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INTRODUCTION BY MARINA ACCONCI

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WORKSHOP XII

Soltanto negli ultimi dieci anni il tema del lavoro minorile è stato oggetto di analisi e raccolta di dati statistici e interventi coordinati per definire misure idonee a contrastare il fenomeno.

Le convenzioni internazionali hanno iniziato ad occuparsi di questo tema sin dai primi decenni del secolo prescegliendo quale primo approccio di protezione del minore il criterio delle “età minima” di ammissione al lavoro.

La prima convenzione sul lavoro minorile risale al 1932 e fissa, unicamente per il lavoro marittimo, il limite di età a 14 anni.

La convenzione 138 del 1973, sull’età minima all’accesso al lavoro, cui fa seguito la raccomandazione n. 146 del medesimo anno, è il primo reale punto di partenza degli impegni delle comunità internazionali sulla protezione dell’infanzia.

La convenzione stabilisce che l’età minima per poter accedere al lavoro è l’età del pieno sviluppo fisico-intellettuale e pertanto l’età in cui si è compiuto l’obbligo scolastico.

La soglia minima per l’accesso al lavoro è fissata così in 15 anni, derogabile in via transitoria, soltanto dai paesi in via di sviluppo e, comunque, anche in tali casi, mantenendo in 14 anni il limite minimo per l’attività lavorativa.

La successiva convenzione 182 del 1999, supera il mero criterio anagrafico e focalizza l’analisi sul danno a cui è esposto il fanciullo in riferimento al tipo di attività svolta.

Essa individua le forme peggiori di lavoro minorile prevedendo che ogni stato che ratifichi la convenzione prenda misure immediate ed efficaci atte a garantirne la proibizione e l’eliminazione.

La raccomandazione 190, della medesima conferenza generale dell’OIL del 07/06/1999, stimola alla costruzione e all’applicazione di tali strumenti di repressione dello sfruttamento dei minori, ricordando anche che i paesi che non hanno ratificato la convenzione sono ugualmente tenuti a valutare tali obiettivi nelle loro politiche nazionali.

Già nel giugno 1998 la conferenza internazionale del lavoro aveva adottato in forma solenne la dichiarazione sui principi e diritti fondamentali sul lavoro, libertà di associazione sindacale, abolizione del lavoro forzato, contrasto di ogni discriminazione, l’abolizione effettiva del lavoro minorile, indicando quest’ultimo come il primo ed immediato obiettivo da perseguire.

Con queste premesse, oggi l'impiego di minori in attività lavorative è riconducibile a tre fenomeni principali:

- a) “le peggiori forme di lavoro minorile”, per le quali la convenzione sopra citata ha previsto misure urgenti ed immediate di repressione ed eliminazione. Si noti che ai fini della eliminazione di questi comportamenti di sfruttamento sono considerati minori tutte le persone di età inferiore a 18 anni.

Sono definite come forme peggiori tutte le forme di schiavitù e di asservimento, la tratta e la vendita, il lavoro forzato e obbligatorio, il reclutamento dei bambini per i conflitti armati; l'impiego, l'ingaggio o l'offerta di minori per la prostituzione e per la produzione di materiale o di spettacoli pornografici, per attività illegali e in particolare per la produzione e il traffico di stupefacenti; qualunque lavoro che metta a rischio la salute, la sicurezza o la moralità dei minori, esponendoli ad abusi fisici, psicologici o sessuali, a condizioni ambientali difficili, ad orari prolungati o notturni, all'uso di tecnologie, di macchine e di sostanze pericolose.

Si segnali che il tema di riduzione in schiavitù dev'essere analizzato in parallelo a quello del traffico dei minori, poiché molti dei minori sfruttati sono vittime del reclutamento, trasferimento e custodia attuati tramite l'uso di minacce e di forza, cosiddetta tratta dei minori.

Le stime OIL indicano in 8 milioni e 400 mila i bambini nel mondo in stato di schiavitù di essi 1 milione e 200 mila sarebbe vittima del traffico di minori.

- b) Il “child labour”, ossia lo sfruttamento del lavoro minorile, che comporta l'occupazione a tempo pieno del bambino in età precoce e comunque inferiore a 15 anni, ne impedisce l'istruzione, ne pregiudica lo sviluppo fisico e psichico ed è ricompensata con paghe inadeguate.

Per contrastare queste forme di sfruttamento l'OIL ha creato il programma internazionale per l'eliminazione del lavoro infantile (IPEC), che promuove lo sviluppo di interventi mirati a sostegni educativi, alla diffusione dell'istruzione ed alla promozione di interventi economici presso le famiglie, anche con iniziative di micro credito.

Questo programma è stato lanciato nel 1992 con il sostegno finanziario di 22 paesi donatori, tra cui figura anche l'Italia, e sostiene in ca. 90 paesi azioni dirette al perseguimento delle finalità sopra indicate, rivolgendo uno specifico interesse ai minori in condizioni di particolare vulnerabilità (bambini inferiori ai 12 anni, bambini occupati in attività pericolose, lavoro coatto, prostituzione e traffico di minori).

Il fenomeno dello sfruttamento minorile è un fatto mondiale seppure con incidenza maggiori nei paesi con economie depresse. In Europa, si stima vi siano 5 milioni di bambini illecitamente impegnati in attività lavorative.

Tali dati devono essere letti in correlazione con gli indici di istruzione della mede-

sima fascia di popolazione, giacché l'incidenza del fenomeno è maggiore laddove è minore l'istruzione.

Il fenomeno non ha possibilità di risoluzione in assenza di una istruzione individuabile nella scolarizzazione sino all'età di 14 anni.

In mancanza di questo minimo percorso formativo pare difficile immaginare che la piaga possa essere debellata, poiché non può esistere nelle famiglie e nei minori alcuna capacità di opporsi ad un sistema di sfruttamento, di per sé inidoneo a qualsiasi sviluppo economico.

Non si può dunque che concordare con la dichiarazione di Juan Sommavia, direttore generale dell'OIL, quando afferma "non esiste sviluppo economico senza sviluppo sociale e non esiste sviluppo sociale senza equità".

- c) Il "child work" ossia l'attività lavorativa fatta a tempo parziale compatibile con la frequentazione scolastica resa all'interno della famiglia artigiana o contadina o tale, comunque, da prevedere un impegno che non contrasti con lo sviluppo psico-fisico del minore e compatibile con adeguato tempo di svago e riposo.

Questo tipo di impegno lavorativo può essere tollerato ed in alcuni casi addirittura sostenuto laddove divenga una forma di integrazione dell'istruzione scolastica, si inserisca in un percorso formativo del minore e vi sia da parte di quest'ultimo la possibilità di esprimere il proprio assenso al lavoro in modo tale che la sua libertà non sia coartata.

Per comprendere la portata del fenomeno dello sfruttamento minorile problema può essere utile ricordare che secondo i dati forniti dall'OIL, nel mondo 246 milioni di bambini di età compresa tra i 5 e i 14 anni sono vittime di sfruttamento lavorano, 120 milioni di questi bambini lavorerebbero a tempo pieno.

Le stime raccolte indicano che l'Asia è la regione con la percentuale più alta di bambini lavoratori (60% del totale mondiale, seguita dall'Africa 29% e dall'America Latina 10%), i paesi industrializzati impiegherebbero "soltanto" l'1% di manodopera minorile, dato, comunque, corrispondente a 2,5 milioni di bambini sfruttati.

L'istruzione scolastica è incompatibile con le attività svolte considerato che il lavoro del bambino comporta un impiego medio di ca. 50 ore settimanali.

In Italia, secondo i dati dell'ISTAT, lavorerebbero ca. 145.000 bambini.

Tale dato, secondo l'inchiesta della CGIL, appare ampiamente sottostimato. 350.000 bambini in Italia e 50.000 bambini immigrati è, secondo la CGIL, la mappa che disegna il volume del lavoro minorile in Italia, in un quadro ampiamente eterogeneo, non essendo riportabile alle differenze tipiche dei paesi in via di sviluppo tra child labour e child work.

Molteplici sono gli interventi che si stanno elaborando a livelli nazionali per ridurre questa piaga che, come si è visto, descrive un fenomeno di vastissime proporzioni, ma non sempre riconducibile ad un'unica realtà e genesi.

È chiaro infatti che diversa è la condizione del bambino lavoratore, quando trattasi di un bambino di strada, abbandonato dalla famiglia d'origine in Egitto o in Brasile ovvero di minorenni europei i nord-americani che vivono in paesi industrializzati e che prestano attività lavorativa part-time seppur in condizione di parziale sfruttamento.

Nel primo caso l'attenzione della Comunità Nazionale deve essere tesa principalmente a combattere le forme di povertà e di carenza di istruzione da cui originano fenomeni di sfruttamento minorile.

Molteplici sono i programmi in tal senso già varati rispetto ai quali i paesi con economie più sviluppate devono manifestare il proprio sostegno, diretto ed indiretto.

Esempio di comportamento indiretto è, come comprovano numerosi disegni di legge italiani, la previsione di un sistema di certificazione di prodotti importati privi di impiego di manodopera di bambini nella fabbricazione o produzione degli stessi, ovvero la previsione di clausole sociali come prerequisito di commercio tra paesi industrializzati e paesi in via di sviluppo.

Charter on the Rights of Children in Hospitals and Health Promotion

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E12

WORKSHOP XII

1. The Charter on the Rights of Children in Hospitals in Italy

Today the main Italian Paediatric Hospitals (the 'Burlo Garofolo' of Trieste, the 'A. Meyer' of Florence, the 'Bambino Gesù' of Rome, the 'Giannina Gaslini' of Genoa, the 'Santobono' of Naples, the 'Salesi' of Ancona, and the 'Regina Margherita' of Turin) share the same Charter on the Rights of Children in Hospitals and they are developing the formalities of verification for the respect of the charter's contents.

This important process is still in the accomplishment and development phase, which is closely connected with the new children's health promotion picture.

With this paper I would like to take stock of the situation and try to find the development perspectives in the European and the Mediterranean context.

1.1 Background

The 'Charter on the Rights of Children in Hospitals' is a specification of the International Convention on Rights of the Child (1989), which was ratified by the Italian Government in 1991, and – in particular –, of the art. 24 which is meant to guarantee all Children the highest possible standard of health and the access to health services.

The work has been carried out with the contribution of Parents' and Volunteers' Association and with reference to the national and international Child's Care Legislation, Statutory Regulations or other similar publications.

The Charter development phases were:

- The revision of the national and international literature and documentation;
- The definition of fundamental shared principles;
- The presentation of the final version of the document to each Hospitals General Managers.

The work was supported by a grant of the Italian Ministry of Health and it has been carried out by staff members of four major Italian Paediatric Hospitals ('Burlo Garofolo', 'Meyer', 'Bambino Gesù' and 'Giannina Gaslini') between 2000 and 2002. Afterwards other members of the Steering Committee of the Italian Paediatric Hospitals have adopted it.

The work represents an evolution of comparable statements. In this viewpoint, it extends the paediatric in-patient services responsibilities for the achievement and development of interaction and co-operation skills to any person or institution which has a role in Children's mental and physical

development. This 'Charter' constitutes the starting point for the Children's and Adolescents' Health Promotion activities in Hospitals.

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1.2 The contents

The Charter of the Rights of Children in Hospitals is based on four general principles:

- to respect the Child as an individual;
- to guarantee his own health promotion ;
- to achieve a global approach to cure and to care;
- to assure and to promote his and his family's involvement in making decisions about health processes and hospital organisation.

The Charter on the Rights of Children in Hospitals is divided into 14 articles:

CHILDREN HAVE THE RIGHT :

1. TO THE HIGHEST ATTAINABLE STATE OF HEALTH
2. TO BE CARED FOR IN A HOLISTIC MANNER
3. TO RECEIVE OPTIMUM TREATMENT AND CARE
4. OF RESPECT OF THEIR PERSONAL, CULTURAL AND RELIGIOUS IDENTITIES
5. FOR THEIR PRIVACY TO BE RESPECTED
6. TO THE PROTECTION OF THEIR PHYSICAL, PSYCHOLOGICAL AND SOCIAL DEVELOPMENT. EACH CHILD HAS THE RIGHT TO PERSONAL RELATIONSHIP EVEN IN CASES WHERE ISOLATION IS REQUIRED. EACH CHILD HAS THE RIGHT TO TREATMENT WITHOUT MEANS OF RESTRAINT
7. TO BE INFORMED OF THEIR OWN HEALTH CONDITION AND ABOUT THE TREATMENT THEY WILL BE UNDERGOING, EXPLAINED IN UNDERSTANDABLE AND ADEQUATE TERMS APPROPRIATE TO THEIR DEVELOPMENT AND MATURITY. THEY HAVE THE RIGHT TO EXPRESS FREELY THEIR OPINIONS ON ANY ISSUE THAT INVOLVES THEM. A CHILD'S OPINION MUST BE TAKEN INTO CONSIDERATION, TAKING AGE AND LEVEL OF MATURITY INTO ACCOUNT.
8. TO BE INVOLVED IN EXPRESSING ASSENT/DISSENT ABOUT THEIR TREATMENT
9. TO BE INVOLVED IN EXPRESSING ASSENT/DISSENT ABOUT PARTICIPATION IN A CLINICAL RESEARCH-EXPERIMENTATION PROJECT
10. TO EXPRESS THEIR DISCOMFORT AND SUFFERING. THEY HAVE THE RIGHT TO RECEIVE THE LEAST INVASIVE AND PAINFUL TREATMENTS

11. TO BE PROTECTED FROM ALL FORMS OF VIOLENCE, OFFENCE, MENTAL OR PHYSICAL BRUTALITY, ABANDONMENT OR NEGLIGENCE, MISTREATMENT OR EXPLOITATION, INCLUDING SEXUAL ABUSE
12. TO BE TAUGHT HOW TO CARRY OUT SELF-CARE PROCEDURES AS INDEPENDENTLY AS POSSIBLE, AND TO BE AWARE OF SPECIFIC SIGNS AND SYMPTOMS IN CASE OF ILLNESS
13. TO MAKE USE OF PATIENT-DOCTOR CONFIDENTIALITY, INCLUDING THE RIGHT TO ASK FOR AND RECEIVE INFORMATION WHICH HELPS THEM TO UNDERSTAND THEIR OWN SEXUALITY. THEY ALSO HAVE THE RIGHT TO ASK FOR AND RECEIVE INFORMATION REGARDING THE USE OF DRUGS, HARMFUL SUBSTANCES AND THE DANGERS OF DRUG ADDICTION, AS WELL AS TO BE CORRECTLY REFERRED TO REHABILITATION CENTRES IF NECESSARY.
14. TO PARTICIPATION.

2. The Health Promotion in Hospitals

The topic of Health Promotion in Hospitals has been faced up by the WHO on European scale through the introduction of a project named 'Health Promoting Hospitals', which is now co-ordinated by the WHO European Office of Barcelona.

2.1 The 'Health Promoting Hospitals' Network

The WHO project has developed an International Network which includes 700 Hospitals of more than 24 European Countries.

The main references of this project are (*table 1*):

- The Ottawa Charter (1986), which recognises the health services re-orientation as one of the main action areas for health promotion;
- The Budapest Declaration (1991), which specifies the health promoting hospitals goals;
- The Vienna Recommendations (1997), which steer the network operative joint;
- The Health Promotion Glossary, which provides a health promoting hospital definition.

A Health Promoting Hospital has to prove the incorporation into its culture and daily work of the health promotion idea for the patients, their families, the staff and the community. (*table 2*).

The Italian HPH Network is made of 9 regional Networks recognised by the WHO: the Veneto's, the Piemonte's, the Lombardia's, the Emilia-Romagna's, the Liguria's, the Toscana's, the Valle d'Aosta's, the Trentino's and the Friuli's (*table 3*).

Moreover in 2003 the main Italian Children's Hospitals (the above hospitals which adopted the Charter on the Rights of Children in Hospitals) made the Permanent Conference of Paediatric and

Mother's-Child's Hospitals. In this way, they started a specific working-group on the Health Promotion for Children's in Hospitals, co-ordinated at the moment by the 'A. Meyer' University Children's Hospital of Florence.

2.2. Health Promotion for Children's in Hospitals

The age between childhood and adolescence represents a particularly sensitive phase of life for the adoption of healthy lifestyles and the acquisition of coping mechanisms that will prove helpful in adulthood and old age. On the other hand, hospitalisation is very often perceived as a health-care experience to be forgotten as soon as possible, more than representing an opportunity of growth on the level of awareness of health promotion possibilities.

On the contrary, the hospital should play an increasing role in contributing to the promotion of a healthy development of children and adolescents, especially if its activities are similar to analogue interventions put into practice in the community.

For these reasons, during the 11th HPH International Conference (Florence, May 2003), the 'A. Meyer' University Children's Hospital of Florence – co-ordinator of the Tuscany HPH Network - proposed the activation of a working group for the Health Promotion for Children in Hospitals. This proposal was shared by the International HPH Network co-ordinators and by the WHO Office of Barcelona; this proposal includes the setting up of an International Working group to define:

- a set of fundamental rights of the Children and Adolescents in Hospitals, to disseminate in all the Hospitals for Children and Paediatric Departments;
- research on needs of health promotion for the Children and Adolescents in Hospitals;
- good practices of health promotion for Children and Adolescents in Hospitals;
- health promotion standards and indicators which can be carried out in children's hospitals and in paediatric departments;
- specific recommendations and guide-lines;
- the development of a specific 'Community of Practice';
- the development of a new 'Open Network' in this field.

The Working Group will be made by (table 4):

- Experts representing Children's hospitals;
- University Researchers;
- Representatives of the Associations of the Families of the Children's;
- Scientific Advisors.

3. Perspectives : Rights and Health Promotion

Starting from the 'Charter' the working group will develop health promotion initiatives, defining standards and indicators for the improvement of Children's and Adolescents' life conditions in hospitals; identifying the best practices in the European and Mediterranean area; developing inter-

national Networks between hospital professionals interested in this topic. Such activities are addressed to reassure the Child during his hospitalisation; to give knowledge and competencies for the management of its illness and to set up healthy life-styles.

In particular, we would achieve the following goals:

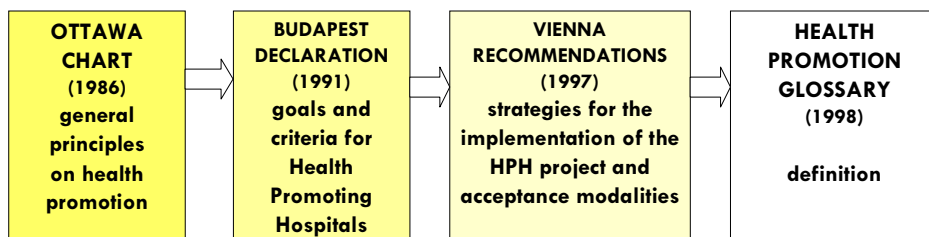
- more attention of the health self-management to Children's needs; more opportunities of health empowerment during the hospitalisation; the growth of the health literacy level;
- professional growth of the staff in the health promotion field, increasing motivational levels, cultural-operative comparisons with professionals from other countries, development of a new Community of Practice;
- building of new possibilities for the hospital organisation of benchmarking and scientific co-operation with hospitals in other countries;
- investigation of the perspectives of action in the field of the Children's health; growth of the adhesions to the HPH Network; possibilities of operative connections with other Networks.

For further information, please contact:

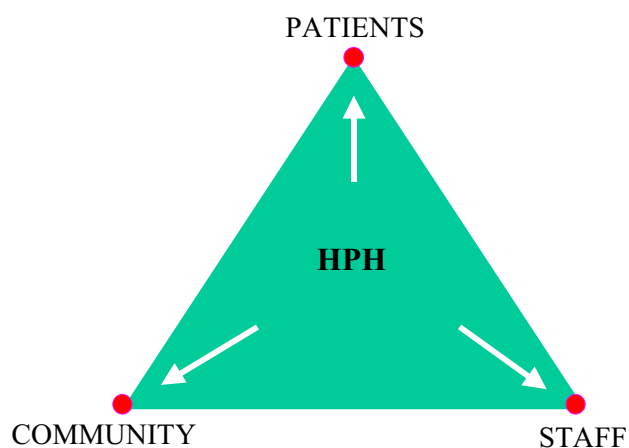
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Tab. I : References of the Health Promoting Hospitals Project



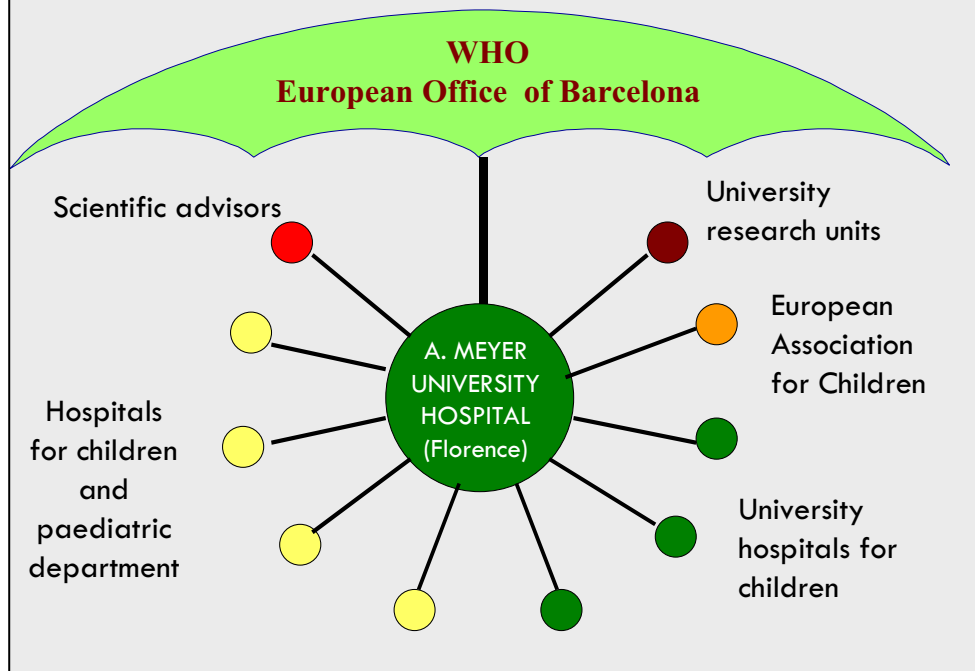
Tab. II : Target groups of the HPH



Tab. III : Italian HPH Regional Networks and Standing Committee of Italian Pediatric Hospitals



Tab. IV : The Working group 'Health Promotion for Children and Adolescents in Hospitals



Children and work

Selma Benzine

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WORKSHOP XII

Working children have become the focus of international interest over the last decade worldwide. We used to speak of child labor versus child work, the first being seen as detrimental work to children –exploitative work- the second one as good, beneficial work. We would say for instance that a child in India or Pakistan working in the export sector and having a status of bonded laborer-namely being sold out to someone by his parents to pay off a debt which never ends condemning therefore the child to sheer slavery – is part of child labor . Child work would be better applied to an American middle –class teenager working part time or free-lance (baby-sitting or mowing the neighbors ‘lawn in a rich suburb) and using this extra money for his or her hobbies.

This is maybe an exaggerated way to show that a phrase such as “working children” covers a variety of realities. Moreover, what is to be considered work when it comes to children? Is a girl in Africa helping with household’s chores, fetching water and tending her little brothers and sisters not working because she isn’t contributing directly to the GDP?

Only the complexities of definitions when it comes to working children can give a taste of the difficulties encountered by people working in the field of child protection in finding solutions to reduce and ideally eradicate the exploitation of child laborers.

The international community has over the years reached a consensus on how the problem of exploited child laborers can be best approached:

After having for years chosen an approach of “minimum age” (through the ILO convention 138 on minimum age employment dating back to 1973), the ILO redefined the criteria of its approach. It is currently fighting what is termed as worst forms of child labor or intolerable forms of child labor through the 1999 ILO convention 182. These are forms of labor which, whatever the culture, traditions or age of children cannot be humanely tolerated ;(slavery, forced and bonded labor, child soldiering, commercial and sexual exploitation , use of children in illicit activities such as the production and trafficking of drugs , any kind of work that may harm the health, safety and morals of children).

The ILO has been quite successful in its initiative though it does not officially back off its initial goal, the total eradication of child labor, considering work under a certain age (14 usually or younger under certain circumstances) necessarily detrimental to children. The IPEC, the International program for the elimination of child labor receives funds from donors like the USA and other industrialized countries and fights child labor in developing countries through:

- Direct interventions that include awareness-raising activities in communities plagued with a high rate of child labor (The IPEC funds for instance Kins in Need in Kampala, Uganda an organization which sensitizes people to the situation of children of the streets).
- Other direct interventions include “ Alternative income generation” namely micro-credits granted to mothers to increase the earnings of the household so that the earnings of the children are no longer necessary provided ,of course, mothers send children to school and remove them from the workplace.
- The most direct intervention is to provide children with accessible, adapted education, with transitional programs so that children can be mainstreamed in formal education later on.

- Data collection, as needs' assessment are necessary before designing and implementing a given project. This is done thanks to the IPEC- SIMPOC, the Statistical Information and Monitoring Program on child labor.
- Partnerships with different social actors: first of all , with governments through “country programs” –when countries have already set a base for a clear national plan to fight child labor (like in Ghana or Romania)-or through “Time bound programs” whereby a country is supposed to withdraw her children from the worst forms of child labor in a time span of 5 to 10 years (this is the case in Tanzania, Nepal, El Salvador, The Philippines and the Dominican republic for instance).

This multifaceted approach proves successful and should be definitely pursued.

However one very important ideological question is to be raised concerning this matter .I will start with the main actors concerned: children

Notwithstanding the positive steps taken through an action as convention 182 on worst forms of child labor, is the focus on elimination of child work under a certain minimum age at all costs necessarily the optimal solution in many countries with poor and inadequate educational structures, where poverty is rampant and made worse by structural adjustment programs and the prospects of finding an employment after school truly scarce?

Surely, children need an education and a future not necessarily via formal instruction in schools. Schools should adapt to the needs and situation of children(become more vocational , be completely free , flexible , allow them to work if their circumstances force them to ,though we all agree , children should all ideally enjoy a golden childhood free of distress of any kind and granting them all the ingredients for a successful future.)

But from the one hand, when one thinks for instance of a child from the Afar ethnical group in the North –East of Ethiopia and Djibouti whose whole tribe and people have been living for centuries of cattle breeding and who are nomadic ; he or she needs to get an education. He or she identifies to members of his or her tribe and when asked why he or she does not go to school, the response is:” what for? My mum taught me how to count till 100. That’s all I need”¹.

How could one reach this specific population? In my opinion , the chief of the tribe should be sensitized to the benefits of education and a project could be set up with a mobile school following the children of the tribe teaching them primarily the basics , the three R’s while methods of teaching should necessarily be child-friendly so that the child keeps a good memory of school and in case he or she drops for reasons independent of his or her will , the child may resume his or her education later on as he or she keeps the desire to do so, (possibly as an adult while working).

From the other hand, children, the main actors in this case are often neglected;

for instance, a movement such as the NATS-Ninos y adolescentes trabajadores, child and teenage workers- born in the 1970’s in Peru and that spread up all over the world and claims the right of children to work in dignity, access to health care, education is not taken seriously when it asks for the right of children to unionize.

Incidentally, the right of children to unionize is perceived by many as shocking because children as viewed as fragile objects to be protected and here they show themselves revolutionary before our current conceptualization of them as they react as subjects part of the civil society fighting for their rights and identity.

