



KNH-Advocacy-Mail

Advocacy-Mail 1/2007 – May

Dear Partners and friends of Kindernothilfe,

We are pleased to send you the fifth issue of the KNH Advocacy Mail today. Again we have chosen a variety of topics and gathered information for you. This issue's main focus is Article 12 of the UN Convention on the Rights of the Child, after the UN Committee on the Rights of the Child in Geneva has adopted recommendations for its implementation.

We are also pleased to draw your attention to an interesting activity by THE CRADLE in Kenya, Kindernothilfe and other NGOs. It has got to do with the introduction of an individual communications/complaints procedure for the UN Convention on the Rights of the Child.

In particular, we would like to draw your attention to a contribution from South Africa. We were very happy to receive an article from CREATE, a Kindernothilfe partner. Written by Bongzi Zuma, it deals with lobbying for children's rights and the participation in the run-up to the amendment of the South African Children's Bill.

We very much welcome this sort of inputs from your end. The next issue of our Advocacy Mail is scheduled for November. Kindly send your contributions, articles and comments by 15 October 2007 to Barbara.duennweller@knh.de.

Please receive many kind regards from Duisburg.

The editorial team of KNH Advocacy Mail

PS: 12 June is the International Day Against Child Labour. This year, the focus will be on child labour in agriculture. Again we would like to use this day as a starting point for lobbying and advocacy campaigns and would be pleased to get background information, figures, studies, etc. from you.

Thank you!

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**I. Main focus: Article 12 of the UN Convention on the Rights of the Child:
The right of the child to be heard**

In February 2007, Kindernothilfe launched a discussion process about the introduction of a child rights approach in its national and international work, involving all partners in Asia, Africa, Latin America and Eastern Europe. To establish a basis, you have received a concept draft plus a questionnaire with the request to give us a feedback by 31 May 2007. We are very much looking forward to your opinions, comments, recommendations and questions about the concept paper.

Kindernothilfe understands the child rights approach as the unconditional recognition of children and youths as independent personalities and holders of human rights and their consistent and consequent involvement in the planning, implementation and evaluation of development projects to ensure and

conform to the protective and developmental rights enshrined in the UN Convention on the Rights of the Child (CRC).

One of the basic principles of the CRC is Article 12 on the right of the child to be heard.

- (1) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- (2) For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

At least, this is the wording of the convention. What must be done that this right can be enjoyed effectively?

200 people from 45 countries, including 30 children, met in Geneva on 15 September 2006 and devoted themselves to this question. The UN Committee on the Rights of the Child had invited to attend the 'Day of General Discussion on the Right of the Child to be Heard'. The two working groups of the conference concentrated on Article 12:

- Children as active participants in society;
- The child's right to be heard in judicial and administrative proceedings.

The results of these working groups plus 60 written contributions submitted to the UN Committee beforehand (see: <http://www.crin.org/resources/treaties/discussion2006.asp>) were summarised in the recommendations. The Preamble goes like this:

'The Committee considers that recognising the right of the child to express views and to participate in various activities, according to her/his evolving capacities, is beneficial for the child, for the family, for the community, the school, the State, for democracy.

To speak, to participate, to have their views taken into account. These three phases describe the sequence of the enjoyment of the right to participate from a functional point of view. The new and deeper meaning of this right is that it should establish **a new social contract**. One by which children are fully recognised as rights-holders who are not only entitled to receive protection but also have the right to participate in all matters affecting them, a right which can be considered as the symbol for their recognition as rights holders. This implies, on the term, changes in political, social, institutional and cultural structures.'

The recommendations are subdivided into a) General, b) Article 12 (1) Children as active participants in society, School, Community level, c) Article 12 (2) The child's right to be heard in judicial and administrative proceedings d) Recommendations to be followed up on by the Committee.

The Committee plans to write a General Comment on this topic which will analyse more in detail how Article 12 can be implemented in all areas.

