

On a brighter note, a new law was passed in Chile placing justice for crimes against civilians committed by members of the security forces within the ambit of the civilian justice system. The law established that "under no circumstances will civilians or children who are victims or offenders be subjected to military courts". Amnesty International highlighted crimes against civilians by police, claiming the military justice system "raises questions about impartiality and independence and fails to safeguard human rights".

## Conflicts that drone on

Other conflicts remain unresolved. Intense fighting in Iraq against the so-called Islamic State continues to take a devastating toll on civilians, with many children being killed or recruited to fight against the coalition of governments driving the violent extremist group from the city of Mosul. Residents have reported that fighters demanded children as young as nine be handed over to them to help with the battle, also using loudspeakers to declare people should "leave their villages or be severely punished". The group has also been kidnapping civilians to use as human shields, with the UN estimating that some 1,500 families are being taken to Mosul airport by militants. On top of all of this UNICEF has reported that more than 20,000 people have been displaced by the offensive, leaving more than 10,000 children in desperate need of food, water, medicine and other essential services. Civilians fleeing the Iraqi city of Mosul, many of them children, have been exposed to toxic smoke from burning oil wells and chemical plants ignited by IS fighters.

Political violence boiled over in Burundi over widespread discontent with President Pierre Nkurunziza's decision to run for a third term in office. The aftermath of a coup attempt in April saw a slew of execution-style killings and an outbreak of violence that left at least 17 children dead and many more injured, in addition to more than 100 being arbitrarily detained and untold damage to schools hit by grenades. The UN Security Council adopted a resolution calling on all parties to engage in peace talks, warning of further action against those who incite more violence in the country. Government forces in Sudan also turned against their people, using chemical weapons repeatedly against civilians and children in remote regions of Darfur over the past eight months, according to allegations levelled by Amnesty International. They claim that hundreds

of survivors suffered symptoms including bloody vomiting and diarrhoea, blistering and rashes on skin that was later lost, visual impairment up to and including blindness and respiratory problems – reportedly the most common cause of death.

Some 1,248 children below the age of 15 were reported to be among the 9,010 people injured as a result of the Indian government's crackdown on protests in Kashmir according to government figures. These figures include people injured by pellets and bullets fired at protesters - which have caused full or partial blindness in many children - as well as other uncategorised injuries. Protests in Kashmir have been ongoing since July 2016, triggered by the killing of a popular secessionist leader by security forces.

Since military operations ignited in eastern Ukraine two years ago, 49 children have been killed in the Donetsk region and 138 injured. In conflict-affected areas, one fifth of schools have been damaged or destroyed because of relentless shelling. More than 215,000 children have been displaced, and countless children lack psychosocial support or miss school, not least because of the use by all armed groups of school buildings for military purposes. A further 95,000 children are now in state care - many because their parents can no longer afford to look after them - and despite the fact that a lack of public funding for institutions means that sustenance is no more likely there.

Central Asian States featured prominently as countries of origin of those travelling to Syria and Iraq to fight, now numbering 5,000. Children from Central Asia were also among 50 people arrested in raids on Islamic State training centres in various parts of Turkey. The so-called Islamic State (IS) is attracting particularly high numbers of Georgian citizens, according to the US State Department. Since 2014 several reports have surfaced of teenagers joining from the area of Pankisi. Much of the Pankisi population, which is a Muslim minority, live in abject poverty, with scarce employment options.

## Counter-terrorist: radical trends

Terrorist attacks from **Paris to Beirut** and beyond, compounded by growing fears of children being 'radicalised' have led to rights-restricting measures based on surveillance and punishment, stifling open debate. In particular, vague definitions of the term and an expectation to demonstrate attempts to prevent it have led to school staff interviewing children for "inappropriate references to terrorism" and even monitoring toddlers in nurseries.

The UK led the charge with its Prevent programme, then the FBI followed suit, instructing high schools to report students who criticise government policies and "western corruption" as potential future terrorists. Under the new guidelines, the agency warns that "anarchist extremists" are in the same category as the so-called Islamic State, and young people who are poor, immigrants or travel to "suspicious" countries are more likely to commit horrific violence. Also under the guise of protecting children from "terrorist and extremist organisations", Tajikistan proposed amendments to a law on parental responsibility to make internet providers disclose free information to parents about their children's internet surfing history.

Radicalisation rhetoric also coloured the treatment of children in the justice system. Russia lowered the age of criminal responsibility to 14 for a variety of offences related to extremism, terrorism and participation in mass riots, as part of a new set of "draconian" anti-terrorism laws. As a result, anyone over this age will now be criminally liable for "failure to report a crime" that someone "has been planning, is perpetrating, or has perpetrated," with children facing up to a year in prison for such a "failure". Russia's Presidential Council

on Civil Society and Human Rights urged President Vladimir Putin not to sign the law, which it said was unconstitutional and contained legal uncertainties. Kyrgyzstan looks set to follow suit with a draft law which would make terrorism and religious extremism punishable from the age of 14 years. Acts that would fall under these proposed offences include taking part in armed conflict in a foreign State, financing terrorist activities, and showing support for terrorism. The draft law also proposes that statutes of limitations, parole, and less severe sentences should not apply in cases involving children.

In Australia the age at which control orders can be applied to terrorism suspects will be reduced from 16 to 14, as part of the federal government's fifth tranche of counter-terrorism laws, to be introduced into parliament. President of the New South Wales council of civil liberties, Stephen Blanks, said that the harsher laws would simply drive alienated young people towards radicalisation: "Australia has legislated more than any other country in response to terrorism and the legislation has been utterly counterproductive. What more legislation does is alienate sections of the community."

A French children's court meanwhile sentenced two children for criminal conspiracy in connection with a terrorist enterprise for the first time. Two teenagers from Toulouse had travelled to Syria in 2014 after speaking with an Islamic State recruiter, but changed their mind and returned to France three weeks later. They received six-month suspended prison sentences. A lawyer representing one of the boys praised the judge for not stigmatising them by branding them as terrorists, adding that "they were not at all conscious of the complexity of the situation in Syria".

A number of Middle Eastern and North African countries are seeking to combat extremism and sectarianism through the education system. Egypt, Jordan, Kuwait and Morocco are all reviewing school curricula to this end. However, many cultural

and political Arab communities emphasise that while school curricula, although partly responsible for the emergence of terrorism and extremist thinking, are not the key factor. Several generations have studied the same curriculum with a different outcome. In addition, IS draws many into its ranks from European and Western countries, as well as from Tunisia where a secular educational system prevails. Furthermore, some commentators have argued that while the new curricula may omit words related to extremism, they are rooted in the intolerance of the old mentality.

In a submission to the UN High Commissioner for Human Rights, CRIN asserted that governments have a responsibility to protect those within their jurisdiction from terrorist attacks, but cautions that any attempt to counter terrorism raises the question of its compatibility with international human rights law and standards.

## Taking refuge in rights

The language of rights was also a casualty of the ongoing refugee crisis across the world, which continues to lay bare how societies relate to people in desperate circumstances when they are from a country that is not their own. In the face of hate speech on the one hand, the fetishisation of desperation on the other, CRIN and the Ethical Journalism Network urged policy makers, media outlets and others to hew to the language and practice of rights.

Nevertheless, between 1 January and 5 June this year, more than 2,800 deaths were recorded in the Mediterranean as migrants and refugees, many of them unaccompanied children. Those who survived faced a hostile reception. In May Human Rights Watch reported that border guards were shooting and beating Syrian asylum seekers trying to reach Turkey. The violence against displaced Syrians

and Turkey's refusal to allow them to cross the border came as the European Union closed its borders to asylum seekers, instead committing €6 billion in aid to Turkey to assist those trapped in the region. Despite claims of an "open-door policy", Turkey has been building a new 900km border wall to stem the flow of refugees, and Turkish border guards reportedly prevented thousands of displaced people from fleeing after refugee camps near the border were hit by artillery fire on 13 and 15 April. A further eight Syrians, including four children, were reported to have been shot dead in June by Turkish border guards.

Médecins Sans Frontières took a stand, announcing it would no longer accept funds from the European Union and Member States, in opposition to their damaging deterrence policies and continued attempts to push people away from European shores. MSF highlighted the dire living conditions, including of many unaccompanied minors, and their deprivation of essential legal aid - their one defence against collective expulsion. MSF also lashed out at drug manufacturers Pfizer and GlaxoSmithKline, claiming that they unfairly hiked the price of drugs used to immunise refugee children in Greece. One pneumonia vaccine is allegedly being sold in Greece for as much as 20 times the price it is sold for in other European countries.

After months of contention over who should take responsibility for the unaccompanied children in the so-called Jungle refugee camp in Calais, the French authorities demolished the camp at the end of October 2016. The fate of some 1,600 unaccompanied minors is uncertain. Some are living in children's homes in France - with reports surfacing of forced labour; a few have been resettled in the UK, which has yet to fulfil its promise of receiving children with family in the UK; while the whereabouts of a further 60 children is unknown.

The differing treatment of child refugees and asylum seekers also sparked debate in Scandinavian countries after it was revealed

that some girls are being allowed to stay with much older husbands when they arrive in safe countries. Some national authorities have claimed that it is less traumatic for them to stay with an adult than go through a forced separation after fleeing wars in countries like Afghanistan or Syria. Meanwhile Denmark will only allow children to live with a partner "under exceptional circumstances", and under no circumstances if they are younger than 15. The courts are also debating the issue in Germany, where some 550 cases of marriages of children under 18 (161 involve under-16s) have been reported among newly arrived asylum seekers in the state of Bavaria alone.

But the refugee crisis is not confined to Europe. Kenya's government announced its intention to close Dadaab refugee camp, the largest refugee camp in the world, due to the heavy economic, environmental and security burdens that housing more than 300,000 refugees entailed. The plans have now been challenged by the country's commission on human rights by opponents who claim the move would be illegal. The commission asked the court to order the government to reinstate services for refugees and to take back the statements made in a press release on 6 May, in which it claimed the camp would be closed.