This is by the way very much in line with some articles of the Convention on the rights of the child (article 12 on the right of the child to express his or her views on matters affecting him or her, article 13 on the right to freedom of expression, article 14 on the right of the child to freedom of thought, conscience and religion, and particularly article 15 on the right of the child on freedom of association and peaceful assembly). But all these articles threaten a century of imagery and conceptualization of children. When one thinks of the potential of a group like the NAT’s, children of the streets

who organized and thanks to their initiatives created shelters for their peers and is now officially recognized by the Peruvian government, one cannot ignore a capacity of children to take hold of their destiny and mobilize their energy and wits to solve their problems sometimes more efficiently than adults do. This organization is today internationally recognized and its larger branch, the “International movement of young workers” was at the forefront of the international conference in Kundapur in 1996 claiming the right to “work in dignity” and enjoy the protection adult workers have. They very relevantly remarked that such activities as proscribed by ILO Convention 182, namely prostitution, slavery, child soldiering and use of children in drug trafficking are crimes and not work. In fact, what is at the core of this issue is the view that is taken of children: the official policy of ILO and UNICEF in spite of articles 12 to 15 of the Convention on the rights of the child and the reorientation of the fight against child labor with such a convention as ILO convention 182 on worst forms of child labor is indicative that the imagery of childhood is very much about fragile beings who do not know what is in their best interest. Moreover, in many developing countries, models of the North cannot be exported and duplicated: culturally and child-friendly solutions should be developed. The proactive attitude of children should be encouraged, their potential and energy taken into account and their right to unionize granted when they feel that’s the best way to fight for their rights and a decent life as this in itself is a process of empowerment. Besides, schools should be flexible and adapted to the needs of children and putting education as a priority in the political agenda of many governments may be best helped by a comprehensive policy of promotion of sustainable development, family-planning and awareness-raising of women who are major actors as potential mothers. What would make sense would be to try and adjust to the current realities of the socio-economic situation of many developing countries, avoid brutal solutions (such as boycotts of export industries using child work as this does not solve the problem at its roots and has many perverse effects), ease all policy of structural adjustments and urgently find a way to mobilize political will. Labels, market-based strategies, though raising the profile of child workers worldwide, do not solve the problem and seem a way of buying a clean consciousness. The majority of exploited child workers worldwide are to be found in agriculture, informal work, domestic work and this is the silent majority that rarely receives coverage in the media. So it may be time to take a more global view of the situation of child workers and think of long term and efficient solutions.

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Community Endowments Funds To Enhance Enrollment of Girls: Innovative Approach from Rural Areas in Upper Egypt

by Atallah Kuttab¹

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Background

Education is one of the major tools for economic and social development. Basic primary education contributes to poverty reduction by equipping people to participate in the economy, as it also contributes to the strengthening of the institutions of civil society. It provides a foundation for helping to alleviate poverty and improve social and economic development. Although parents may recognize that schooling would improve their children's skills later in life, they cannot afford the "luxury" of spending money on them to go to school and/or taking them out of the labor market. Although the basic primary education is compulsory up to age 12, it is hard to enforce, especially in rural areas, scattered settlements and poor areas of the large cities. In essence, the school dropout phenomenon is the result of a conflict between short-term parental economic interests and the long-term interests of the children.

Where scholarships were used to neutralize some of those conflicting interests and tackle some of the disparities in school enrollment due to gender, social and economic classes, sustainability of these programs remain a main problem, as funds are not easily guaranteed year after year. Many countries have experiences in endowments in an effort to ensure resources to maintain education activities.

Endowments are generally used to strengthen and sustain the financial base of existing or new governmental institutions, including foundations and educational institutions; or to help in transferring important development functions that are poorly performed by the public sector. Some of the issues hampering the proper functioning of endowments include institutional displacement, organizational performance, political interference, and the rapid devaluation of an endowment due to such factors as currency instability and, rampant inflation and government policies². In the absence of public funds, academics and economists in Egypt advocate for the process of activating endowment funds, to cover the cost of education to ensure accessibility and quality³.

In Egypt primary education is claimed to be free, yet the direct and indirect costs for poor families can be high to ensure enrolment and learning. Families have to provide their children with uniforms, school supplies and are forced to enroll them in after school private groups tuition.

In 2000, the number of females in Egypt that have never been in school and/or completed only part of primary education was 57%. This figure was 40% more than the equivalent for males. Rural/Urban disparities in literacy attainment are highest in Upper Egypt, where the illiteracy rate in rural areas is almost 50% more than that of urban areas, and the overall rate is 70% more than that of metropolitan governorates⁴.

In 1996, Save the Children⁵ undertook the Access to Primary Education and Literacy for Females (APEAL) project, primarily funded by United States Government, to address the great disparity between the educational opportunities available to girls and those available to boys in poor areas, par-

ticularly in the primary education stage. The overall goal of the project is to increase the enrolment of young Egyptian girls from low-income families in primary education in rural and peri-urban areas. The age range focused upon is 6-7 year old girls who have never been enrolled and 7-9 year old girls who dropped out for only one year. The project has been implemented in 188 schools in the four governorates.

Through APEAL, Save the Children has shown that with persistent support and awareness building, parents can make a shift in their thinking and keep their children in school. By the end of 2002, Save the Children would have spent on APEAL project approximately \$3.5 million. Due to the high amount of funds needed on yearly basis for continuation of such a needed activity, it is realized that such positive experience is not easily replicable. In order to respond to this need and continue reducing the disparity between girls and boys enrollment in schools, a more sustainable approach is needed. Therefore, the experience of a pilot community-based endowments in two villages in Upper Egypt is presented here.

Financial Sustainability of Scholarship Programs

Scholarship programs or support to education in general, is always threatened by the lack of funding at some point. One could hedge against such threats by setting up endowments, which provide reliable revenue year after year to ensure the continuation of program activities. This is referred to as financial sustainability. A Survey in 1997 by the American Association of Community Colleges indicated that 92% of the responding community colleges (sample was 550 community colleges out of a total membership of 1140) have some form of an endowment, which supported scholarships, facilities improvement and curriculum development⁶.

In Egypt and in order to build financial sustainability, rural communities were willing to raise financial resources to support scholarships to ensure enrollment of girls from poor families in school, school health and nutrition, and preschool support activities in the form of setting a *Community Development Fund or Trust (CDF)*⁷, will be referred to as *Endowment* in the rest of this paper, with initial contribution by both Save the Children and the community. However, both local communities and private sector are reluctant to donate for endowment funds when they are owned by international NGO like Save the Children. Therefore, the Endowment is designed to support for one rural community and is owned by that community, which will continue to fundraise to increase the capital in the Endowment from the private sector. In 2001, this was started in one community in Minya Governorate using private donations of \$25,000, which was matched by the community. The Endowment itself cannot be spent and that is guaranteed by a signed agreement, which is legally binding according to Egyptian Laws. Only the interest of the Endowment is used for activities supporting education of children. A Parent/Teacher Association (PTA) in addition to representatives of local NGOs will manage the Endowment even after Save the Children moves out of the community. Based on many global experiences, it can be argued that the development of an effective parent teacher association (PTA) or parent teacher organization (PTO), as well as effective teacher-parent communication, is very important in fostering parental involvement of the education of their children⁸. In a remarkable experience in the United States, the involvement of the PTA brought about in schools comprehensive school health programs in three areas: health education, health services, and school safety⁹.

Description of Endowment Piloted in Upper Egypt

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The pilot project includes the setting up of six Endowments in six communities in rural Upper Egypt with joint funding from Save the Children, Private Sector, Communities, and an international bank operating in Egypt. Primarily, it will be the school parent committees that manages the income/revenue from the Endowment. The Endowment grant itself is awarded to a local NGO in the community and which can receive such funds according to Egyptian laws. In addition to conforming to Egyptian Laws, due diligence will be conducted on the NGOs entrusted with the Endowment. Since the partner NGO will supervise the programmatic use of the Endowment revenue, therefore this due diligence will include assessment of technical capability and staffing, ability to deliver and manage education and health activities, governance transparency (such as presence of bylaws, board of trustees, membership, etc.), and adequate financial and administrative procedures. By end of 2002 already three Endowments have been established.

Each Endowment is set up with an equal contribution by community/partner NGO and donor agency (in this case Save the Children and its donors) plus the revenue expected from the endowment to allow for scholarships to be dispersed right away. One year after setting up the Endowment, the revenue accrued (presently from interest rates) will be used to disperse scholarships¹⁰.

The amount of the Endowment is deposited in the bank account opened by the village based NGO for that purpose after an agreement has been signed between the NGO and Save the Children. The agreement states the selection criteria, details of the scholarships, legal compliance, and obligation of the NGO to match the funds donated by Save the Children. The agreement is registered with the Government of Egypt to ensure that the endowment is maintained and used for its intended purpose.

The Endowment agreement states the following:

- Focusing on girls education
- One to one match
- Percentages of how income from endowment is used (65% scholarships, 20% support of extra curricular activities, 15% administrative costs.)
- Income to be expensed through parent associations and involvement of school administration.
- The total of capital donated by Save the Children and by partner NGO/community cannot be expensed. Only the revenue will be used for scholarships and other program support activities.

By the end of 2002, already three Endowments have been set up in three rural communities with a total capital of \$100,000 and expected to increase to \$180,000 by September 03. Communities managed to fund raise their part from donations of individuals with plans to identify private sector donors in the future.

Steps to Establish Community Development Fund

Save the Children is trying to market the idea in Egypt of endowment funds for support of girls education and schools in general. Once endowed, these funds provide the community interest and therefore revenue for supporting development activities. Initial consideration in setting up an endowment fund is to make sure that there is a need in a certain community and then choose a lead NGO to own the fund and be willing to fundraise to match Save the Children contribution. Once the agreement is

signed for the setting up the fund, it is important to do the legal registration and set an advisory board for the fund from community, government representatives, NGO representative and private sector representatives. The concept behind these funds is that they are small in order to be manageable by the community, which in its turn consider their matching component as reasonable and affordable. Finally, agreeing on the best way to invest the money in the fund is crucial and depends on what level of risk comfort is tolerated and what law permits.

Strategies for Fundraising

The main source of funds for Endowment is the business community, which can be solicited by placing emphasis on the beneficial returns of an educated society and the adoption of good citizenship within the business community. Beyond the development and implementation of a mutually beneficial plan for funding, recognition of benefactors for their contribution is fundamental. Going beyond saying thank you, recognition efforts should “thrill the donor”¹¹. Generally, successful fundraising has two characteristics in common: a strong marketing program and widespread community and private sector support¹².

Some private donors have refused to hand over the capital to be added to the endowment and instead chose to commit the revenue of a shadow endowment that they have set up themselves for that purpose. This means that a donor would set up an endowment for education and agree with a specific community to forward its revenue at a specific date of each year like one month before start of academic year.

One has to be aware not to go for any deal with private sector, as donations can have negative side effects on the health of children in the school. The school district in Charleston County, South Carolina, signed an exclusive marketing deal with the Pepsi Bottling Group. That means that only drinks made or distributed by Pepsi can be sold in any school or administration building. The lure is money – potential \$8.1 million over five years to be realized through commissions off soda sales. But a group of parents is fighting to break the contract as soft drinks on kids and can be harmful to their health. Similarly, the parents of a school in Cairo Egypt are having the same fight but in this case against Coke.

Summary and Conclusion

Endowments are generally used to strengthen and sustain the financial base of existing or new governmental institutions, including foundations and educational institutions; or to help in transferring important development functions that are poorly performed by the public sector. They provide financial sustainability and possibility for long term planning. Endowments normally imply large amounts of funds but in this case the amounts are small, very focused in terms of its objective (support to girls education and reduce the disparity in school enrollment between boys and girls), has a wide base of ownership, managed by village committees, active participation of parents and support from private sector. The fact that endowments are small and managed at village level, makes their financial management possible by the relatively small NGOs operating at the village level.

It is hoped that the highly spread structure of the various Endowments would allow the formation of a network of the management boards of the various endowments (from PTAs, NGOs and private sector representatives) which will have access to a substantial financial resources in support of education when added up. Such a network in cooperation with the private sector would assist public schools to improve standards, enhance girl's enrollment in schools through scholarships and lobby government in Egypt for better allocation of resources for quality and accessible education.

Note

- 1 Dr. Atallah Kuttub with PhD from University of London held academic positions in Palestinian and British Universities. Presently, he is country representative for Save the Children (USA) in both Lebanon and Egypt.
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EACH – the European Association for Children in Hospital and The European Charter Of Children In Hospital

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Giuliana Filippazzi, EACH Coordinator

Research by psychologists and paediatricians in the 1950s showed that the care children received in hospital was detrimental to their emotional and psychological wellbeing. In particular their almost complete separation from their families, then commonplace, resulted in emotional disturbances varying in degree which could have a long-lasting effect. As a result major changes began to be made which promoted the greater involvement of families in the care of sick children, changes which gradually gained the support of health care staff.

Starting in 1961 in the UK, Child-and-Hospital Initiatives have been founded in many European countries, with the purpose of raising public awareness of the global needs of hospitalised children. The local situation differed enormously from country to country, but all the initiatives shared the goal of creating a hospital environment that meets the special physical and emotional needs of children in order to prevent or reduce the trauma of hospitalisation.

When the 1986 Resolution of the European Parliament on the rights of children in hospital was revoked (because health is a national matter), the then 12 Child- and-Hospital Initiatives met in 1988 in Leiden/NL, elaborated a list of the rights of all children before, during or after a stay in hospital, based on research results, on the already existing NAWCH Charter, professional and personal experiences, and the revoked 1986 Resolution: the **Leiden Charter**.

In 1993 EACH was established in Austria at a European Conference as the umbrella organisation for the non-profit associations involved in the welfare of children in hospital, with the goal of implementing the Leiden Charter, henceforth called “**EACH Charter**”.

The activities of the member associations are adapted to the needs of each particular country and are basically oriented to inform and support families/carers of sick children, to promote the global welfare of young patients amongst health care professionals and to negotiate with governmental authorities in order to improve the care of children in hospitals and to have the principles of the EACH CHARTER incorporated in health laws, regulations and guidelines in each European country.

We organise every 2-3 years a European conference, each time in a different country, in order to inform as many people as possible about our activities, and every time we discuss in an “open day” a topic of relevant social interest. Since 1995 the conferences have dealt with the following topics:

- “From the new-born child to the adolescent, what kind of hospital for minors?”,
- “Pain evaluation and pain control in children”,
- “The role and the importance of play also in hospital”,
- “Humanisation of paediatric wards in Europe: reasons for success and failures”.

In November 2002 we had a hearing at the European Parliament aiming at having an updated version of the 1986 Resolution of the European Parliament not only medically oriented but also based on the consumers’ rights and requests.

Our activity has become more and more effective, and we trust that along with the growing political, social and economical importance of the European Union, in a not too distant future the implementation of the EACH Charter will be commonplace and the needs of children in hospital will be met satisfyingly not only all over Europe, but in other continents too.

The EACH Charter is completely in line with the 1989 *UN Convention on the Rights of the Child*: therefore implementing the Charter is also implementing certain parts of the UN Convention.

In fact EACH is a member of the *NGO Group for the UN Convention on the Rights of the Child* in Geneva, and since 1997 we have increased our contacts and co-operation with other transnational child-oriented associations (e.g. *EURONET*) in order to increase the public awareness of the rights of children in hospital.

In 1998 the EACH Charter was endorsed by *CESP*, the Confederation of European Specialists in Paediatrics.

Work in hospitals has not become easier during all these years, and the economic pressures on hospitals and their staff have become harder and harder. Nevertheless the EACH member organisations have continued to lobby for family centered care wherever children come into contact with health services (before, during or after a hospital stay). Hospital staff and most paediatricians know the EACH Charter and are kept informed by our member organisations.

The EACH Charter proved to be a useful instrument for the introduction of quality standards in children's hospitals (so far UK, The Netherlands, Germany, Switzerland and Italy).

The articles of the EACH Charter have been incorporated in the *Quality Standards of the Child-Friendly Health Care Initiative (CFHI)* by Child Advocacy International with the support of the Dept. of Child and Adolescent Health and Development of the WHO, the Royal College of Nursing (UK), the Royal College of Paediatrics and Child Health (UK), and in collaboration with UNICEF.

EACH is not targeting a certain disease or a limited scope of actions, easily acceptable and understandable by the public: we are promoting a change of attitude and a change of thinking, and this is a continuing process requiring awareness and support from hospital staff, parents and the public in general, because although health care is subject to varying economic conditions and constraints, and health services are organised differently from country to country, the rights of the children are the same in all countries. Our goal is to achieve a binding commitment to the implementation of these rights in all European countries.

The European Charter of Children in Hospital

Article 1 - *"Children shall be admitted to hospital only if the care they need cannot be equally provided at home or on day basis"*.

We all know that up to a certain age children perceive illness as a punishment: dislocation from their usual physical environment and their social relations increases the separation anxiety and the psychological discomfort. Nevertheless a child is at times taken to hospital because parents aren't or don't feel adequately supported for home care. Therefore home care provided by paediatricians and paediatric nurses should be encouraged and enhanced as much as possible, in the interest not only of

the sick child, but also of the family. All necessary information, assistance and support shall be given to parents if their children are cared for at home or on a day basis. Having a child in hospital means radical changes for the whole family, often a new person is asked to come and take care of the members at home while the parent is in hospital with the sick child. This can disturb the siblings, who often feel neglected by their parents and may become jealous of the sick child, who “steals” their parents’ love from them. This feeling can last for years and spoil the relationship between the siblings and the child as well as between the siblings and the parents.

Article 2 - *“Children in hospital shall have the right to have their parents with them at all times”.* This means that the social network should be at all times maintained, especially when the child is not physically in his/her familiar environment.

The right of children to have their parents or a substitute carer with them at all times, includes all situations where they need or possibly might need their parents, e.g.

- during the night, whether or not the child may wake up
- while having treatments and/or examinations with or without local anaesthesia, or sedation
- during induction of anaesthesia and immediately upon recovery
- during periods of coma or semi-consciousness
- during resuscitation, when parents must be offered full support.

Article 3: *“Accommodation should be offered to all parents and they should be helped and encouraged to stay. Parents should not need to incur additional costs or suffer loss of income. In order to share in the care of their child, parents should be kept informed about ward routine and their active participation encouraged.”*

Parents staying with their child in hospital should not need to incur additional costs for meals and overnight stay.

Parents who are unable to attend work or fulfil duties at home because they stay in hospital with their child should not incur any loss of income or incur other cost due to the full-time care of their child in hospital or the daily care of healthy siblings at home by other persons. Assistance should be provided where financial circumstances prevent a parent from staying with or visiting a child (e.g. travelling cost and other expenses).

In order to share in the care of their child, parents should be kept informed about ward routine and their active participation encouraged. In some countries the so-called “partnership in care” is already common practice with very good results, thanks to a basic change in the doctors’ and nurses’ attitude toward the parents, who are regarded as partners.

The staff shall facilitate the parents’ active participation in caring for their child by

- giving them full information regarding their child’s care and about ward routine;
- arranging with them the elements of care they want to take over;
- supporting them in doing this and accepting their decisions;
- discussing with them changes needed if their care is not helpful to the child’s recovery.

Article 4: *“Children and parents shall have the right to be informed in a manner appropriate to age and understanding”*

Information for children and parents should:

- be based on age and understanding;
- appreciate their capacity to comprehend information and express their views;
- encourage questions, answer the questions raised and provide access to appropriately prepared verbal, audio-visual and written information;

- consider the patient's and the parents' feelings of fear, sorrow, guilt, anxiety or stress;
- be provided continuously from admittance to discharge of the patient;
- include information regarding care after discharge;
- be provided in a stress free, secure and private environment without pressure of time;
- be given by experienced staff competent to communicate information in a way which can be readily understood;
- be checked by the staff member to ensure that the information given has been properly understood by both the child and the parents.

The child or a sibling should not be used as an interpreter for the parents.

Children have the right to express their own views and providing they have sufficient competence to understand the matter, they may veto their parents' access to their health information. In such a case staff are required to proceed with the utmost care to properly evaluate the situation. Protection, counsel and support shall be given to the child. But hospital staff should ensure that the necessary counsel and support are also given to the parents who might be in need of psychological and social help and advice.

To reduce physical and emotional stress and pain experienced by children preventive measures have to be taken, which should:

- be adapted to the individual needs of the child
- provide information and programmes to prepare children for a stay in hospital, prior to planned procedures;
- encourage continuous contact with parents, siblings and friends;
- offer play and recreation activities suitable to the child's age and development;
- ensure effective up-to-date pain management
- grant sufficient periods of rest between treatments;
- prevent feelings of isolation and helplessness;
- try to avoid or reduce situations or actions described by the child as stress inciting;
- allow children and parents the opportunity to retreat;
- avoid use of restraints.

To mitigate unavoidable physical or emotional stress, pain, and suffering children and parents should be offered:

- ways of dealing with painful situations or actions experienced as negative;
- support for parents as well as measures protecting them from too much strain while caring for their child;
- contact with social services, psychologists, minister of religion, self-help groups and cultural groups.

Article 5: *“Children and parents have the right to informed participation in all decisions involving their health care. Every child shall be protected from unnecessary medical treatment and investigation”.*

It is extremely important that doctors and nurses introduce themselves to the child and explain to him what they are going to do to him, and why. Many children often consider medical treatment as a kind of punishment or lack of love, so they must be reassured that the treatment they are going to receive is for their own sake, and based on love and affection. Taking time to speak with a child,

using a finger puppet or other toys if useful, is not a waste of time, because speaking with the child partially draws his attention away from his injury or pain and usually makes him a co-operating patient. The parents too must be involved in this process in order to reinforce the message given to the child. Both child and parents require

- adequate information regarding the child's immediate health condition, the proposed forms, risks, and merits of treatment or therapy and its goals as well as the measures to be taken;
- adequate information on alternative forms of treatment;
- advice and support to parents enabling them to evaluate the proposed way of proceeding;
- to appreciate and make use of the child's and parent's knowledge, experiences, descriptions and observations on the general health situation or present condition of the child.

It may happen that information is given to small children but not to older children and teenagers, who are expected to understand things by themselves. This may not be true, and since they are usually afraid to appear silly and are therefore reluctant to ask strangers, they may suffer considerable anxiety. It's important to speak to them in their own language, to explain with the aid of pictures what will be done and how it will affect them, to tell them about the ward routines, to respect their need for privacy.

Prior knowledge of all measures that need to be taken is a pre-condition for the active involvement of children and parents in decision making.

Any form of medical treatment or investigation of a child is **unnecessary**, if no benefit for the individual child can be derived.

Article 6 - *"Children shall be cared for together with children who have the same developmental needs and shall not be admitted to adult wards. There should be no age restriction for visitors to children in hospital".*

According to statistics, 37% of children are admitted to adult wards: this means that they are cared for by health care professionals who are not specifically trained to meet a child's specific emotional and physical needs. This can have very long-lasting psychological effects on the child, as proved by many studies. Separate provision of care should be available for the treatment of children and adults not only in the wards, but also in areas such as reception, emergency rooms, surgery, outpatient and day care facilities as well as examination and therapy rooms.

Free visiting by their peers and siblings should be ensured to all children in hospital, in order to help them maintain social and emotional contacts with their world. It is important to remember that when we speak of children we include also adolescents up to the age of 18, as recommended by the WHO. The special needs of adolescents should be taken care of by providing appropriate infrastructure as well as recreational opportunities.

Any form of segregation of children must be avoided, in particular cultural segregation.

Article 7 *"Children shall have full opportunity for play, recreation and education suited to their age and condition and shall be in an environment designed, furnished, staffed and equipped to meet their needs".*

Play is the natural means for children to elaborate what they have learned or what they are going through. Recreational activities and education should not be optional, since they are very important to reduce any distress sick children would endure through their stay in hospital and whose consequences could last for a long time after their return home.

For the child play isn't simply a way to spend his time pleasantly: it is his natural activity, his way of knowing the world around him, of expressing his feelings also if he cannot speak. Play can be used for information, preparation, understanding of his reactions and feelings, and as therapy (for instance by using the role play, such as "doctor, nurse and patient" or the indirect play, where toys take up the patient's role). Giving a hospitalised child the opportunity to play brings out his healthy resources, his abilities to do a lot of pleasant and interesting things even if he is in hospital, it allows him to be happy and confident and to behave like a healthy child even if he is seriously ill.

Adequate environment should be adaptable to the needs of different age groups and not be focused on one particular age group, and should be available in day facilities or other areas where children are being treated or examined.

Also **education** plays an important role in hospital, specially in case of long term-care, because it gives the child a very important message of hope: "*Keep up with your school program, so you will be at the same level as your schoolmates when you go back to school!*". Telephone, fax, computer can be used for distance teaching and exchanging messages in order to keep the child in touch with his class and prevent him from feeling isolated from his world.

In short:

Extensive possibilities for play, recreation and education should

- be available in the form of appropriate play materials;
- ensure adequate periods of time for play seven days a week;
- provide for the abilities of all age groups cared for in the facility;
- inspire creative activities by all children;
- allow for the continuation of the level of education already reached.

Sufficient suitably qualified staff should have an understanding of the needs of children for play and recreation in order to meet their needs for play, recreation and education regardless of the state of health and age of the children.

Article 8 - "*Children shall be cared for by staff whose training and skills enable them to respond to the physical, emotional and developmental needs of children and families.*"

A child is not a miniature adult, not even the adolescent is, and both have very specific needs. Specific professional training, skills and sensitivity are required for staff caring for sick children, because only on the basis of these qualifications are they able to meet with the special needs of children and their parents.

The ability and sensitivity of staff shall be maintained at a high level by appropriate training and continuing education in order to help both the child and the parents to deal with their anger, fears and behaviour.

To know and address the needs of families is a pre-condition for being able to support parents in the care of their child and if necessary organise support or alternative care for the child to relieve the strain on the family.

Skilled staff members will support parents in particular to cope with critical situations a child might endure. This applies especially to life-threatening situations.

When a child is dying or dies, the child and his/her family must be given whatever support, care and assistance they need to help them cope. Information regarding the death of the child should be given sympathetically, sensitively, in private and in person. Staff should undertake appropriate bereavement training.

Article 9: *“Continuity of care should be ensured by the team caring for children”.*

We can easily imagine how puzzled a child can be every time a “new face” comes up to him: his unspoken question is “what is this person going to do to me?”, so our recommendation is that shifts do not prevent nurses and doctors from introducing the next colleague to the child especially during the first day, when the child is most scared. Team work is based on complementary levels of knowledge and consistent standards of care, focused on the physical, emotional, social and psychological well-being of the child.

Continuity of care should apply both in the hospitals and following transition to home or day care.

Article 10 - *“Children shall be treated with tact and understanding and their privacy shall be respected at all times”.*

People often forget that children have a very strong sense of dignity: they want to be talked “to” and not only “about”. They may be afraid that operations and treatments affect or destroy their appearance, their bodily integrity. Speaking to them in their own language makes the willingness of the staff for dialogue apparent, and creates a friendly and trusting atmosphere, that takes into consideration also the religious belief and cultural background of the child and the family.

At all times this respect must include protection against physical exposure as well as against treatment and behaviour which diminishes self respect or makes the child feel ridiculous or humiliated; the right of personal retreat, of private communication with staff; and of undisturbed association with close family members and friends.

.....

In the daily hospital routine little regard is still given to what we know today about the psychological, emotional and social needs of children of different ages and developmental stages, their origin or their social or cultural background. Therefore some of the goals of the EACH Charter are still unachieved in Europe, for instance:

- Children are still being admitted to adult wards.
- The right of children to have their parents with them in hospital is sometimes restricted and made subject to a particular age or illness of the child or to the social standing of the family.
- The special needs of adolescents in hospitals are often not sufficiently addressed.
- Pain control for children is still a neglected area.
- Guidance for staff on established practice for action when a sick child shows signs of abuse or maltreatment is often missing.

Our goal is to achieve a binding commitment to the implementation of these rights in all European countries.

Educare al DIRITTO, imparando il DOVERE: Psicopedagogia socioantropologica e Messa alla Prova, due alleati per il Progetto PSICANTROPOS

di Maria Rosa Dominici

EDUCARE AL DIRITTO.

Tutto parte da un'utopia, in cui il principio di realtà sembrava totalmente bandito, ossia l'educare i bambini, gli adolescenti, i minori, tutti, gli inermi, all'essere consapevoli portatori di DIRITTI, non solo vittime predestinate, dall'appartenenza all'anello debole della catena sociale, resi spesso invisibili dalla crudeltà, della vittimizzazione che il popolo degli adulti fa loro. Vi sono leggi, tribunali internazionali, che restano carta scritta per lettori ciechi....ma i bambini in esse troverebbero strumenti atti alla loro difesa, alla tutela della sacralità del corpo, propria ed altrui, se gli adulti sapessero condividere il potere del SAPERE E DELL'ESERCITARE IL DIRITTO.