The whole text is available in English, Spanish and French under:

<http://www.ohchr.org/english/bodies/crc/discussion.htm> (Day of General Discussion)

II. Action: Signatures and support for the individual communications procedure Please sign up!

For many years Kindernothilfe has advocated the introduction of an individual communications procedure for the UN Convention on the Rights of the Child. Meanwhile in Germany 150-odd organisations and institutions support such an individual communications procedure. Moreover, at international level, supporters have been found.

Beginning in September 2006, a group of individuals and organisations has assembled for the purpose of discussing a common position for a communication/complaints procedure for the Convention on the Rights of the Child (CRC). The primary objectives of the group thus far have been to:

- Gain a better understanding of the individual and organisational interests of those present with regards to the proposal for a new Optional Protocol (OP) for the Convention on the Rights of the Child (CRC) for a communication procedure;
- Discuss possible strategies for pursuing an OP for a communication procedure for the CRC; and
- Develop and implement a strategy to establish a communication procedure for the CRC.

There is a core group of agencies supporting this campaign, including: World Vision International, Save the Children UK, the Global Initiative to End All Corporal Punishment of Children, CRIN, the World Organization Against Torture (OMCT) and Kindernothilfe.

In Kenya The CRADLE (Nairobi) initiated a campaign for the establishment of an individual complaints procedure under the CRC. There will be a national conference on 3rd May 2007.

We all would welcome the participation of your organisation in this campaign. Therefore we ask you to sign the enclosed document 'Proposal for a communications procedure for the Convention on the

Rights of the Child' (English version). Please feel free to contact us for further information on how to become involved.

III. Information

1. Africa

Children's Bill in South Africa *(by Bongi Zuma)*

Introduction

South Africa has a Children's Bill (law) that has been amended/ reviewed once after thirty years. Last year, in 2006, different organisations were called to participate in the amendment of the bill. A committee consisting of officials from the Department of Social Development organised a workshop in which they explained to the people what a bill is and how they can do a presentation if they were interested to make submissions to the parliamentary portfolio committee on children and youth, consisting of judges, lawyers, members of parliament and others. Different public hearings were conducted nationally. In KwaZulu -Natal province public hearings were conducted in Pietermaritzburg, Empangeni, Ladysmith, Port Shepstone, Durban, etc. Different organisations like NGOs, CBOS, DPOs and government departments did presentations on prevention of disability and early intervention, protection of children, corporal punishment and early childhood development. CREATE represented by Bongi Zuma, made a submission to the parliamentary portfolio committee when it convened in Empangeni.

In preparation to make a submission, CREATE conducted meetings with parents of children with disabilities in different areas (Mooi River, Pietermaritzburg and Nquthu) to explain to them in isiZulu what a bill is and how to prepare presentations. Parents were asked about what they would like to be amended on the children's bill. In all these areas parents wanted to do a presentation on Early Childhood Development (ECD) because their children have been on the special schools' waiting list for more than a year. Sometimes when the school contacts the parent, the child is over age and cannot be admitted to the special school. Also the majority of children with disability within centres, especially children with intellectual disabilities, are presently accommodated in informal, community-based day care centres run by parents of disabled children with no ECD training.

Summary of the Presentation

Bongi made the presentation to the parliamentary portfolio committee at Empangeni and the aim was to recommend how Children's Amendment Bill can ensure the inclusion of children with disabilities in ECD services. The following recommendations were presented, if consideration is to be given to children with disabilities (as we see in Clause 11 of the Children's Act) and if ECD services are to be inclusive the Children's Amendment Bill must include the following:

Working together: The Department of Social Development needs to practically engage other departments and NGOs (such as DICAG) to face this challenge.

Support and training: Parents and caregivers need training on early childhood development for them to help children with disabilities.

Empowerment, not dependency: Once parents receive the training they will be able to run the centres, have the ownership of the centres and they will not depend on the busy social workers and other professionals.

Implementation of the policies: White Paper 6 talks about the inclusion of learners with barriers to learning. Therefore crèches, pre-schools and schools must be accessible for all children.