Immigration policy also drew ire in the Pacific when Australia's High Court ruled that the government's policy of detaining asylum seekers offshore is legal, a decision which paves the way for more than 250 people, including 37 babies and around 50 other children, to be deported to a detention camp on the tiny Pacific island nation of Nauru. Australia intercepts all boats carrying people seeking asylum and takes those on board to offshore detention centres in Manus Island in Papua New Guinea - now scheduled to close following a Supreme Court decision that the centre is illegal and unconstitutional - or Nauru. But rights groups have reported harsh conditions, violence and abuse at the centres, as well as "epidemic" levels of self-harm among detainees, attested to by Nauru's decision to

decriminalise suicide as a result. Conversely, Belgium's highest administrative court ruled that **families with minor children cannot be held** in immigration detention centres under any circumstances.

## Ending detention: the force awakens

The long-awaited UN Study on the Deprivation of Liberty cannot begin quickly enough - an Independent Expert has been appointed (more in chapter 2), all that remains is for a budget to be set. In the meantime **440 children languish in military detention** in Israel, the highest total since the Israeli army started issuing figures in 2008, according to **Defence for Children International - Palestine**. Many of the children were detained in night raids, despite promises two years ago from the Israeli army to phase out these raids following international condemnation. According to the report, three-quarters of children reported being physically assaulted during their detention, in nearly 90 percent of cases parents had no idea where their child had been taken, and in 97 percent of interrogations no parent or lawyer was allowed to be present.

Already too late for others, hundreds of children and adults under the care or supervision of the National Service of Minors (SENAME) in Chile have died in the last 11 years, with previous figures giving a far lower estimate than the true number of deaths. The latest report from SENAME states **that 1313 people died** in custody from 2005 to 2016, 865 of whom were children who had been placed in group homes, detention centres or remained with their families under State supervision. A judicial inquiry is now underway into the deaths and there are calls for President Bachelet to promote reform of the system.

Tracking violations of children's rights in the justice system proved challenging in Egypt where three to four people are seized every day, according to local NGOs. Children as young as 14 are among hundreds of students, political activists and protesters who have been **abducted, tortured and forcibly disappeared** in a bid to wipe out peaceful dissent, according to a report by Amnesty International. In another recent incident - by no means isolated - more than 150 people, including children, were **sentenced** to between two and five years in prison for participation in protests against the government's decision to transfer sovereignty over two Red Sea islands to the Kingdom of Saudi Arabia. In accordance with what appears to have become established practice in confronting critics of the government, the cases were **heard** by a special circuit court for terrorism-related offences. Of the 111 people convicted for "protesting without permit, joining a terrorist group and disturbing the public order and security", ten were minors referred to a juvenile court.

The first case of a juvenile aged between 16 and 18 to be **tried** as an adult for a serious criminal offence was prosecuted in India under a new law. The **Juvenile Justice Bill**, which permits this if the Juvenile Justice Board deems that the heinous nature of the crime warrants it, entered into force in January despite vigorous opposition by child rights advocates. An analysis of the Bill by the **Centre for Child and the Law** draws attention to the fact that treating juvenile offenders as adults contradicts the CRC and ignores fundamental differences between adolescents and adults, which establish children's diminished culpability.

Lawmakers in El Salvador meanwhile revived talks about **trying children as adults** in court for involvement with gangs. The proposal is a heavy-handed response to an issue in which children represent only a small minority. In the last 15 months, 156,250 people were prosecuted for criminal offences, with only 6.38 percent of these being under-18s. A change of guard in

the Philippines brought worrying changes to the criminal justice system there, with lawmakers, goaded by President Rodrigo Duterte, **proposing to lower** the age of criminal responsibility from 15 to nine years old. They claim that youth offenders are being “pampered”, while “adult criminals – individually and/or in organised cabal – knowingly and purposely make use of youth below **15 years old** to commit crimes, such as drug trafficking, aware that they cannot be held criminally liable.” The move comes as a proposal to bring back the death penalty for heinous crimes was also introduced. Some senators fear the two bills could lead under-18s to be sentenced to life imprisonment or even death. Better news came from Colombia where the Constitutional Court **put** children recruited by gangs on an equal footing with former child soldiers, providing them with the same support.

Meanwhile private security company **G4S** **sold its children’s services contracts** in the United Kingdom, including to run two youth prisons, weeks after damning footage emerged of its staff using excessive force on children. An inspection at one of the centres last year revealed that children had been subjected to degrading treatment from staff. The footage also alleges that G4S staff routinely **falsified records of violent incidents**. In 2014, 14 children who had been unlawfully restrained in centres run by G4S and Serco were **awarded damages amounting to £100,000**.

## Inhuman sentencing: still standing

While some need a global study to be persuaded that detention is inhuman, other sentences are rejected by all but a minority of States. Saudi Arabia was **met** with a chorus of criticism over a mass execution in which 47 people were beheaded for their

supposed involvement with Al Qaeda. It appeared at the time that the sentence was carried out that some of those executed were child offenders, but in fact these executions were stayed. The executions of Ali al-Nimr, Dawood al-Marhoon and Abdullah al-Zaher have been a long time pending, with the sentences originally confirmed by the King - the last procedural measure needed to carry out the sentence - in August 2015.

CRIN’s **submission** to the UN Secretary General’s **annual report on the death penalty** documented cases of death sentences passed or carried out against people who were under 18 at the time of the offence between April 2015 and March 2016. Those perpetrating such sentences included the usual suspects of Iran, Pakistan and Saudi Arabia. A particularly grisly development **emerged** in December with reports that Maldives’ state budget for 2016 allocated funds for the construction of an execution chamber, leading to concerns that executions may be carried out in the country for the first time since the 1950s - a prophecy which now looks set to be fulfilled.

Since March 2016 an Irish student, who was **arrested** on holiday in Egypt, remains in jail expecting a death sentence for his alleged involvement in a 2013 protest. Ibrahim Hallawa, from Dublin, was 17 at the time of his arrest and his horrific treatment by the Egyptian authorities has been documented by Reprieve. Also in Egypt, in a case of mistaken identity a military court **sentenced** a four-year-old boy to life in prison for murder, destruction of property and incitement to riot. Ahmed Mansour Qurani Ali was convicted alongside 115 others for their alleged involvement in violent protests in the Egyptian province of Fayoum in 2014. Before the court acknowledged it was a mistake, it refused to accept proof of the child’s age during proceedings, according to the child’s defence lawyers. Nevertheless, the true suspect, aged 16, was still a child.

In Iran, seven young people between the ages of 22 and 25 **are believed** to be at imminent risk of execution despite

reports that some were children at the time they committed the offences. All have been transferred to solitary confinement in Gohardashst prison, the step preceding execution. Executions in Iran have increased in recent years alongside a crackdown on campaigners against the death penalty. In May human rights activist Nargis Mohammadi was sentenced to 16 years imprisonment for national security offences related to her campaigning, a move deplored by UN High Commissioner for Human Rights. A worrying development in Kuwait means children over 16-years-old could now **face the death penalty or heavy prison terms** from January 2017 for certain crimes, following a decision to lower the age of criminal majority from 18 to 16.

Advocacy against the death penalty must not relent, but as we insist repeatedly, abolition of the death penalty is just one step towards establishing rights compliant juvenile justice system - we also need to look at what replaces it. In many cases this is life imprisonment - a sentence which has also been condemned by the UN Secretary-General in his 2014 report.

On this front, France, **Madagascar** and **Eritrea** all banned life imprisonment for children in 2016. France's amendment to the **1945 ordinance on child offenders** leaves the United Kingdom as the only country in the European Union to continue sentencing children to life.

## Setting minimum ages: when is this of value?

In what circumstances minimum ages protect or limit children's rights is a fundamental question. Complicating matters further, what is meant by capacity and free and informed consent? How can greater rights recognition rather than age thresholds better protect

children from abuse? And why is children's access to justice limited simply because of their age? These questions are set to come to a head in the **UN Committee's General Comment on the Rights of Adolescents** to be finalised shortly. In anticipation, CRIN sought some answers in its discussion paper, **Age is Arbitrary: setting minimum ages**. This examines the inconsistencies and discrimination that result from the way minimum ages are currently set and draws out some rights-based principles to establish when a minimum age is necessary.

### Work

One of the most contentious areas arising from the general comment was whether the International Labour Organization's minimum age laws achieve their objective of protection with respect to child labour. An **open letter** from a group of academics and child workers argued that they do not, and asked whether a more effective approach would be to focus on conditions (except where the worst forms of child labour are concerned which should always be banned). The letter led to an **open debate** with Human Rights Watch. A similar exchange was played out nationally in Morocco where a new law **raised** the minimum working age for domestic workers from 15 to 16. Some commentators argued that the age should have been raised to 18, while others asserted that banning children from working leads to greater poverty. The **news** from Purnima, Lebanon that a 12-year-old domestic worker was set alight and left in a warehouse without any medical treatment by her employer brought home the urgent need to stretch beyond this stalemate and urge a thorough impact assessment of the best methods of protection.

### Marriage

International consensus coalesced around 18 as the minimum age of marriage - for protective purposes, a view reinforced by **children** consulted for the general comment on the rights of adolescents. In January the

Constitutional Court of Zimbabwe **ruled** that the minimum age of marriage is 18. In July Tanzania and Gambia both **took measures** to criminalise child marriage. In November the Guatemalan Congress **approved** legislation raising the minimum age of marriage to 18. On 1 July, a new law also took effect in Virginia, US, setting the minimum age of marriage at 18, with exceptions for 16- and 17-year-olds emancipated from their parents. The state law had previously **allowed** girls as young as 12 or 13 to be brought to a courthouse to be wed where there was evidence of a pregnancy. Several US states, including Massachusetts, continue to allow girls as young as 12 to get married with the consent of a judge.

