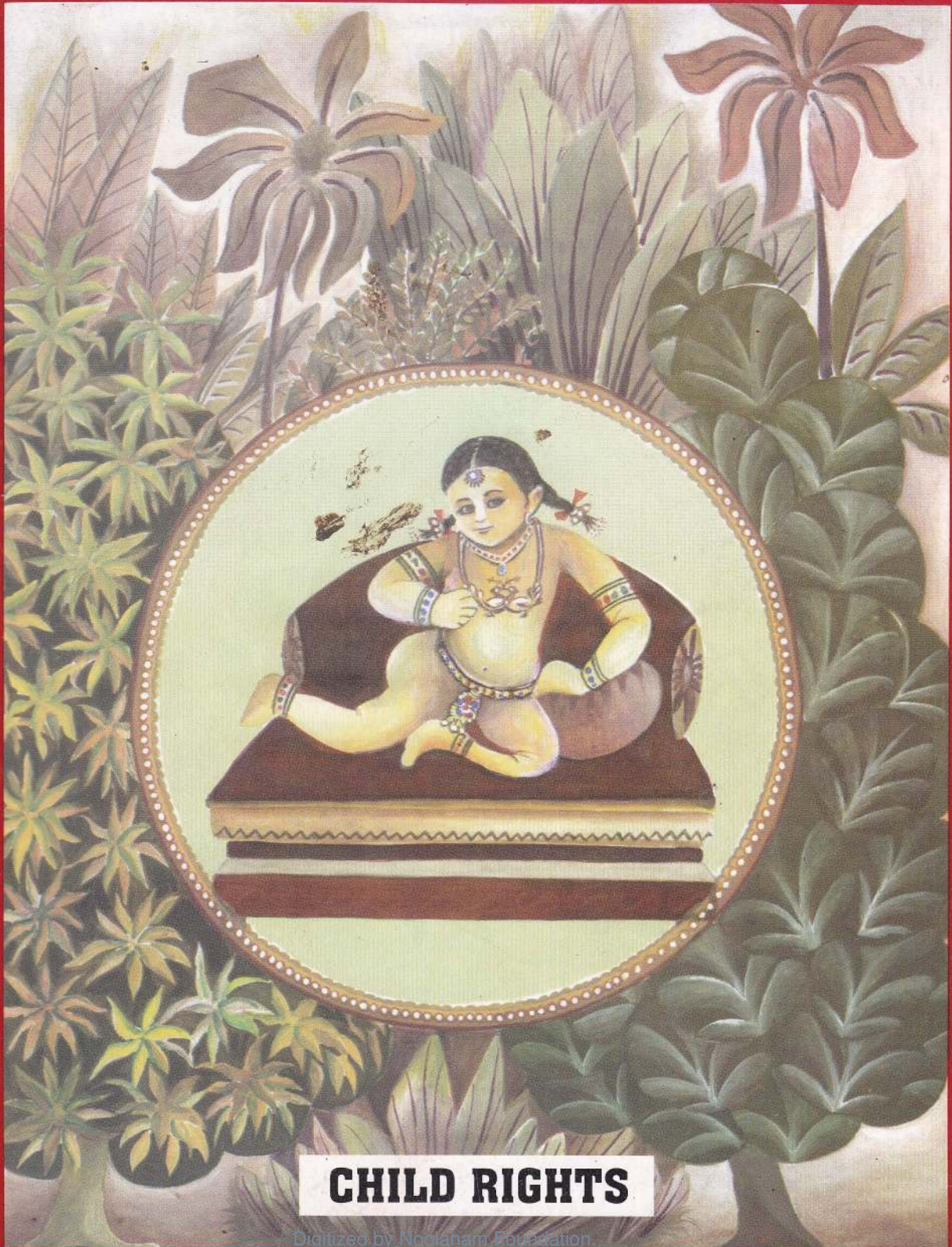




*A Sri Lankan Journal for Women's Liberation*

# Voice of Women

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## Contents

01.	Sexual Exploitation And The Rights of The Child	2
02.	Children's rights and Literature	5
03.	Anoma	8
04.	Child Health	10
05.	Do Poor Children Have Rights?	13
06.	The Child	15
07.	A Minimum Age of Marriage For Muslim Girls	17
08.	Requiem For Anna	20
09.	Appendix	21

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## The Editorial

Children are dependents in a fast moving, working, managing, adult world. They can be denied the right to life as it happens sometimes in the adult world. They can be denied food, clothing, education, shelter, parental nurturing and care. They can be sold into slavery and prostitution. Civilized adult world protects, feeds, looks after their children and when needed other children too. We have some children's homes and facilities for the abandoned street children. Nevertheless children are betrayed in the adult world. The legal system safeguards their rights provided the cases are brought before it. The child can not do anything to safeguard its rights and claim legal protection.