User-friendly application process: Often ECD practitioners find it very difficult to understand the forms to register the day care centres because they too complicated.

Inclusion not discrimination: It is now the time that the Department of Social Development and the Department of Education work together to stop establishment of new day care centres for disabled children. Rather, children with disabilities must be included in local day care centres and crèches because if they are excluded they are forgotten or the Department will say something about unavailability of funds to support the day care centre.

Monitoring and support: The Department of Social Development and other departments especially Education should make sure that they monitor, evaluate and provide support where necessary to the day care centres, crèches and pre-schools and ensure that parents are involved in school activities.

Conclusion

After all the presentations, the KwaZulu Natal portfolio committee has finalised their provincial mandate and all submissions were considered like partial care, prevention and early intervention, ECD, etc. CREATE was pleased to have been able to take part in the process of amending the law in South Africa that concerns children and especially that we could represent the concerns of parents of children with disabilities.

2. Latin America

Peru – Scandalous environmental pollution

To say their opinion aloud. To denounce the scandalous environmental pollution in La Oroya, their home town. To shake up and inform the people. To get together and do something. These are the aims of 20 committed young people who want to build up a network of young reporters and design their own radio programme. In doing so, they are supported by the Asociación Filomena Tomaira Pacsi, a Kindernoithilfe partner in Peru.

The Andean region of La Oroya, 3,500m high, in the Peruvian province of Junín, is one of the most severely polluted regions in the world. The area has plenty of mineral resources. International

companies like Doe Run from America have been running highly profitable mining and metal processing facilities there for years. The compliance with the inappropriate environment protection laws adopted by the Peruvian State is hardly controlled in this place, high up in the Andes. Most of La Oroya's blast furnaces still lack modern filter systems. Every day, thousands of tons of toxic substances are released into the air. Water, air and soil are heavily polluted, many persons are ill.

Pregnant women and children are especially endangered. With high levels of mercury in their blood, many of them have a substantially increased cancer risk.

Another consequence is the incidence of lung, kidney, pancreas and liver diseases.

The adolescents do not want to accept this situation uncomplainingly. They are engaged in a collective effort to improve their living conditions and devote themselves to activities at local level.

Their radio programme is supposed to reach and educate large parts of the population. It is also planned to cooperate with other adolescents, who are organised in groups, and to go on increasing the circle of committed and informed people. During the first week in May the young people from La Oroya will be on air for the first time, campaigning for their right to health and a wholesome environment.

Brazil – Children's rights alliance fights against a political campaign seeking the criminalisation of children and youths

Brazilian children's rights organisations are extremely concerned about a new campaign of a group of conservative senators and members of parliament who seek to push a legislative initiative through both chambers of parliament to apply adult penal law to children and youths from the age of 16.

The children's rights network 'Sociedade Brasileira de Defesa da Criança e do Adolescente - Fórum Nacional DCA', based in the capital Brasilia, of which Kindernothilfe Brazil (KNH Brazil) is a member, regards the initiative as a dangerous and demagogic intent to generally criminalise children and youths. Through several public declarations, documents on principles and numerous talks with delegates of both chambers of parliament, the Fórum Nacional DCA has drawn attention to the fact that the campaign to lower the age for criminal responsibility threatens to overshadow urgently needed preventive social efforts to integrate youths and improve their education/training and chances on the labour market.

Tiana Sento-Sé, Secretary-General of the Fórum Nacional DCA, fears that responding to problems in the context of juvenile delinquency with repression and stricter penalties only lowers the inhibition threshold for self-administered justice and lynch law and ultimately legitimates violence against children and youths - above all in the vast favelas of large Brazilian cities. Instead, the Brazilian children's rights organisations call on the State for many more and much more efficient efforts to improve the social and educational follow-up and guidance of children and youths at risk who have acted against the law, for example through professionally designed rehabilitation and reintegration

programmes, accompanied by social workers.