Vado con la memoria ai giorni in cui si lavorò nel 1998 insieme a TERRE DES HOMMES, al MINISTERO DEGLI AFFARI ESTERI per la costituzione del TRIBUNALE INTERNAZIONALE PENALE PERMANENTE nel convegno di ROMA "ICC and CHILDREN'S VOICE" (vedi mio intervento in atti pp.161-162), reduce dall'aver firmato l'APPELLO DI LOSANNA che chiedeva di inserire fra i CRIMINI CONTRO L'UMANITA', I CRIMINI ORGANIZZATI CONTRO L'INFANZIA, che tutt'ora in molti paesi, compreso il nostro soffrono per OMISSIONI ed OMERTÀ'.(1) come denunciai negli interventi che feci a Napoli nel dicembre del 2000 al FORUM EUROPEO DELLA SICUREZZA (2)

IMPARANDO IL DOVERE

Di perseguire sempre e comunque il rispetto della propria ed altrui dignità umana che sembra depositata nel potere degli adulti che per essi, i minori, gestiscono e scelgono con alibi che spesso nascondono sotto presunte generosità, crimini disumani, perpetrando così l'INVISIBILITÀ della VITTIMA(3)

PSICOPEDAGOGIA SOCIOANTROPOLOGICA, LA NUOVA PEDAGOGIA

L'unica opportunità, è prevenire tramite una forma educativa precoce che insegnasse tutto ciò, attuando percorsi che tengano conto dell'insieme armonico, psicosomatico del minore, nell'attimo stesso in cui entra come persona nel contesto sociale, dopo il taglio del cordone ombelicale e l'iscrizione al registro degli esseri VISIBILImolti non hanno neanche questo, negati nel nascere, condannati a carne da macello, smembrati, venduti, usati, i nuovi schiavi, invisibili anche nelle terre d'immigrazione, nei rigurgiti razzisti dell'emarginazione, dove DIVERSO significa nemico, dove antropologia, socioantropologia sono parole di una cultura dimenticata, dove l'errore umano delle precedenti generazioni si perpetua perché non è stato insegnato ed introiettato il DOVERE DEL RISPETTO DELLA VITA UMANA, SPECIE NEL MOMENTO DELLA MASSIMA FRAGILITÀ' e così la strage degli innocenti continua. Basta considerare il diverso valore che hanno acquisito le prostitute in cinta, una volta venivano fatte abortire per poter lavorare con i soliti ritmi, ora hanno il valore di due oggetti commerciabili, il figlio sarà nei migliori dei casi venduto a scopo adottivo, oppure avviato a varie schiavitù, sessuali, militari, lavorative, oppure venduto a pezzi sul mercato degli organi

LA MESSA ALLA PROVA

Sembra strano che questa progettualità sia riscontrabile in uno strumento di alta sensibilità e valore giuridico, che come giudice onorario del tribunale dei minori, che si occupa di Penale, utilizzo tutte le volte che mi viene data delega di seguire il reo durante il periodo di sospensione. In questo tempo, l'estraneo mi diventa persona, con cui creo relazione, dall'uno diventiamo due, IL MINORE TRAMITE UN CONTENIMENTO INTEGRATO DELLE VARIE ISTITUZIONI TERRITORIALI E MINISTERIALI, ED UN SUPPORTO MULTIDISCIPLINARE E SPECIALISTICO DIVENTA VISIBILE AI PIU' CHE L'AVEVANO NEGATO.

Conquistiamo insieme la resipiscenza del disvalore sociale dell'atto commesso, ritrovando ciò che l'incuria sociale e politica gli aveva fatto perdere, insieme alla dignità e al rispetto delle proprie origini etniche e culturali, per cui ogni uomo è maestro all'altro...e in questo TEMPO dell'INCONTRO GLI OGGETTI SCONOSCIUTI TRA LORO DIVENTANO SOGGETTI, TRAMITE LA COMUNICAZIONE E LA RELAZIONE, SUBISCONO IL MIRACOLO DELLA METAMORFOSI, DA INDIVIDUO EGOISTA CENTRATO SU DI SE' A PERSONA SOCIALE PROIETTATO SULL'ALTRO DA SE', ATTRAVERSO L'ESPERIENZA RESTITUTIVA E RIPARATORIA DEL VOLONTARIATO.(4)

DUE ALLEATI PER IL PROGETTO PSICANTROPOS*

Nato dall'esigenza di ascoltare i giovani detenuti (in base al concetto di vittimologia, in cui vittimizzatore e vittima sono un giano bifronte) che vedevo nel prato di un carcere minorile nel 1996. NON ERA UN GUARDARE ERA UN VEDERLI PERDERSI NEL SILENZIO, NELLA QUASI IMMOBILITA' FISICA ED INTELLETTUALE CON IL TEMPO CHE SCORREVA LORO ADDOSSO, PENSAI CHE AUMENTAVA PER NOI E PER LORO IL RISCHIO DI UN'ULTERIORE PERDITA, chiesi quindi al Presidente del tribunale (dott. SACCHETTI) se potevo fare qualcosa che togliesse me da un oscuro senso di responsabilità frustrata e loro da un'immobilità disperata, senza la progettualità della speranza nel futuro. Ottenuto il consenso, proposi a quei ragazzi, per lo più magrebini un lavoro in cui vi erano le parole, ma anche la corporeità, in quel linguaggio antico ed universale che supera le barriere degli idiomi, IL GESTO, LA MIMICA, IL TOCCO, fui favorita dalla mia conoscenza del francese, dalla conoscenza delle loro terre, ed anche quei limiti che erano la mia appartenenza di genere e il mio ruolo, dopo varie sfide e provocazioni, furono superati, CONQUISTANDO E MERITANDO LA RECIPROCA FIDUCIA.

Ricordo l'immagine, l'emozione e la commozione di un semplice gesto che apparteneva alla tecnica che applicavo, ossia al training autogeno analitico, in cui si elaborano emozioni e sensazioni, attraverso la riattualizzazione della memoria corporea, era il semplice gesto di toccare i loro piedi...MES-SERKI, il leader aggressivo, intelligente e provocatorio mi chiese "perché fai questo? ho i piedi sporchi" risposi che forse anche sua madre glielo aveva fatto da bambino...da allora toccai sempre dei piedi ancora umidi e odorosi di bagno schiuma, c'era una restituzione reciproca importante, la stima di sé e dell'altro da sé.....Poi tutto fu all'improvviso interrotto senza spiegazioni o motivazioni, benché vi fossero esiti positivi, ma questo fa parte dell'incomprensibile, di una volontà di un potere occulto che preferisce distruggere, più che costruire, ...non si tenne conto dell'abbattimento del costo sociale ed umano, non si tenne conto del vantaggio sanitario, ora come allora, vi sono diritti negati o ignorati, ancora si inciampa in omissioni ed omertà, eppure le buone leggi ci sono (5)

Lo dovevo a quei ragazzi che mi hanno fatto pensare ad una nuova pedagogia, per cui dal 1997 a tutt'oggi PSICANTROPOS è diventato progetto didattico in scuole di vari livelli dal nido alle superiori, usato nella normalità e non solo nell'emergenza, presentato in vari consessi nazionali ed internazionali, e così l'utopia iniziale chiude il cerchio di un sogno diventato realtà, semplice seme che ora

mostra i primi frutti. Con esso si impara ad ABITARE IL CORPO, IL LUOGO, IL TEMPO, LO SPAZIO ED IL RUOLO.

In esso, per quanto attiene all'uso scolastico, vi è un contenitore concentrico, a doppio binario, psichico e somatico, in cui genitori, insegnanti e bambini vengono educati in termini teorici ed esperienziali alla stima di sé e dell'altro da sé, considerando con pari dignità la mente e il corpo, tanta da giungere a riconoscere che "LUI è COME ME, IO SONO COME LUI" se con esso condivido il tempo, il luogo e lo spazio dell'ASCOLTO.(6 -7)

Grazie

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*il progetto psicantropos è stato creato e strutturato da me ,nella versione per le scuole elementari è stato adattato ad hoc con l'insegnante Carla Ricci del 2° circolo didattico di Rimini

Human Security And Children's Issues In The Arab Region: A Preliminary Study

Dr. Atef Odibat
Translation of an Arabic version

E12

WORKSHOP XII

INTRODUCTION

This study attempts to address the history human interest in children, the highlights of this interest, international documents in this content, the appearance of a new global vision regarding children, particularly "human security" and a brief description of this concept and its dimensions. In addition, the issue of children's security, as a component of "human security", in the Arab world will be further analyzed. This analysis includes: children living under international sanctions, as in the case of Iraq, children living in countries experiencing internal conflicts, chosen cases from Lebanon, Palestine and the Sudan, and finally, child labor and the economic abuse of them, chosen cases from some Arab countries.

I. The history of official human interest in children:

The development of official human interest addressing children's security is not recent, it goes as far as the beginning of addressing the concept of humanity itself. A quick review to the process of human interest in children, since they are a characteristically peculiar societal sector, will show that this process has taken different forms and dimensions from one historical era to another. During the 20th century, in particular, the process of international human interest in children began to materialize, and to rate at the top of the international and national social and political agendas. Before attempting to analyze the nature and stages of the human interest in children, it is important to determine what we mean by "children" in this study.

Psychologists and educators define "childhood" as the stage during which an individual's personality is formed, which starts from the date of birth until about the end of the second decade of one's life. This stage is divided into four phases: the infancy phase, the early childhood phase, the middle childhood phase and the late childhood phase (1).

Based on this, international research projects and agreements stipulate that a child is every individual who is not yet 18 years old, unless he/she is considered an adult by virtue of the law effective in their country. Therefore, Article 1 of the CRC, which was unanimously endorsed by the UN General Assembly in 1989, states that "for the purpose of this law, the child is any individual who is not yet 18 years old, provided he/she is not considered an adult by virtue of the law effective in his/her country" (2).

In light of this definition of a child, one can trace human official interest in children, at the international level, as early as the turn of the last century in the USA, Britain and Sweden by a group who were then called "Child Savers". This movement took upon itself to save children and protect them from all forms of neglect, deprivation and abuse (3). Some organizations and institutions addressing children's needs and problems, particularly saving and protecting children, then appeared like Juvenile Courts, the system of compulsory education and the Distinct Penalty System. In the USA for example, in 1971, forty-seven out of fifty states established Juvenile Courts (4).

This primary official interest in children materialized in the Geneva Declaration of Children's Rights in 1924, and the Children's Rights Charter that was endorsed by the UN General Assembly in 1959.

It was obvious that the 1924 and 1959 Declarations focused on the duties of societies and parents towards children and the necessity of fulfilling children's material needs to ensure their healthy growth. Such material needs include food, medicine and shelter. The two Declarations also addressed the problem of homeless children and those who suffer from poverty and illness, in addition to all other requirements of life. However, talking about children's rights to liberty, autonomy and self-determination was not clearly tackled in these two declarations (5).

In the 1960s, a clear shift in the nature of human interest in children began to emerge, as well as in the way they were viewed and addressed. The liberationist movement challenged the allegations that the conditions of children will improve if parents and social organizations focus on protecting them, taking care of them and fulfilling their material needs. These movements tried to draw attention to the necessity of focusing on the principles of children's autonomy and self determination and by stressing on their right to express their opinion regarding any issue that involves them in a manner that is consistent with their physical and mental maturity. This clear shift began to emerge in the subsequent international declarations, charters and agreements.

In 1979, the UN announced that the year 1979 was "The International Year of the Child". In reality, this year captured the attention of individuals and organizations, and stressed the importance of activating human interest in children, protecting them from any form of abuse, and providing them with real opportunities to develop in a comprehensive and integrated manner. This interest materialized 10 years later in the form of the United Nations Convention of the Rights of Children (CRC) that was unanimously endorsed by the UN General Assembly in 1989.

This convention is by far the most important milestone in the human interest in children, since it puts down the general legal principles and standards for the protection of children from neglect, abuse and exploitation. At the same time, it comprises children's rights as human beings including their right to remain, develop and participate in the social, cultural and educational activities, and all other activities that are important for the development and welfare of every child. This convention also stresses the fact that a child has all the human rights included in all the constitutions of the world and international declarations. It also stresses the fact that countries are required to ensure the rights of children who are able to express a certain opinion regarding any issue of interest to them by expressing this opinion in a manner consistent with their age and maturity.

The CRC attained a special interest following the International Declaration for the Survival, Development and Protection of Children that was ratified by the attendees of the World Summit for Children which was held in New York in 1990, and which required all countries to encourage the ratification and implementation of the CRC.

Undoubtedly, the last four decades have witnessed a significant change in the nature of human philosophies addressing children, and these were reflected in the quality of international agreements in this content. However, the importance of those philosophies and conventions is not only the texts and principles regarding children that they stipulate, but how much is achieved in reality among children in their societies. At the turn of the new millenium, questions are still being asked about the conditions of the world's children. Have children been freed from fear? Have they been freed from hunger? Are their rights being violated as a result international conflicts, civil wars and the sanctions being imposed on some counties? Are they suffering from neglect, mistreatment and abuse?

In attempting to answer these questions, it has become obvious that despite the elapsing of more than 10 years since the issuance of the 1989 CRC and the 1990 International Declaration for the Development and Protection of Children, a large number of children still live in harsh conditions. In this respect, and following the publication of UNICEF'S Report regarding the status of the children of the World for the year 2001, Mr. Kofi Anan, the UN's Secretary General, says "millions of children nowadays enjoy a life that is safer, securer and healthier compared to a decade ago, i.e. prior to

the ratification of the 1989 CRC and the World Summit for Children in 1990. This also applies to the advancement in the status of women following the ratification of the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) in 1979. However, an increasing number of women and children still live outside the realm of social protection, and the rights of many are still being threatened or violated” (6).

In many parts of the world children's rights are continuously violated, and they are abused in a manner that deters their growth and the development of their abilities. The UNICEF Report or the Status of the Children of the World for the Year 2001 states: “Every day, numerous children all over the world are exposed to danger that impedes their growth and their development” (7). Adding that: about Half of the 40 million people who are refugees in their own countries due to conflicts or violations of human rights, are children” (8). In another UNICEF report about child labor, the said report indicates that about 250 million children, are being subjected to severe dangers because they are being employed and exploited, and made to do dangerous work. The report portrays child labor as one of the worst aspects of child abuse, and a blatant violation of their rights and of human rights (9).

II. The new world vision and the emergence of the concept of “human security”:

As mentioned before, it seems that the circumstances in which the world's children were living during the end of the 20th century have led people who were concerned with this issue to re-evaluate many of the visions, philosophies and strategies related to “human security”, in general, and the security of children, in particular. These visions and philosophies materialized with the emergence of the concept of “human security” during the last decade of the previous century. In reality, this concept reflects a clear change in global thinking regarding security, since it involves the transfer of thinking of security from a national level to a human level which knows no national or state borders. In this aspect, Dr. Kamel Abu Jaber sees this as a gradual change in international thinking. Previously, the concentration was on national security, like the security of international borders, but today efforts are being directed towards the protection of individuals who live within these borders. From this point, the idea of “human security” emerged as a more noble goal that surpasses national security, without minimizing the importance of state security. State security, however, is a prerequisite for “human security”, although it is not enough to ensure the right of individuals to freedom from fear and to freedom from want. (10)

The concept of “human security” was introduced for the first time in the Human Development Report of 1994, which was published by the UNDP (United Nations Development Program). In 1999, the Canadian ex-Minister of Foreign Affairs described himself as an advocate of an international political program that seeks to adopt the concept of “human security” based on the fact that an individual should not be protected by his nation only, but rather by the entire world(11). This means that the security of an individual, in this new century, is heading towards a “globalized security”.

The concept of “human security” is probably one of the easiest concepts to understand if seen in light of its opposite, “fear”. “Human security” can only materialize with the dispersion of fear. A person who is constantly afraid for his freedom, and who is afraid he will not be able to fulfill his basic needs can never feel secure. It is a blessing from God Almighty to the human race and should therefore become a noble goal that humanity should achieve, and never violate.

The Holy Quran equates the importance of “human security” with food and drink without which people would perish. The Holy Quran says: “Let Them worship the God of this house, who fed their hunger and kept them secure from fear”, and in another text “God has given an example of a village that was safe and secure, and whose bountiful blessing came from allover, but they trespassed the Lord, so he bestowed upon them fear and hunger for their doings”. (13).

In order to ensure a state of "human security", the economic school and political factors that lead to fear must be determined, and how these factors should be dealt with and neutralized. Therefore, it is important to stress that the concept of "human security" should go one step beyond the codification of laws, and the signing of agreements, to ensuring the implementation of these laws and agreements, and to show willingness to participate in international efforts for this purpose and to shoulder this responsibility (14). Therefore, the main bases of the concept of "human security" of individuals in general, and children in particular are the issues of economic, food, environmental, personal, social and political security. As for children, the concept of children "human security" addresses: the conditions of children in non-ordinary circumstances like internal and external wars and conflicts, refugee children, mistreatment of children, child labor and their economic abuse, violation of children rights, children and drugs, children living in sanctioned countries, children and road accidents, children and light weapons, etc. In light of the concept of "human security", dealing with these issues involves studying them and finding their root-causes, in addition to finding the willingness to cooperate with international entities in order to combat them, on the one hand, and suggesting specific mechanisms for this cooperation, on the other.

In reality, the concept of "human security" began to acquire great importance on the international agenda. The realization that the responsibility of security is no longer that of the state alone, but is the group responsibility of all countries who should cooperate in order to achieve it became more and more wide spread. Countries like Canada, Norway, Switzerland and Jordan have played a major role in materializing this effect, particularly Canada who played an important role by supporting the "human security" network, which resulted in drafting the Ottawa Agreement for the control of Landmines.

The concept of "human security" has acquired a clear international recognition as was indicated by the UN Security General, Mr. Kofi Anan in his Annual Report for the year 2000 when he said "It is important to pay attention to the gross abuses of human rights, the compulsory immigration of civilians, international terrorism, Aids, epidemics, drugs and arms dealings that directly affect human security, and we all have to work together to develop and implement collaborative strategies and procedures to face the challenges of human security". (15) Additionally, the Security Council has recognized "human security", a fact that the Council expressed in their resolution No 1296 for the year 2000 "about the continuous need to protect civilians during internal conflicts and wars, and the peace process, stressing the importance of adhering to the relevant international agreements including the Geneva Convention and its numerous protocols". (16)

The issues of "human security" are related to any factor that could cause fear, anxiety, or a feeling of instability to individuals. Therefore, the most important issue of "human security" is the issue of children. This issue will undoubtedly acquire the attention of the human security network within the forthcoming years. This is because children below the age of 18 make up the majority of most of modern societies, and due to their physical and mental make-up they are considered the sector of society most vulnerable to abuse, mistreatment, and feeling of insecurity.

III. "Human security" and the issue of children in the Arab region:

III (1) A brief preview on the conditions of children in the Arab region:

When reviewing the conditions of children in the Arab region, we see a remarkable advancement in their situation if compared with the situation 50 years ago. Yet, the advancements made with regards to children in the Arab region is by far less than what is hoped for, especially if we compare it with the advancements that industrial countries made in this field. For example, the mortality rate for children below the age of 5, is 60 for every 1000 in the Arab countries, and this rate is tenfold the rate

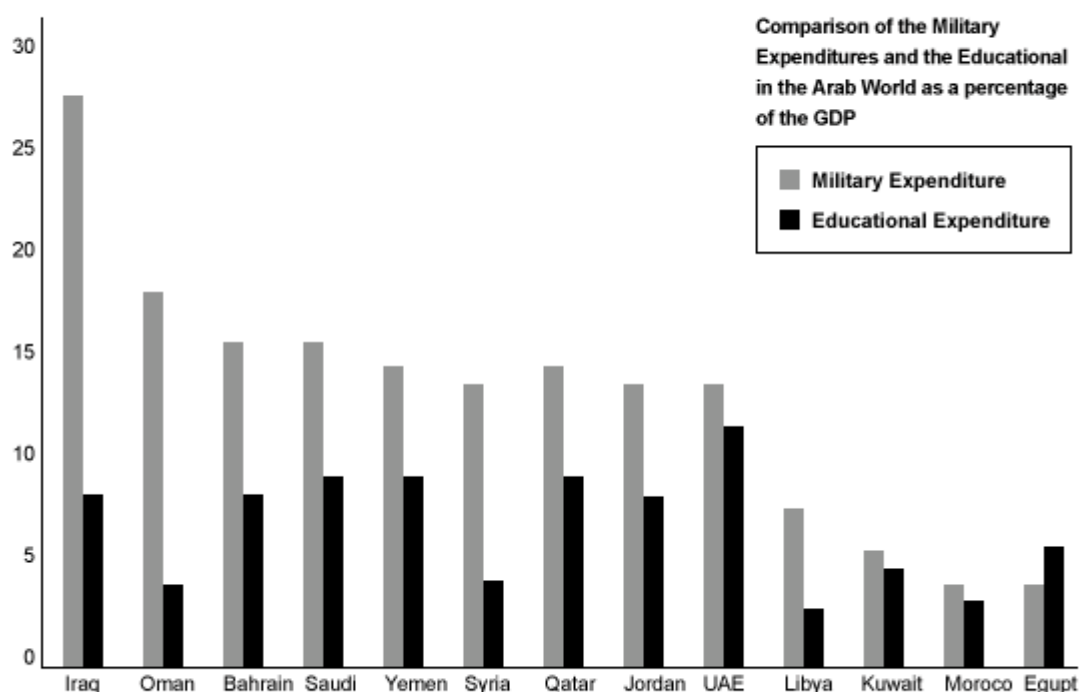
in industrial countries (17). This is a clear indication of the health of children and the improvement in caring for them.

The rate of enrolling for pre-school education (between the age of 3 and 5) is still very low in the Arab world. This rate was 15.3% at the end of 1988 of this enrollment in Arab countries(18). And there are 10.5 million children (21.8%) of school-age who are not attending schools: this number includes 4.2 million males and 6.3 million females. (19)

Internal and armed conflicts are still having negative impacts on children in the Arab world. UNICEF reports indicate that the lives of millions of children in the Arab world are still being endangered by armed conflicts that have been going on for a very long time in Sudan, Somalia, the West Bank and Gaza Strip, and until recently in Lebanon, in addition to the somewhat recent conflict in the Gulf. All of which have exposed about 21 million children to the effect of armed violence and ethnic disputes. (20)

As for public expenditures on primary education as a percentage of the per capita GNP, they range from 0.21% to 29.9%, whereas the funds being spent on a single student is less than 15% of the per capita GNP in half of the Arab countries (21). This makes the rate of public expenditure on education in the Arab world seem very limited, and obviously very low when compared to the rate of expenditure on military purposes. Table (1) indicates that military expenditures in all Arab countries, with the exception of Egypt, are clearly more than the funds these countries spend on education.

Table (1)



Source: World Military and Social Expenditures, 1997.

As for the basic indicators related to children in each country in the Arab world, table (2) summarizes the most important indicators in comparison to corresponding indicators in industrial countries (table 2).

Table (2)
Basic Indicators on the Status of Children in the Arab World in comparison with Industrial Countries(*)

| | Order of the | Rate of the | Mortality Rate | % of students | % of students | Rate of enrollment | | % of children less than | % of children less than | Population |
|----------------------|--------------------|--------------------|------------------|---------------------|-------------------|-------------------------|---------|---|---|----------------|
| COUNTRY | mortality rate of | mortality rate of | of Infants below | enrolled in primary | who will go on | in secondary schools | | 5 years old who suffer | 5 years of age who suffer | (in thousands) |
| | children below the | children below the | 1 year of age | schools (overall) | to grade 5, 1995- | (overall) 1995-1997 (8) | | from mild to severe weight loss 1995-2000 (4) | from mild to severe shortness 1995-2000 (5) | 1999 (9) |
| | age of 5, 1999 (1) | age of 5, 1999 (2) | 1999 (3) | 1999 (7) | 1999 (7) | Males | Females | | | |
| Jordan | 91 | 35 | 29 | 93 | 98 | 52 | 54 | 2 | 8 | 6,482 |
| Emirate | 154 | 9 | 8 | 103 | 95 | 77 | 82 | 15 | 17 | 2,398 |
| Bahrain | 142 | 16 | 13 | 104 | 99 | 91 | 98 | 45 | 10 | 606 |
| Tunis | 101 | 30 | 24 | 116 | 92 | 66 | 63 | 1 | 8 | 9,460 |
| Algeria | 87 | 41 | 36 | 96 | 95 | 65 | 62 | 9 | 18 | 30,774 |
| Saudi Arabia | 115 | 25 | 20 | 92 | 96 | 65 | 57 | 11 | 20 | 20,899 |
| Sudan | 43 | 109 | 67 | 46 | 76 | 21 | 19 | 13 | 33 | 28,883 |
| Syria | 101 | 30 | 25 | 95 | 92 | 45 | 40 | 9 | 21 | 15,725 |
| Somalia | 7 | 211 | 125 | 14 | 0 | 10 | 6 | 12 | 14 | 9,672 |
| Iraq | 34 | 128 | 104 | 107 | 72 | 51 | 32 | 10 | 31 | 22,450 |
| Oman | 142 | 16 | 14 | 98 | 95 | 68 | 65 | 13 | 23 | 2,460 |
| Qatar | 142 | 16 | 12 | 103 | 88 | 81 | 79 | 2 | 8 | 589 |
| Kuwait | 147 | 12 | 11 | 99 | 97 | 65 | 65 | X3 | X12 | 1,897 |
| Lebanon | 98 | 32 | 28 | 113 | 91 | 78 | 85 | 3 | 12 | 3,236 |
| Libya | 123 | 22 | 19 | 99 | 0 | 95 | 95 | 3 | 15 | 5,471 |
| Egypt | 73 | 52 | 41 | 100 | 92 | 80 | 70 | 6 | 25 | 67,226 |
| Morocco | 72 | 53 | 45 | 85 | 75 | 44 | 34 | X2 | X23 | 27,867 |
| Mauritania | 16 | 183 | 120 | 86 | 66 | 21 | 11 | 7 | 44 | 2,598 |
| Yemen | 36 | 119 | 86 | 68 | 74 | 53 | 14 | 13 | 52 | 17,488 |
| Industrial Countries | 0 | 6 | 6 | 104 | 99 | 105 | 107 | 0 | 0 | 851,638 |

(*) Source: UNICEF, the Status of the Children of the World 2001, Pages (76) to (103)

Indicate the year not mentioned in the column headings, or that are different from the standard used, or indicate a part of the concerned country.

1. This indicator indicates the descending order of the countries based on the mortality rate of children below 5 years of age.
2. This indicator shows the annual mortality of children below the age of 5 for every 1000 live births.
3. This indicator shows the annual mortality rate of children below 1 year of age for every 1000 live births.
4. This indicator shows the number of children enrolled in schools irrelevant of their age, in comparison to the # of children who, by law, are of school age.
5. This indicator shows the average height to weight ratio of the selected category which is less than 2 standard deviation.
6. This indicator shows the average height to age ratio of the selected category which is less than a - 2 standard deviation.
7. This indicator shows the # of children who are enrolled in 1st Grade and study until the 5th Grade.
8. This indicator shows the percentage of children enrolled in Grade 1 and go on to secondary school. This indicator reveals the total number of population in thousands.

III. II. Children living under sanctions: a case study of Iraqi children

It is well known that Iraq lives under internationally imposed sanctions since 1990 based on UN Resolution 661 for 1990 that included the announcement of a commercial, financial, economic and military boycott. In reality, the sanctions on Iraq have negative political, economic and military impacts, in addition to the pitiful human impacts that they had on the average Iraqi citizen in general, and on Iraqi children in particular. In a report issued by Dr. Violet Dagher, the Secretary General of the Arab Human Rights Committee, which was based on a special investigation covering the effects of sanctions during the period 13-20/5/1999, she clearly indicated that "The dangers of the negative effects of the sanctions is that they are accumulative and they spread to all the other sectors. This led to a severe imbalance in the economic and social life, and on the mental and physical health of the Iraqi people in general, and children in particular." (22)

Psychological studies have stressed the depth of the damage that conflict and death has had on the lives of Iraqi children. The children of Iraq have been exposed to the most extreme forms of violence during, and after, the war. In a study on the effects of the war and the siege on Iraqi children, it was found that the elevated rate of mental anxiety and disturbances seen in Iraq was unprecedented, where forms of fear as a result of losing a loved one are very common, or a feeling of guilt as a result of being alive following the death of a relative or a friend. Fear for their future reached 62% of the children who expressed their doubt they would reach maturity. (23)

The sanctions also have negative effects on education, especially children's education. While education in Iraq was previously free and mandatory for males and females until the age of 16, now, apart from the fact that many schools and kindergartens were destructed during the war and not one educational institute was constructed ever since, Iraqi authorities are no longer able to provide basic educational requirements. The Iraqi government for the first time in their history is now imposing educational fees that many Iraqi families are unable to pay. This led to many students dropping out of schools, about 130 thousand male and female annually. (24)

The sanctions also affected the health of Iraqi children; the infant mortality rate rose from 47 out of every 1000 live births in 1984-1986, to 108 between 1994-1998. The mortality rate among children below the age of 5 also doubled from 56 for every 1000 live births to 131 during the same period (25). UNICEF estimates that 4500 children below the age of 5 are prone to die monthly due to hunger and illness due to the decrement in the health budget allocation in Iraq by 90-95% compared to 1987 (26).