The UN opened its eyes to the sad plight of our dependent child years ago. Yet the existing commercial adult world exploits the child's inability to defend itself and the right to live a normal life.

This issue of Child Rights examines some aspects of denial of child rights in the contributions made by experienced and knowledgeable women in their area of work . The adult world forgets very quickly when it sights opportunities to satisfy their physical needs and comforts, that every adult began life as a child.

**Eva Ranaweera**

# SEXUAL EXPLOITATION AND THE RIGHTS OF THE CHILD

**Maureen Seneviratne**

An unique development in the area of Human Rights took place in 1989 when the United Nations Convention on the Rights of the Child came into force as a binding international treaty which concretizes the rights vested in children. This remarkable and human document imposing on States-Signatories the duty of addressing issues of survival, development, protection and participation of children in civil society was launched upon the world in 1990 after a record number of its leaders met at the World Summit held in New York and adopted the World Declaration on the Survival, Protection and Development of Children and the Plan of Action agreed upon for implementing it. The Plan of Action is binding upon State-Signatories of they have signed and ratified the Treaty. Sri Lanka attested and ratified the Convention in July 1991.

The Convention consists of 54 articles. Some 40 articles deal with substantive rights, while the rest concern mainly procedural matters to facilitate monitoring of the substantive rights. These are the minimum rights which States Parties undertake to guarantee for children without discrimination. For all purposes, the "best interests" of the child are recognized as a primary consideration.

The Rights include civil, political, economic, social and cultural rights, exemplified by such provisions as those on the right to life, the prohibition against torture, freedom of thought and religion, the right to acquire a nationality, the right to education, the right to health and the right to social security. Significantly, the convention highlights the concerns of special groups of children, including

those abused, exploited and neglected. There is a particular call to deal with the plight of such children in difficulties by according them more effective protection. These groups include sexually exploited children, child workers, handicapped children, refugee children, orphans, minority and indigenous children, children in detention and child soldiers.

More specifically on sexual exploitation, the following article of the Convention are most pertinent :

## Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

## Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent :

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

#### Article 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.

Sexual exploitation of children is undeniably a breach of human rights. The problem affects both developing and developed countries, although the extent can vary. It is often only marginally visible and hence some people deny its criminal presence in our midst. It is very much a "product" of the underworld and shielded by its cloak of fear and terror.

Anyone who works in the area of prevention, suppression, in attempts to arrest and end this scourge, is aware of the grim facts and faces grave danger as sexual exploitation of children is an ugly form of modern slavery. A multitude of children in Sri Lanka and globally are caught in this web of sexual bondage, used and abused mercilessly - and discarded. The vicious cycle in which they are trapped is aggravated by the perverted demands of some who think they are modern and yet perpetuate the worst vestiges of the past.

Contrary to popular belief it is not poverty that is the major cause; it is not poverty per se that leads to their exploitation even among the poorest of poor communities. Demand plays a vital role and in the grip of mafias and criminal syndicates find victims among the needy poor. Lack of education facilities for children, broken homes, displaced families, civil war and social breakdown, lack of family support system of yore, materialism, unwarranted



consumerism, lack of spiritual values are all causes. The rights of a child in this respect may be violated simply because the child is seen as an object, as a factor of production, as an economic investment for adult gain rather than as an entity with substantive rights and inherent dignity. Age old discrimination of women contributes to the exploitation of girl-children who may be given fewer opportunities for education and pushed into prostitution.

NILUKA was only eleven years old when she was bought by the pimp of a criminal gang of child traffickers and brought to Hikkaduwa from a remote Kandyan village. From the start she was used as a "sex worker" to serve the demand of German sex tourists visiting a particular "safe house" in a Southern beach resort. The child was boarded with a woman member of the gang. She "worked" every day and was paid in kind; her meals, her skimpy clothes, the meagre shelter over her head at night. She must have lasted two years in this "business". Child activists informed the Police, but no action was taken "without proof". Proof cannot be obtained in a cover-up criminal business like this.