According to the Fórum Nacional DCA, statistical data reveal the demagogical character of the MPs' initiative to apply adult penal law to adolescents from the age of 16. Of over 25 million Brazilian children and youths, less than 0.2 per cent ever get into conflict with the police and judiciary in their lives - according to official surveys e.g. of the National Brazilian Council for Children's and Adolescents' Rights CONANDA. In his numerous talks with representatives of the Brazilian government, the Evangelical Lutheran church in Brazil and NGOs and their federations during his visit to Brazil in March, Dr Jürgen Thiesbonenkamp, Director of Kindernothilfe, underlined the necessity to counteract any attempt to criminalise children and adolescents with moral courage and vehemence. Kindernothilfe has contributed a total of EUR47,100 to the education, awareness-raising and advocacy activities of the children's rights network Fórum Nacional DCA during the past two years and engages itself in a cooperation with several KNH-sponsored institutions in Brazil carrying out rehabilitation and reintegration programmes for juvenile offenders.

3. Asia

India – child rights training

At all the projects of HCDI (Holistic Child Development India) efforts are being made to educate and sensitise the staff on the rights of the child. To kick-start the movement towards advocacy for child rights HCDI organised a two-day workshop at its Pune office in September 2006. The speakers from various programmes such as Nanhi Kali, Population First, Mukhtangan (Mumbai), Yashada and terre des hommes (Pune) participated in the workshop. Project partners from the Children at High Risk programme around India were also participants in the workshop. Speakers Elizabeth Mehta and Zabia Kurien emphasised right of children in the home and classrooms while George Chira from terre des hommes brought to the attention of participants, the rights of the child in disaster situations.

On day two the participants discussed the meaning and implications of advocacy and lobbying for child rights issues. Inclusion and sensitisation of civic society were discussed and the various projects planned programme for promoting the child rights in their perspective areas.

(From: HCDI's Newsletter Utkarsh, Issue 2, March 2007)

Pakistan – Conference Violence against Children

As many as 340 to 375 unwanted new born babies are left in the cradles in a year while many are killed or thrown or abandoned in the garbage by mothers or relatives to avoid the stigma said a Press release issued by SPAR (Society for the Protection of the Rights of the Child) on 4 December 2006 in Islamabad.

Speaking at the one-day National Conference on Violence against Children, Executive Director SPARC, Mr Qindeel Shujaat said violence against children cannot be denied nor can it be justified.

Little babies are thrown in the dumps or left in the Edhi Cradles. Children are found in bonded labour paying debts accrued by their ancestors. He said although the government is primarily responsible for taking measures to protect children from violence, but at the same time the society cannot shun away from its responsibility either.

4. Child soldiers: Optional Protocol and Shadow Reports

On 20 September 2006 Germany submitted the UN Committee on the Rights of the Child its State report on the implementation of the Optional Protocol to the Convention on the Rights of the Child with regard to the participation of children in armed conflicts. The report will not be a subject of debate before January/February 2008. Kindernothilfe will use this year to elaborate a Shadow Report about this State report, together with other organisations that have joined the German branch of the *Coalition to Stop the Use of Child Soldiers*, the 'Deutsche Koordination Kindersoldaten'. This Shadow Report will also be received by the UN Committee and, in October 2007, the NGOs will have the opportunity to present their report during a 'pre-sessional working group meeting'. In addition, we plan to organise a workshop and to engage in public relations about this topic.

5. German EU Presidency and G8 – Topics and activities

During the first semester of 2007 Germany holds the Presidency of the EU Council and is the host of the G8 meeting in Heiligendamm from 6 to 8 June. The motto of the German G8 Presidency in 2007 is 'Growth and Responsibility'. In addition to global economy, which is the main topic, the Federal Government has put the climate change and Africa's pressing problems on the G8 Agenda. This includes the economic development of the continent, poverty reduction and the fight against HIV/Aids. In principle, German NGOs support the Federal Chancellor's intention to focus on climate change, poverty and Africa's development in Heiligendamm. However, the primacy of economic topics for both presidencies is seen critically, whereas the poverty orientation is perceived as insufficient. Up to now, it is not yet clear how and when the resolutions of previous summits and how the promises for financing, made during the G8 summit in Gleneagles/Scotland (July 2005), shall be put into practice.