The following table reflects the decrease in nutritional status in Iraq following the sanctions. A situation reflected in the overall health of the Iraqi people in general, and children in particular. Malnutrition has become widespread, especially among children due to a shortage in carbohydrates, animal protein, iron, vitamins and other vital minerals.

Table (2)

The components of human nutrition during the pre-sanctions period and the post-sanction sanction Period:

| Item | 1988-1990 | 1995 | Qty. of Shortage |
|-------------------------|-----------|--------|------------------|
| Calories | 3120.0 | 2093.3 | 650 |
| Protein (mg) | 82.5 | 26.9 | 67.4 |
| Fats (mg) | 75.3 | 22 | 70.8 |
| Calcium (mg) | 467 | 79 | 831 |
| Iron (mg) | 26 | 8.2 | 68.5 |
| Zinc (mg) | 17.3 | 6.7 | 61.3 |
| Vitamin A | 1332 | 1.2 | 100 |
| Vitamin C (mg) | 728 | 0 | 100 |
| Amino acids (mg) | 1.7 | 0.5 | 71.6 |
| Vitamin B6 | 2.6 | 0.9 | 65.4 |
| Lecithin | 47 | 32 | 33.2 |

Source: FAO, 1995, Evaluation of Food and Nutrition in Iraq.

In brief, the damage that international sanctions have caused to the Iraqi people over the past 10 years, especially to children indicates the pressing need to focus on “security”, particularly since the extent of the threat by far exceeds that of the weapons of mass destruction.

IV. Children in armed conflicts: case studies from Lebanon, Palestine and Sudan

In the past, wars were between regular armed forces and it was easy to distinguish between civilians and military personnel. More recently, a new kind of conflict has surfaced. One that includes liberation armies and fighters who are not part of a regular army, which made it difficult to distinguish between a soldier and a civilian. Moreover, weapons that are now used are more developed. These changes have led to massive losses in civilian lives: in World War I, civilians constituted 5% of the total amount of the dead, whereas in World War II the percentage was 48%. Today, these conflicts, as was the case in Lebanon, and as is the case in Palestine, raise the rate of civilian deaths to 90%, among which is a large number of children (27).

UNDP's 1999 Report indicates that inherent, ethnic, religious or economic wars and conflicts have increased in an unprecedented manner. During the years 1989 and 1998, the world witnessed 61 armed conflicts. With the exception of 3, which were international, they were all civil conflicts (28).

In an attempt to anticipate future scenarios, the National Intelligence Council, a part of the American Central Intelligence Agency (CIA), sees that while the end of the Cold War has eliminated the possi-

bility of war between the two super powers, it has also released restrictions previously imposed by the super powers on their agents. Therefore, the possibility of national conflicts will increase. The National Intelligence Council, who is trying to predict an outlook of the world up till the year 2015, foresees that internal disputes will be more violent, extensive and harder to end (29)

In reality, children make up the most vulnerable group that will fall prey to such armed conflicts, and their consequences. Due to the dangers that children are exposed to during armed conflicts, more importance has been given in the past few years, to the protection and care for children. This new interest has stemmed from the extensive media coverage of the occurrences during armed conflicts be they national or international (30).

In response to the negative effects armed conflicts have on children, international efforts are being geared, from the turn of the century, towards establishing legal and legislative restraints that would ensure children's protection during armed conflicts. In this content, legal and detailed international laws are constantly being codified. Still, such measures have not been sufficient and children still suffer the most during armed conflicts. In order to clarify the extent of the suffering that these children are being exposed to during armed conflicts, we have to address some cases in the Arab world like the children in Lebanon during the Civil War, the Palestinian children, and the children in Sudan.

The Lebanese case:

The duration of the Lebanese Civil War, 15 years, is in fact as long as the span of life of many Lebanese teenagers today. In a study that was conducted on a sample of Lebanese children aged 12 to 14, these teenagers consider "killing" a normal thing" (31). Probably the most difficult thing about this matter is the principle that children acquire during the duration of armed conflicts, when they see nothing but violence in their lives. The closure of schools during the 15 years of the civil war in Lebanon was very common, and at times very long. In fact at one time it lasted for 37 months during the period 1975-1987.

In a study on wars and their effects on the structure and role of the Lebanese family, Zuhair Khattab indicates that Lebanese children have only lived in a state of war, and war was all they knew. In addition, reactions to war were the occasions were what controlled their directions and rearing. Therefore, the Lebanese family lost a major part of its prestige and its authority weakened, and its role as a social means to transfer and instill morals and principles in their children was affected (33).

In another study on the effects of war on the health of the family, particularly children, Huda Rizq reached similar conclusions, indicating that the mental and physical impacts that the wars had on the Lebanese family in general, and on children in particular were, in general, very negative and will last for a very long time (34).

A book entitled: Children and the Lebanese War: The Ordeal and the Suffering, that was published in 1986 and which was prepared by a large number of researchers, is one of the most important books that deal with this subject. The field studies included in this book portray the extent of the disaster that children in Lebanon were exposed to during the war. The results of these field studies also concluded that more than half of the residents of West Beirut could not fulfill their basic needs in terms of food and drink, which ultimately led to a decrease in the standard of the mental and physical health of children. The results also indicated that dropping out of schools, child labor, and child delinquency became widespread (35). However, the most important finding of these field surveys is the decrease in the mental and physical capabilities of children in Lebanon during the Civil War, which caused a remarkable increase in the number of physically and mentally handicapped children. Table (3) reflects the size of the phenomenon of handicapped children in the Lebanese society during the war.

Table #3 Distribution of disabled children whose number is 17742, according to the kind of disability:

| The type of Handicap | Number | % |
|---------------------------------------|--------|--------|
| - Physically disabled | 11.750 | 81.94% |
| Physically % Mentally disabled | 2537 | 17.00 |
| - Unspecified disabilities | 52 | 0.36 |
| Total | 14.339 | 100.00 |
| - Mentally disabled | 3.365 | 56.65 |
| - Physically and mentally disabled | 2.537 | 42.71 |
| Unspecified disabilities | 38 | 0.63 |
| Total | 5940 | 100.00 |
| Disabilities due to the War | | |
| Physical disabilities: | | |
| - (A) Blind, Deaf, Dumb and Mutilated | 590 | 41.52 |
| - (B) Paralyzed or other | 652 | 45.88 |
| -(C) Mental disabilities | 179 | 12.60 |
| Total | 1421 | 100.00 |

Source: The Social Rehabilitation Department – UNICEF, 1982. Final Report p. 15-59.

The Palestinian case:

The circumstances that Palestinian children live in, in the West Bank and Gaza Strip are a blatant threat to their lives and the future of their development, and they show the extent of the violation of their rights. The scope of violence that accompanied the first Intifada in 1987 left clear impacts on Palestinian children, thousands of which were killed or wounded by live ammunition or rubber bullets, while some were beaten, had their bones broken or were exposed to tear-gas. UNICEF Report indicates that 129 children were killed in the West Bank and Gaza strip, and 14,1449 were wounded between December 1987 and December 1989.

This impact become even more complex in the absence of education or the decrease in education that

is caused by the duration of the civil conflicts and wars. Schools in the West Bank and Gaza Strip were closed throughout the first years of the Intifada. Palestinian children had to make up for the time they lost through a system that is unable to cater to this large number of students. Additionally, many parents were afraid to send their children to school even when they were open because of the ongoing violence. (37)

After the start of the "Al Aqsa" Intifada on 28/9/2000, the media managed to grab the attention of the international community in a very effective way to the extent of the suffering that civilians, in general, and children in particular are being exposed to during civil wars and armed conflicts. The impact of the Al Aqsa Intifada on Palestinian children is extremely dangerous, not only because of the number of children who are victims of the violence, but because of the psychological effects that violence has on children, that will last throughout their lives. Therefore, and in order to gauge the extent of the negative impact of armed violence on Palestine children, UNICEF decided to set up a monitoring system to determine the extent of the damage caused to children as a result of the ongoing violence. This was announced by UN spokesperson, Lynn Gelden, in Geneva on 2/12/2000 who said "The amount of violence in the media has obviously risen due to the confrontations that began on 28/9/2000 as a result of the visit of the Israeli Likud Party's leader, Ariel Sharon, to the Al-Aqsa holy Mosque in Jerusalem. (38)

UNICEF statistics indicate that 310 people were killed during the confrontations between Palestinian and Israeli armed forces, 97 were Palestinian children, between the period 28/9/2000 to 30/11/2000. This prompted Mrs. Mary Robinson, the Commissioner of the UNHCR (UN High Commission for Human Rights) to condemn this situation: "The state in which civilians are living is unacceptable, due to the excessive use of power", and she consequently recommended that international monitors must be sent to the region (39).

The state of violence that Palestinian children live in, in the West Bank and Gaza Strip has left negative effects on the mental status of these children and on their personalities. In this regard, Mr. Antoun Fayyouni, the Director of the Children's Social, Cultural Center, pertaining to UNRWA, in Khan Younis says "All the Palestinian children are very politically oriented because as soon as they leave the school, their day-to-day life has become facing tanks, conflicts, wounded, bloodshed, and death, which has consequently robbed them of their innocence" (40).

This situation is also reflected in the drawing of the children at the Center, these drawings are either of Palestinians lying on the floors with blood flowing from their bodies, or tires burning, or stones that are flying in the air towards helicopters, tanks, missiles and guns. These artistic works reflect the current situation with all the anger, pain and misery it carries with it and the future has no room in these children's works. Anais Ghandeel, the Education Director at the Refugee Children of the World Organization explains this situation. "This is an example of the situation in the country, since with the absence of guarantees, it is almost impossible to envision the future" (41).

The case of children in Sudan:

As for the other parts of the Arab world that are witnessing civil wars, as is the case in Sudan, Somalia and Algeria, the available studies about these regions are very limited, but what is available indicates that children are the societal group that is most affected by these wars. UNICEF reports about the civil war in the south of Sudan indicate that this war has killed at least (600,000) civilians, about 10% of the population of south of Sudan, and that at least half of these are children (42). UNICEF reports also indicate that 3.5 Million civilians at least 50% of which are children in the south of Sudan were forced to seek refuge in neighboring countries, or to the areas that are controlled by the government, in the north (43).

Still, other UNICEF reports on Sudan indicate that the civil war in the south (1983-1990) led to the closure of most schools there, 977 out of 1511 primary schools were closed, which ultimately deprived thousands of children from their right to education (44). As for malnutrition, most children of the south who have immigrated north in order to avoid the fighting, suffer from malnutrition (45).

V. Child labor and the economic abuse of children (some chosen studies from the Arab region):

VI.1. A general overview:

Article (32) of the 1989 CRC stipulates that signatory countries must “recognize that the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral, social development. Signatory countries should take the necessary legislative, administrative, social and educational measures that ensure the implementation of this Article.” And for this purpose, and taking into consideration all the other relevant international pacts, signatory countries are particularly:

- determining the minimum or maximum age when it is permissible to work;
- establishing a system that specifies appropriate work hours and conditions;
- imposing fines or other appropriate penalties to ensure the implementation of this item.

However, despite the fact that most of the countries of the world have ratified the International Convention on Children’s Rights, including the Arab countries (46), child labor continues to be a common phenomenon, and is one of the most worrisome one in most countries of the world. Whether in terms of the increasing number of children in the labor market or in terms of the conditions that children work under. UNICEF 1997 reports indicate that about 250 million children all over the world, in the poor and rich countries alike, are exposed to severe dangers because they are employed and abused in dangerous work. The report highlights the issue of child labor as being the worst form of child abuse and a blatant violation of their rights and of human rights (47).

VII. Child labor in the Arab world

Researchers studying child labor in the Arab world face many difficulties in obtaining accurate statistics regarding the extent of this phenomenon and the reason for it, because this phenomenon is by nature unstable and illegal to employ children, in addition to the difficulty of determining the number of children who work after school, or those who are employed seasonally. Also the legislation that determine the minimum age permissible to enter the work market vary from one country to another. Still, by using the data that is available, it is safe to say that child labor in the Arab world is steadily increasing and is beginning to become a dangerous problem especially in countries that suffer from inappropriate circumstances, and in which the income of a person is lower than the GNP.

Among the few available studies on child labor in the Arab world, the study conducted by Nader Firghani in 1993 indicates that the increase in the number of children that work in the Arab World could reach 10 million child, 6 million of which are males, and 4 million are females. By asking working children for their themselves work and the reasons why they work, most children replied that their economic needs were one reason, and the fact that they failed at school and see no reason why they should continue their education, is another .(49).

In another study conducted by the ILO in 1994, the number of working children, one that was deduced from the available statistics, is estimated at about 9 million Arab children, who dropped out of school during the primary education level to join the labor market. This number is increasing in

an unplanned and undirected manner, due to the presence of several social and economic changes, and the gap in development between the countries in the South and those in the North, in addition to the problem of external debts that have hindered the development process in the Arab countries. (50) In this regard, Nahed Ramzi (1998) indicates that child labor is becoming a widespread phenomenon and is expected to increase if it is left without a clear policy that effectively addresses this occurrence, and attempts to fight and limit its increase (51).

As for the country studies that have addressed the extent of this phenomena in the Arab world alone, they were either based on comprehensive surveys or on sample studies to estimate the extent of this phenomenon. Whereas in reality, and due to the difference in the nature of these studies in terms of the fields of child labor they addressed, or in terms of the age groups of working children, or in terms of the time these studies were conducted, or due to the fact that the comprehensive surveys omit the issue of the child labor when inquiring about the work force, since child labor is illegal, it is virtually impossible to objectively compare the extent of child labor from one country to the other. In other words, it is hard to compare the national reports with those of another because they are not homogeneous and do not follow one specific methodology. Therefore, we can only display the issue of child labor in some countries where studies or reports on this issue are available and reliable. The purpose of this display is to try to portray the extent of child labor in the chosen Arab countries on one hand, and the fields in which these children work, on the other hand.

Child labor in Egypt:

In the study on the extent, and characteristics of child labor in Egypt, Buthaina Deeb (1995) indicates that the number of children working in Egypt, between the ages of 6-14 is 1.400.000 children, of which 40.% are aged 6-11, and 60% are aged 12-14. The researcher says that if we raise the age to 17, the number of working children will increase dramatically. As for the fields in which these children worked they are: 9% in industry, 9% in construction. 5% in the services sector, 77% in the agricultural sector (52).

Child Labor in Yemen:

Official statistics in Yemen in 1994 indicated that child labor reached 231.655 children aged 10 and 14, 51% of which are males and 48.3% are females . These make up about 6.3% of the work force, and 10.5% of the total number of children between the age of 10 -14. The data indicate that 96% of children who work live in rural areas and work in the agricultural sector, and most of them are employed in the agriculture of Qatt (53) .

In another study on child labor, Amina Alwali indicates that child labor is a widespread and increasing phenomenon, and the number of children who enter the labor market increases every day, with the increase in poverty, and the worsening of the economic situation. The number of children, aged 10-14 who work reached 303,650 out of 317.970 children within the same age group (54).

Child labor in Lebanon:

The National report on child labor in Lebanon (1995/1996) estimated that 11% of children aged between 10 and 14 are working children, making up 0.6% of the Lebanese work force. The report indicates that the majority of these are males (87%). There are no estimates for children below the age of 10, and none for the children working in the agricultural sector in rural areas, nor for children working for free in family-owned agricultural projects (55). One study conducted by UNICEF about

child labor in Lebanon, that was based on a sample of 103 children working in Beirut and its suburbs, the city of Tripoli, the Bika'a governorate, revealed that working children below the age of 10 constituted 21% of the sample, whereas children aged between 10-13 made up 43%, and this rate decreased in children aged 13-18 to 35%. The study also indicated that these children worked for very long working hours: 38% of the sample work for 10 to 14 hours daily, while 36% work for 8-10 hours daily (56).

Child labor in Morocco:

The percentage of children who work in Morocco is 15.1% (males and females) although labor is forbidden by the Moroccan Law for children below 18, however a large number of working children fall within that age group. Child labor is particularly widespread in the carpet manufacturing industry, the weaving industry, yarn spinning, embroidery, and shoe-making. Whereas child employment in the handicraft sector constitutes 18% of the total labor force, with a very high number in female employees (57). A study of child labor in carpet manufacturing industry in Morocco indicates that the employment of young females is very common in many carpet-manufacturing plants and workshops that are both government-run and private, and the weekly working hours range between 60 and 72 hours, whereas for adults they do not exceed 48 hours/week. 39% of females working in the carpet manufacturing industry are aged between 5 and 8 and 61% between 9 and 11, the same study indicated that 73% of children in the Moroccan rural areas work in the agricultural sector, and that the work they do is dangerous work (58).

Child labor in Syria:

Child labor in Syria has been steadily increasing since the early 70's. The research conducted by the Central Statistics Office in Syria indicates that the number of working children aged 10 to 14 was, in 1991, 5.9% of all Syrian children of that age group, this rate (5.9%) makes up 2.8% of the total labor force in Syria. In 1995, this percentage rose to 9.8% making up 4.8% of the labor force in Syria. The age distribution of working children in Syria was 12% of children aged 12.38% aged between 12 and 14, and 50% aged between 5 and 17. (59)

As for the fields in which children are employed, Nader Franji says that according to the available information, most of the working children are in the agricultural sector, followed by those employed in plants and small workshops, although the employment of children in the field of agriculture is decreasing in favor of employment in the transfer industry, and to a lesser degree in the fields of construction, commerce and services (60).

Child labor in Sudan:

The immigration and work force in Sudan for the year 1990 shows a clear increase in the rate of working children. This is due mainly to the war in the southern part of Sudan and the instability of the political situation in the neighboring countries and the environmental deterioration in that area, in addition to the weakness of the economic infrastructure. All of these factors have caused the emergence of many patterns of population groups that are suffering from harsh social, economic, health and environmental conditions, placing them at the lowest rung of the ladder of poverty and deprivation. Child labor among this category is extremely high: because they drop out from school, and due to the harsh economic situation that drives them to work in order to relieve some of the burdens of the low income families (61). A field study that was conducted on a sample of working children in

Sudan indicated that most of the immigrants from the very poor areas, or the hunger-stricken and war-torn areas in Sudan, work for 10 to 12 hours daily for a minimal fee that is paid to their families, in addition to the harsh living conditions, and even worst working conditions that they suffer from. These factors, ultimately, have affected their physical and mental health, in addition to the fact that illiteracy is very widespread among them (62).

Child labor in the Gulf countries:

According to the ILO statistics of 1994, the number of working children reached 83,000 in Saudi Arabia, 11,000 in Oman, 4,000 in the United Arab Emirates and 1,000 in Bahrain. However, the estimates of child labor in the Gulf countries is somewhat different because it is based on the children who are employed in these countries, but are not natives (foreign laborers). Moreover, there is a new field in which children are employed in these countries; they may be working as servants in the homes or camel jockies, and usually they are brought from neighboring countries (63).

Child labor in the West Bank and Gaza Strip:

Based on information supplied by the Palestinian Central Bureau for statistics in 1997, UNESCO estimates that the labor force in the West Bank and Gaza Strip includes 18,490 workers aged between 12 and 16. These estimates are based on a sample survey and not a complete national survey. This survey also, does not cover the invisible sectors in which children are employed, particularly those that employ females. As for male working children aged between 8 and 15, these estimates show that about 30% of these children work in the car mechanics business, the highest percentage, followed by 20% who work in purchasing. The information provided by the Palestinian Central Bureau of Statistics indicates that 52.2% working children in rural areas are involved in agricultural work, while 39.5% of children in the cities work in handicrafts or commercial work, and 33.2% in primary work. In general, the rate of male children who are part of the Palestinian labor force is about 11.5% of the population aged between 12 and 16, while the rate of females is only 1.3%, although this last estimate does not reflect the reality of this group because their work is normally undeclared.(64).

Child labor in Jordan:

The number of working children in Jordan is about 9,400 making up 1.02% of the labor force. The majority of which are males (93.2%), while females working children do not exceed (6.8%) .(65). The National Report on Child Labor in Jordan indicates that the surveys that were conducted between 1961 and 1994 gave very low estimates about the issue of child labor in Jordan. In the employment survey of 1991, the percentage of working children aged between 13 and 14 was 3% males and less than 1% females. The National Report also revealed that the heads of families who were contacted during this Survey refused to admit to the presence of children who work for them, or whose children actually work. As for the fields in which children are employed, the National Report indicated that most labor that children in Jordan perform is car fixing (24%) followed by work in restaurants and the food business (9%), (8%) in commerce, (6%) in ironmonger, (3.6%) in construction and (3%) in other handicrafts .(66).

Some field studies were conducted about child labor in the Jordanian society. This study addressed the relationship between this occurrence and other variables like, sex, the level of education, working hours, the entity they work at, and other factors that are related to this phenomenon .(67).

There are other estimates about child labor in Jordan, a press investigation that appeared in the

Jordanian daily Al-Rai on 12/11/2000 indicated that there are about 10,000 children in Jordan performing "hard labor", and the same number if not more, work unsupervised and are being abused and mistreated, and who join the work force and perform dangerous work because they fail in schools. The report indicates that the working hours of these children sometimes exceed 12 hours aday, and their employers pay them a salary that does not exceed ½ a Jordanian Dinar aday .(68). In another report issued in the newspaper the Journalist, Odeh Odeh says: "Thousands of children in Jordan work for salaries that are unknown and work hours that are not announced, and their number is rising constantly due to the hard economic situation that many Jordanian families live in, which lead them to forcing their children, below the legal age permissible to work, to join the labor force and work, often in hard labor .(69). In this same report, Mr. Fathallah Omrani, the Deputy head of the Labor Union, and the head of the Textile and Weaving Association, reports that the number of children who work in different fields is about 25 thousand children below 16 years of age, and this number is increasing, and he considers this to be a dangerous occurrence in the long run .(70).

If we look at these national studies and reports that address the issue of child labor in the Arab world analytically, and without mentioning the extent of this phenomenon, all these studies reveal that the main reason for child labor is the state of poverty that a large number of Arab families suffer from consequently compelling their children to go out and work in harsh and dangerous environments to help in providing the minimum requirements of life. Undoubtedly, wars and armed conflicts that some Arab countries like Iraq, Sudan, Lebanon, Algeria, Somalia, Yemen and Palestine have been suffering from during the past few years, and all their consequences like destruction, sanctions, political insecurity and economic instability have all led to an increase in the rates of poverty, inflation and unemployment. Accordingly, the number of families who are suffering economically is also increasing, thus making them more likely to drive their children to join the work force regardless of the dangerous impacts of child labor on their current and future status, and consequently on the future of Arab societies as a whole.

These country studies also agree that the figures that are officially published on child labor are not realistic, and that child labor usually occurs in harsh conditions and in the absence of legal and union protection, which ultimately deprives children who work of the life that is appropriate for their age. At the same time, their rights, that all international, national and Arab agreements and legislation call for, are violated. It is worth noting here that children who work, usually do so without a contract or agreement; and even if there is one it does not guarantee any protection for the children because it is illegal, thus placing the child under the mercy of an employer who can exploit the way he wants and may dismiss him any time he pleases.

Some country studies, previously mentioned, indicated that there are some invisible sectors in which children are employed. In her analysis of child labor in Arab countries, Mrs. Amal Dibo indicates that the worst cases of child labor in the Arab world is the invisible labor, whereas children are financially and physically abused, and are exposed to physical, psychological and moral abuse. In this study, Mrs. Dibo indicates that children who roam begging in the streets is one form of child abuse, and is steadily increasing in the cities of the Arab world, whereas children who are poor and homeless are usually sent out to roam the streets on behalf of an "employer" who gathers them at the end of the working day and financially and psychologically abuses them, ultimately those children become corrupt .(72).

Another important issue that these studies agree upon regarding child labor, was already mentioned, and that is the relationship between the phenomenon of child labor and dropping out of school, since the higher the rate of school drop-outs the more the number of child workers rises. UNICEF statistics for the year 2001 as seen in Table (2) of this study regarding the Arab countries, indicate that the rate of children who complete 5th Grade are totally different from the rate of children enrolled for

secondary education. This is an important indicator of child labor, since the number of children who drop out of schools after 5th grade usually end in the work market.

CONCLUSION:

This study has attempted to review the official history, of human interest in children and the development of international documents and agreements addressing their needs, rights and security. It was obvious that until the ratification of the Children's Rights Declaration in 1959, efforts were concentrated on the need to care for children and providing them with guardianship by adult members of their families and concerned social organizations. However, it was not long ago that children's human rights were realized and recognized internationally which include respecting children's rights to express themselves and their self-determination, in a manner that is consistent with their physical and mental maturity.

Despite the obvious advancement of these national and international documents related to children, particularly following the ratification of the 1989 CRC, by most of the countries of the world, there is still a gap that is quite big between the noble principles and provisions stipulated in these agreements and the reality of the children in today's world. In reality, the rights of a number of children in the world are still being violated consistently.

It is particularly clear that children in the Arab world, due to international sanctions, and to wars and armed conflicts, and to the poor economic situation in their countries, live very harsh lives that impede their development and their growth and affect their present and their future, and consequently the future of the whole society.

This situation indicates that the measures and procedures that are being taken at national and international levels are no longer effective for achieving security for the average person in general, and children in particular. This prompted the emergence of a new concept of security which sees the security of the average person in general, and children in particular, as the responsibility of the entire human society, surpassing the borders of the national state to the whole human society.

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Annex (1)

DATES OF SIGNATURES, RATIFICATION AND ENFORCEMENT OF THE CRC IN THE ARAB STATES

Source: United Nations Document, Child's Rights Committee CRC/C/62, Geneva, 3 March, 1998.

| The state | Signing date | Ratification date | Enforcement date |
|----------------------|--------------|-------------------|-----------------------------|
| Jordan | 29/8/1990 | 24/5/1991 | 23/6/1991 |
| United Arab Emirates | - | 3/1/1997 | 2/2/1997 |
| Bahrain | 3/9/1991 | 13/2/1992 | 14/3/1992 |
| Tunisia | 26/2/1990 | 13/1/1992 | 29/2/1992 |
| Algeria | 26/1/1990 | 16/4/1992 | 16/5/1993 |
| Djibouti | 30/9/1990 | 6/12/1990 | 5/1/1991 |
| Saudi Arabia | - | 26/1/1996 | 25/2/1996 |
| Sudan | 24/7/1990 | 3/8/1990 | 2/9/1993 |
| Syria | 18/9/1990 | 15/7/1993 | 14/8/1993 |
| Somali | - | - | Did not sign the convention |
| Iraq | - | 15/6/1994 | 14/7/1994 |
| Oman | - | 9/12/1996 | 8/1/1997 |
| Qatar | 8/12/1992 | 3/4/1995 | 3/5/1995 |
| Comoro Island | 30/9/1990 | 22/6/1993 | 21/7/1993 |
| Kuwait | 7/6/1990 | 21/10/1991 | 20/11/1991 |
| Lebanon | 26/1/1990 | 14/5/1991 | 13/6/1991 |
| Libya | - | 15/4/1993 | 15/5/1993 |
| Egypt | 5/2/1990 | 6/7/1990 | 2/9/1990 |
| Morocco | 26/1/1990 | 21/6/1993 | 21/7/1993 |
| Mauritania | 26/11/1990 | 16/5/1991 | 15/6/1991 |
| Yemen | 13/2/1990 | 1/5/1991 | 31/5/1991 |

Annex (2)

The minimum age to work in risky and non-risky works in some of the Arab States.

| The State | Minimum age to work in non-risky works | The minimum age to work in risky works |
|-----------------------------|--|--|
| Jordan | 16 | 17 |
| United Arab Emirates | 15 | |
| Bahrain | 14 | 16 |
| Tunisia | 13 | 18 |
| Algeria | 16 | 18 |
| Djibouti | | |
| Saudi Arabia | 13 | 18 |
| Sudan | 12 | 18 |
| Syria | 12 | 15 |
| Somali | 15 | 18 |
| Iraq | 15 | 18 |
| Kuwait | 14 | 18 |
| Lebanon | 12 | - |
| Egypt | 14 | 17 |
| Mauritania | | |
| Yemen | 12 | 18 |

Source: Ramzi, Nahed, The Phenomenon of children's labor in the Arab countries, towards an Arab strategy to confront the phenomenon, the National council for childhood and Development, the first volume, Cairo, 1998.