However it is interesting to know that three years after the child's death one of the leaders of the gang was arrested and charged for trafficking a 13-year-old boy for sex work.

In Sri Lanka boys are more in demand by homosexually inclined males, both local and foreign. Boys because they are "safer", uninfected by the HIV / AIDS virus.

NUWAN was 14 years old and lived in a fishing village on the South Coast. He was a comely child, fair of skin with brown hair. A German paedophile was attracted to him and abused him grossly. After several complaints had been made by neighbours the German man was arrested and brought to trial. He received his due punishment in due course but the effect of the abuse and the subsequent appearance to give evidence in Court led to deep trauma and the disruption of the child's life when his stepmother refused to have him back in her home.

After considerable search by child activists Nuwan was removed from that village to the deep south where relatives took charge of the lad.

Since the signing and ratifying of the Convention of the UN Agencies, several child-centered and focused NGOs and the Government itself have contributed to the implementation of the Rights of the Child in several areas, including the means to prevent sexual exploitation of children, trafficking, pornography etc. One of the most important was the Amendments to the Penal Code brought into Parliament in October 1995 and passed unanimously. Protection of children from abuse was also enhanced with the establishment of the Police Women's and Children's Bureau in Colombo (phone 444444) and the Special Desks in Several Police Stations Island-wide to register complaints, conduct investigations and fight cases. A similar Desk has been set up in the Attorney General's Department. Child Abuse Cases are taken up in the High Courts, doing away with preliminary investigation in the Magistrates' Courts, thus ensuring less delays and a more child-friendly attitude.

The convention has certainly altered mind sets and initiated attention on all aspects of children's rights to be provided, protected and given every opportunity to participate in socio-cultural life in their country, in the world. In an age where human rights are grossly violated, in spite of the focus globally on "Human Rights" for all, there are however growing dangers and children face new and terrifying monsters like Internet porn and trafficking through the Net. The electronic media itself is a sinister threat to the welfare of children and a wholesome environment for them is under siege. But, undeniably, the Convention is a great step forward in modern history to keep not only their parents responsible for offspring but to catalyze the very State, all relevant States Parties to undertake in a very personal and forthright way the provision, protection and development of all children.

# Children's Rights and *Literature*

**Dinali Fernando**

Sri Lankan writers in English have often been sensitive to social issues, a collective trait that in the last few decades has produced creative expression of varying effectiveness. Though it is the current global book industry that craves for horror from the East, some Sri Lankan writers have always been sensitive to certain issues in a very specific local context. The state of children as they view it is one of them.

In modern Sri Lankan writing, Carl Muller is perhaps the most celebrated writer of child's rights in his portrayals of children in his teeming trilogy: The child-characters in the three novels, the autobiographical Carloboy as well as many other children. As much as his writing is reviled, it is the first time that any Sri Lankan writing in English has delved so deep and so passionately into the world of children. In *The Jam Fruit Tree* et al, the heroism of children are of the tragic kind - they are grim portrayals that depict them as victims of all sorts of abuse, often committed in the warmth and safety of their own homes.

This controversial author drags these oft ignored crimes out into the open, whipping them mercilessly while holding them almost too close to the light so that no reader is left in doubt as to their terribleness. But as his detractors point out, his style, that of overkill, tends to lose its punch. Perhaps the more successful writers are the ones who do not try to take on so much, so obviously.

Like in the more favoured genre of writing in English here, the short story. Some short story writers take on contentious and specific issues with care and subtlety, couching it in the very familiar and comforting milieu of Sri Lankan culture, tradition and custom. In her short stories *Monkeys and Retreat*, Punyakante Wijenaike clearly debunks the culturally revered practice of child ordination a controversial issue that has re-emerged in debate with the government sponsored mass ordination of

children. In these two stories she sheds light on many aspects of this - the child's right to a home, to parents, parental affection, to leisure and recreation...All these are now ratified by the UN Convention on the Rights of the Child, but the stories were written long before they were drawn up.

Chitra Fernando, too, takes on locally-touchy topics that are shunned even by the activists - 'socially unequal' adoption, child domestic workers, and more specifically when the two used to mean the same thing. Related with biting cynicism, *Action and Reaction* is a story of the pious, merit seeking matriarch, the Loku Naenda, who adopts a child to "civilise" her and to give herself a short-cut to heaven. The adoption is a socially unequal one where the girl-child's position remains conveniently nebulous - legally a daughter, and practically a servant, one whose workplace is inextricably her home as well, denying her right to loving parents, rest and leisure.