Coming up, Turkey's Constitutional Court will **consider** a challenge to a provision of the Civil Code that allows courts to approve marriages of children under the age of 16 in 'exceptional circumstances'. The question was referred by an Ankara court after the family of a 13-year-old girl petitioned for permission for her to marry her rapist. Meanwhile, a local court in the southeastern province of Diyarbakır **acquitted** a man of entering an informal marriage with a child when she was 14, believing that he had made a 'mistake' about his bride's age.

Kyrgyzstan's president **approved** a law establishing criminal sanctions for anyone participating in traditional early marriages, including religious officials and parents.

For more on married children seeking asylum, see page 18.

## Euthanasia

A terminally ill child in Belgium became the first **under-18 to be helped to die** under the country's euthanasia law. The child, whose identity has been kept secret, was allowed a physician-assisted death as they fulfilled the law's criteria of being in a "hopeless medical situation of constant and unbearable

suffering that cannot be eased and which will cause death in the short term". Belgium legalised euthanasia for adults in 2002 and two years ago became the first country to lift age restrictions on such procedures.

## Transferring data, handling guns

On other issues, the European Union (EU) **determined** that children under the age of 16 years may need parental consent to join an online service under a newly approved rule that aims to strengthen children's data protection and privacy online, but which digital rights advocates say places restrictions on children's online freedoms. Meanwhile in the United States a **bill** allowing children of all ages to handle guns under parental supervision passed Iowa's house of representatives, raising concerns about the judgement of those governing...

## Vote

Concerns about our leaders reached new heights in the wake of the United Kingdom's referendum on the country's membership of the EU, with under-18s **taking to the streets** in protest at not being given a say in their future, despite the fact that they will be the most affected by the outcome. A **narrow majority** of voters opted to leave the EU, with the older demographic coming out ahead of young voters who were **overwhelmingly in favour** of remaining part of the EU. Prior to the referendum the proposal to allow 16- and 17-year-olds to take part in the vote was **rejected** by the lower house of Parliament. Had they been allowed to vote, **the result would have been entirely different**, a survey revealed. Some politicians continue to use **generalised claims** that under-18s should not get the right to vote because they are not interested in politics. But the opposite was demonstrated in Scotland's 2015 independence referendum in which 90 percent of young people registered to vote. Such a turnout prompted the voting age in Scotland to be **lowered** to 16.

# The different faces of discrimination

In addition to discrimination against children as a group, particular groups of children also experienced progress and regression in respect for their rights.

## LGBT children

Tensions over the rights of lesbian, gay, bisexual and transgender (LGBT) people played out globally at the Human Rights Council. On the one hand, the Council **voted** to create the post of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, responding to a joint campaign by 628 NGOs from 151 countries (and **staved off** efforts to dismantle the mandate led by the African Group). On the other, in spite of vehement opposition from civil society and a number of States, the Council **adopted** a damaging resolution on the 'protection of the family'. States behind the resolution seek to establish the family unit as a rights holder in itself, rather than focusing on the rights of individuals within the family. Advocates including CRIN **argue** that this fails to consider abuses that occur within the family setting, such as child abuse and institutionalised gender equality including property or inheritance legislation, and that it fails to recognise the diversity of families, focusing on the heteronormative definition alone.

Limits were also placed on the rights of LGBT persons at national level, blocking children's access to information. Moldova's parliament **prepared** a law banning 'gay propaganda', which would criminalise anyone providing information about homosexuality to minors - a step already taken by a number of other countries in the region. Indonesia's

media regulatory body meanwhile **banned** television and radio programmes from showing the lives of LGBT people as normal, ostensibly to protect children from 'deviant behaviour'.

The Japanese government **came under fire** for failing to protect LGBT children from school bullying. A report by Human Rights Watch found that the country's national bullying prevention policy does not include any mention of the specific vulnerabilities faced by LGBT students, as officials insist that no child is any more vulnerable to bullying than another. Further, the school curriculum fails to address LGBT issues, while teachers are inadequately trained on gender and sexuality. This has led to cases in which teachers have told LGBT students that to avoid bullying they should conform to social norms, and that by being openly gay or transgender they are being selfish and should not expect to succeed at school. Japan's bullying prevention policy is up for review in 2016.

Elsewhere prejudice and discrimination met with pushback. In the United States, the Obama administration **issued** a directive to US public schools to allow transgender children to use bathrooms and changing rooms matching their gender identity. Schools who refuse to comply could face civil rights lawsuits from the government and risk losing federal funding for education. Outraged, Texas and 10 other states launched a lawsuit against the administration, calling the directive unconstitutional and claiming that only Congress can make the changes instituted by the president. In Argentina meanwhile a 14-year-old transgender girl **won** the right to legally change her name in the first case of its kind in the country. The child had identified as a girl for the last ten years and, although she was supported by her mother, her father opposed the name change.

## Religion

The roots of religious freedom and religious intolerance unquestionably lie in childhood, as reflected in the following stories. In France, a 15-year-old Muslim girl **was banned from class twice** for wearing a long, black skirt considered by the headteacher to be a “conspicuous” symbol of religious affiliation. Wearing religious symbols, such as veils, the Jewish kippa or large Christian crosses, in schools is banned by France’s strict secularity laws, but “discreet religious signs” are allowed. The student said the skirt is “nothing special, it’s very simple, there’s nothing conspicuous. There is no religious sign whatsoever”. In a similar case last year a Muslim girl was allowed to **return to school** in her usual attire after being barred from classes for wearing a long, black skirt – again, deemed to be a religious symbol. Both cases renewed use of the hashtag **#JePorteMaJupeCommeJeVeux** (I wear my skirt as I please).

Malaysia’s Court of Appeal **ruled** that a dispute concerning the unilateral conversion to Islam of three children by one of their parents must be decided by a Syariah court. The children’s mother, who opposes the conversion, however, has no standing to initiate proceedings in the Syariah court as she is a non-Muslim. A person’s official religious identity is significant in Malaysia’s dual legal system where Muslims and non-Muslims are subject to different sets of laws. The judgment prompted the Malaysian Bar Association to **recommend** the urgent introduction of new legislation that requires both parents’ consent for religious conversion of children. However, neither the courts nor the Bar considered children’s right to choose or renounce their religion.

An Egyptian court **sentenced** four Coptic Christian teenagers to up to five years in prison for blasphemy. The police initiated the prosecution of the Coptic teenagers after a Muslim classmate discovered a 32-second video in which they mocked the Muslim mode of prayer. A number of

prison sentences have been issued in recent months, seemingly at odds with the image of Egypt’s president, Abdel Fattah el-Sisi, as a self-styled bulwark against extremism.

Against this background, CRIN welcomed the acceptance by the UN Special Rapporteur on freedom of religion or belief in a **report** that children possess an independent right to freedom of religion and belief. However, we **highlighted** some areas in desperate need of attention to ensure consistent and adequate recognition of this right which we believe are key to achieving the Special Rapporteur’s own aims. These include pressing for an education which increases children’s respect for those who do not share their religion; and protecting children from violations on religious grounds, particularly in relation to apostasy and non-consensual, non-therapeutic male circumcision.

## Street children

In April the International Day for Street Children provided an opportunity to **highlight** the work of the UN Committee on the Rights of the Child to develop a general comment on the rights of these children. Marking the day, CRIN released the third edition of its **Global Report on Status Offences**. This draws attention to the ways that street children are often criminalised for not having a home and trying to make a living on the street, as well as other examples of laws that make certain acts legal for adults but illegal for children. The report builds on the first edition of the report published in 2009 to include new topics, such as the use of technology, purchasing of alcohol and tobacco, as well as examples of how these laws and policies have been challenged.

## Children with disabilities

Another international day - this time for persons with disabilities marked the launch of CRIN’s **analysis** of how the UN Committee on the Rights of Persons with

Disabilities addresses children's rights. Gaps identified include the unique needs and vulnerabilities of children with disabilities in accessing justice, sexuality education and reproductive health services, the right to work, privacy, harmful traditional practices, the specific situation of LGBT children with disabilities, the impact of austerity measures, and violations in private institutions. The report forms part of a **series** of analyses of UN treaty bodies' work in which we press for the rights of children to be addressed with the same consistency and rigour as those of adults - an endeavour we shall continue into next year.

### Children discriminated against because of their health status

Equity was one the themes of this year's World AIDS Conference in Durban, South Africa, where 20,000 delegates from across the world discussed progress and challenges associated with efforts to eradicate the virus. While **mother-to-child infection rates** have plummeted from about 30 percent of babies in the 1980s and 90s to just under two percent now, the impact of discriminatory laws and policies in many parts of the world hinders access to HIV prevention, treatment, and care.

An important judgment was **issued** in this vein by the Supreme Court of Sri Lanka which ruled that children living with or affected by HIV have a right to education, free from harassment and discrimination. The case concerned a five-year-old boy who was denied admission to school because he was believed to be HIV positive, with the Court holding that the government had an obligation to ensure protection of the human rights of people living with HIV. The decision is the first of its kind in South Asia, a region in which no country has yet passed a national law addressing discrimination against people with HIV.

Meanwhile a school in Greece was ordered to **pay compensation** to children who were

banned from going to class after they were wrongly diagnosed with leprosy. As part of the ruling by the European Court of Human Rights, judges accepted that the children's exclusion from school was based on the legitimate aim of health safety in preventing any risk of contamination. However, the ruling states that there was an unwarranted delay in setting up a panel to decide on the children's return to school - which resulted in their exclusion from schooling for more than three months.

## The incisive argument of consent

The year saw a number of important rulings on children's right to make decisions about their own bodies. In one of the most significant judgments on male circumcision to-date concerning children, an **England and Wales** high court judge prevented a Muslim father from having his two sons circumcised for religious reasons, ruling that the decision should be left to the boys. The judge pointed out that, while the brothers were raised as Muslims, adherence to a religion can change as a person grows up, whereas circumcision is irreversible, and therefore the boys should make the choice "once they have the maturity and insight to appreciate the consequences and longer-term effects of the decisions which they reach." Further acknowledging the importance of informed consent, a court in **France** recognised that circumcision amounts to physical and ethical harm if performed on a patient who is unaware of the possible health consequences of the surgery.