Concluding Remarks and Recommendations (Draft):

The adoption of the Convention on the Rights of the Child (CRC) in 1989 and the World Summit for Children (WSC) in 1990 have laid out the inherent rights and conditions that are necessary for the human dignity and human security of children. Undoubtedly, the CRC and the WSC have helped millions of children to lead safer, healthier and fuller lives. Yet many more millions of the world's children still live outside the protection of society where their rights are still severely abused or threatened.

Today, in many parts of the world, in general, and in the Arab region, in particular, the human secu-

urity of children (i.e. their freedom from fear, their freedom from want, and their freedom from the threat of violence) is far from being achieved. In the Arab region, where at least half of the Arab League's 21 state members are undergoing or have recently experienced some forms of armed conflict, children continue to suffer from fear, hunger, violence, displacement and exploitation.

As far as violence is concerned, for many of the Arab region's children, violence has become a routine part of their daily lives, where children themselves are often drawn into conflict as active participants. In such areas of conflict, whether recruited or not, children are at risk of death, injury, permanent disability, torture, abuse, exploitation, separation from their families, and long-lasting psychological trauma.

In the Arab region, another indicator to the human insecurity of children is child labor, which continues to be a common phenomenon threatening the child's physical, spiritual, moral, and social development. It is estimated that around 10 million Arab children (6 million males and 4 million females) are employed at a regular basis and are working under conditions that are hazardous to their overall development.

The major causes leading to children human insecurity in the Arab region include: occupation, sanctions, poverty, injustice, economic disparity, lack of access to education, a culture of militarization and violence, and the proliferation of small arms and light weapons. Those factors have been responsible for the failure of some states in the region to respect, protect, and, in turn, assure the human security of children.

Having in mind that armed conflicts present new challenges to the protection of children's human security where the vast majority of those contemporary armed conflicts are civil wars in which at least one of the warring parties is a non-state actor, the ministers and representatives of the Human Security Network should recognize that the promotion of human security necessitates a new strategy. This strategy should take into consideration that in today's societies, the threats to human security do not occur because of problems between states, but rather because of problems within states. Therefore, individuals and communities, rather than states, should be the primary focus of security strategies. Human security should seek to protect the physical safety and integrity of individuals and communities, rather than to defend state borders from external threats. This by no means implies that the security of the state is not important since it represents a pre-condition to the security of individuals and communities.

The ministers and the representatives of the Human Security Network should acknowledge that the reduction of the threat to the human insecurity of individuals and their communities must be at the core of any human security strategy. Having this in mind, we bring to the attention of the members of the Human Security Network the following recommendations to improve the human security of children:

1. To call upon religions and community leaders as well as the media to promote a culture of peace, tolerance and understanding and raising the awareness about the rights of the children.
2. To call upon all states to recognize the specific needs of particular groups of children such as girls, refugees, and disabled children.
3. To call upon all states to take into consideration the experiences of children and their views concerning safety, security, and development. Human security policies must take into account children's view as well as their roles as actors and decision makers in process that contribute to security and insecurity, realizing their evolving capacities and best interests of the child as expressed in the CRC.
4. Call upon all states and non-governmental organizations to develop mechanisms for the meaningful and sustained participation of children and their families and communities in human security initiatives that affect their lives.

5. To call upon all states to recognize and support traditional practices and community norms and values that improve children's human security.
6. To call upon all states for the promotion of community-based programs for sustained social and economic development and poverty alleviation.
7. To call upon all states to promote capacity building in child rights monitoring and protection among grass-root and non-governmental organizations addressing the security needs of children in especially difficult circumstances.
8. To call upon the United Nations Security Council to consider the ways through which sanctions are implemented to ensure the harmless effect of sanctions on children who are under the current system of sanction, the most severely affected.
9. To call upon all states and warring groups during armed conflict to undertake feasible measures to ensure the special protection of all children in order to minimize harm suffered by them, through the strict application of international human rights and humanitarian law. This requires that all states review their national legislation to ensure conformity with international standards.
10. To urge all parties to armed conflicts to ensure that the protection, welfare and rights of children are taken into account during peace negotiations and throughout the process of consolidating peace in the aftermath of conflict.
11. To call upon all states to enhance the measures for concerted international action to stop the use of children as soldiers, both in international and internal armed conflict, whether by armed forces or armed groups.
12. To call upon all armed forces and armed groups to end the recruitment, and use of children under 18 and to demobilize the children already being used as soldiers.
13. To call upon all states not to supply small arms and light weapons to any government or armed group which recruits or uses children as soldiers, and to take steps to prevent individuals and companies from doing so.
14. To call upon all national, regional, and international media to raise the awareness of the devastating impact of child labor on the life, survival, and development of children.
15. To call upon all states to enforce compulsory education for children, to provide vocational training and apprenticeship for children, and to create economic alternative for their families.
16. To call upon all states for the development of non-formal education as a bridge to vocational training for drop-outs, and the promotion of literacy programs.
17. To call upon international organizations for feasible support to encircle the adjacent social, educational and economic problems boosting child labor.

I DIRITTI DEI MINORI

Gaslini 7-9 gennaio 2004

Intervento

Gilda Ferrando

1. La condizione del minore nella famiglia e nella società si è radicalmente trasformata nella seconda metà del secolo scorso. Nei codici dell'800 (ed in larga misura anche nel codice civile italiano del 1942) il minore veniva inteso come "oggetto" dei diritti degli adulti, soggetto ad una patria potestà che si presentava come un'autorità con poteri pressoché assoluti: si pensi che il *code Napoleon* (1804) riconosceva al padre il potere di far mettere in carcere il figlio, ed il giudice, chiamato ad attuare questa decisione, non aveva il potere di sindacarla nel merito, operando piuttosto come *longa manus* dell'autorità paterna¹.

Il passaggio ad una concezione del minore come soggetto di diritti prende l'avvio con le dichiarazioni dei diritti che fanno seguito alla seconda guerra mondiale, a partire dalla Dichiarazione universale dei diritti dell'uomo, proclamata dall'Assemblea delle Nazioni Unite il 10 dicembre 1948 (all'infanzia è riconosciuto il "diritto ad un aiuto e ad un'assistenza particolari", "il fanciullo, ai fini dello sviluppo armonioso e completo della sua personalità deve crescere in un ambiente familiare in un clima di felicità, di amore, di comprensione", deve essere preparato "ad avere una vita individuale nella società", educato "in uno spirito di pace, di dignità, di tolleranza, di libertà, di eguaglianza e di solidarietà"), dalla Dichiarazione dei diritti del fanciullo adottata dall'Assemblea Generale dell'ONU il 20 novembre 1959, per giungere alla più recente Convenzione internazionale sui diritti del fanciullo fatta a New York dall'Assemblea Generale delle Nazioni Unite il 20 novembre 1989 e ratificata dall'Italia con l. 27 maggio 1991, n. 176.

Anche in ambito europeo si affermano i diritti del minore nella famiglia e nella società (v. art. 8 Convenzione Europea sui diritti dell'uomo, Roma, 1950; art. 7, Carta sociale europea, 1961; art. 24, Patto internazionale sui diritti civili e politici, 1966). Anche nella Carta dei diritti fondamentali dell'Unione Europea (Nizza novembre 2000) si enunciano all'art. 24 i fondamentali "diritti del bambino" ed il loro carattere "preminente" su quello degli adulti.

In questo stesso arco temporale anche il diritto italiano registra un'autentica inversione di tendenza. Ciò si deve in primo luogo all'entrata in vigore della Costituzione repubblicana, alla garanzia, in essa contenuta, per l'eguaglianza e la dignità della persona (art. 3), per i suoi diritti inviolabili, anche nel contesto di formazioni sociali, quali la famiglia, destinate a promuovere la crescita delle personalità (art. 2); alla tutela assicurata ai minori nell'ambito della famiglia (art. 30), della società (art. 31), delle istituzioni scolastiche (art.34).

In attuazione di questi principi le regole del diritto familiare hanno subito profonde modifiche con la legge istitutiva dell'adozione speciale, prima (l. n. 341/1967), e con la riforma del diritto di famiglia, poi (l. n. 151/1975)². Con espressione enfatica, ma efficace, si è descritto il passaggio dall'uno all'altro modo di intendere la condizione minorile come un'autentica "rivoluzione copernicana", essendosi ormai spostato il centro del sistema dagli adulti al minore, i cui diritti assumono un valore preminente rispetto ai primi.

La potestà non costituisce più un "diritto", ma una funzione, una "responsabilità"; il suo esercizio si fa rispettoso delle "capacità, dell'inclinazione naturale e delle aspirazioni dei figli" (art. 147 c.c.); al

minore sono riservati più ampi spazi di autonomia nelle decisioni che lo concernono (ad esempio, artt. 84, 250, 284, c.c.)³; se ne garantisce la stessa identità personale (Corte cost. n.13/1994).

Al minore vengono riconosciuti più ampi spazi di autonomia e di indipendenza. La condizione del minore, tradizionalmente descritta in termini di incapacità e soggezione alla potestà degli adulti, si evolve in quanto, in molti campi, gli viene riconosciuta la capacità di essere partecipe delle decisioni che lo riguardano. Si pensi, nell'ambito della famiglia alle decisioni relative al riconoscimento, all'adozione. Ed è significativo che le leggi speciali amplino questi spazi di autonomia proprio in settori relativi alla salute, al corpo del minore: si pensi alle leggi sull'aborto, sulle tossicodipendenze, sui consultori, che ammettono il minore ad accedere direttamente ai servizi socio-sanitari. Anche se la legge italiana, diversamente da quella francese, non contempla uno statuto distinto dei cosiddetti "grandi minori", è un fatto che esiste una fascia di età, contraddistinta da una crescente maturità e reponsabilità, in cui la contrapposizione a forti tinte tra capacità e incapacità non descrive più in modo realistico la condizione del minore.

2. Il riconoscimento della dignità, dell'identità, dell'autonomia del minore, in uno con quello della responsabilità degli adulti e delle istituzioni nella sua formazione sta alla base delle dichiarazioni dei diritti che si sono ricordate. Nello scorrere del tempo l'elenco dei diritti del fanciullo si fa sempre più ricco e completo, segno di una nuova consapevolezza delle sue esigenze e degli abusi cui è esposto. Contemporaneamente si avverte, tuttavia, l'insufficienza di queste dichiarazioni, per quanto significative, che rischiano di ridursi a formule astratte, se non si dispone degli strumenti necessari alla loro realizzazione. Si fa strada la consapevolezza che alla proclamazione teorica dei diritti civili e sociali del bambino fa riscontro la crescente esposizione dei giovani a situazioni di rischio, e si accompagna la carenza di strumenti concreti di attuazione. La formulazione di "statuti" dei diritti del bambino costituisce un passaggio fondamentale in quanto attribuisce una tutela forte agli interessi sottesi a tali diritti, li rende azionabili.

Questo tuttavia non è sufficiente in presenza di diritti che, per essere tutelati, richiedono un intervento attivo da parte delle istituzioni. Sia la Convenzione di New York, sia la Carta di Nizza premettono ad una più specifica elencazione dei diritti del bambino il riconoscimento del suo diritto alla "protezione e alle cure necessarie al suo benessere": un diritto che si svolge in una relazione con i genitori, la famiglia le istituzioni chiamate a prendersi cura di lui.

In quella che Norberto Bobbio ha chiamato "l'età dei diritti"⁴, i diritti dei bambini non sono soltanto diritti di libertà, sono il più delle volte diritti sociali: diritto alla famiglia, all'istruzione, alla cura, all'assistenza, alla salute. Sono diritti specifici di una persona in formazione, in età evolutiva. I diritti dei forti, ha osservato un civilista, Paolo Cendon, sono diritti, quali la proprietà, la riservatezza, in un certo senso solitari ed esclusivi per la cui attuazione è sufficiente che gli altri non si intromettano nel libero esercizio del titolare. I diritti dei deboli, invece, sono diritti che implicano una relazione con altre persone che assistono, sostengono, si prendono cura⁵. Sono diritti che, per essere attuati, richiedono che le istituzioni si attivino, adottino le misure necessarie a renderli effettivi.

Va notato che la coscienza di questa necessità di promuovere e sostenere i diritti dei soggetti deboli, e dei minori in particolare, va crescendo e si esprime anche in provvedimenti legislativi (l. 285/97, Disposizioni per la promozione dei diritti e opportunità per l'infanzia e l'adolescenza; l. 451/97, istituzione della Commissione parlamentare per l'infanzia e dell'Osservatorio nazionale per l'infanzia). Se ne trova riscontro nel "Piano nazionale di azione e di interventi per la tutela dei diritti e lo sviluppo dei soggetti in età evolutiva 2000-2001" predisposto dalla Presidenza del Consiglio (D.P.R. 13 giugno 2000).

La stessa legge di riforma dell'adozione (l. 27 aprile 2001, n.149), non si limita più ad enunciare il diritto del minore a crescere nella sua famiglia, ma impegna le istituzioni a sostenere la famiglia che si trovi in difficoltà con misure concrete, anche di natura economica. In altri termini, si va affermando l'idea che il principale compito delle istituzioni nei confronti della famiglia è quello di agevolarla nello svolgimento dei suoi compiti, sostenendo le responsabilità dei genitori con misure appropriate (l. n.328/2000, legge quadro per la realizzazione del sistema integrato di interventi e servizi sociali; l. n. 53/2000 sui congedi parentali).

In questo quadro più generale si inserisce una maggior attenzione per la violenza cui è esposto il minore, si tratti di violenza sessuale (l. n. 66/1996), di sfruttamento della prostituzione, pornografia, turismo sessuale (l. n. 269/1998), di violenza nelle relazioni familiari (l. 7 marzo 2001, n.154).

3. Questo passaggio dall'enunciazione all'attuazione dei diritti dei minori caratterizza anche l'azione della Comunità europea nel campo minorile: penso in primo luogo agli interventi in tema di lavoro minorile⁶, a quelli relativi alla lotta al turismo sessuale⁷. Penso in particolare all'attenzione rivolta alla protezione dei minori nei confronti dei media, della pubblicità ingannevole delle trasmissioni e comunicazioni nocive, alla lotta alla pedofilia, anche via Internet⁸.

La Carta di Nizza dedica un'attenzione particolare ai diritti del bambino (art. 24), alla tutela del cui preminente interesse debbono essere orientati tutti gli atti compiuti da autorità pubbliche o private⁹. Ogni bambino ha in primo luogo diritto alla famiglia, ha il diritto di intrattenere regolarmente relazioni personali e contatti diretti con i due genitori, salvo qualora ciò sia contrario al suo interesse. Al bambino sono riconosciuti diritti di libertà, come quello di esprimere liberamente la propria opinione, opinione che dovrà essere presa in considerazione sulle questioni che li riguardano in funzione della loro età e della loro maturità. Più in generale viene garantito il diritto alla protezione e alle cure necessarie per il loro benessere. Il diritto al "benessere" non rimanda solo al concetto di salute fisica o psichica, ma ad una condizione più complessiva che abbraccia la sfera sociale, economica e morale e che impone agli Stati non solo obblighi negativi di astensione, ma soprattutto obblighi positivi intesi a promuovere il benessere del bambino¹⁰.

Il diritto alla salute è oggetto di più specifica tutela da parte della Convenzione di New York. Il diritto alla salute può essere riguardato sia come diritto sociale, alle prestazioni di prevenzione e di cura, sia come diritto individuale, di libertà e autonomia che si esercita mediante il consenso.

Dal primo punto di vista, nella Convenzione di New York vengono in evidenza le disposizioni relative all'handicap (art. 23) e al diritto alla salute (art. 24) mostrano la costante attenzione della Convenzione all'esigenza di promuovere, e non solo di riconoscere, i diritti del bambino. La Convenzione non si limita ad enunciare "il diritto del minore di godere del miglior stato di salute possibile e di beneficiare dei servizi medici e di riabilitazione", ma individua obiettivi specifici che gli Stati devono perseguire: "diminuire la mortalità", assicurare l'assistenza medica, lottare contro la malattia e la malnutrizione, garantire alle madri adeguate cure prenatali e postnatali, sviluppare cure sanitarie preventive, e così via.

Ne risulta un programma molto vasto che pone l'accento sulla prevenzione prima ancora che sulle cure: una prevenzione che è prima di tutto di carattere generale, riguardando la nutrizione, le condizioni di vita, di lavoro, e poi di carattere specifico, intesa a sviluppare non solo le cure sanitarie preventive, ma anche la formazione di una educazione sanitaria, a favorire la procreazione cosciente e responsabile.

Quando poi dalla prevenzione, si passi a considerare il diritto del bambino ammalato alle cure appropriate il problema attiene principalmente all'organizzazione dell'assistenza sanitaria, alla formazione del personale, all'adeguatezza delle strutture e così via.

E' nel contesto di un programma così vasto che viene valorizzata la cooperazione internazionale e si apprezza l'importanza della collaborazione tra istituzioni pubbliche e private alle quali compete un ruolo non secondario nel fronteggiare le necessità dei paesi in via di sviluppo.

La presenza, nell'area del Mediterraneo, di culture profondamente diverse, di diverse condizioni di sviluppo economico e sociale, di livelli non omogenei di competenze scientifiche e mediche rende indispensabile la collaborazione delle diverse istituzioni nel promuovere e nel rendere effettivo il diritto alla salute dei bambini. E' per queste ragioni che si apprezza tutta l'importanza di iniziative come questa di cui l'Istituto Gaslini si rende promotore: un centro di eccellenza che intende condividere con gli altri paesi del Mediterraneo le proprie straordinarie risorse e professionalità.

4. Quando invece si guardi al diritto alla salute come diritto individuale il cui esercizio è affidato al consenso della persona, i diritti del bambino si pongono in una luce del tutto particolare: come garantire la partecipazione del bambino alle decisioni sanitarie che lo riguardano? Il principio che ormai domina il rapporto medico-paziente è quello del consenso informato della persona interessata, principio enunciato ora anche dall'art. 3 della Carta di Nizza, e sviluppato in modo più articolato dalla Convenzione di Oviedo (1996) sui diritti dell'uomo nei confronti della biologia e della medicina. Quando il paziente è minore si dà generalmente peso al consenso espresso dai genitori o dal legale rappresentante. Ma resta da capire in che misura il minore stesso può esprimere la propria opinione in ordine al trattamento sanitario. Il diritto di esprimere liberamente la propria opinione sulle questioni che lo riguardano, riconosciuto dalla Convenzione di New York e dalla Carta di Nizza, non può non valere anche in questo campo. In termini generali l'enunciazione di un tale diritto è segno del superamento della concezione del minore come persona del tutto incapace, in toto soggetto alla potestà dei genitori. Le sue decisioni acquistano peso con il progredire dell'età e della maturazione individuale.

Il valore da attribuire al consenso espresso dal minore al trattamento sanitario non è peraltro del tutto chiaro anche nelle convenzioni internazionali che più direttamente si occupano dei diritti della persona in campo biomedico (penso in primo luogo alla Convenzione di Oviedo sui diritti dell'uomo nei confronti della biologia e della medicina, artt. 6, 17). In termini generali (e rinviando ad apposite disposizioni per alcune questioni specifiche), la Convenzione stabilisce il principio secondo cui un intervento su persona che non ha la capacità di dare il proprio consenso può essere compiuto solo se le arreca un "diretto beneficio" (art. 6.1.). Il consenso è espresso dal rappresentante o da altri soggetti od organismi previsti dalla legge dei singoli Stati. In ogni caso la persona interessata dovrà, nei limiti del possibile, prendere parte alla procedura e quindi ricevere l'informazione e dare il proprio consenso (art. 6.3.).

L'informazione ed il consenso del minore rendono possibile una migliore partecipazione dell'interessato al programma terapeutico e sovente anche una migliore risposta, non solo psicologica alle cure. Restano tuttavia aperti problemi complessi che riguardano in primo luogo i modi di soluzione di un eventuale conflitto tra il minore e i genitori ed i poteri di controllo del giudice sulle decisioni dei genitori: un problema che altrove, penso alla Francia con la l. 303/2002, la c.d. l. "anti Perruche", si è cercato di affrontare, ma che da noi è al momento questione di interpretazione giudiziale.

Vi sono poi problemi ulteriori che riguardano la medicina c.d. di frontiera, i trapianti, le sperimentazioni. La nostra disciplina interna, come ho osservato in altra occasione¹¹, mostra al riguardo oscillazioni che esibiscono la mancanza di una linea condivisa sulla quale impostare questioni diverse tra loro come lo sono quella del consenso al trattamento medico, dell'aborto, delle donazioni di organi e tessuti, della sperimentazione, ed altre ancora.

Eppure è anche questa una questione che dovrebbe essere messa meglio a fuoco perchè proprio in campo pediatrico la qualità del rapporto medico-paziente costituisce un fattore spesso decisivo non solo nel processo terapeutico, ma ancor prima nell'esperienza umana del bambino.

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- 3 VERCELLONE, *La potestà dei genitori*, *Trattato Zatti*, cit., III. *Filiazione* a cura di Collura, Lenti, Mantovani, 940 ss., 1020 ss.
- 4 BOBBIO, *L'età dei diritti*, Torino, 1992
- 5 CENDON, *Quali sono i soggetti deboli? Appunti per un incontro di studi*, *Pol. dir.*, 1996, 485 ss, specie 496
- 6 Direttiva del Consiglio 94/33 relativa alla protezione dei giovani sul lavoro, del 22 giugno 1994 (in attuazione della quale l'Italia ha emanato il dlgs n.345/1999); Risoluzione del Parlamento europeo 9 febbraio 1994, sull'introduzione della clausola sociale nel sistema unilaterale e multilaterale di commercio; Risoluzione del Parlamento europeo del 15 maggio 1997, sull'etichettatura sociale; Risoluzione 20 novembre 1997 sulla protezione dei fanciulli e dei loro diritti; fino alla Risoluzione 13 giugno 2002 sul lavoro minorile nella produzione di equipaggiamenti sportivi. Si veda inoltre la Convenzione OIL n.182, del 18 giugno 1999 (al riguardo, v., per una prima informazione, Giorgis, *Commento all'articolo 32*, in Bifulco, Catalbia, Celotto (a cura di), *L'Europa dei diritti. Commento alla Carta dei diritti fondamentali dell'Unione europea*, Bologna, 2001, pp. 231 ss.).
- 7 Parlamento europeo, Risoluzione del 19 settembre 1996; Comunicazione della Commissione al Parlamento europeo del 27 novembre 1996, in seguito alla quale il Consiglio ha adottato l'Azione comune 96/700/GAI del 29 novembre 1996. Si segnala da ultimo la Decisione del Parlamento europeo e del Consiglio del 24 gennaio 2000 con cui è stato istituito un vero e proprio programma comunitario (programma Daphne) per combattere lo sfruttamento sessuale dei minori. Infine nel 2001, con Decisione del Consiglio del 28 giugno, a completamento della politica comunitaria a favore della lotta contro il turismo sessuale che coinvolge l'infanzia l'Unione Europea ha adottato il programma STOP II.
- 8 D'AMATO, *Il ruolo dei codici di autoregolamentazione nel rapporto infanzia televisione. dimensione culturale e politica ambigua*, in ZATTI (a cura di), *Le fonti di autodisciplina*, Padova, 1966, 61ss; SAVORANI, *La riforma della disciplina del sistema radiotelevisivo e gli interessi degli utenti: questioni in tema di pubblicità, televendite, tutela dei minori e sponsorizzazione di programmi*, *Pol. dir.*, 1997, 448 ss., specie 458 ss.
- 9 FERRANDO, *Le relazioni familiari nella Carta dei diritti dell'Unione europea*, *Pol. dir.*, 2003, 356
- 10 LOTITO, *Commento all'art. 24*, in Bifulco, Catalbia, Celotto (a cura di), *L'Europa dei diritti*, cit., pp. 185 ss.
- 11 FERRANDO, *Libertà, responsabilità e procreazione*, Padova, 1999, pp. 59 ss.

Infanzia, diritti e statistiche ufficiali

Linda Laura Sabbadini
Direttore Centrale ISTAT

L'invisibilità dell'infanzia

- ‘ **Fino all’inizio anni ‘90, bambini e minori in genere hanno goduto del non invidiabile privilegio di essere pressoché invisibili nelle statistiche ufficiali**
- ‘ **Per lungo tempo la statistica ufficiale si è occupata solo marginalmente dell’infanzia; e l’ha fatto trattandola come un elemento accessorio.**
- ‘ **Bambini, donne, anziani, disabili erano marginali nella statistica ufficiale ‘economicocentrica’**

Infanzia, diritti e statistiche ufficiali

Linda Laura Sabbadini
Direttore Centrale ISTAT

...il superamento dell'invisibilità

- ‘ **Negli anni'90 rivoluzione copernicana in Italia: L'Istat comincia a rilevare le condizioni e la qualità della vita dei diversi soggetti sociali, l'uso del tempo**
- ‘ **bambini, anziani, donne, disabili escono dall'ombra e diventano protagonisti delle statistiche ufficiali, VERI SOGGETTI SOCIALI**
- ‘ **TRAMITE LE INDAGINI MULTISCOPO E ALTRE COME SUL LAVORO MINORILE**

...una nuova visibilità

- ‘ l’indagine Multiscopo **“Famiglia, soggetti sociali e condizione dell’infanzia”** dedica un questionario ai bambini e agli adolescenti , ampie informazioni nelle indagini su salute, cultura, diario bimbi sull’uso del tempo
- ‘ **Legge 285/97: informazione statistica ufficiale sulla qualità della vita dei bambini fondamentale ai fini della realizzazione di politiche sociali rivolte all’infanzia e all’adolescenza**

....finalmente soggetti, unità d’analisi nelle statistiche ufficiali

- ‘ ... **Contesto familiare, affidamento e cura, gioco con i coetanei, scuola, attività del tempo libero, lavoretti in casa, aiuto ai familiari, i tempi di vita**
- ‘ ... **rete parentale, relazioni genitori-figli, partecipazione dei genitori alla vita scolastica, regole di vita familiare, stili educativi**
- ‘ ... **problemi di salute, sport e formazione, letture, nuove tecnologie, le abitudini alimentari, allattamento al seno**
- ‘ ... **problemi di povertà, lavoro minorile**

....una rappresentazione autonoma dell'infanzia

- ‘ ... disponiamo ormai di una mole considerevole di informazioni sulle diverse dimensioni della vita dei piccoli e dei giovanissimi
- ‘ ... enormi potenzialità di sfruttamento analitiche e di impiego concreto per le politiche sociali
- ‘ ...un primo passo importante affinché bambini e ragazzi possano godere di un'adeguata rappresentazione sociale
- ‘ alcuni esempi.....

....nascite sempre piu' rare... quali problemi di socializzazione

- ‘ ... i bimbi vivono in un mondo con sempre meno pari, specie fratelli e cugini, in particolare al centro nord e nelle grandi città
- ‘ 3-13 anni che vanno a scuola,hanno fratelli,incontrano cugini almeno una volta al mese, amici almeno una volta a settimana: Sud 51,4%, Centro-Nord 44% grandi centri 37,5%
- ‘ **svantaggio relazionale per figli unici e monogenitore...** ma in questi casi si cerca di compensare con gli amici ...