The theme of child servants was taken on even more candidly by the late poet Lakdasa Wikkramasinha in his poem *To A Servant Girl*, written almost thirty years ago when child abuse was ignored by legislators as well as by book publishers looking for a hot sell-out item. In this chilling elegy, the helpless girl-child cowering under furniture appears to the poet like a helpless animal trapped in a cage :

Little girl of eight, on your knees under  
The rattan of the armchair, as your  
chin touches the floor  
Your eyes are black slots of fear,  
On a face tattooed with the arras  
Of the rattan web -  
Seeing with motionless eyes  
Of your mistress.

This macabre love poem carries a twist at the end, when the characteristic double irony of Lakdasa



Wikkramasinhe promises her future salvation from the cruelty of the mistress - in the arms of the master, whose "tongue will move over those/gleaming weals on your flesh" when her mistress is old and "invalid in bed...."

The promise of avenging her mistress in this way is related by the poetic voice of a lascivious voyeur, a popular poetic practice with Wikkramasinha, who in other poems speaks in turn as a revolutionary, assassin, predatory walauwe-hamu and grief-stricken villager.

But here he is also a prophet of doom to the little child, who suggests that the "servant girl" can never be free of the cycle of bondage that she is locked in, that she will perennially be subjugated, physically, emotionally, sexually, by her master and her mistress.

Turning sharply away from horror and abuse is Yasmine Gooneratne's *Words to a daughter* which echoes W B Yeats' *A prayer for my Daughter* in tone of its kindly advice and understated love. But Yeats' advice is verging on the obnoxious because it is based on his own sense of importance, it is this very trait that Gooneratne rejects in her poem. Here, set in a safe domesticity that is so familiar and comforting, the poet reveals sharp edges within the bliss, the selfishness and the harm inflicted unconsciously by loving parents: overprotectiveness verging on oppression, emotional manipulation, and stunting the development of a child's identity, all in the name of love:

These verses are insurance, lest  
I grow in age to be a pest,  
the kind of cannibal who strives  
To eat her children up alive.

We may avoid the bitter schism  
Born of a mutual egotism  
That sunders nearly every other  
Gallant child from loving mother;

In which glad case, you've only got  
With thankfulness, to scrap the lot  
Unless a wayward daughter, grown,  
Makes you devise some of your own...

Well, if it happens, you may find  
you must be cruel to be kind;  
whether I call down heaven's vengeance  
or quaver in senile dependence,  
although the prospect may seem gloomy,  
remember, dear, to read them to me :

Honour your Mother: make it known  
You hope to call your soul your own.

Your days on earth being short and few  
Don't let me live your life for you.

To want your freedom is no vice-  
Don't bother with self-sacrifice.

Facing up to this is clearly unpalatable, but the poem's steely undertone is relentless in its exposure of parental vicarious living:

When you marry, never borrow  
My ambitions to your sorrow

Nor let me fill you with false terrors -  
Live with your own, and not my errors.

I merely love you, claim no right  
To play the part of parasite,

So if I whimper, Never leave me!  
I shall perish! *Don't believe me.*

This poem, too, was written over thirty years ago, but its words contain a promise that is now in the Convention (Article 3 : "All actions and decisions concerning children should take account of their best interests," and in Article no 5: "The responsibility of the parents and the family to provide guidance appropriate to the child's evolving capacities") ratified with similar prominence as those protecting children from violence, abuse, homelessness and food.

English poet William Blake was probably the most ardent promoter of children's rights in poetry. In his *The Songs of Innocence* and the *Songs of Experience*, the collection of poems he is best known for, he exposes the bleak state of children in post-industrial revolution England, their misery beginning from the moment they are born.



My mother groaned, my father wept;  
Into the dangerous world I leapt,  
Helpless, naked, piping loud,  
Like a fiend hid in a cloud.  
Struggling in my father's hands,  
Striving against my swaddling-bands,  
Bound and weary, I thought best  
To sulk upon my mother's breast.

[*Infant Sorrow* (from the songs of *Experience*)]

Below are extracts from *The End of A Golden String*, the luminous account of Romantic Poetry written by Regi Siriwardene\*:

"Romantic age was the first to see the child as a human person with needs and rights of his or her own. This was a part of the great change that came about in people's thinking in the age of the French Revolution."