Discussions about children's bodily integrity also concern access to services that are denied them because of their age or parental control. In a case upholding a child's autonomy and self determination over their body, a judge in **Canada** prevented

a father from blocking his transgender child from undergoing hormone therapy, saying that the case “is really about [the boy] and his role in determining his own future”. In the same country an expert panel advising on a proposal to legalise doctor-assisted dying for terminally ill patients who are suffering extreme pain said access to the procedure should be based on individual patients’ maturity and mental competence, not “arbitrary age limits” - an argument based on the ‘mature minor’ doctrine, which holds that children can make their own medical decisions if they understand the nature of their illness and the repercussions of their choices. Meanwhile, the law that was eventually passed, however, restricts the procedure to over-18s.

Russia launched an investigation into claims by Russian Justice Initiative that tens of thousands of girls are being subjected to female genital mutilation (FGM) in the Republic of Dagestan. No specific law bans FGM in Russia, but since the evidence was presented, a bill typifying FGM as a crime has been drafted. As Gambia became the second State to criminalise FGM in 2015, after Nigeria six months earlier, advocates elsewhere raised the importance of standing firm with efforts to end the practice. The Economist revealed its patriarchal standpoint when it argued that “minor”, “merely bad” forms of FGM should be allowed in order to prevent extreme harm from the more invasive forms - a proposal heavily criticised by campaign groups as “misguided”, “dangerous and entirely unfounded”.

The head of the UN Population Fund for the first time described FGM as “child abuse”, having previously referred to the practice as a human rights violation, in this way acknowledging it as a specific child rights concern. CRIN addressed these and other issues of consent in a submission to the newly formed high-level working group on health and human rights of women, children and adolescents.

## Right to health: no exceptions

The need to reform restrictive laws on women and girl’s reproductive health in Latin America made headlines, as the spread of the untreatable Zika virus increased calls for contraception and abortion to be made accessible to prevent acute risks to maternal and foetal health. Also in the region, Chile’s Congress approved a draft bill easing a Pinochet-era no-exceptions ban on abortion, with the new bill seeking to allow the service in cases of rape, when a pregnancy poses a risk to the mother’s life, or when the foetus is no longer considered viable. In a landmark case, Peru compensated a woman for denying her a medically indicated abortion at aged 17. The United States Supreme Court upheld women’s access to abortion in ruling that lawmakers may not put an “undue burden” on those who seek it, a decision that overturned a restrictive abortion law in Texas and which is likely to block or void similar laws in about two dozen other states. Such undue restrictions can amount to cruel, inhuman or degrading treatment, as the UN Human Rights Committee found in one case in Ireland. Meanwhile, in September, thousands of protesters took to the streets in Poland opposing a proposed ban on all abortions which are already heavily restricted.

Women’s rights groups in Armenia criticised a new law aimed at reducing the high rate of sex-selective abortions for putting lives at risk and limiting women’s reproductive choices. The law requires women seeking abortion to attend a counselling session with a doctor and introduces a three-day waiting period before the procedure, during which the doctor will pass on information about the dangers of abortion. Local activists warn that the law could limit safe access to reproductive care and push women into riskier forms of abortion. Armenia has the third highest rate of abortion of female fetuses in the world, with approximately

115 boys born for every 100 girls in 2015, leading the United Nations Population fund to warn the ex-Soviet country of an impending demographic crisis. Critics of the new law say that its focus on abortion procedure is misplaced and dangerous, failing to address the poverty and patriarchal values which lie at the root of the problematic gender imbalance.

Mexico's Supreme Court ruled that a law establishing minors' right to access contraception and education addressing sexuality is constitutional. A mother from the state of Aguascalientes had claimed that the General Law of the Rights of Children and Adolescents violated parental authority and the right of parents to educate their children. However, the Supreme Court agreed that children choosing their own sexual orientation did not infringe the rights of the plaintiff and that parental authority did not substitute the will and consent of the child.

In April the UN convened the largest gathering on drug policy in two decades, called for by States hoping that a General Assembly Special Session (UNGASS) would salvage a positive outcome from the political, social and economic wreckage of the failed global war on drugs. A joint statement by CRIN and others called for Member States to commit to not criminalising children for drug use and to respect and implement access to justice standards, among other points. The outcome document, however, failed to take on board rights-based solutions to drug-related challenges, with some commentators saying the UNGASS process represented a systemic failure within the UN. Substance use and drug control were among the issues discussed by the UN Special Rapporteur (SP) on the right to health in his annual report, which focused on the right to health of adolescents. Other issues addressed include mental health and sexual and reproductive health, with the SP making a consistent call for the removal of barriers for adolescents to access services.

The health consequences of children's

exposure to toxic substances made world news with the water crisis in Flint, Michigan, which revealed gross negligence in relation to lead contamination of the town's water supply, leading to a class action lawsuit against the state governor. This prompted a nationwide investigation by USA Today which found that some of the highest reported recordings of lead contamination in water in the country are at schools and daycare centres. Cases include an elementary school that had lead water levels 42 times higher than the recommended limit, while the contamination of the water system at another school was so bad it met the threshold for hazardous waste. Health at school was also the focus of China's education ministry, which ordered the removal of running tracks found to have been constructed using industrial waste, including scrap car tires, wires and cables, which led to children falling ill after using the sports facilities. Meanwhile hundreds of thousands of children are currently under medical observation in Belarus, Russia and Ukraine for the effects of the Chernobyl disaster which occurred 30 years ago.

## Environment and climate change: decontaminating justice

Climate change and environmental damage featured prominently on the global policy agenda - a pressing concern for children who will be left treading in mankind's indelible footprint. Some refused to be cut adrift, pushing their governments for drastic measures. A district court in Oregon, United States, for example ruled that children suing the federal government for their right to a stable climate can now proceed to trial. The plaintiffs allege that climate change violates their constitutional right to life, liberty and property, as well as the public trust doctrine

- a legal principle requiring a State to ensure the preservation of natural areas and resources for future generations. Meanwhile four teenagers in the United States won a climate change lawsuit against the state of Massachusetts for failing to comply with its legal obligation to reduce greenhouse gas emissions by its 2020 target. And in Pakistan, a seven-year-old girl, by way of her father and environmental lawyer, is behind a climate change lawsuit before the Supreme Court, which asserts that the federal government and the Province of Sindh have violated the public trust doctrine by continuing to exploit and promote the use of environmentally degrading fossil fuels above renewable sources.

While the role of States is one of stewards of the environment for current and future generations, the 2015 Paris Climate Conference (COP21), which aimed to achieve a legally binding and universal agreement to tackle climate change and reduce greenhouse gas emissions, ended with an anticlimax for its lack of transparency, limited access for civil society, and the removal of human rights provisions. In a special edition CRINmail, we looked at some of the challenges facing the COP21 and the implications for children's rights.

Children were placed at the centre of environmental matters in the Philippines, where former president Benigno Aquino signed into law a new bill exclusively aimed at protecting children's rights during emergency responses to severe natural events - the first law of its kind in Asia. The Children's Emergency Relief and Protection Act requires separate data collection to identify children and a more efficient system of restoring civil documents to improve family tracing for unaccompanied children. The law also requires increased surveillance against child trafficking and other forms of violence against children in the aftermath of disasters. Children will also be able to participate in disaster-risk reduction planning and post-disaster needs assessments.

damage took a disturbing path in Peru, where indigenous children as young as seven years old were allegedly used by PetroPeru to help clean up a 3,000-barrel oil spill in the Amazon, using just their bare hands and buckets. A local indigenous rights organisation filed a complaint against the petroleum company alleging child exploitation, as the children say they are paid around \$1 for every bucket-full of crude oil and received no safety instructions or protective clothing.

The UN Special Rapporteur on human rights and toxics addressed many of these issues in a report detailing the responsibilities of state and non-state entities in protecting under-18s from toxic chemicals and pollution. CRIN took an access to justice perspective in a special edition CRINmail on climate change and children's right to a clean environment. Looking at how the law is being used to uphold this right, we asked: what are States doing to prevent or minimise rights violations resulting from climate change? Are fossil fuel companies being held accountable for contributing to global warming? Is all this enough to protect the human rights of the children of today and future generations and, if not, who is pressing for more action? In addition, our submission to the Committee on the Rights of the Child's Day of General Discussion on "children's rights and the environment" focused on different aspects of children's access to justice in this area. In the coming months CRIN will work with others to explore new arguments, such as the idea of toxic trespass - the fact that we are inundated with toxins in the air we breathe, water we drink and food we eat without having consented to their presence, and actions to embed new ways of thinking.

Corporate accountability for environmental

# The right to privacy: here's looking at you, kid

The right to privacy serves to check state and corporate power, and children face many of the same violations of this right as adults, but they experience additional violations because they are seen as the property of parents or schools who justify their surveillance in the name of protection, because they are seen as easy prey for companies marketing their wares, or simply because of a lack of clarity about how best to secure children's consent about how their data will be used.

Sometimes it is children's own families who violate their rights online. Parents in France who upload photos of their children onto social media without their permission could potentially face lawsuits for violating their children's right to privacy, legal experts have said. Under the country's privacy laws, penalties for publicising intimate details of others' private lives without their consent are as severe as a year in prison and a fine of 45,000 euros.