....le famiglie con minori sono le più multimediali

- ‘ ...hanno di più due tv, videoregistratore, PC,internet, videogiochi, antenna parabolica
- ‘ ma emergono differenze sociali e territoriali tra le famiglie con minori: meno disponibilità al Sud, e nelle famiglie operaie
- ‘ l’uso del PC cresce all’aumentare dell’età e così anche la multimedialità. Tendenza a parità
- ‘ E’ diverso il mix di multimedialità tra bambini e bambine: più nuove tecnologie per i maschi, più libri, cinema per le femmine

....la salute dei bambini.... fin dalla nascita

- ‘ ... in passato: salute dei bambini = studio mortalità infantile e malattie infettive. salute è un capitale che va conservato fin dalla nascita, benessere psico fisico del bambino.
- ‘ nell’ultimo decennio il patrimonio informativo si è molto arricchito : obesità, attività fisica, stili alimentari,incidenti domestici,disabilità
- ‘ Criticità; obesità specie al Sud, scarso consumo di verdure e frutta ,interruzione sport, scarso allattamento al seno in Sicilia, Calabria, Liguria.

Lavori e lavoretti

- ‘ **Un difficile compito la stima del lavoro minorile, si rompe un tabu’ anche nei paesi industrializzati esiste, ma attenzione ci sono lavori e lavori**
- ‘ **I lavoretti espressione della solidarietà familiare che coinvolgono i bambini**
- ‘ **Lo sfruttamento minorile che riguarda una fascia marginale ma comunque da non sottovalutare 31500 bambini italiani**
- ‘ **difficile stima stranieri, segni incoraggianti**

Perché è difficile stimare il lavoro minorile

- ‘ **Stratificazione dei fattori di invisibilità**
- ‘ **esiguità in termini quantitativi degli episodi più gravi**
- ‘ **multidimensionalità del fenomeno**
- ‘ **discontinuità territoriale**
- ‘ **discontinuità nel ciclo di vita**
- ‘ **non desiderabilità sociale**
- ‘ **PIU’ METODOLOGIE, INTEGRAZIONE DI FONTI E VALUTAZIONE COERENZE**

Lo sfruttamento minorile

- ‘ **Trasversale alle aree geografiche**
- ‘ **funzione dell’istruzione dei genitori**
- ‘ **presenza di disoccupati in famiglia**
- ‘ **famiglie numerose**
- ‘ **presenza occupati in agricoltura**
- ‘ **presenza occupati nelle costruzioni**
- ‘ **presenza occupati nella ristorazione e alberghi**
- ‘ **NON E’ COSI’ PER I LAVORETTI(NordEst)**

Statistiche ufficiali al servizio dell’infanzia

- ‘ **Un quadro ampio e non solo in negativo in Italia, necessità altri passi in avanti**
- ‘ **Elementi per monitorare le condizioni e la qualità della vita ci sono**
- ‘ **Per il futuro garantire la messa a regime delle informazioni, per lo sviluppo della ricerca e delle politiche sociali**
- ‘ **In una fase di ‘tagli’ non tutto ciò che è stato fatto finora sarà sicuro per il futuro, molto dipenderà dalla domanda.**

Sviluppare statistiche ufficiali sulla qualità della vita a livello internazionale

- ‘ **E’ un diritto per l’infanzia**
- ‘ **Non è un problema solo italiano, Unicef e altri organismi si sono sempre battuti per questo**
- ‘ **Confrontabilità, definizioni condivise**
- ‘ **Superare l’ottica dell’infanzia ‘accessoria’**
- ‘ **Mettere al centro il bambino in quanto soggetto sociale con le sue specificità e suoi diritti**

LA TUTELA DEI DIRITTI DEI MINORI

Ignazio Juan Patrone, magistrato, addetto alla Corte costituzionale italiana.

Genoa, January 7-9, 2004 Children and the Mediterranean

E12

WORKSHOP XII

Nel momento in cui apriamo, anche in questo Convegno di studi, il confronto fra i diversi Paesi che si affacciano sul Mediterraneo - e le loro diverse realtà e tradizioni giuridiche - a mio avviso noi europei faremmo bene a domandarci: quale sistema continentale di tutela abbiamo, per i diritti dei minori, tale da poter essere proposto come termine di comparazione ai nostri amici del nord Africa e del Medio oriente ? quali modelli possiamo suggerire ? quali risultati abbiamo raggiunto e quali, realisticamente, possiamo considerare acquisibili in tempi ragionevoli ?

Se noi guardiamo alla principale fonte di tutela dei diritti fondamentali elaborata nel nostro Continente, e cioè alla *Convention Européenne de Sauvegarde des Droits de l'homme et des libertés fondamentales*, firmata a Roma il 4 novembre 1950, ed ormai vigente in quarantacinque paesi membri del Consiglio d'Europa, non possiamo non constatare che tale testo normativo, che pure continua a rappresentare una delle più alte, se non la più alta, acquisizione in materia, non riserva alcuna delle sue disposizioni, specificamente, alla posizione del minore come soggetto di diritti autonomi e diversi da quelli, generalissimi, che gli spettano in quanto sono attribuiti a tutte le persone.

Il minore, in quanto tale, trova tutela indiretta in quanto membro di quella "famiglia" la cui "vita privata" deve essere rispettata ai sensi dell'art. 8; alla lettera (d) dell'art. 5 troviamo la previsione della detenzione legittima, anche amministrativa, del minore "*s'il s'agit de la détention régulière d'un mineur, décidée pour son éducation surveillée ou de sa détention régulière, afin de le traduire devant l'autorité compétente;*"; all'art. 2 del primo protocollo troviamo il diritto all'istruzione: "Il diritto all'istruzione non può essere rifiutato a nessuno. Lo Stato, nell'esercizio delle funzioni che assume nel campo dell'educazione e dell'insegnamento, deve rispettare il diritto dei genitori di provvedere a tale educazione e a tale insegnamento secondo le loro convinzioni religiose e filosofiche". E' tutto, o quasi.

Se poi andiamo a vedere il "diritto vivente" della Convenzione, dato dalla ormai vastissima giurisprudenza della Corte europea dei diritti dell'uomo di Strasburgo, a fronte di alcune significative pronunce, ad es. in materia di tutela dell'unità familiare ai sensi dell'art. 8 cit., nelle quali si è tenuto conto, nella espulsione di immigrati irregolari, della esistenza di significati rapporti personali con i figli nel Paese dal quale è stata disposto l'allontanamento, troviamo anche sorprese non troppo gradite, segno di chiusure culturali, prima ancora che giuridiche: ad esempio, con due sentenze, emesse contestualmente il 16 dicembre 1999, la Corte europea dei diritti ha deciso sui ricorsi presentati da due minorenni inglesi che erano stati condannati, nel 1993, per il sequestro di persona e l'omicidio di un bimbo di due anni.

Il caso sottoposto al giudice europeo dei diritti umani presentava alcune significative particolarità ed è opportuno che venga qui discusso: (a) i due minori avevano dieci anni all'epoca del commesso reato fatto ed undici al momento della loro condanna, ma per la legge inglese non esiste un limite minimo di età per l'imputabilità; (b) era stata loro inflitta una pena detentiva indefinita nel termine finale, secondo la clausola *during Her Majesty's pleasure*, e cioè di fatto nella disponibilità dell'*Home Secretary*, che nel Regno unito somma competenze dei Ministri della giustizia e dell'interno; (c) secondo la legge e la consuetudine, ai condannati *during Her Majesty's pleasure* era stata

assegnata una pena minima da scontare, detta *tariff*, che nel caso di specie era stata fissata in almeno quindici anni di detenzione, al termine della quale dovrà essere valutata la loro eventuale persistente pericolosità sociale; questa parte della sentenza di condanna era stata successivamente annullata dalla *House of Lords* con sentenza del 12 giugno 1997, ma dopo l'annullamento non era stata decisa una nuova durata minima della pena, pur essendo la condanna già in fase di esecuzione.

I ricorsi alla Corte europea di Strasburgo si fondavano sulle seguenti doglianze: (1) violazione dell'articolo 3 della Convenzione (divieto di trattamenti inumani o degradanti) per essere stati i minori processati pubblicamente, da una Corte ordinaria per adulti, che li aveva condannati, nonostante la minore età, ad una sanzione criminale; (2) per gli stessi motivi, violazione anche dell'articolo 6 della Convenzione (diritto al *fair trial*); (3) violazione dell'art. 5 della Convenzione (diritto alla libertà ed alla sicurezza) in relazione alla condanna ad una pena indeterminata nel suo ammontare massimo; (4) violazione dell'art. 6, in relazione al potere attribuito ad un organo politico, l'*Home Secretary*, anziché al giudice, di fissare in concreto la pena minima da scontare; (5) infine, violazione dell'art. 5, comma 4, per la loro situazione di condannati, in esecuzione di una pena ancora indeterminata, che non hanno la possibilità di fare esaminare la loro posizione da un giudice indipendente ed imparziale.

La decisione della Corte di Strasburgo, negativa su (quasi) tutta la linea, si presta a più di una critica e non può assolutamente essere ritenuta soddisfacente. Il Giudice dei diritti dell'uomo ha infatti accuratamente evitato di pronunciarsi in ordine al più rilevante tra i temi sottoposti alla sua attenzione, e precisamente quello relativo al limite minimo dell'imputabilità penale. La motivazione su questo punto è infatti degna di Ponzio Pilato, dato che, considerato che non esistono standard comuni sul punto nelle legislazioni nazionali degli stati membri del Consiglio d'Europa, che nessun principio al riguardo sarebbe univocamente ricavabile dai testi delle Convenzioni internazionali sui diritti dei minori (la Corte ha considerato la Convenzione ONU del 1989 ed altri testi internazionali comunemente adottati), e che altri Stati d'Europa, oltre all'Inghilterra ed al Galles, non prevedono un'età minima sotto la quale l'imputabilità sia presuntivamente esclusa, ha stabilito solo che non esistono principi in questa materia. Quando invece, secondo la clausola interpretativa della "miglior tutela possibile" ben avrebbe potuto ritenere che in ogni caso, un bimbo di dieci anni, non può ritenersi penalmente responsabile e semmai bisognerebbe di cure e trattamenti atti a determinare la comprensione della brutalità del reato commesso.

Si è trattato quindi di un'occasione mancata per dare un'interpretazione più coraggiosa della Convenzione europea, che, nello stabilire che, in materia di responsabilità penale, non può che riferirsi alla persona dotata di una capacità minima, preventivamente e razionalmente stabilita dalla legge; si può discutere all'infinito sul limite d'età dell'imputabilità penale, e si può anche criticare l'art. 98 del codice penale italiano, che fissa come è noto a quattordici anni la soglia minima invalidabile, ma chiunque sia dotato di un minimo di ragionevolezza non può non rilevare che dieci anni al momento del reato ed undici al momento del processo sono, in ogni caso e qualunque sia il delitto ascritto all'imputato, comunque troppo pochi.

In secondo luogo le decisioni appaiono del tutto insoddisfacenti in ordine alla dedotta violazione dell'art. 3 della Convenzione; il fatto che il processo sia stato tenuto davanti ad una Corte ordinaria e non ad un giudice per i minorenni non è stato infatti ritenuto un trattamento inumano o degradante; ciò appare del tutto insoddisfacente, anche se successivamente la Corte ha recuperato in parte l'argomento, deducendone, sotto più limitati profili, la violazione dell'art. 6.

Anche in relazione alla pena inflitta ai due bambini, le statuizioni della Corte appaiono condizionate dalla volontà di non sottoporre ad una critica radicale il sistema della giustizia inglese; ammesso (e non concesso) che i due fossero penalmente imputabili, è indubbio che la loro condanna ad una pena indefinita nella sua durata, lasciata alla discrezionalità dell'autorità governativa, e con una

detenzione minima di ben quindici anni, sia da considerare perlomeno eccessiva, e possa concretare un trattamento inumano ai sensi della Convenzione; occorre solo avere un briciolo di coraggio. La Corte, al contrario, si è trincerata dietro argomenti formalistici (l'essere tale tipo di condanna previsto dall'ordinamento interno), ed ha criticato la sentenza esclusivamente sotto il profilo, peraltro rilevante, dell'essere la determinazione della durata affidata all'autorità politica e non al giudice. Come si vede, si è trattato di un'occasione clamorosamente mancata dalla Corte per affermare alcuni principi che pure sono generalmente affermati nella maggior parte delle legislazioni europee; l'operazione interpretativa si è volutamente fermata a considerare aspetti formali e letterali della Convenzione europea e della legislazione inglese e di altri Paesi, rinunciando a scavare adeguatamente nel significato delle norme invocate dai ricorrenti, secondo schemi non ignoti, ad esempio, alla Corte costituzionale italiana, che dall'art. 27 della nostra Costituzione ha saputo dedurre conseguenze in tema di legalità e modalità della pena per i minori ben più pregnanti ed evolutive. Valga questo esempio, da solo, a dimostrare la assoluta carenza di tutela del minore nel sistema della Convenzione Europa.

Se poi andiamo all'altro grande sistema giuridico continentale, quello dell'Unione e delle Comunità europee, dobbiamo anche qui registrare, quantomeno, gravi ritardi e perduranti disattenzioni, sulle quali manca qui il tempo per scendere nel dettaglio, e che vi prego di dare, intuitivamente, per acquisiti. Premesso che le competenze comunitarie non sono, come noto, generali e tendenzialmente espansive, dallo sviluppo della legislazione primaria e secondaria non possiamo che constatare che ben scarsa attenzione è stata dedicata alla tutela dei cittadini europei del futuro.

Una speranza però, sempre nell'ambito del diritto comunitario primario, ci viene dall'art. 24 della Carta dei diritti fondamentali dell'Unione europea, proclamata a Nizza nel dicembre 2000 e destinata, almeno negli auspici, a diventare parte integrante del nuovo "Trattato costituzionale" dell'Unione. L'articolo cit. infatti così dispone: *"Diritti del bambino. 1. I bambini hanno diritto alla protezione e alle cure necessarie per il loro benessere. Essi possono esprimere liberamente la propria opinione; questa viene presa in considerazione sulle questioni che li riguardano in funzione della loro età e della loro maturità. 2. In tutti gli atti relativi ai bambini, siano essi compiuti da autorità pubbliche o da istituzioni private, l'interesse superiore del bambino deve essere considerato preminente. 3. Ogni bambino ha diritto di intrattenere regolarmente relazioni personali e contatti diretti con i due genitori, salvo qualora ciò sia contrario al suo interesse."*

Finalmente dunque soggetti di diritto e titolari di diritti, e non solo membri della famiglia.

Sono personalmente convinto, per ragioni di ordine generale, che il nuovo Trattato, pur con tutte le sue lacune, vada ratificato; l'inserimento di questa disposizione della Carta di Nizza tra le norme vincolanti per l'Unione varrebbe, da solo, a giustificarne l'entrata in vigore.

Torno in chiusura alle domande che mi ero/vi avevo posto all'inizio di questo mio intervento. Nel confrontarci con le altre culture e con gli altri sistemi non abbiamo, nessuno mai ha, modelli perfetti da proporre. In particolare l'Europa, che tanto ha fatto, in altri campi, per costruire un sistema di diritto e di diritti efficace ed effettivo, per i minori è indietro, e di molto, rispetto alla stessa Convenzione di New York del 1989, che pure è stata recepita negli ordinamenti della stragrande maggioranza degli Stati che la compongono. Quella che possiamo proporre, dunque, non è una soluzione, ma una strada del tutto aperta alle soluzioni che derivano da, e possono essere compatibili con, altre civiltà, altre culture, ed altre tradizioni.

Negotiating Roles in Old Cairo

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Abstract

The paper is a look at 5 child laborer's lives in one of the impoverished district of Old Cairo, Egypt. This in-depth medical and sociological look at 5 children, ages 9-15, will focus on their ability to transition between agencies and roles, as well as their physical well being and the health challenges placed upon their lives as a result. The paper is based on observations and open interviews with the children about their lives during the course of a week. The criteria for choosing each child was based on poverty, children who had attended school versus those that had not, dependency of family on child for income, and one or both parents absent in the child's life. The observations were carried out through daily participatory observations with each child and interviews with the families and the child, and factory owners. The interviews asked open questions merely to allow the families, children and factory owners a chance to speak about their lives in their own words.

The research is based on a larger project to teach child laborers, working in the pottery industry in Egypt, skills in order to enhance their quality of life. The research looked at fifty children working in the pottery industry in Old Cairo, surveying their lives and their needs. Five children were then chosen in order to gain an in-depth focus on the child laborers' lived realities.

Palestinian Children and the Current Crisis

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Palestinian Children are increasingly facing enormous pressure due to the violence that is prevailing since the outbreak of the current crises in September 2000.

They have encountered a great deal of psychological disturbance in the previous Intifada as reflected in their drawings (Mughany, 1987), especially in the refugee camps.

Their play experiences were deeply affected and they held an increase in military-like pretend-play, (Thougan, 1997).

Yet since the beginning of the current crises, children and women were the most affected segments of the Palestinian society.

Women demonstrate high level of anxiety and stress due to the continuous dramatic situation and violent practices, and they exhibit significant psychological pressures. Thus they are the most affected segment, particularly those from disadvantaged backgrounds as well as others who suffered a high level of violence. (Shaath, 2002).

This has a negative impact on children too as reflected in parents' feelings towards their children.

Short-term effects are quite obvious, while long term effects are more subtle, jeopardizing the mental health and the social well-being of children.

Children's Perspective:

On one hand children in Palestine are facing difficulties due to the deterioration of social and economic situation of their families, and on the other hand they are suffering brutal practices due to the increasing violent situation they live under.

In a study conducted in Gaza and the West Bank, 39% of the children are descended from unemployed families (Unicef, 2001).

Children expressed a drop in the material belongings of their families of which 14% had their homes demolished and were compelled to live in cramped rooms or with relatives.

Palestinian children are very aware of the violence and aggression that they are facing daily, 93% of them expressed high levels of fear due to the absence of political stability in the area, and therefore lack of security and safety.

They are anxious about their families too. A study conducted by Unicef indicated that 48% of children have witnessed violent events like house demolishes, haphazard shooting and bombardment. They are suffering the daily hazards of checkpoints, closures and security sieges imposed on their villages and towns and when commuting to their school. Furthermore, 18% of children were directly injured in one way or another as a result of the current events and about 90% of them had a relative or friend injured or shot. 20% of them had a family member imprisoned.

In this study children expressed their suspicion towards their parents' ability to protect them.

Although children generally expressed high levels of pessimism about their future, yet they still hope in a better future and in pursuing their ambitions and aspirations. They believed in better ways to protect themselves and in spending their free time, like getting involved in the social activities of their families and their friends (Arafat, 9003).

Children and their school:

Schools play a significant role in the life of Palestinian children in a very unprecedented way, especially after the military incursion in most of the Palestinian territories, and due to the lack of other educational, cultural and entertainment institutions in the areas.

Therefore, school is becoming more like an academic club, that is highly valued by children. It is a place where they enjoy meeting their friends and where they get support from their teachers.

Children at school benefit from subtle peer counseling through positive interaction with their friends. This helps to undermine the negative feelings they may be witnessing like feelings of loneliness and anxiety that most children witness when living under similar circumstances.

Still, education was adversely affected by the current situation. A large number of schools were completely closed and 269 were partially vandalized due to the bombardment. Some were converted to military premises by the Israeli Army (MOE, 2003).

Many children were deprived from their right to resume education, due to the prolonged siege and curfews imposed on the entire areas of Palestine. But, schools gave children a sense of belonging and provided them with the routine they needed, and the important interaction with their peers and teachers.

Parents and their Children:

Parents live under continuous stress and fear trying hard to protect their children. They themselves have their own agonies, struggling daily to make a living, fulfil their family needs, and most importantly safeguard their own safety.

Responding to questionnaires of Arafat Study (Arafat 2003), 80% of parents said they could

not provide the care and protection to their children. 75% of them said they were unable to provide health-care and good nutrition to their children, either because of their poor financial status or due to the siege and curfews that hinder movement between towns and villages.

Only 4% of them said they could control their lives and fulfil their children's needs. Parents reported that a tangible change has been evolved in their children's behaviors. Some of the behavioral changes were in the form of continuous night-mares, sleep-disorders, bed-wetting, fear, anxiety, hyperactivity, and aggression and loss of confidence in the adults around them. The following table shows change in children's behavior as perceived by their parents.

| Changes in children's behaviors as perceived by parents | | | | |
|---|---------------------------------|---------------------------|----------------------------------|--------------------------------|
| Psychological Symptoms | Changes in the patterns of play | Negatives Social behavior | Drop in the academic achievement | Thoughts of deaths and suicide |
| 73% | 48% | 46% | 31% | 6% |

(Arafat , 2003 npapal)

Concerning the school achievement, parents reported a decline in their children's school achievement and more school phobias among their children. They reported a lack of interest and concentration in school tasks. This can be also explained by the continuous curfew and closures imposed thus preventing pupils reaching their schools.

These results were replicated by studies conducted by the Palestinians Ministry of education (MOE, 2003).

Although parents are well aware of the emotional responsibility they carry toward their children, yet they themselves have the need to a better mental well-being and the need to distress and recreate themselves which they immensely lack.

Teachers and Children:

A lot of teachers are suffering due to the current situation especially when they have to face the daily difficulties of crossing check-points and reaching their schools.

They are well aware of the significance of their role in supporting the mental health of their pupils.

In Arafat study (Arfat, 2003), 93% of teachers realized changes in their pupils patterns of behavior. They reported an increase in the absence and truancy of children.

Concerning their schools tasks, they reported a clear deterioration in school achievements of pupils and their ability to concentrate. (Sa'adeh, Zamel, 2002).

They also reported an increase in the degree of some violent behaviors in their pupils especially in the form of continuous fights and quarrels.

Yet, most of them reported warm and sensitive relationship with their pupils and said they played an active role in their pupils' emotional and social lives, helping them to adjust in a better way.

Extra curricular activities:

Palestinian children are deprived from a lot of the extra curricular activities they used to enjoy relatively before the crisis. Some reasons for that are the curfews and incursions of their towns and villages, other reasons are the fear and anxiety smothered by their parents preventing them pursuing a lot of their activities.

The intricacy of economic situation is another reason, leading to their deprivation of toys and also the need of many parents of their children's help in different tasks.

A lot of children free time is spent inside their homes due to the continuous curfews thus making T.V. watching one of the favorite pass-time of children. This has its drawbacks especially the effect of the shocking scenes of bloodshed, death, destruction and injuries displayed daily on T.V.

This is a field of great importance and need to be thoroughly investigated. Although Palestinians children live under extremely difficult conditions that have severe impacts on different aspects of their lives, they also do show a good deal of self-competence and optimism in their future.

They seem to enroll in more positive activities rather than in adopting violent ones.

School plays a very principal role in their lives and also their peers.

Both parents and teachers feel threatened by the current situation but continue to give support to children and help them adjust to the current circumstances.

A lot has to be made in supporting different institutions and societies that caters for the different needs of children.

This can be achieved by providing extra curricular activities through these institution like, arts and sports.

A lot has to be made in supporting counseling schemes through schools and educational institution. This can be achieved through work-shops and programs that caters for the different

needs of teachers and school-counselors in pursuing their professional development, thus helping their own students.

Financial and professional support should be provided to school administrations to meet the need of converting them perhaps to a “multi functional centres”, where children can learn, play and socialize.

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Buon giorno a tutte e a tutti, ringrazio la Fondazione Gaslini e la Fondazione Festival per l'opportunità concessami. PeaceWaves, la giovane ONLUS di cui sono Presidente, è costituita da una rete di scuole, Enti Locali, studenti e insegnanti. E' attivamente impegnata nella ricerca, formazione e progettazione sui temi della pace, dei diritti umani, dello sviluppo umano sostenibile, dello sport e dell'arte come strumenti di pace. Siamo attivi soprattutto nei processi di progettazione partecipata e non solo sul territorio nazionale; stiamo, ad esempio, lavorando in Afghanistan nella ricostruzione del sistema educativo. La nostra associazione ha un'altra particolarità, quella per cui siamo qui oggi, che è quella di credere nel lavoro intergenerazionale; infatti il 50% dei nostri componenti è, statutariamente, under 26. Credo sia di fondamentale importanza, soprattutto in questi momenti, in ogni occasione, rinforzare e sviluppare la cultura del diritto e del sostegno alle politiche giovanili specie quelle per l'infanzia e l'adolescenza. Non possiamo dimenticare che questo evento si colloca, perfettamente, non solo in Genova capitale della cultura europea 2004 ma anche e soprattutto nel decennio voluto dalla Nazioni Unite per una cultura di Pace e Non Violenza per le bambine e i bambini del mondo (2001 - 2010), nel decennio delle Nazioni Unite per l'educazione ai Diritti Umani (1995 - 2004) e nel 2004, dichiarato anno europeo per l'educazione attraverso lo sport.

La centralità dei processi educativi e delle sue modalità, sono una priorità che l'Europa non può disattendere, così come hanno chiesto i ragazzi provenienti da più di 31 paesi durante la cessione giovanile dell'ultima edizione dell'ONU dei Popoli da noi coordinata svoltasi a Perugia dal 9 al 12 ottobre 2003. In quella sede i giovani hanno chiesto all'Europa di affermarci nel ruolo di costruttore e facilitatore dei processi di pace per una soluzione creativa e non violenta dei conflitti realizzata in modo condiviso e partecipato. Hanno soprattutto richiesto all'Europa di rispettare gli impegni già assunti, ad esempio lo 0,7% del PIL per la cooperazione internazionale, e di sostenere una linea di finanziamenti ad hoc per i progetti, in particolare quelli realizzati dalle associazioni giovanili. I giovani chiudevano il loro documento finale chiedendo di essere coinvolti nella costruzione di un punto di vista comune, di una comune politica giovanile coerente e coesa, ispirata al diritto internazionale, nel rispetto delle differenze.

La mia breve relazione vuole, partendo da alcuni cenni sul diritto internazionale, considerare la partecipazione diretta dei ragazzi ai processi di cittadinanza, specie quelli in atto in Europa e nell'area del Mediterraneo, portando alcuni esempi concreti ed alcune possibilità connesse soprattutto ai progetti comunitari. Sottolineerò, inoltre, l'importanza del gioco, dello sport e dell'arte come linguaggi trasversali e di come questi siano anche naturali mediatori interculturali. Al termine presenterò un progetto, "Kids' Guernica Europe", di cui avrete l'opportunità di vedere alcuni risultati concreti (le tele in esposizione) e di conoscerne il rapporto con la mostra fotografica qui in preview e con gli eventi Olimpici che caratterizzeranno l'Europa e il Mediterraneo nel 2004 (Atene) e nel 2006 (Torino).

The Health Conditions of Street Children In Egypt

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Introduction

One of the greatest challenges in the field of philanthropy in Egypt is to tackle the problem of children in difficult circumstances and particularly street children, This group living on the society's margins, are young children who were deprived of mother's love and father's care.

They had to resort to the street where they were taught its language and conduct and became easy pries to crime world, They became young criminals, professionals in pick pocketing, stealing and begging. They became addicts to smoking and drugs. They were exposed to several bodily and psychological abuses which scarred their childhood and added years of miserable experiences to their ages.

And, instead of giving them a helping hand to wipe away their sufferings and solve their problems, the community dislikes and avoids them and they are unable to fulfill their fundamental needs in the associations they are living in. These are severe derivations that push them back to street life and its perils.

The Health Problems of Street Children

Street Children are vulnerable to several health problems as a result of the life style they lead on the streets. These problems are shown as follows:

◆ *Vulnerability to diseases*

All sorts of dermal diseases and mal-nutrition spread among those children, as a result of their constant existence on the streets besides ***having no means to ensure health rights given to normal children***. In addition, they lack proper knowledge of health habits. They eat food remaining, smoke cigarettes, inhale drugs like benzene and glue, some medicines and all sorts of drugs like hashish and heroine.

No health services are provided to them and they are denied their health rights by community individuals especially those responsible for health sector. This is due to lack of awareness with reasons and circumstances that compelled those children to resort to street life.