"The Romantic poets thought of children as **human** beings in the state closest to Nature. Therefore they also found in children the natural feelings in their purest form, before they had been blunted or deadened by society..."

"In Blake's time there were many children who were oppressed and helpless. ...There were thousands

of children who worked long hours in factories or the bottom of mines. ...He saw for himself the sufferings of those children in the city who had been ill-used long before the industrial revolution ... The chimney sweepers were either orphans or boys who had been sold to a master sweep by their parents."

Perhaps the best known of Blake's collection is *The Chimney Sweeper* (from the songs of *Experience*), where the bitter thoughts of the underage worker reveals a disillusionment with religion, society and lawmakers that not just ignores but lives off his suffering:

A little black thing among the snow,  
Crying "weep! 'weep!" in notes of woe.  
'Where are thy father and mother, say?'  
'They are both gone up to heaven to pray.'

'Because I was happy upon the heath,  
And smiled among the winter's snow,  
Thy clothed me in the clothes of death,  
And taught me to sing the notes of woe.'

'And because I am happy and dance and sing,  
They think they have done me no injury,  
And are gone to praise God and his priest and king,  
Who make up a heaven in our misery.'



\**The end of a golden String : An Introduction to Romantic Poetry and an Anthology*, written by Regi Siriwardena, published by the British Council Student Readers Series, 1990.

# ANOMA

*This story is one of the two joint winners of first prize in the Commonwealth Short Story Competition. Punyakante Wijenaikē received Pounds 1,250 as her prize*

*The competition was sponsored by the Commonwealth Foundation and administered by the Commonwealth Broadcasting Association.*



HAVE GOT AN IDEA.

Why don't I call you Anoma?

Then you are identified.

Anoma - a girl, my friend and confidante.

After all, we are both in this together, are we not?

My grandmother keeps asking why I talk to myself.

My grandmother, my archi-amma, does not know of your existence.

I am talking to you because only you are in a position to understand what I am talking about. The Story behind your creation.

You are still an embryo. Nature protects you from outside harm.

When I talk you will listen but it will not disturb your sleep the way mine is disturbed. You will not be disturbed by the nightmares I suffer

But can you feel me toss and turn in our bed at night?

Unfortunately, I am neither child nor woman. If I were as small as you, still an embryo curled in my mother's womb, I would be yet untouched by anyone.

I would have not the need to talk to anyone.

I am fourteen years old and missing my mother far away in the Middle East.

Why did she have to go?

She went to earn a pot of gold for us.

Was money more important than being together?

I remember mother before she went away. She used to comb my hair, wash my face clean and starch my one and only white school uniform.

Now I don't need the white uniform any more because I no longer go to school.

My brother still goes to school.

He is eleven years old but he does not miss mother the way I do because I wash his school clothes for him and cook his lunch. But he will not look me in the face nor talk to me.

This hurts but I know why he avoids me. He thinks I have robbed mother of her place with father. He does not go anywhere near father at all.

Archi-amma, my grandmother, cannot hear nor see very well. She never asks why I don't go to school any more. She is only glad I am at home to help her scrape a coconut or grind the chilly into a paste.

You are the only one I can talk to, Anoma. I need to talk to someone.

I am sick and afraid all the time.

What will mother say, what will mother do when she finds out?

I have to do something before she returns and finds out.

During the day father neither looks at me nor comes near me.