Sometimes the State is in on the act. The United Kingdom's cybercrime tsar announced his intention to ask the government to set up a programme, modelled on the controversial Prevent strategy, to stop children as young as 12 becoming involved in computer offences. The proposed scheme, known as Cyber Prevent, would aim to deter young people from carrying out distributed denial of service attacks and other cybercrimes, such as hacking private details. Jamie Saunders, the director of the national cyber crime unit, said eerily that the Cyber Prevent programme could also be used as a recruitment tool, "We don't want them to go to prison, we

want them to come and work for us". Elsewhere courts have ruled against private companies for violating children's privacy. A mobile advertising company based in Singapore agreed to a \$950,000 settlement for tracking children's location without their consent. InMobi had stated that only users who 'opt in' will be tracked, however, it was later revealed that data about the wireless networks were connecting to was used to send targeted ads based on location and time to all users, including those who explicitly opted out. The company also admitted that it used apps targeted at children to collect some of the data, and is required by the settlement to delete all of this information and implement a more robust privacy policy.

South Korea's parliament is considering whether to allow parents to opt out of installing a mandatory monitoring app on their children's smartphones following criticism that the apps have security flaws. Since April this year it has been mandatory for under-19s who buy a smartphone to install one of about a dozen apps that filter and block objectionable content. Some also allow parents to control the apps on their child's phone and even schedule when the phone can be used. But a report by internet watchdog group Citizen Lab, which is based on two separate security audits, says the government-sponsored and most popular app, Smart Sheriff, has vulnerabilities that could leak children's personal details and browsing activities or allow the phone to be hacked.

A United States federal appeals court meanwhile dismissed all but one claim in a class action lawsuit against Google and Viacom for tracking children's activity online for the purpose of targeted advertising. The challenge alleged that tracking data of games played and videos watched by children under the age of 13 on the Nick.com website is illegal. The Court ruled that Google could not be held liable for breach of privacy because the law only allows complainants to sue "entities that disclose protected information, not parties, such as Google, alleged to be mere recipients

of it". However, because the mass media giant Viacom collected and disclosed the information to Google, it was subject to liability for the violation of federal statute privacy laws. Also in the United States, a class action suit is pending against social media platform Snapchat alleging that the company is **responsible for disseminating sexually explicit content to minors**, without notifying their parents. The video and picture sharing app is a phenomenon among young people with an **estimated 10 billion videos** viewed per day, allowing users to share messages that quickly disappear with friends and followers. However, one Californian 14-year-old and his mother have claimed that Snapchat Discover, a feature showcasing stories from the app's media partners, frequently includes inappropriate material.

In the United Kingdom meanwhile children as young as 11 are among 1,160 **alleged victims of revenge porn** who reported offences in the first year of a new law coming into effect, which made it a crime to share private sexual photographs or films without the subject's consent. So-called revenge porn refers to the act of a partner or ex-partner purposefully distributing sexual images or footage without the other person's consent. Thirty percent of offences recorded involve young people under 19, and the average age of a revenge porn victim was 25. More than 60 percent of reported offences resulted in no action being taken due to a lack of evidence or the victim withdrawing support. Laura Higgins, Online Safety Operations Manager at the **Revenge Porn Helpline**, said the new legislation contained flaws around victim anonymity as well as a failure to cover historical cases and altered images, such as through Photoshop.

The Human Rights Council examined some of these issues during its annual day on the rights of the child which was held under the theme of information and communication technologies and sexual exploitation. CRIN reported on the discussions but cautioned in a **joint submission** that while existing efforts to protect children online are well intended, in practice, they can inadvertently infringe

upon children's other rights. Responses at policy and household level are largely based on perceptions of the dangers of the Internet, rather than the evidence of specific harms. This means that censorship and surveillance are often the default solutions, violating children's other rights. It is undoubtedly important to recognise the need for protection; but we should promote responses based on evidence and respect for all children's rights. CRIN is now collecting case law relating to violations of children's rights in the digital environment.

## Making companies work for children

Private companies were under the spotlight on issues ranging from children's access to information to the use of child labour and complicity in war crimes. Australia's consumer watchdog is taking the multinational company Heinz to court over misleading claims related to **sugary foods marketed at one to three year olds**. The suit concerns three products made from fruit juice concentrate and pastes, marketed as "nutritious food" and "99 percent fruit & veg", which were found to contain 60 percent sugar. The Australian Competition and Consumer Commission brought the federal suit relying on Australia's Consumer Law which requires companies to ensure that health claims do not mislead the public.

A case was brought against a tech company in France by a Palestinian family who accused Exxelia Technologies of complicity in war crimes. The family lost three children, aged eight, nine and ten, during an Israeli airstrike on their house in the summer of 2014. A component of the missile produced by the French company was found in the rubble of their destroyed home. The lawsuit alleges that Exxelia sold the components in question to Israel in the knowledge that they

are likely to be used to commit possible war crimes, such as an attack on a civilian home. From consumers to producers, a **lawsuit was brought** against electronics giant Samsung for its use of child labour by Sherpa - a French association for the defence of the rights of victims of economic crimes. Their complaint relies on the findings of an undercover operation conducted in Samsung factories in China by local NGO China Labour Watch which revealed that children under the age of 16 (the minimum age of employment in the country) were working more than 11 hours per day, along with other human rights violations.

The US Supreme Court **declined to hear an appeal** by food giant Nestlé against a previous **ruling** allowing a lawsuit over the use of slave labour by children in the company's cocoa supply chain. The case was brought by three people who were forced to work on Ivorian cocoa plantations for up to 14 hours a day as children, were given only scraps of food and suffered whippings and beatings. The **complaint**, filed under the **Alien Torts Statute**, alleges that the defendants, who also include Archer Daniels Midland and Cargill, were complicit in child slavery as they provided financial and technical assistance to local farmers in a bid to guarantee the cheapest source of cocoa.

CRIN has developed a **guide** with the International Commission of Jurists on children's rights and business as well as examples of litigation against corporations.

## Privatisation, protest and pressure in education

The corporate world also insinuated itself into the education system. The United

Kingdom's support for commercial, low-cost private schools in developing countries came **under fire** from the UN Committee on the Rights of the Child. The Committee exhorted the State to introduce a legal framework to oblige businesses to respect children's rights. Schools such as the for-profit primary and pre-primary school chain Bridge International Academies are resisting efforts by governments such as Kenya's to regulate the sector and introduce minimum standards - all with the backing of the UK Department for International Development. Such chains are **coming under greater scrutiny** for concerns about the quality of education, which is based on standardised teaching and poor labour conditions; the segregation effect of their fees; and, profit-making from poor families. This stance was reinforced by a Human Rights Council **resolution** urging Member States to regulate education providers and invest in public education. In November Uganda's High Court **ordered the closure** of 63 Bridge International Academies, ruling that the schools were not properly licensed, and had been using unsanitary and inadequate facilities and unqualified teachers. The UN Special Rapporteur on the right to education, Kishore Singh, described the Liberian government's decision this year to outsource its primary education system to Bridge International as a **"gross violation of the right to education"**.

Legal action was threatened against a school in Zimbabwe when it **refused** to release exam results to one of its pupils because she had not paid her outstanding fees. The school eventually complied after Zimbabwe Lawyers for Human Rights (ZLHR) wrote to the school arguing that withholding the results was a violation of the child's right to education and development, explaining that the decision "has a bearing on her future life and livelihood" as it prevented her from furthering her studies, progressing with her learning and fully achieving her potential. Previously in 2009, a court **ruled** that withholding exam results is a legitimate way to enforce payment. Scaling up dissent, in August thousands of women **took to the streets** of Bulawayo to demand free

education for their children, following reports from parent associations that thousands of children have been thrown out of school because they cannot afford tuition fees.

Police in Brazil used tear gas and rubber bullets against students demanding the right to a good education. Hundreds of students reportedly took part in demonstrations in Sao Paulo, rallying against changes to the public education system that would see almost 100 schools closed and 300,000 students relocated. The closures are billed as a cost saving measure, but came at the same time as the government has found cash for hosting the 2016 Olympic Games. Austerity measures in Brazil have hit education particularly hard, and students across the country have begun occupying their schools to highlight the problems they face, and to try to come up with solutions. Some protests have been met with violence, including from armed police, but the peaceful occupations continue in several regions, including hundreds of schools.

Pressure on students was exerted in other ways in China. Students caught cheating in this year's university entrance exams in China now face up to seven years in prison and a ban on taking other national education exams for three years, under an amendment to the criminal law. School leavers are assessed on their competence in Chinese, mathematics, English and another subject of their choosing in exams known as the *gaokao*, but reports of mass cheating have proliferated in recent years, allegedly involving organised syndicates between teachers and pupils. Drones and metal detectors are already deployed to catch those smuggling in radio equipment, while iris and fingerprint scanners detect people paid to sit the test in students' place. Pressure on Chinese students is immense, with an estimated 9.4 million high school students competing for some three million undergraduate places. Students lacking a good *gaokao* score generally find themselves trapped in low paying jobs.

Venezuelan children also had a rocky start to

their school year with reports of ten percent attendance in the capital Caracas and 20 percent in Cojedes State. On top of the challenges brought by the ongoing socio-economic crisis and the inability for families to access school supplies, many have returned to find that their schools had been ransacked during the summer months, particularly affecting those children who relied on school meals to eat during the day. The government also launched a new school curriculum for secondary school students with very little notice or consultation. Physics and Chemistry are to be taught as part of Natural Sciences in order to dedicate more school hours to subjects such as "Memory, Territory and Citizenship" and "Education for Work".

## Home-grown violence

The Chinese government took a step towards protecting children from violence in the home when it repealed its infamous one-child policy. It is hoped the decision will reduce human rights abuses linked to the policy's enforcement, which have included mothers being abducted, forced abortions and infanticide. A man who killed his newborn grandson because he was born with a cleft lip has since been sentenced to seven years in jail, already representing a tougher stance on infanticide compared with previous sentences. Although killing a newborn in China is categorised as homicide, sentences are often less severe than when the victim is an adult.