A survey study by ***World Health Organization (WHO)*** in Cairo and Alex. shows that street children suffer serious health problems like swollen glands, Anemia, Respiratory diseases, cholera, tuberculoses, Liver Virus C and dent problems. As for girls, they are exposed to unsafe miscarriage and lack of care during pregnancy. Street children are also exposed to toxicities both industrially and nutritionally. Thus, they are liable to transfer infection to all who mix with them either on the street or at an association, if not vaccinated against such diseases.

As for psychological health for street children, represented in behavioral and emotional manners and attitudes, it is apparent that there exists inside every street child enmity feelings towards surrounding community starting from the family the small community that ignored the child and

abandoned him, then *individuals and constitutions* who form the greater community that dislikes those children and scorn them. Then the Government represented in the police members who do the act of street arrest campaigns child suffers all sorts of abuse psychologically and physically, and this intensifies enmity, violence and defiance and gives notion that laws that protect children and their rights are inactive.

Vulnerability to Work Risks:

Street Children are forced on the street to do jobs that are not suitable to their physical built or to their disposition. This makes them subjects to diseases and accidents in spite of the laws that prohibit child's labor in risky atmospheres or unhealthy ones. Children are also subjects to sexual and bodily abuse by elders or leaders. Juvenile's Crimes' 2001 Data gathered by General Juvenile Investigation Administration refers that nearly 46000 cases have been documented for vagrant, sexual abuse, robbery and murder. This is a serious indication to the dangerous attitudes of those children and the effect of this on the community's safety.

Vulnerability to movement, residence and sleep perils:

An act is usually noticed to be done by street children i.e. climbing trains' or tramways' surfaces as a means to move among streets or governorates. This exposes them to different accidents that might lead to death, or permanent injury. Though this habit is seen by officials working on these means yet, it has not been stopped by responsible personalities due to lack of control and supervision and a sequence of negligence.

Generally those children sleep under bridges, at parks, isolated areas, and inside huge unused drainage sewers and inside huge rubber tires.

As for the phenomenon's dimension in Egypt, it is not yet agreed upon, due to differences of concepts concerning Street Children notion. There is a sort of mixing up between street children and working children.

*NGOs Efforts In Confronting Street Children
Problem in Egypt*

The First Egyptian organization that have dealt with this group of children is “ **Hope Village Society** ” which founded in 1988 by a group of businessmen and society women with the help of a British director of one of the language schools in Egypt. Philanthropy and humane feelings towards lessening children sufferings brought them together.

It started with one center for sheltering orphans and homeless children, and developed its activities to serve street children through 11 centers spreading in greater Cairo. They are as follows:

1 Mobile – Service unit

3 Day-care centers for street girls and boys

3 Short-term shelter

4 Long-term shelters

Productive workshops to train children on different handy-crafts and some income generating productive projects The opportunity is still there for the boys to be trained and to work in the surrounding factories.

Following is a description of the goals and activities of the different centers of the Society:

♦ **Reception Centers & Mobile - Service Unit**

The reception centers for street children was established in 1990 at Shobra area. In 1996 Sayeda Zeinab center was established to serve greater numbers of street children. In 2000 the society established the first reception center for girls at Road-El,farag area. And recently in 2003 the 4th reception center in Imbaba, Giza gavenorate for girls.

In 2003, Hope Village in Cooperation with the **World Bank - Egypt and MISA** started the Mobile-Service unit which advocates the children's health and social rights

The 3 reception centers are the first point of meeting with a street child. They receive approximately 150 children daily. Different services are provided for them such as social & psychological care - recreation and two meals during the day that starts from 9 a.m.: 6 p.m. Each center contains literacy classes and simple training workshops to explore their skill and technical tendencies.

Also, the Unit helps in facilitate the services provision to greater numbers of street children in different and new areas. Moreover it helps to make it easy to provide food, medical treatment and awareness to the children on the street. This is a preliminary step which will lead to transfer the children to our main reception centers and guide them to the community sources specially hospitals and clinics that will offer them the help they need

The centers provide medical care through periodical examination and first aid for simple cases. The critical cases are transferred to hospitals or surrounding medical centers and clinics.

The social workers try through individual sessions to discover the reasons that lead these children to leave the family and resort to street life. Through the family research works made for the frequenting cases, it has been found that the causes of the phenomenon are family disunion, poverty, ignorance, family cruelty, abandonment, bad company and the education system.

Analyzing some of the above causes it is found that the child generally resorts to the street when he loses love and sympathy and is denied care and safety. Poverty for example, is considered one of the motives that lead the child to be on the street. The family when unable to provide for its necessities, drives the child early to the work market where he stays for long hours. Here the child loses the normal sense of his childhood. He gets feelings of deprivation, so, he resorts to the street to feel at liberty and lives a life without restrictions.

As for family disunion and weak family ties, they lead to a child feeling insecure. He feels irritated, restless and psychologically stressed which negatively affect his tendency and behavior. He will be liable to indulge in bad companies and experience illegal actions to fulfill and satisfy his needs.

Ignorance here is meant to be ignorant of correct social notions of up-bringing systems among this group of craftsmen, workers and farmers, in addition to negligence and lack of awareness of proper religious concepts which are means to help in bringing up children, in nursing them, in guiding and counseling them.

After the child's case is studied and the problem that caused his running away is solved, the social workers try to reunite him to his family. In most cases the society finds difficulty in realizing this aim. Though some families accept the child's return there are others who do not welcome this and refuse to keep him. Here it is the society's responsibility to care for such a child and he is then transferred to the next step, which is the Short Term Shelter.

♦ Short-term Shelter

The 3 centers opened in 1992, 1996 and 2003 to receive children transferred from different reception centers. The centers provide different services to 60 children. This is not a fixed number, due to the fact, that the society sometimes succeeds in uniting some children to their families after a short-term residence, or that some children leave the center for not being able to harmonize with the new life. They desire to go back to the previous life they were long used to.

The centers aim at rehabilitating children and preparing them to be adapted to group life, to cooperation and to self-dependence, considering it a transition period between street life and a life similar to that of the family.

The programs, besides reuniting children to their families, include medical services and literacy classes. The children are provided with food, clothes, a sleeping place, recreational means, gymnastics and social and psychological care. They are trained on some internal handy-crafts such as carpet weaving, candles making, mother of pearl inlay and carpentry. They also join external workshops to be trained on other kinds of handy-crafts, considering this a means to help in developing the relation between the child and the surrounding community.

The short-term residence (not more than one year) shows how the society is keen to fulfill its fundamental goal which is reuniting the child to his natural environment of which he is deprived.

This is accomplished after adjusting his conduct. Guiding him and training him on a craft that might help in raising the family's income. Surely the family will welcome the child's return after being a productive one.

Yet sometimes after the child is rehabilitated and has become a useful productive member, the family's conditions cannot permit the return of the child. Then he is transferred to Long-term Shelters where he is resided according to age and education. *(If he is still in the educational stages he joins school, and if he is a drop out he joins literate classes besides the handy-crafts he is trained on.)*

♦ Long-term Shelters

This is the last stage for children where they get medical, psychological, social and recreational services in addition to opening a saving book for each to ensure his future.

The children distributed as follows:

- Children less than 9 years old and within the educational stage: they join government schools.
- Dropout children who have got literacy programs at the short-term shelter: they continue this program besides handy-crafts.
- Dropout children who are over 15 years: they are transferred to the society's group home. They live independently there. They carry out the responsibility of providing for their own living through working and paying for food and rent. The aim is to give them the opportunity to depend upon themselves, get gradually apart from the society's life and mix with the outer world where they completely depend upon themselves.

The management style applied by a group of notable businessmen has its effect on efficiency enhancing the performance of the supervising staff and the stability of the children.

The centers following the Society are distinguished by being accommodation units situated at living areas not isolated or closed, which permit a sort of family life to give the child the feeling of being a part of the community, and that he is living in that place by his own will and not obligatory. It is proved that the highest rates of children running away from their associations are due to the fact that the children consider them prisons. This consideration creates in them feelings of hatred towards the community's individuals and might be expressed in illegal ways.

Supervising is also important factor acting on the harmony procedures and on the social and psychological stability of the children. This led the society to put, while choosing the supervisors, some special personal measurements, besides the ordinary professional ones, to ensure the efficiency of the services provided and help their stability inside the society.

Supervision is done either by social workers or by volunteers from other specialties that have the desire to work in this philanthropy field. Each supervisor takes care of not more than 8 children which is the number agreed upon internationally. This guarantees the perfection of supervision for it is proved that the more children a supervisor cares for, the more problems arise as a result of the weak control besides the inability of the supervisor to satisfy the children's fundamental needs.

It has been also perceived that enhancing the staff's spirits through the high financial benefits, besides ensuring them against the profession's dangers resulting from direct contact with this group of children have strong effect on their stability and love of the job which in turn is positively reflected on the children's acceptance of the sheltering life.

Also, the staff having periodical training in all specialties, helped in the development and growth of their concepts and enlarged their intellectual capacities which resulted in an improvement in the services provided for the children and in being more capable of creating new activities.

For example the staff was given training on:

- First -aid. This training is very important in dealing with the sheltered children in general or children on the street in particular.

- Knowledge of the child's law. It is important to safeguard the children sheltered by the society or those who frequent the reception centers.
- Training trainers aiming at giving them experience and skill needed for training the new social workers and supervisors.
- Technical aid on different subjects such as:
(Administrative and organization development - How to write and plan a Proposal for a project - Raising the staff's skill in secretarial works.)

Through long experience in this field, the society found that its goals and programs should be developed in a way to enhance services provision for street children. For example, the society's goal was limited to the curative side, now the society added new goals concerning the preventive and promotional sides, the thing, which gives more chances to the solution of some of the street children problems.

To clarify this we have to divide children cases into 3 groups

- A group where the family welcomes the return of the child after providing solutions for the problem that led him to run away. This group has been dealt with through applying a project of "Loans". It aims at rehabilitating children and their families socially, medically and financially in a way to realize a sort of stability to the child in his family, also to solve some of the family's health and psychological problems that are reasons for abandoning the child.
- A group where the family does not want to keep the child. In this case it is the society's responsibility to care for the child, and keep him away from the street.
- A group where the children themselves do not want to be reunited to their families or join the society. These groups have long been in the street, have been used to its life and perils and do not want to abandon it. Their relation with the society is limited to daily frequency to reception centers to receive the different services the centers provide or seek to solve some other problems they encounter on the street.

This group is the one for which the society has renewed its programs, aiming at safeguarding them while they are on the street; also binding them to the surrounding community.

Here are examples of such programs:

♦ *Young Street Mentors Program*

The program aims at transferring sound and proper Health Information, knowledge and behavior to children on the street by means of their mates who are frequenting the reception centers.

The 1st step was to acknowledge and fix health problems to which the child on the street is endangered.

It was found that the most serious diseases are dermal diseases -Drug addiction - Physical and sexual abuse.

Priorities were fixed. Glue inhaling proved to be most serious for its deadly effects.

A sample from frequenting children was chosen. Supervisors, in simple scientific and technical ways, showed them the dangers of practicing this habit. The children sample were trained on the way to transfer the knowledge to other children in the center using a brochure showing the effects of this bad

habit, then explain this to their mates on the street/

The result was:

- The children sample stopped this habit.
- Some street children responded to the children sample and began to frequent visits the center.
- Many of them desired to be reunited to their families.

For the time being there is a study forwarded to the problem of **physical and sexual abuse** considering it one of the greater problems the street child is exposed to.

♦ *Exploring opportunities and abilities of the street child and the community*

It is found that these children suffer from the community's abandonment and feel they are unwanted the community in turn look at them as dishonorable persons that are seeds for future criminals.

The actions the street children perform such as stealing, begging, talking badly and being dressed in rags helped to create this outlook and to increase the community's repulsion. This in turn led the child to lose trust in that community after he had lost it in the smaller one of his family.

Here is our project's goal. The possibility of improving this exchanged outlook and narrowing the gap between the community and the street child. This problem is getting more serious and if we do not face it by giving a street child a new outlook accepted by the community, the rate of crime and perversity will soar high and threaten the communities' safety and stability.

It was planned to find a kind of positive and tangible work a child can do to serve the surrounding environment to encourage the community to sympathize with him and change that negative feeling towards him to help the child feel he is useful and effective in his community.

From field researches, it was apparent that the Sayeda Zeinab area badly needed cleanliness and beautification. We found that if the street child performs this useful job, it will be a good meeting point we are generally aspiring to, besides, our trials to explore the opportunities and abilities of the street child in particular.

Some results of the program:

- The street child's responded to perform a job that is useful to the community.
- The new outlook of the community towards the street child, after he changed his behavior.
- The community's changed ideas about the street children. (Sympathy and convince that he is a victim to social and family circumstances he is not responsible for).
- The project helped in spreading awareness among greater numbers of the community members.

♦ *The project of using artistic expression for advocating street children rights.*

It targets a method to acknowledge views and attitudes of street children towards themselves, their families and the community as a whole. In addition to recognizing their needs and the problems they encounter on the street (**specially health problem**). This is expressed by spontaneous drawing. The best expressive drawings were selected and painted on posters that were distributed among sides caring for children.

♦ *The Economical Rehabilitation Program*

The main goal of the society as concerning this program is to unite the child to his family. Through research work the reasons for the child's resorting to the street were deducted. The most important of which is the family's low standard of living.

It has been found that through helping the family economically, there might be a good chance for the child to live with his family and enjoy the normal life from which he is deprived. A program is proposed to give loans to the chosen families to start small projects that generate stable incomes, on condition that the child should be allowed to live normally with his family.

The program has been put to effect and till now it is going on successfully. This is due to some facts such as:

- It suits the poor families that need be given a starting push to raise their living means.
- It helps the child be an effective member in the family, by giving him the chance to partake in the project.
- It helps develop family relations and that between the family and the surrounding community.
- It is a project that can be easily controlled, followed up, and evaluated.

In continuation of the society's policy to care for the children who have been brought up in the society's shelters and who are about to finish their university education, it is found that giving them an opportunity to run small projects of their own, will help them depend upon themselves and gain self esteem and trust. The society, also, ensures an honorable life for them. Their projects are different as for quality, quantity and the required funds.

Hope Village is keen to continue this project, as it will help realize a higher degree of stability to street children.

♦ *The Community School*

The Community School at Mokattam was established in 1996 for the children of the families who were injured by the 1992 earthquake. Those families were re-housed by the government far from the areas where they settled before. This caused confusion in their living conditions. They became unable to satisfy the fundamental needs of their children who started for the street facing its risks

In addition to educational subjects, the school provides vocational training recreation and 2 meals that help to reduce the living costs of their families. The society also participates in paying monthly bonuses for the teachers.

The "Association of Literacy and Adult Education" provides educational and training subjects. A class was opened in 1997 to serve the illiterate women and girls of the Area with a workshop to train them on cutting and sewing.

The program thus is considered a preventive one.

♦ *Mentoring Program*

It targets transfer of technical and administrative experiences among the associations that work on the same field through field co-existence between the guide association and the guided one.

• *Research and Training Unit*

The society, through 16 years work in the field of street children phenomenon has acquired practical and scientific experiences. This encouraged it to establish a training unit to be responsible for spreading general awareness of the seriousness of the phenomenon, among the different governmental and non-governmental associations.

The Research and Training Unit aims at increasing the number of the NGOs that work in the field of street children in Egypt, Yemen and Morocco. This is achieved through the arrangement of training sessions around the methods of starting a project to serve street children, how to deal and inter communicate with the child whether on the street, in the association or with his family. In addition to this, the unit cooperated with “The AUC’s Social Research Center in Cairo, to develop field researches and studies to be on recent consequences with the phenomenon’s developing changes and to put plans and suggest programs to eliminate its escalating dangers.

♦ *Network Project*

A project that targeted establishment of the 1st Network formed of associations working in the field of street children, to coordinate and advocate street children rights. One of the positive results of this project is **The First Lady’s Declaration, in March, 2003, of the National Strategy to Care for, Rehabilitate and Integrate Street Children of Egypt.** The National Council for Childhood & Motherhood accepted auspices of the Network to coordinate between its work and the government sides that care for the cause of childhood in Egypt.

Since 1990 and up till 2003, the NGOs in Egypt have provided recognizable services to help tackle the problem, yet there appeared also bad need to apply integrated policies from the state’s side to care for and sustain such initiatives and generalize them all over the republic.

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**The Rights of Child
In The State of Qatar**

**A Working Document Introduced by
Mr. Abdul Aziz Al – Ansari**

*Member and Secretary of the Childhood
Committee of the Supreme Council
of Family Affairs to Children
and the Mediterranean Conference*

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Introduction

The State of Qatar spares no effort to support and reinforce all procedures and recommendations on the national, regional, Arabic and International levels to accomplish the Utmost Care of Children and protect their human rights mentioned and approved in the International documents and agreement. The most important of them is the World Declaration for Child Survival and Protection of his growth issued in 1990 by the UN General Assembly.

This declaration emphasized the importance of improving the child health and food and the provision of opportunities to all the children of the world to explore and express themselves and to recognize their importance. This should take place in a safe secure environment to be provided by their families and the concerned destinations of their patronage and welfare.

Children should also be prepared to carry out responsibilities in a free society. They should be encouraged in their early stages of life to participate in the Cultural Life of their societies.

To achieve these goals and put the child rights into practice in the State of Qatar, there is Continuous Cooperation and Coordination among all the Qatari Organizations that are Concerned with the healthy, educational, scientific, cultural and physical growth of a child so that such aspects should be promoted in the right way in relation to the rights of child. Those rights are developed and protected in accordance with the whole development plan of the Country.

❖ Efforts of Qatar's Government for the accomplishment of Child's Rights in Qatar:-

- Establishing the Childhood Committee of the Supreme Council for Family Affairs :-

This Committee Coordinates and follows up with all the organizations concerned with the child rights in Qatar the implementation of the proposals and recommendations of the international documents and agreements regarding the promotion and protection of those rights. It also makes field studies and researches in this respect.

- The proposed project for publishing the culture of the child rights at schools :-

This project aims at the provision of a Social Educational Environment that is suitable for the Creation of a Public awareness of Child's Rights through the effective Cooperation and Participation of the pupils and their teachers and families. The Sources of these rights of child are derived from the Islamic and Qatari regulations and the principals of modern Education that include self Dependency, freedom of expression and Self Learning.

The project contains knowledge and conceptions of child's rights and the methods and techniques of promoting and originating them in the behavior of the pupil, the teacher and the family and the school managerial staff.

It also includes the practices and the implementation mechanism for its goals through both the school educational and non-educational activities of education, culture and arts.

To guarantee the effectiveness of the project, it is recommended that it should be carried out experimentally in only six governmental and national Qatari schools in its first stage along the whole studying year when it will be evaluated by its end and modified as required to be published in a large number of schools in the following year.

- Qatar's Participation in the Regional and International Conferences, Workshops and Seminars of the Children Rights :-

The Qatari government is highly interested in such participations to reach the following targets regarding the development and protection of the children rights in Qatar :-

- Exchanging international knowledge and experiences.
- Updating the information about the Child Rights.
- Following up the implementation of their recommendations.

❖ The Major Interest in the knowledge, Scientific and Innovative Growth of a Child :-

- The Qatari Scientific Schools Project :-

Children who are Scientifically talented join these Scientific Schools where they receive the utmost care and encouragement for their talents to be polished and developed and for their scientific experience to grow.

- The Qatari Scientific Club :-

This club was established for the Qatari Children to provide them with a practical environment where they practice different Scientific Activities such as :-

- Using the Computer Software for Scientific Diagrams.
- Training on Farming and Plantation.
- Experiencing simple Scientific Experiments.
- Watching Video tapes about national and international Scientific Experiments.

- The Regional Competition of Children Drawings :-

The Qatari Ministry of Education Carries out an annual regional Competition for Children Drawings. A large number of Children from Qatar and the other Arabic Gulf States take part in this Competition where they express themselves, their feelings and their innovation through drawing. Valuable prizes are offered to the winners of the first ten places and the best drawings are displayed in an artistic exhibition in Doha.

❖ Keeping in touch and Communicating with the other Children of the World :-

- The UNESCO Associated Schools Project in Qatar :-

Qatar joined this project in 1983 with only one school that increased to (6) schools in 1989. Due to the sincere efforts of the Qatari national coordinators of the project the Qatari Schools associated to UNESCOI increased to become now (25) Schools including :

- (11) Schools for boys.
- (14) Schools for girls.

An annual action plan is prepared and approved by the Minister of Education for these schools at the beginning of the studying year. Through the implementation of the action plan, the Associated schools achieves various activities that keep their children in touch with their counterparts of the world.

Currently, there is a project that is under study for twining the Qatari Associated schools with the Arabic and European Schools.

- Teaching the usage of Information Technologies :-

This process occurs in all the Qatari schools where children are taught how to use the computer and its applications both theoretically and practically. It starts from the primary stage till the end of the secondary stage.

❖ The utmost care for the Handicapped Children :-

The state of Qatar also paid great attention to the rights of the Handicapped Children. To provide them with the utmost care, it carried out a number of important projects such as :

- The Qatar Society for the Handicapped that was established to help the Handicapped people in general and the Handicapped children in particular to adjust themselves with the Qatari society through special social Programmes, sports and cultural activities.
- The Audio Visual Schools of Qatar for the Deaf and Blind Children that were established to offer those children good opportunities for Learning with the assistance of the most modern Learning equipments supported by UNESCO and the other international organizations.
- The Qatari Mental Education Schools which were built for the Learning of the children who are handicapped mentally.

❖ Participation of Children in Decision Makings :-

Within the framework of publishing democracy and increasing the democratic awareness of children, there is a tendency to establish " The Qatari Parliament of Children ".

This project is proposed by the supreme Council for Family Affairs to be implemented with the Cooperation of the Ministry of Education. The Council is currently making field studies and researches through the students Councils at schools that the Qatari Children Parliament come into existence in the near future. This would take place in two years' time and it will be accompanied by the idea of publishing the culture of the child rights at schools through the studying curricula.

Trafficking in Children - a Global Crime without Global Justice

Kristina Touzenis

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Introduction

Not so very long ago during a conversation on children's rights that briefly touched upon the trafficking and prostitution of children and the prosecution of offenders, a person commenting on the Italian legislation that includes the extraterritorial effect for Italian citizens, said "does that mean that a German citizens who passes a red light in France can be fined in Belgium?" This was followed by a good deal of hearty laughter by most of those present. What was striking was that these men were "supposed to know better". Trafficking of human beings receive an increased attention in this period but until it is clear to everyone that this crime and the abuse that is linked to it, is global, but the punishment that should follow it is not, the subject has not received enough attention. Many prefer to pretend that trafficking is not going on, at least not in their backyard – but it is, and while one can understand that people choose not to think that children as we speak are being beaten, raped, gang-raped, tortured and corrupted by their traffickers before ending up as prostitutes, drug dealers, sex slaves, domestic slaves and sweatshop workers, the exact thing that is needed to end all this, is that people DO think about it, and DO realise that it is happening in their very own neighbourhood.

The original idea for this paper was to focus only on the trafficking, but it soon became clear that the purpose of the trafficking cannot be separated from the trafficking itself in an analysis of the abuse and neglect of children's rights. Children (and human beings in general) are being trafficked for a number of reasons – to become domestic slaves, sex slaves, bound servants, prostitutes, to work in sweatshops, as beggars treated as slaves. Here the focus will be mainly on children who end up in prostitution, but other aspects will be touched upon. Trafficking of children for commercial sexual exploitation is taking place all over the world – no country is immune. In the Mediterranean Region two problems present themselves: Europe (in this case Southern Europe, and in particular Italy and Greece) are receiving and transit countries where legislation, aid-networks, and political/police co-operation may help improve the situation. This will be one part of the paper – what is the actual legal framework for helping/preventing children from becoming victims of trafficking? In the Middle East and North Africa one encounters an additional problem: the subject of child abuse, including trafficking and the commercial sexual exploitation of children or CSEC, have been regarded as intimate matters concealed (or shielded) from the light of deep research and scrutiny. Here the first problem to be solved is how to bring attention to the subject without infringing religious and moral integrity. International Treaties on the subject and their implementation will receive special attention, throughout this analysis.

The definition of trafficking used in this paper is the one of the Palermo Protocol (found below).

Children's rights violated – looking at the root causes

Human trafficking is different from other forms of illegal business, tobacco goes up in smoke, drugs get used, weapons find themselves in the hands of the user, toxic waste gets dumped, but people as long as they are alive can be used and abused at every step of the trafficking game, they can be sold

and resold and they have a cash staying power if they are kept alive and trafficked¹, trafficking is a long term investment.

Money is to be gained by the traffickers and not by the victims, but this does not mean that money is not one of the prime motives for which the children fall victims in the first place. It may be that they are lured into the deal, believing that they are going to the West to make money in an honest and decent way, only to find that they have been trapped in a world from which there is no way out, repeatedly beaten, raped and threatened, with no documents, no family and often unable to speak or understand the language in the country of destination, they are totally at the mercy of their traffickers/buyers. They are told that going to the police will not help them since the police is involved – it may be true or it may not be true, but the children have no way of knowing and being totally dependent on their traffickers/pimps/exploiters they do not dare to find out. They have no access to health-care in cases of unwanted pregnancy or to contraceptives, this naturally further adds to their vulnerability and distress if they get sick or pregnant.² Nor indeed do they have any contact with persons who are not involved in their exploitation. Getting out is like winning the lottery and not much easier. Parents may actually encourage their children's migration as a form of subsistence for the entire family. Family expectations, a sense of duty and short-term survival strategies often hamper their integration, often minors drop out of school because they consider it much more urgent to earn money. However, in other less frequent cases, the situation is the opposite and the parents' main objective is to improve the children's chances of getting a better education and hence aspiring to a better future. So parents may even sell their children, believing that their children are either going to work legitimately and in a normal business or that they are going to be married to a wealthy man who will give them a decent life. It may also be that they are kidnapped or coerced into following their traffickers. But even if "combating economic causes" seems rather simple, it is not. It is not only hard to do but it is also very complicated since there may be many varieties of "economic causes". Many root causes, and many social components make up the beginning of the trafficking story. ; It may be because of natural disaster that the family has no money, it may be that the situation is difficult because of political instability, it may be simply long-lasting poverty. In addition to all that social and cultural attitudes towards children, especially girls make life easier for traffickers. One of the greatest sinners and the best cards in the hands of traffickers is however probably lack of education.³ Other than these factors the globalisation of the economy and the changes of the social and economic realities of society this has brought has contributed to the increase in trafficking during the last years.⁴ Many countries have experienced difficulty adapting to the free world market economy and this makes Europe especially very attractive to young potential immigrants, who see it presented by the media and the traffickers as the land of milk and honey⁵ and it has made the illegal market just as global as the legal one rendering trafficking practicable. In many countries the circulation of persons and the globalisation of the economy entail large-scale migratory movements, which favour trafficking. Often the collapse of basic public utilities, rural exodus, the break-up of families and the need to survive make children a profitable commodity⁶ – profitable for the traffickers in particular, but also for families even if they in many cases are unaware of the destiny their children are off to meet.

International Legislation

Trafficking in children is a violation of a number of articles of the CRC. It is a violation of the child's right to play art. 31, to education art. 28/29, to health art. 24, to family life art. 9 it is a violation of the right to be protected against exploitation (from economic exploitation art.32; and from sexual

exploitation art. 34), the child's right to life art.6.1, the right to survival and development art 6.2, the right to protection (from discrimination and punishment, art. 2.2, and from physical or mental violence, art.19.1 CRC), and the right to participation art.12.

The explicit protection against trafficking is found in art. 35: "*States Parties shall take all appropriate, national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form*". The article does not elaborate the terms but the words "for any purpose or in any form" suggest that it is to be interpreted broadly. The responsibility for taking measures to avoid trafficking is put clearly on the state which implies state responsibility if it does not succeed in prosecuting offenders, thus making the international obligation applicable at "trafficker-level".