On many occasions the German project 'Your Voice Against Poverty' as part of the world-wide action 'Global Call to Action against Poverty' has advocated for the implementation of the Millennium Development Goals. This was also the case at a press conference on the occasion of the G8 finance ministers meeting in Essen on 9 February. In many German cities 'White Band Nights' will take place in May and early June. These events call for the implementation of the eight Millennium Development Goals, while signatures will be collected. The signatures of the 'Your Voice Against Poverty' project will be submitted to the Federal Chancellor during a 'White Band Night' in Berlin in early summer, just in time before the G8 Summit. On 07 June, during the G8 Summit in Heiligendamm, the nearby city of

Rostock will host a large cultural event under the motto 'Music & Messages' with many national and international artists. Musical ambassadors and speakers from eight selected developing countries, representing the 'P8' or poorest countries in the world, will draw attention to their situation during the concert. On 2 June, tens of thousands of participants are expected to come to Rostock for a peaceful demonstration against poverty in the world, for the cancellation of illegitimate debts and for an increased development political commitment of the rich developed countries, among other topics. The German Action Committee against Aids will organise an international solidarity night on 2 June to obtain more public support for the intensification of preventive programmes.

6. World Social Forum and Advocacy Workshop in Nairobi

From 20 to 25 January 2007, Nairobi/Kenya hosted the 7th World Social Forum, which took place in an African country for the first time. About 50,000 participants from over 100 countries spent six days discussing topics like global trade, debts-related problems, fight against HIV/Aids, human rights, property rights, water, etc. in over 1,200 workshops, seminars and forums. The motto of the World Social Forum was 'Another World is Possible'.

Five of our partners participated actively in the event: Undugu Society, St. John's Community Centre, AMREF Kenya, Women for Change Zambia, The CRADLE.

However, there were also representatives of partners from other parts of the world, like from Indonesia and Thailand.

Immediately after the forum, on 26 January, an Advocacy Workshop took place in Nairobi to which the KNH office in Nairobi and Kindernothilfe had invited. The workshop was attended by 26 persons (17 partner organisations) from five countries and had the following objectives:

- Information about advocacy activities;
- Exchange of experiences about advocacy and children's rights topics;
- Preparation of a joint advocacy agenda.

The following recommendations were adopted during the workshop:

- There is a consensus to work jointly on an advocacy agenda, while the focus should be on one to two topics.
- Independently, the organisations will work on their own advocacy topics in line with the specific national context.
- The exchange of experiences is regarded as important, in particular about experiences made, successful and less successful activities in order to learn from each other.
- The Advocacy Mail is a useful tool for this work and should be used more intensively for the mutual exchange.
- KNH partners across the world could plan joint activities for the next WSF and put one to two topics on the agenda.

Follow-up

It was agreed, in a first step, to give a feedback or to suggest concrete topics (one to two) for joint advocacy activities by 31 March 2007, based on the results of the workshop. The next step would be the preparation of a concrete strategic planning.

We will be pleased to send you the minutes of this workshop and to keep you up-to-date about the follow-up. Just send us a mail.

7. Materials and useful links

- New PILLARS guide on human rights: This new PILLARS guide raises awareness of human rights issues from a church and community perspective. It begins looking at how the Church and individual Christians should respond to situations of injustice. This guide can help people understand how to challenge unjust laws, become familiar with human rights and to promote and defend the rights of others. The guide is available online free of charge on the tilz website: <http://tilz.tearfund.org/Publications/PILLARS/Seeking+justice+for+all/>
- Latin America: New Website to Combat Trafficking in People: www.denuncialatrata.org launched by the Inter American Centre against Disappearances, Exploitation and Trafficking of Persons.