The launch of the Global Partnership to End Violence Against Children marked a new era in combatting violence against children - we hope that this will provide the final impetus needed to secure a universal ban on corporal punishment. In this spirit, Ireland, Mongolia, Paraguay, Peru and Slovenia banned all forms of corporal punishment. CRIN addressed corporal punishment in its submission to the report on bullying of the

UN Special Representative of the Secretary-General on Violence against Children, highlighting that despite the fact that the 'family' is supposed to provide care, nurture and development, it can also be a place in which violence and harassment that amounts to bullying takes place.

Pakistan's parliament **passed** legislation against 'honour killings', mandating life imprisonment for convicted perpetrators regardless of whether the victim's relatives forgive them. As many as 500 women are killed in the country each year at the hands of family members over perceived attacks on their honour. Lawmakers in Morocco also made headway, **proposing** a bill to combat violence against women for the first time in the country's history. NGOs, however, criticised the bill for its weak definition of domestic violence and for failing to criminalise marital rape. UN experts meanwhile **expressed** dismay at the pardoning in Zambia of Clifford Dimba who had raped a child, yet was appointed as an ambassador against gender-based violence by President Lungu and was hit with repeated allegations of assaulting women after leaving prison. The experts called for Dimba's role to be revoked and for no further pardons to be granted for crimes against women and girls. The requests came after a **report** from CRIN, prompted by contact with children's rights activists in Zambia, and resulted in a flurry of global media attention and an initially **dismissive response** from the Zambian government, before Dimba's role was eventually revoked.

In a further boost against violence against women and children, harsher sentences were introduced in Colombia for those who **carry out** acid attacks. The new law effectively doubles the maximum sentence available for those who pour or throw acid onto victims to a possible 50 years. While many of the attacks are carried out by jealous ex-partners or friends, many are carried out by complete strangers. Such **attacks** have devastating consequence beyond frequently blinding and disfiguring victims, also frequently resulting in social stigma, discrimination and poverty for

those who are attacked. The most common substances used are nitric and sulphuric acid and while these attacks are frequently associated with Southeast Asia, Colombia is currently the country where most acid attacks take place.

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This is just a sample of trends we've observed this year. To read about other new or neglected areas of children's rights, read a special edition of our CRINmail marking the 25th anniversary of the CRC and skip to page x for a preview of what's coming up next year:

<https://www.crin.org/en/home/what-we-do/crinmail/crinmail-1404>



# Chapter 2

## The year ahead

In 2016 the idea that solidarity is dangerous took root. The global response to an unprecedented refugee crisis, along with the privatisation of education, cuts to social security, the election of Donald Trump in the US, the United Kingdom's decision to leave the European Union, and ever-tightening restrictions on civil society are all testimony to this. Policy focused on the private interests of those in or pursuing power, marginalising the general population in whose interests they claimed to act, with children as always disproportionately affected. Yet it is this same general population that benefits from the principle of solidarity which gives life to social security, public education and human rights for all. The strategy to destroy these systems - by defunding them, so that people eschew their poor quality or blame others for their loss, and co-opting those who would defend them - must be challenged.

In 2017, we want to reassert this principle in order to hold States which violate children's rights to account more effectively. This does not mean banding together uncritically - on the contrary, we must question ourselves and each other to make us stronger.

# The global agenda in 2017

Here we set out our expectations for some of the global developments that will shape 2017.

Efforts to achieve the **Sustainable Development Goals (SDGs)**, already underway, will inevitably steer children's rights advocacy in the coming years in the direction of international donors. We reiterate our belief that the only viable path to sustainable development is universal realisation and protection of human rights. While rights run through the SDGs, they risk being under-developed. Some of the goals and targets focus on children, but fail to explicitly recognise children's rights. Furthermore, the goals' reliance on the private sector and their support for development through free trade raises questions about the implications for children's rights. If rights are to mean more than a rhetorical flourish, access to justice must be recognised as a goal that underlies and supports the realisation of all other goals.

The **UN Global Study on the Deprivation of Liberty** is all set, with Manfred Nowak at the helm as Independent Expert. It is our hope that he will ensure recognition of the global scandal that more than a million children are locked up, most in penal systems, but many others in "administrative detention" in various settings and systems including health, mental health, welfare, education and immigration control. It is clear to us that the Convention on the Rights of the Child, read holistically, requires that the only justification for locking up a child is that they have been assessed as posing a serious risk to others' or their own safety and that risk cannot be reduced to an acceptable level without their detention. CRIN will share all the latest developments on the study over the next three years.

Huge amounts of money have been invested in the new **Global Fund to End Violence**

**against Children**, which will support the work of the Global Partnership, of which we are proud members. The Global Partnership is in a position to provide crucial leadership in this area of children's rights. We hope it will be inclusive and embrace those who have the courage to challenge all forms of violence, including those which are not yet recognised as such. We caution that efforts to end violence against children should be balanced with children's other rights, for example the solution to online child abuse must not be to violate children's right to privacy and free expression. Finally, we hope the Global Partnership will emphasise the importance of children's access to justice where their rights have been violated - the strongest possible response - rather than simply more training.

A new **High-Level Working Group of Health and Human Rights of Women, Children and Adolescents** has been established. The group, announced at the 69th World Health Assembly, aims to achieve the goals set out in the World Health Organisation's global strategy. We hope the Group will take on those issues yet to be recognised in human rights standards, such as male circumcision, as well as those in need of stronger action, such as the impact of toxic chemicals on children. We further urge those involved will go beyond soft diplomacy to recognise the need for law reform and accountability.

**Children's rights, solidarity and the European Union (EU)**: As the United Kingdom's shock decision to leave the EU is absorbed into public consciousness, we hope this will not set a precedent and that the region-wide trend to hold referenda on any given subject will ebb, with power returned to democratic parliaments. In any case, we will investigate what this decision will mean for charities - perhaps leading an exodus. Those acting as the impetus for the leave vote were the same false prophets calling for fences, borders and prisons to surround those fleeing crisis - a situation reflected across the continent. It should not be forgotten that in Eastern Europe, at least, not so long ago the existential threat

used to be emigration, not immigration - a phenomenon that could empty villages. Passport controls sought to keep people in, rather than out. We will continue to pierce debates with the language of rights.

Next year will also deliver the final instalment of our analyses of how UN treaty bodies address children's rights. We hope this will serve as an agenda in itself for making sure children's rights are included in the work of all UN bodies in the coming years.

# The issues in 2017

CRIN defines itself by working on all areas of children's rights, particularly those which are sensitive or emerging. Below are some of the difficult issues in need of attention in 2017.

## Children and conflict

In 2016 the world was swept up in a collective outpouring of emotion over the images which flashed across our screens of children in distress in conflict zones. But adverts and campaigns inspiring sympathy with 'undignified' portrayals of children perpetuate the status quo and a failure to respect children's rights - the words of children at [Applegarth Academy](#), not ours. In the context of mounting intractable violence across the world, we will insist on rights-based humanitarian policies that extend beyond charity. Where politics threaten to eclipse accountability for those who violate children's rights in conflict, we will press for transparency.

## Radicalisation

In this connection, with terrorist acts making the news almost every day, we must resist government responses to fear of terrorism and radicalisation that result in excessive measures that infringe human rights. These come in different guises - whether a vague or overbroad definition of terrorist acts or the granting of excessive powers to law enforcement agencies. The impact of terrorism and counter-terrorism measures on children are heightened on account of their age. It is therefore imperative that they are included in debates around preventing terrorism and radicalisation.

## Children's rights and pollution

Climate change has become a sexy topic for donors in the wake of global developments

such as the Paris Climate Change Conference. This has meant that all too often emergency relief continues but carries the label of climate change work. We want to push for broader debate and action on children's rights and the environment that includes the disproportionate impact of pollution on children as a result of their developmental status and the fact that children have no opportunity to participate in decisions about which hazardous substances enter their bodies. Yet the burden of proof falls on the victim. We want to challenge this.

## Privatisation

The growing privatisation of education and other children's services attests to a new world order that reasserts the privilege of the few at the expense of the many. Disguised as philanthropy or aid, this may not appear damaging, but let's be clear: this is business and it needs our attention. Furthermore, the line between business and investment is blurred; all too often the oligarchy of philanthropy insists on measuring impact based on results in a simplistic way that jeopardises the NGO sector as we know it.

## Children's rights in the digital domain

From the advent of Pokémon GO, through the impact of online pornography on children's understanding of sexual consent, to the zero ratings which contour the internet that people are allowed to access, digital developments are happening piecemeal and the children's rights response is reactive. We want to join and initiate debates about what a children's rights based digital world looks like as a whole and how to achieve it.

## Assisted reproduction

The rights of adults involved in assisted reproductive technologies have received ample attention by ethicists, women's rights movements and others, but children's rights are missing from the debate. Yet the way in

which assisted reproduction is governed has implications for the full spectrum of children's rights - the right to information, to nationality and health are just a few. We want to take advantage of the fact that this area of law and policy is still underdeveloped to ensure that children's rights are built into standards from the outset, avoiding legal advocacy later.

# Ways of working in 2017

The only way to achieve lasting change is as a movement, not a single organisation. To achieve this, we advocate a distributed model of leadership nurtured through an open source culture which spreads knowledge, ideas and tactics. These are some of our plans for 2017.

## Democratise the pursuit of access to justice

Now that we have launched the findings of our global research on access to justice for children, we plan to make systematic use of this work to ensure that this is taken into account in all discussions as an essential element to realising all other rights. In this vein, we will sustain our focus on accountability and justice for victims of sexual violence, whether perpetrated by members of the clergy, peacekeepers, sports coaches or those within any other institution. This applies wherever they commit abuse - practices such as the Vatican's 'geographical cure' entailing the dispatch of priests overseas where they can evade accountability will not stand.

In line with our open source principles we will support advocates elsewhere to develop the skills to seek access to justice for children themselves, through the launch of our legal advocacy toolkit, based on years of workshops with regional and national experts.

**Develop new spaces for activism**, including through thematic advisory panels. The aim is to share ideas and tactics. Our legal advisory panel will work with legal specialists to advance children's rights through strategic use of the law. A panel of tech activists will meanwhile share new developments and strategise about how activists can best protect themselves online.