Slavery is prohibited by the ICCPR art. 8 and is according to the Rome Statute art. 7 a crime against humanity and punishable in accordance with international law. Art. 7.2(c) of the Rome Statute defines trafficking as a component of slavery and thus a crime against humanity. The ICC statute defines "enslavement" as meaning "the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children" thus it explicitly recognises trafficking in persons as a "crime against humanity" – the problem arises when recognising that such crimes can only be prosecuted by the ICC when "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of that act" calling into mind that the ICC was born in the ambient of International Humanitarian Law. The "widespread" concept has been defined as "massive, frequent, large-scale action carried out collectively with considerable seriousness and directed against a multiplicity of victims"⁷ Systematic was defined as "thoroughly organised and following a regular pattern on the basis of a common policy involving substantial public or private resources". To qualify as a crime against humanity an act must meet one of the two standards: thoroughly organised or directed towards a substantial number of victims. An individual may be prosecuted for a crime against humanity if his act was of an organised nature or committed against a number of victims.⁸ Offenders not falling within these standards will be prosecuted in accordance with national law and international instruments enforced by national legislation. It is however a problem that some offenders may escape these definitions because the crime is not then a "crime against humanity" according to the ICC. If we really want to fight these people we need to arrive at a point where they can be prosecuted wherever they may be caught, in accordance with the basic rules on crimes against humanity found in International Humanitarian Law.

The UN Convention against Trans-national Organised Crime establishes a base for an international legal regime to fight crime including trafficking in children. In particular, Article 24 of the Convention addresses the protection of witnesses⁹ and Article 25 of the Convention covers assistance to and protection of victims.¹⁰ This however would be next to nothing if it stood alone, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, called the Palermo Protocol supplementing the UN Convention against Trans-national Organised Crime contains the most comprehensive legal definition of 'human trafficking' under international law¹¹. The definition of trafficking is found in art. 3:

a. 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery.

b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant when any of the means set forth in subparagraph (a) has been used.

c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in Paragraph (a) of this article"

Child shall mean any person under eighteen years of age.

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As can be seen paragraph c includes special protection for children. The Protocol contains an important distinction between "smuggling" and "trafficking" that can be very useful when remembering that smuggling of migrants and trafficking in human beings are two different things that should be challenged in different ways. It also contains the extremely important provision that children never can consent to be trafficked – adults have to show that their consent occurred by reason of threat, force, abduction, deception or abuse of power, in order to be considered victims and not illegal immigrants, but in relation to children any consent will be irrelevant no matter how it was obtained.

It is true that the protocol and the Convention against Trans-national Organised Crime offer a tool to punish traffickers. But it is also true that without enforcement by state parties and focus on victims (as the protocol rightly urges) victims remain at risk. Art. 8.6 of the Protocol calls on state parties to establish policies, programmes and other measures to prevent and combat trafficking and to protect victims – especially women and children from re-victimisation. It also stresses the need to address the root causes of trafficking such as poverty, underdevelopment and lack of equal opportunities and states are asked to dissuade the demand that fosters trafficking and exploitation by way of education, and social and cultural measures (art. 9.5).

Obviously when discussing trafficking in children this Protocol with the Second Optional Protocol to the CRC on the sale of children, child prostitution and child pornography are the most significant international instruments. The CRC Second Protocol has been ratified by 50 states and has entered into force as part of the CRC for these. It helps clarify art. 35 of the CRC in its Art. 2, the protocol defines the sale of children as "... any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration." A very important article in this Protocol is Art. 3 that provides that States Parties shall ensure the definition of the following acts as a crime, irrespective of whether they are committed domestically or trans-nationally, on an individual or organised basis: *Offering, delivering or accepting, by whatever means, a child for the purpose of Sexual exploitation of the child; Transfer of organs of the child for profit; Engagement of the child in forced labour.* Thereby the CRC Protocol extends jurisdiction over adults involved in the "sale" of children and it strengthens existing CRC provisions regarding the sexual exploitation of minors. The protocol does not refer directly to child *trafficking* but as can be seen many forms of trafficking fit into the definition of "sale of children", and it must be borne in mind that very often the purpose for which children are sold coincide with the purpose for which they are trafficked thus falling within the scope of art. 2. Again States have to undertake all efforts to prevent or eliminate child trafficking on the basis of the CRC, and they can be held accountable for not doing so¹². These two protocols can be used together as guidelines for what national legislation should be, and they can be used to hold states accountable for failures to enforce legislation against trafficking.

EU, France, Greece and Italy – briefly

Most legislation against trafficking is enacted as part of the penal code rather than as a separate comprehensive act, and within this context trafficking is prohibited mainly as a prostitution-related activ-

ity¹³ or in connection with illegal immigration. It is necessary to enact legislation against trafficking not only as criminal law but also as a combination between this and acts protecting women and children, so that the shift from treating trafficked persons as criminal as to treating them as victims¹⁴ can be combined with more effective enforcement of the punitive part directed towards the traffickers. Obviously the basic rights violated when a child is trafficked are found in the European Convention on Human Rights: the right to life art. 2, prohibition of torture, inhumane or degrading treatment, art 3, prohibition of slavery and forced labour in art. 4, and the right to education art. 2 of the 1st protocol. Besides these fundamental rights the European Union adopted a Joint action in 1997 – amended in 2002 – to combat trafficking in human beings and the sexual exploitation of children (Joint action 97/154/JHA). This requires that Member States ensure that trafficking and sexual exploitation are classified as criminal offences in national legislation and that the offenders are punished by *effective, proportionate and dissuasive criminal penalties*¹⁵. It further requires that each Member State takes the measures necessary to ensure appropriate *protection* for witnesses and appropriate *assistance* for victims and their families¹⁶. It also mentions that Member States must take the necessary measures to ensure that immigration, social security and tax authorities give special attention to the problems concerning trafficking in human beings and the sexual exploitation of children and co-operate with the authorities responsible for investigating and punishing offences. The Joint action thus recognises the need for a multi-disciplinary approach in order to combat trafficking. The Council Framework Decision from 2002 has as its objective to approximate the laws and regulations of Member States in the area of police and judicial co-operation in matters relating to trafficking and it emphasises the importance of criminalising trafficking and providing appropriate penalties and assistance to victims as foreseen by the Joint Action. This should be enforced by August 2004. The Joint Action is important because it requires Member States to (actually) enforce the legislation necessary to punish traffickers and protect victims. It is especially significant because it lays emphasis on the enforcement of the laws and adequate punishment of the offenders.

In addition the EU Council has adopted a resolution on finding missing or sexually exploited children (2001/C 283/1) that may be useful, not so much when fighting traffickers but when rescuing the victims. It is particularly relevant because it encourages co-operation between authorities and civil society (art. 2), thus emphasising the necessity of not only having state agencies such as law enforcement or social agencies fighting to help victims, but to take into consideration the experiences of NGOs and private organisations that may have a different approach to finding children and may sometimes have more success in accessing them. Further the Council has proposed a directive on short term residency for victims of trafficking or actions to facilitate illegal immigration. This directive has one major weakness. Whether or not the permit will be issued is entirely dependent upon the victims' willingness *and* capacity to be a useful witness (art. 10). This is not sufficient because it does not focus on protecting and helping the victim but on prosecuting the offender without taking into consideration that even if this is vital, the victim's needs cannot be set aside to accomplish it. A positive aspect is that the directive provides that States should allow victims to work (children to study) and should provide medical and psychological care.

In 2002 France approved a law against trafficking, adopting a definition that equals the one in the Palermo Protocol art. 3(a), but there is no explicit emphasis on the special gravity of the trafficking of children. However the sentence is raised when the trafficking involved persons who are specially vulnerable – also due to their age (raised from six to ten years). Further the law 2002-305 of 4th March 2002 relating to parental authority includes the prohibition of prostitution of minors (under 18) art 13, it recognises that a minor who prostitutes him/herself, even occasionally, is in danger and requires legal protection in the framework of educational care and welfare. It also establishes the

penalty of customers of a minor under eighteen.¹⁷ France's Code Penal has extraterritorial effect and having sex with a minor is a violation even if it happens in a country where sex with a minor is legal. Italy ratified the CRC second Optional Protocol on the 9th of May 2002. Trafficking was defined in Art. 2 of the Legislative Decree 113/99 as a new criminal market consisting of the recruitment, unlawful transfer and later introduction mainly for profit, of one or more individuals from the territory of one State to another, or within the same State (...) Such transfer may be followed by activities aimed at the sexual or economic exploitation of the migrants, brought about through force, fear or fraud. This activity is then divided into "smuggling" and "trafficking", with different law enforcement organs and different rules to deal with the problems.¹⁸ An important law regarding sexual exploitation and "new forms of enslavement" is law 269/98¹⁹ (which was welcomed by the Committee on the Rights of the Child in its report of March 2003). With specific regard to trafficking it provides that the punishment may go from six up to 20 years, art. 9 (amendment to the then existing art. 601 of the Penal Code on trafficking and commerce of slaves). A very important provision is art. 10 on offences committed abroad by an Italian citizen or against an Italian citizen, or by a foreign citizen against an Italian citizen. As with the French law, this article establishes extraterritoriality, but not only for sexual abuse, but also for trafficking. Other countries should follow this example and include extraterritoriality in their legislation on the subject – and enforce it (as underlined by the Committee of the Rights of the Child in its report where it following its appreciation of the 269/98 underlines the necessity of strengthening efforts to prevent and combat trafficking and to monitor the implementation of the law, including an adequate allocation of both financial and human resources). The Penal Code has recently been further improved when it comes to fighting trafficking. In August 2003 the law on "measurements against the trafficking in persons", 228/2003, amended existing articles 600, 601 and 602 (on enslavement, trafficking and commerce and acquiring of slaves) the definition of enslavement is now in accordance with the one used in the Palermo Protocol art. 3(a). An important point is that the sentence will be raised by one third to 50% if the offence harms minors or if it regards prostitution or organ "donations". This is a very important sign and a useful weapon when offenders are brought to justice. Art. 601 has been amplified to include the definition found in art. 600 (analogue to art. 3(a) in the Palermo Prot.) and thus makes it very explicit that trafficking persons by means of threat or coercion or fraud mentioned in the previous article or trafficking persons already in a situation of enslavement or trafficking persons with the scope of exploiting them as described in art. 600 (which includes other forms of labour and not only prostitution) is punishable and looked upon very severely. The article is extremely important because it makes it so crystal clear that trafficking and enslavement are joined and cannot be separated, it also constitutes a very potent weapon indeed when traffickers are prosecuted. The minimum sentence has been raised from 6 to 8 years and the sentence is even heavier if minors are involved. Art. 602 is a safety net, it considers every case that falls outside the definition of art. 601 but where someone buys or sells a person who finds him/herself in a situation described in art. 600, the sentence is still 8 to twenty years. As can be seen the Italian legislation on this subject is extremely developed and potent. It is indeed a useful instrument against traffickers and should be copied by all receiving countries. When law enforcement works in these cases, the traffickers have little hope. When law enforcement works.

An important provision for victims of trafficking is art. 18 of the Immigration law 286/98. This provides a renewable six-months permit to stay for victims of severe exploitation who are seen to be in danger after they have escaped from their exploiters.²⁰ When granted the Article 18 permit, one is obliged to take part in a social assistance and reintegration programme offered by various local NGOs and community projects. Art. 18 is the only article in European law that permits the victim to

stay independent on the willingness to testify against the traffickers, however the actual enforcement of the article lacks its high quality – only about 20-30% of the permits to stay are given to people only on the base of participation in a social programme and victims are encouraged to testify in order to facilitate their obtaining the permit.²¹ This is a classical example that even when the legislation is of a high level nothing is really obtained unless the enforcement is at a sufficiently high level too. Further there is a problem when migration laws getting involved in trafficking cases; when unaccompanied minors enter Italy illegally they are asked to leave the country within 15 days, after which they may be deported, art. 13 286/98. There is no legal obligation that the police should inform these minors of art. 18 – even if they may have been trafficked, and are thus victims, not illegal immigrants. The 228/2003 on trafficking of persons has provided for a special fund to be set apart for measures against trafficking, and this includes assistance programmes to help victims to be integrated and social protection as provided in art. 18 of the immigration law. Art. 13 of the law guarantees a special programme of assistance that ensures temporary adequate housing and medical attention. The Italian protection of trafficked and sexually exploited persons is a step in the right direction, especially with the improvements of August 2003, respecting many fundamental principles, but art. 18 of the immigration law still leaves some wishes unfulfilled. It is especially important that assistance to child victims is not conditional on the child's willingness to act as a witness, as recommended by UNICEF²²

Laws on trafficking and victim protection may be of high quality, the enforcement may even be so too, but if migration laws remain inflexible and immigration remains almost impossible, the fight against trafficking cannot be won.

The South of the Mediterranean – in brief

The situation in the MENA area is different from that of Southern Europe in more than one sense. It is true that the overall Shari'a lay a different basis for combating trafficking – it is however not true that just because Shari'a does not contain provisions against the trafficking and exploitation of children, or against sexual intercourse with minors, it is not included in the general spirit and message of the Prophet that children are to be protected. Numerous scholars today advocate that Shari'a and Human Rights are completely compatible and as such protection of children is not outside the scope of Islamic law. It has to be remembered that the original Shari'a dates back to the 7th century where it was actually very common in Europe to be married when you were about 12... so a lack of verses prohibiting sexual intercourse with a minor is not a sign that the Shari'a cannot be used to fight trafficking. What needs to be used is analogy and common sense when deducting from the eternal message of the Prophet that children are to be loved and protected

The application by the state of the Shari'a may in some cases prove an obstacle to combating trafficking because women and children who have been subject to forced prostitution fear that they will be punished for committing the crime of zina – sexual relationship outside the context of marriage. This however is contrary to the Quranic legislation stating that if a women (by analogy also a child – analogy being a recognised source of law) is compelled to prostitute herself she should not be punished (Quran, verse 24:33). It is necessary to underline also that according to Shari'a these are victims that should be protected – not punished.

The MENA poses different problems because of different customs; where prostitution and pornography is the main threat to children subject to commercial sexual exploitation in Europe it has been shown that children in this region are more subject to intra-familial violence and sexual abuse, genital mutilation of girls, premature marriage of girls and conscription of child soldiers.²³ It is however very difficult to say with certainty what the exact extent of exploitation is. CSEC is not easy to

obtain information on – even less easy than in Europe – because it touches on two very delicate matters – sex and religion. It is quite sure that child pornography and prostitution are quite limited in the Middle East and North Africa due to very strict punishments linked to these crimes²⁴. If children fall victim to these crimes it is because they fall outside the legal framework, such as migrant workers not protected by the law – here the link with trafficking becomes visible again – or because they do not receive the legal protection they are entitled to because of their defenceless position e.g. native street-children or domestic workers.²⁵ Again one sees that it is the already vulnerable who are subject to exploitation. There should be no hindrance in adopting laws in the spirit of the Palermo Protocol (signed but not ratified by many). The difficulty facing effective implementation is perhaps the fact that it is difficult to affront the problem, it being a very sensitive issue. It must be remembered that even if sex is considered a very private matter (which it is to most Europeans too) the offence of exploiting children has nothing to do with the private sphere, and even if the vast majority of a population lives according to the spirit of the Shari'a some individuals may not. These individuals deserve to be punished just as a common thief is – or actually not as a common thief – but much, much more. Protecting children is not going against the Shari'a and neither is investigation of to what extent exploitation is taking place in order to provide adequate protection. The national law in many of the MENA countries reflects this attitude. In most cases (Bahrain, Kuwait, Morocco, Lebanon) a specific law against trafficking does not exist, but there are laws against slavery, forced labour, coercion, rape, assault, kidnapping, prostitution, pandering and the exploitation of prostitution by means of coercion or fraud. These laws may amount to effective remedies against trafficking, however to protect victims of trafficking, it would be preferable to have a separate act to prevent victims being treated as criminals because they have broken the law regarding immigration or prostitution. Other states have specific legislation against trafficking: Qatar, and the United Arab Emirates. These countries are also rather up front when it comes to protecting victims who are not jailed or prosecuted but provided with assistance and counselling Algeria, Tunisia and Egypt constitute cases apart because there is a real difficulty in distinguishing smuggling from trafficking. However focus on combating trafficking is rising. As can be seen the legislation to fight trafficking is altogether not lacking even if it may be considered a sensitive issue, but this needs to be followed up by active enforcement, investigation and help to the victims. In all these states it may be somewhat safe to affirm that it is not so much lack of legislation, even if it would be opportune to improve this with specific trafficking acts – but of enforcement and investigation that is the problem – like in Europe.

Combating causes and criminals

As mentioned above, trafficking of children is a violation of a number of the rights guaranteed by the CRC.

It is also a violation of rights guaranteed by other instruments such as the right not to be tortured CAT art 1, ICCPR art. 7 and the protection against ill treatment found in CAT art 16, ICCPR art. 7 and 16. In some cases it becomes a violation of the right to life protected by the ICCPS art. 6. Traffickers thus violate a number of international instruments, but the problem is that these articles of the CAT and the ICCPR are not considered to apply directly to individual civilians. This does not mean that the offenders should go unpunished however, it means that the state parties are responsible for not preventing them from going about their trade and especially for not punishing them, in that sense their punishment is provided for indirectly by the international instruments, but if the states do not

carry out their duty to prosecute, justice is far away. That is exactly why national legislation and enforcement need to receive special attention when trying to find ways to combat trafficking and the abuse/exploitation of children. It is in this context, it is important that victims are provided with information regarding their rights to initiate civil proceedings against their traffickers and others who have been involved in their exploitation.²⁶ It is essential that law enforcement when it reaches the stage of trial takes into consideration the particular vulnerability of the child victim and thus provides that direct contact between the child and offenders is avoided to the largest possible extent and that the child is given some time to recover before the trial. This last point carries with it the obligation of the destination state to ensure long-term care and protection to the child. The child must be ensured a safe and stable environment that takes into consideration its special needs, and should aim at placing the child in family care with appropriate possibilities for creating a future.

A recommendation from the Council of Europe, Committee of Ministers from 2000 (R 11) recognises the fact that combating trafficking is not only a question of police actions along borders and coastlines or in red-light zones. It includes education in schools as an important tool when fighting trafficking, and recommends that sex education in schools has to include a focus on equality between women and men and the respect for human rights and individual dignity. Further, it should include information on the risks of trafficking and sexual exploitation and in that way raise awareness among young people about what they may face and how to protect themselves. The whole curricula should include a gender dimension so that boys and girls are not brought up with damaging stereotypes²⁷. This is definitely an important element in preventing trafficking and abuse, it is however necessary to recognise that many victims come from outside the EU and therefore the education of children from the Member States will only have a limited (however important) effect. This is considered when the Recommendation recognises that long-term action is needed and that the Member States have an obligation to combat the root causes helping to eliminate the huge economic inequalities between countries and focus on improving the social and economic status of women²⁸. This may be included in co-operation programmes (bi- or multilateral) between Member States and third countries and it may be included in aid programmes that should pay special attention to human rights and prevention of violations of these. It also recommends that Member States take into consideration the need to improve women's condition in their economic, social and migration policies and disseminate information on the possibilities of legal migration so women are aware of how to obtain residence permits and visas.²⁹ This would make women less easy prey for traffickers because they would know that migration is possible without the "help" of criminals. Even if this recommendation focuses on sexual exploitation and thus on women its recommendations are valid for trafficking in general. Education and information can possibly – in the long run – do more to combat trafficking than many laws and police forces, so can programmes destined to combat inequality and women's and children's inferior status.

Most countries focus on combating prostitution and illegal immigration (the face trafficking and CSEC often have in public discourse even if it is a very distorted representation of reality) and they do so by punishing the prostitutes and immigrants, that is in this case children who have been at the mercy of brutal traffickers, who have been abused and even tortured and are physically as well as mentally destroyed. Very often these children are sent home without having the possibility of obtaining justice – rather it is seen as justice that they are expelled since they were illegally in the country and sustained themselves by illegal activity. Their pimps/traffickers/torturers/rapists go free. Further they are sent back to an unknown and very insecure future. It is not that uncommon that trafficked sexually exploited children upon return suffer condemnation by their families and community and discrimination on the part of public institutions such as being denied access to school and being fined

by local police for migrant law offences.³⁰ In addition to this, children who have been subject to that kind of abuse naturally need someone qualified to talk to, someone they can trust, upon return they find themselves completely alone – yet again. Consequently repatriation is not a measure to be used as punishment or as a means to combat trafficking. It punishes the victims and has no effect on the criminal networks soliciting the services. It needs to be supported by programmes of support and rehabilitation not only in the country of origin but also in that of destination and transition, and in case such programmes do not exist in countries of origin, whether or not the child should be repatriated – preferably not – should be considered carefully

The Palermo protocol has dealt with this in its second section and calls upon States to protect the identity and privacy of victims of trafficking, whose views and concerns should be heard in relevant court and administrative proceedings. This is extremely important because it provides a basis for prosecuting and bringing to justice the perpetrators and focuses on avoiding re-victimisation of the victims. Furthermore, States should consider implementing measures to provide for the physical, psychological and social recovery of victims. The needs of children and the age, gender and special needs of victims of trafficking should be taken into account in this regard. In order to avoid automatic repatriation, the receiving State is requested to consider measures to allow for the victim to remain in its territory, temporarily or permanently (Art. 7). A point that needs to be stressed is that the Protocol in its art. 6.3 requires that states consider implementing measures to provide for the *“physical, psychological and social recovery of victims of trafficking in persons (...) in particular the provision of: (a) Appropriate housing, (b) Counselling and information, in particular as regards their legal rights (...) (c) medical, psychological and material assistance; and (d) employment, education and training opportunities.* This provision is of utmost importance because it underlines that trafficked persons are to be protected and sheltered – not treated like criminals.

As seen international legislation is rather comprehensive in this field. When proceeding in the fight against trafficking it is not more sanctions that are needed, but improvements in enforcing rules that already exist., As recognised already in 1996 by the UN General Assembly by Resolution 1996/26³¹ paragraph 4 where governments “are invited to adopt the necessary measures (...) to ensure that all persons involved in illicit trafficking in children are subject to prosecution in a manner commensurate with the seriousness of the crime”. It is enforcement we need to strengthen at this point, not the international legislation itself. However some countries also need to make sure that their national laws are in conformity and do not fall behind international instruments.

Conclusion

This paper is only a drop in the sea when it comes to fighting trafficking, it had to be severely restrained not to exceed the quantitative limit set for it, however it is my hope that it may be futile as a comment in the debate.

Having a rather a legal approach this paper has treated a very real problem in quite a theoretical way. This does not mean that we should only focus on conventions, protocols and articles when we talk about trafficking and the abuse of children, it means that we should think about the children and think very seriously about what happens to them in this very instant. They are not sitting comfortably discussing this or that form of legislation or implementation, they are being beaten, raped, forced to receive clients (who demand sex) from early morning to late night, they are being tortured psychologically and physically. Their present is hell and they may be without any future. It is our responsibility to think about *them* when we discuss letters on paper – and it is up to us to make those letters work so those children will receive help and regain their future or, better still, not be trafficked or exploited in the first place!

We need a human rights approach to combat child trafficking, because not going beyond the criminal justice approach means neglecting that this is a crime where victims have their rights violated in the most horrible way. Even if better police control can be important, the rights of child victims need to be protected at all times, not only when trying to prevent trafficking but also when it has taken place. Up until now stricter immigration policies has been nothing but a blunder and made children more vulnerable to trafficking, because the strict migration policy combined with the lack of opportunities in the home country makes these children even more dependent on – and thus vulnerable to – traffickers. Moreover this focus on migration and the restrictive laws relating to it has robbed them these persons of their rights to be treated as victims when they have been “rescued” from their traffickers. International legal instruments related to the protection of children’s rights should complement the criminal justice approach laid down in the Palermo Protocol, and the provisions in this protocol regarding the rights of the victims must be emphasised. It is particularly important that evidence of deception, force or coercion should not form part of the definition of trafficking when children are involved and that it is recognised that children who cannot be safely repatriated may be granted permission to remain in their destination country, with appropriate care and treatment. It is likewise significant to remember that children can never legally consent to be trafficked or be exploited.

In national as well as international legislation the causes of vulnerability of women and children have to be addressed in parallel with the enforcement of criminal acts punishing the offenders. Poverty, education, especially for girls, unemployment, gender discrimination and the creation of non exploitative economic alternatives, ethnic discrimination, racism and other forms of social exclusion that make particular groups of children vulnerable must be addressed just as the traffickers must be dealt with. It is indispensable to remember that women are the foremost caretakers of children thus, empowering women is a first step towards rendering children less vulnerable to traffickers.

Another front where we need to make substantial efforts is in prosecuting traffickers. This crime is being carried out throughout the whole world, we need to make sure that justice reaches the whole world too. The extraterritorial effect of the CRC second Protocol and the Italian and French legislation is a powerful arm for combating trafficking and the exploitation of children – we need to be courageous enough to use this arm, because traffickers have no scruples, we are playing into their hands when we don’t even use the methods we have at our disposal. While we hesitate, they continue to kidnap, sell and rape. French and Italian legislation (the last one being the most extensive since it does not only regard sexual exploitation but also trafficking) is an important step that all countries should take – and enforce. The next would be to recognise trafficking as a crime against humanity – as e.g. genocide in accordance with the Geneva Conventions – so that offenders may be prosecuted by *any* national court, whatever their nationality, wherever they committed their crime. It is not very likely that this principle will be enforced in the near future– the precedence given by the Geneva Conventions from 1948 shows that the international community is reluctant to use this weapon. As long as it is, traffickers have their business facilitated.

These children are totally alone in the world. They do not have a voice and they do not have a face. We need to give them that. We need to remember how it was waking up in the dark calling for our mother and we need to remember how it felt if she didn’t respond instantly. Then we need to imagine that instant prolonged ad infinitum because our mother is not there – no one is there except people who hurt us in the most terrible way every day. And we need to imagine what it must be like knowing that the day they will stop hurting us never comes. We need to feel that desperation, we need to know that crying doesn’t help, we need to know that being all alone in dark and feeling lost to the world is not only a feeling it is true (a reality for thousands of children around the world.). When we feel that, perhaps we are ready to wake up and help.

- 1 www.helpsavekids.org/scope2.html Christine Dolan
- 2 From Acknowledgement to Action p. 16
- 3 The World of Work
- 4 Review of initiatives to combat trafficking by members of the Save the Children Alliance p. 10
- 5 see Unaccompanied Minors p. 9
- 6 Terres des Hommes –Greece p. 6
- 7 Criminal Tribune for Rwanda, Prosecutor v. Akayesu, Judgements ICTR-96-4-T from Sep. 1998
- 8 Mattar July 9, 2002
- 9 *“Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation of witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them. (...)4. The provisions of this article shall also apply to victims insofar as they are witnesses.”*
- 10 *“1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.(...) “*
- 11 Review of initiatives to combat trafficking... p. 11
- 12 The monitoring body is the Committee on the Rights of the Child.
- 13 The need for a comprehensive and effective anti-trafficking legislation
- 14 The need for a comprehensive and effective anti-trafficking legislation
- 15 Joint Action art. 2
- 16 Joint Action art. 6
- 17 Unaccompanied Minors p.31
- 18 Unaccompanied Minors p. 55
- 19 “Norme contro lo sfruttimento della prostituzione, della pornografia, del turismo sessuale in danno di minori, quali nuove forme di riduzione in schiavitù”
- 20 Redefining p 145
- 21 Redefining p. 150
- 22 UNICEF guidelines
- 23 First Arab African Forum to discuss sexual exploitation of children
- 24 ECPAT newsletter 34/2001 North Africa and the Middle East
- 25 ECPAT newsletter 34/2001 North Africa and the Middle East
- 26 UNICEF guidelines
- 27 Recommendation R11 2000 paragraph 16-18
- 28 Recommendation R11 2000 paragraph 23
- 29 ibid. paragraph 24-25
- 30 From Acknowledgement to Action p. 16
- 31 Economic and Social Council 1996/26 “Measures to Prevent illicit international trafficking in children and to establish penalties appropriate to such offences”

Violence: the silent determinant of child labor

E12

WORKSHOP XII

Abstract

An ethnographic study, which aims to explore determinants of child labor in two low-income urban communities in Beirut, reveals that violence against children at home and at school is a recurring theme in the data collected. The analysis of interviews with working children and their parents in their homes and the children's work places, presents an inside understanding of the conditions they are living in and an explanation of reasons why children go to work. Findings reveal that contrary to the importance that is placed on family and school for children's well-being in public discourse and the literature, certain home and school environments may not be favorable for their development. This paper attempts to highlight the conditions of these environments that play a role in children's leaving school and starting work at a young age. It also points to further research and policy implications useful for curtailing child labor in Lebanon.

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