## Digital tools

The digital domain gives us as a movement potential to create, test and strengthen tools such as guides to empower a movement that reaches beyond those we work with directly. With this in mind, we recently developed a digital strategy grounded in open source principles to reflect our commitment to free and equal access to information, transparency, and the sharing of information and organisational processes for reuse by others. We believe we can only achieve lasting change as a movement, not an organisation; the use of open source principles on and offline, versus exclusivity and restriction, are therefore the best tool we have for securing children's rights.

In the current climate, we never know when our data is being intercepted, and with growing public acceptance of mass surveillance to counter terrorism, this is only going to worsen. We will be using and sharing new platforms to enable partners to communicate with us securely, and give our support to those who speak out about children's rights violations, whether advocates operating in restrictive environments, journalists or whistleblowers.



# Chapter 3

How  
you can  
use  
CRIN

# Website

The focus of all our digital services is advocacy - whether our own, or supporting that of others - through accessible guides and other tools. The website also explains **our work** and **what we do**, and has dedicated spaces for our monitoring, research, policy and advocacy work, as well as a comprehensive news service.

# Guides

Our **Guides** section features information, guides and toolkits - all written in plain language - to help our different users to promote, protect and advocate for children's rights. They are all free to access, download, use and share.

- Under the **Introduction to children's rights** section, users will find answers to basic questions such as: What are children's rights? What rights are unique to children? And how discrimination affects the fulfilment of the Convention on the Rights of the Child.
- The **User guides** section offers a range of guides aimed at particular practitioners, each explaining how children's rights are important for their work. These comprise health professionals, teachers, judges and lawyers, social workers, parliamentarians, journalists and, of course, children.
- In the **Children's rights mechanisms** section, users will be able to read about the mechanisms that promote and protect children's rights at international, regional and national levels. The guide identifies the various mechanisms and explains what they do, what impact they have on children, and how NGOs can engage with them to further children's rights.
- The section on **Children, the law and legal systems** contains information on how to use the law to get children's rights enforced and achieve reform. It also includes advice on

how to ensure the legal system itself does not cause violations of children's rights.

- Under the **Campaigns and advocacy toolkits** section, users can read the advocacy guides attached to CRIN's campaign work, including on ending the inhuman sentencing of children and sexual violence within religious institutions.
- And finally the **Communications and research** section offers users advice on achieving successful advocacy through effective communication. This page includes a guide on NGO communications work, guidelines for journalists, and advice on how cyber activists can stay safe online.

# CRINmail

CRINmail continues to be the flagship publication of our work on children's rights. It is a regular email news and information list, produced in English, French, Spanish, Arabic, Russian - and now Chinese, that covers both general children's rights issues as well as four thematic areas of our work (see below). CRINmails offer a selection of news and analysis, events, reports, case law, calls for participation and employment announcements.

In addition to supplying information and support, the CRINmail launches campaigns, highlights neglected or emerging issues, and promotes the work of children's rights advocates and organisations around the world. Across the ten different CRINmails, there are well over 10,000 subscribers. Anyone can subscribe to the list free of charge and submit information for inclusion.

**CRINmail English:** This is CRIN's original list. Distributed once a week

**CRINmail Arabic:** Distributed every two weeks

**CRINmail Chinese:** Distributed occasionally

**CRINmail French:** Distributed every two weeks

**CRINmail Spanish:** Distributed monthly

**CRINmail Russian:** Distributed monthly

**CRINmail Children and Armed Conflict:**  
Distributed monthly

**CRINmail Child Rights at the United Nations:**  
Distributed monthly

**CRINmail Violence against Children**

**CRINmail Children in Court:** Covers updates on global developments in strategic litigation for children's rights, including court cases, legal advocacy campaigns, and news and publications. Distributed monthly, with occasional special editions.

## Email information service

CRIN receives about 150 email enquiries per week, mostly involving questions about children's rights and the implementation of the Convention on the Rights of the Child, and questions about CRIN itself. We aim to respond to emails within two days of receipt. About 20 to 30 resources are submitted to CRIN for publication each week, varying from press releases and calls for information to new reports and job adverts.

## Working languages

Fundamentally, we believe language must not be a barrier to accessing human rights and as such strive to make all our work available in as many languages as possible.

CRIN's working languages are English, Arabic, French, Russian and Spanish, with additional materials available in Chinese,

Japanese, Persian, Portuguese and Turkish. Sometimes we translate in-house, for other pieces we rely on a dedicated team of volunteer translators and for longer reports we work with professional translators. For our Spanish services, we have an agreement with the translation departments of the University of Salamanca in Spain which assists with translations and proofreading. For our French services we have an agreement with the Université de Bretagne Occidentale and Université Stendhal Grenoble 3. For our access to justice project we enjoyed substantial pro bono translation support from Translators Without Borders.

## Events

CRIN continued its coverage of events related to children's rights across the globe in 2015 and 2016. This is intended primarily as an advocacy calendar and includes opportunities for participating in UN events, but also publicises conferences, workshops and academic courses, all of which are listed in our Events page, and advertised in the English CRINmail. Visit our Events page: <https://www.crin.org/en/home/events-calendar>

## Special features

### Jargon of the Week

In 2016, CRIN continued developing its A to Z of Child Rights Jargon, which seeks to promote the use of clear language among child rights advocates. It identifies examples of NGO, UN or other institutional jargon, for which we suggest plain English alternatives. New additions to the list appear in the Jargon of the Week feature in the English CRINmail.

Our A to Z of Child Rights Jargon guide can be found at:

<https://www.crin.org/en/guides/communications/media-toolkit/ngo-communications/z-child-rights-jargon>

## Leak of the Week

Another feature of the English CRINmail is the Leak of the Week, in which we reflect on the latest absurd news, proposals and allegations by States around the world.

## Social networking

CRIN continues to engage with social networks to help spread the word about children's rights and expand the reach of our work and advocacy in general. On our Facebook page, we post leading news stories on children's rights issues, which regularly host comments and sparks debates between our 3,190 Facebook friends. Our Twitter account is also updated regularly with news stories, publications and statements, and currently has 10,000 followers. We also launched French and Spanish Twitter accounts in March 2016, to better monitor and spread news about children's rights in languages other than English.

Our Twitter page can be found at: [www.twitter.com/crinwire](http://www.twitter.com/crinwire) and you can follow us @crinwire.

# Chapter 4

## Ethical work practices

CRIN strives to work in a way that is consistent with our ethical values and principles. We recognise that our operations have an effect on the local, regional and global environment. As our work is centred around bringing about positive change in society, in communities, in groups and in individuals, we believe we have a responsibility to act in an ethical way and be mindful of our environmental impact.

CRIN follows the practices set out below to promote transparency, accountability, open communication and respect for the environment in how we work.



# Ethical financial management

CRIN is committed to working with financial companies that are ethically driven. We work with:

## Charities Aid Foundation (CAF) Bank

The Charities Aid Foundation is a registered charity that works to create greater value for charities and social enterprise. They do this by transforming the way donations are made and the way charitable funds are managed. CAF Bank focuses exclusively on delivering charity banking services.

## The Pensions Trust

The Pensions Trust is an occupational pension scheme providing pension arrangements solely for employees of organisations involved in social, educational, charitable, voluntary and not-for-profit sectors. The Pensions Trust is a not-for-profit organisation and is not an insurance company.

## The Co-Operative Bank

Part of the Co-Operative group, the UK's largest consumer co-operative, the Co-Operative Bank promotes ethical investment and business practices. The bank adheres to a strict code of conduct regarding which customers it will accept and which enterprises it will invest in, while promoting sustainability in the social, ethical and environmental aspects of its work.

# Open source & environmentally friendly information technology

One of our core beliefs is that information should be free and accessible. To put this belief into practice, our work follows the principles of the open source movement. "Open source" began life as a technical term used to describe open access to software source code, but its use has since expanded to describe a movement dedicated to open participation and sharing. Some of the ways we practice this in our work include making all the work we do, and that of others where they agree, freely available on the website. When we conduct legal research, we produce guides on how we do this (e.g. on how to find out what the law is on a particular issue). This includes information on how to locate up-to-date legislation and case law, as well as where to find other useful legal resources on children's rights in each country. We also produce plain language guides on a whole range of subjects, from how to use the UN to how to get legal assistance.

## Information technology

CRIN also operates an Open Source Office, with most of our computers running Ubuntu OS instead of the more common Microsoft Windows. The term "open source" refers to software that can be freely redistributed, analysed and modified by anyone, and that is developed in an open and collaborative environment. Using Open Source software wherever possible is not only in line with our belief in making information freely available but also helps promote low cost alternatives to expensive and exclusionary proprietary

software licences. We also use Open Source applications wherever possible, for instance, using a Drupal content management system for our website and preferring Jitsi as an alternative to Skype.

Environmentally friendly web services: CRIN uses environmentally friendly IT solutions to reduce the environmental impact of our work. Our website and file server are hosted by the cloud-computing services company 1984, which is based in Iceland - a haven from government intrusion on civil rights online. 1984 is entirely powered by hydropower and geothermal energy, not energy credits or carbon offsetting.

## Artwork

In 2014 we made a decision to use artwork over photographs in all our work. This was a conscious move away from the current practice of using images that merely evoke a sense of pity and inspire charity without confronting why children's rights are violated all over the world. Instead, we hired an artist to help us develop original artwork with the aim of opening the viewer's mind to think differently about children and their place in society. See examples on our website at: [www.crin.org](http://www.crin.org).

In October 2014 we held an exhibition of this work at the Southbank Centre in London. It comprised illustrations depicting the rights set out in the 41 articles of the Convention on the Rights of the Child. Palestine played host to a second exhibition, where our artist created a mural on the Wall and held workshops with children. Joining us in this venture were hip hop artists aged 13-15 who sing about social and political issues, and a children's dabke dance group, coordinated by our local partner Shoruq. In Spring 2017, our artwork will hit the road once more - destination Washington, D.C. and New York.

# Publications

CRIN believes that information is a powerful tool for realising children's rights and that this should not be impeded by restrictive or coercive copyright or licensing.

## Copyrights

Alongside our support for Open Source software, CRIN has adopted Creative Commons licensing for all our publications. Creative Commons licenses enable authors to publish their content more easily, to have a greater level of control over their distribution and to give others the opportunity to use their works in more creative ways than the traditional "all rights reserved" approach to copyright protection. Creative Commons licensing allows CRIN to ensure that we are credited for the work we have done while guaranteeing free access to our information and encouraging others to build on and develop our materials in creative ways.

# Green policy

CRIN endeavours to contract services that have a green policy or that are eco-friendly.

## Green Stationery Supplies

CRIN purchases recycled stationery supplies. One of CRIN's suppliers is The Green Stationery Company.

## Printing

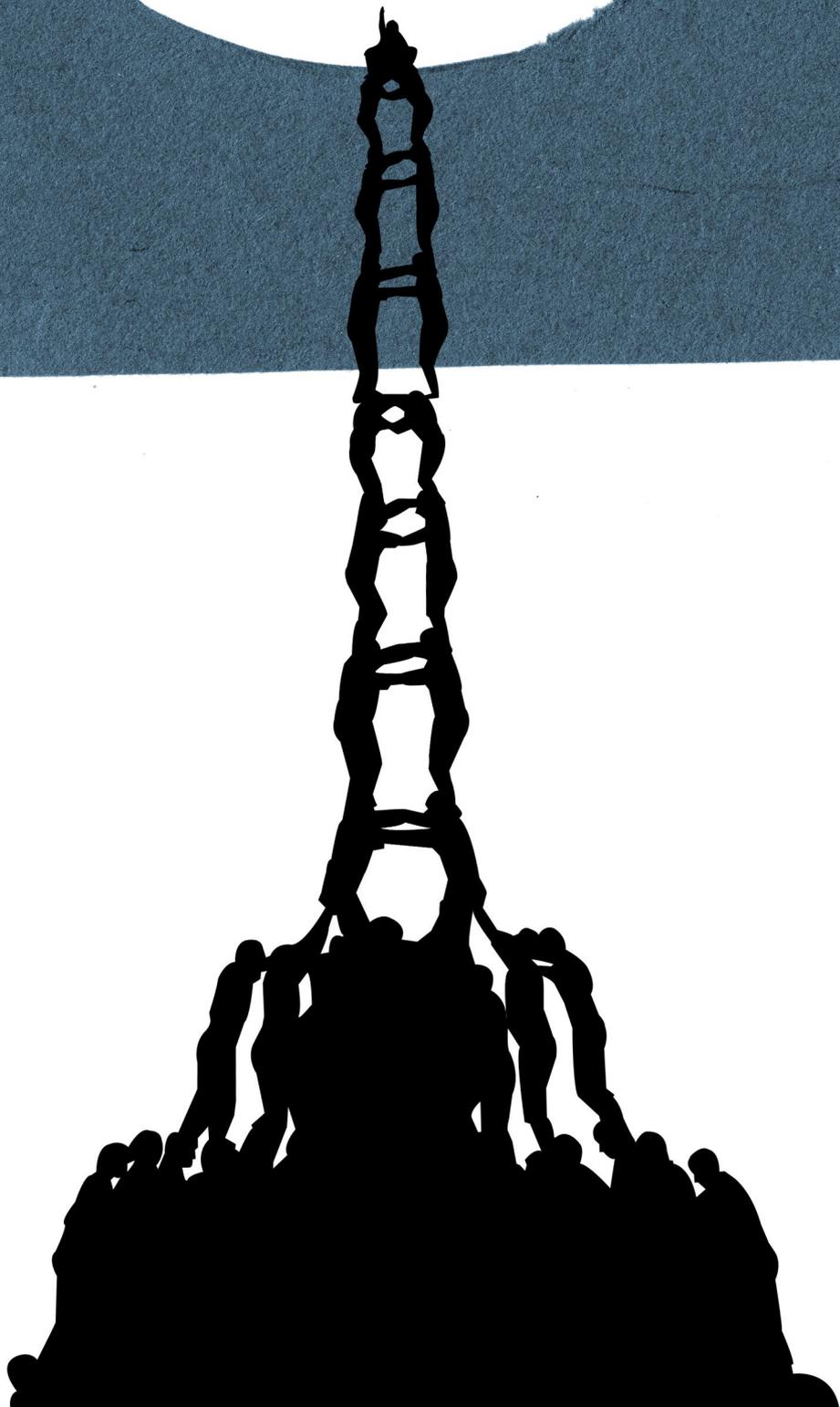
CRIN encourages staff to minimise printing by using recycled paper, double sided printing, reusing old paper and envelopes. We do not produce mass print-runs of our publications - instead, we distribute hard copies selectively and usually only to those who would not be able to access them easily via the internet.

## Energy

In addition to using Green web services, we also attempt to minimise unnecessary energy consumption as much as possible by, for instance, ensuring computers are switched off and resisting the use of air conditioning in our office.

# Internships

We believe in supporting interns to develop their skills, but not in exploiting people to undertake core work over the same hours as employees without pay. For this reason, we endeavour to develop internship programmes through universities based on mutual benefit, for instance by offering both office-based and remote internships. In addition, we periodically offer paid internships in journalism, advocacy and legal research.



# Chapter 5

## Who we are

CRIN is fundamentally about children's rights, less about the individuals. But we need people to make this happen. CRIN has a core team of staff, some based in London, some in the Middle East, and others elsewhere. We are governed by a Board called the CRIN Council. Importantly, much of our work would not happen without the many people who contribute their time and expertise for free.

# The Team

**Elliot Cass**, Journalist

**Matthew Edmondson**, Website Manager & IT Support (until December 2016)

**Gillian Harrow**, Operations

**Ahmed Hegazi**, Legal Research Assistant (until September 2016)

**Isabelle Kolebinov**, Research and Policy Officer (Geneva)

**Meagan Lee**, Legal Coordinator (until December 2015)

**Denitsa Mladenova**, Legal Researcher (until July 2016)

**Basma Osman**, Legal Research Assistant

**Robin Pollard**, Advocacy Assistant

**Leo Ratledge**, Legal Coordinator

**Sabine Saliba**, UN and Armed Conflict Advisor

**Victor Sande-Aneiros**, Policy and Communications Officer (until July 2016)

**Andrew Stylianou**, Finance and Administrative Officer

**Miriam Sugranyes Coca**, Artist

**Jenny Thomas**, Policy and Communications Manager

**Veronica Yates**, Director

## Regional People

### Middle East and North Africa

**Nasser Atallah**, Regional Director

**Suha Ziyada**, Regional Assistant

### Eastern Europe and Central Asia

**Larisa Abrickaja**, Regional Coordinator

### French Speaking Countries

**Louise de Brisson**, Coordinator

### Spanish Speaking Countries

**Jesica Sotelo**, Communications Officer

### Caribbean

**Tenesha Myrie**, pro bono adviser (July and August 2016)

## Interns

CRIN is also very lucky to benefit from the work of numerous interns from around the world who contribute their time for free; they include:

**Bruno Barrionuevo**, Spanish Communications

**Pauline Bowman**, French Communications

**Tatiana Bogacheva**, Legal & Communications

**Alexia Cons**, French Communications

**Maricarmen Cruz Baena**, Spanish Communications

**Henrique de Souza**, Legal Research

**Eloïse Di Gianni**, Legal Research

**Ting Du**, Chinese Communications

**Clara Ferran**, Legal Research

**Asila Al-Hinai**, Legal Research

**Sarah Al-Hinai**, Legal Research

**Anastasiya Koroleva**, Russian Legal & Communications

**Ana Paula García Orantes**, Legal Research

**Doriane Hardy**, Legal Research

**Kalina Ninova**, UN Monitoring

**Marta Pazos Belart**, Spanish Legal Research

**Vanessa Perbos**, French Communications

**Nerea Rial Gutiérrez**, Spanish Communications

**Magdalena Rusanova**, UN Monitoring

Gayan Samarasinghe, Legal Research  
Sarah Seese, Legal Research  
Qianhe Zhou, Chinese Communications  
Zizipho Zondani | Legal Research

## Legal Professionals

A number of law firms have played an important role in CRIN's activities, including by contributing research based on their experience of legal practice within the countries in which they operate.

As part of the ongoing CRC in Court database, pro bono lawyers continued to research cases in which the Convention on the Rights of the Child has been cited, and produced summaries for inclusion in the database. Pro bono lawyers at Skadden contributed to this database, as did legally trained interns. Skadden also provided case summaries related to our broader legal database and cases featured in the legal newsletter Children in Court CRINmail. Lawyers at DLA Piper provided summaries of cases concerning business and children's rights and Dechart - child sexual abuse in religious institutions. James Mehigan of Garden Court Chambers liaised with lawyers from Armenia to provide summaries of cases citing the CRC.

Latham & Watkins are supporting a review of our UK employment practices and staff contracts.

In addition, we were a member of the Host Committee for the PILnet European Pro Bono Forum in London.

## Board of Trustees

CRIN is governed by a board of trustees called the CRIN COUNCIL. Trustees serve in their personal capacity. They are:

**Adem Arkadas-Thibert** | International Children's Center, Bilkent University

**Eva Geidenmark** | Save the Children Sweden

**Sebastian Kohn** | Open Society Initiative  
*Chair*

**Michele Madden** | nfpSynergy  
*Secretary*

**Peter Newell** | Global Initiative to End All Corporal Punishment of Children (until May 2016)

**Anne Phipps** | Christian Aid  
*Treasurer*

## Special thanks

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**Code Positive** for contributing substantial pro bono IT support

## Donors

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