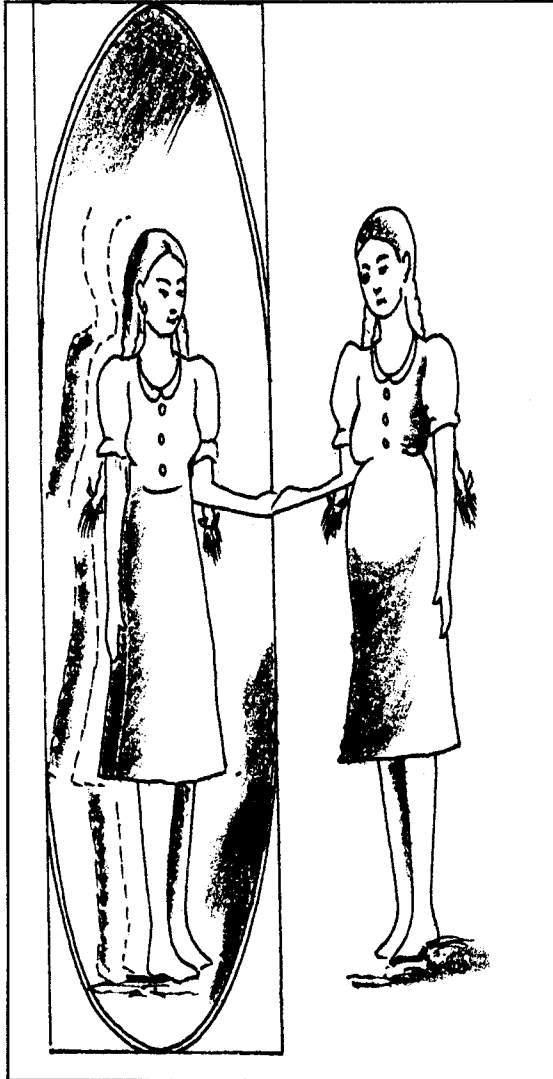
It is only at night, when he misses mother, that he calls for me.

He does not think of my loneliness, only his.



I can see brother does not sleep well at night either. Both of us wait night after night, dreading father's call. Often he smells of alcohol.

Grandmother is too old to look after this household. Mother should have left someone younger in charge, like mother's sister, my Punchi-amma, my aunt. Someone who could cope with father's needs. Did she forget father's needs?



I must warn you, Anoma, that it will not be by appointment that I disturb you when I need to communicate. It will be solely through my need to cry, to talk to someone when I cannot sleep at night. After all, it is not only father who needs comforting. His needs are physical. My need is to communicate.

I am sure mother never wanted this to happen to me. She wanted me to remain chaste, a virgin until her return. When I attained age I remember her shielding me from the eyes of men.

Even father and brother were not permitted near me

until I ceased to menstruate and she had bathed me, pouring potful after potful of water over my head. She had gifted me with gold ear-studs and washed my soiled garment clean. That is why it is all so confusing. Why did she leave me unprotected after all that care?

It is that pot of gold. It has ruined us.

For evil crept into the house after she left. I cannot get rid of the smell of soiled garments in the night. Father's and mine.

However much I bathe, pouring potful after potful of water over me, I cannot get rid of this dirty smell.

Anoma, Anoma, where are you? Are you hiding from me? Of late it is as if you are not there, safe and warm, within me, consoling me. It seems the more I talk to you, the more you withdraw from me. Have I touched you, even in the womb? Is that why you lie so still and quiet, not moving any more, within me?

Anoma, you are making me afraid. It is as if suddenly you have identified yourself and you have become suspicious of my talking to you.

You are no longer an embryo, a silent, sympathetic listener. You are challenging me. You have escaped your protective shell.

You are hurt and accusing me.

You are asking, without being a silent listener, "Have I got a future? Will I be born or are you contemplating my destruction before birth?" Anoma, you are not giving me time to come to terms with the situation. By talking you have roused my conscience.

This is terrible. I feel betrayed, destroyed. Why can't you remain a silent listener?

Please understand I did not create you willingly.

father created you within me.

You are his grandchild, not my child.

I need to grow into full womanhood and carry my own child from a man who is not my father.

There, I have hurt and confused you again.

You can no longer remain silent within me now. You ask, "Will I be born?" How can I answer that, Anoma? It's your life against mine.

If you are born I will die. In shame.

*Punyakante Wijenaik*



# CHILD HEALTH

Sri Lanka has a 99% immunization rate, and a 90% literacy rate. Our infant mortality is almost non-existent and the rate of children with low birth weights is one of the best in South Asia. In fact, according to statistics our children should be the healthiest in South Asia. What we rarely hear is the actual health status of our children and the conditions in which they live. One in three children in Sri Lanka are underweight, 2 million have stunted growth. Just 57% of Sri Lankan children have safe drinking water and 20% are without adequate sanitation. This is what we don't hear.

and irregular food supplies leads to long-term or permanent health problems.

Clearly there is a need to control parasitic and insect borne disease through improvement of sanitation and personal hygiene. Local health workers have a key role in education and awareness and children can be educated via the school system. But involvement of the government in providing access to safe water and latrines should not be overlooked. There is a great need for community participation in cleanups.

Disease among children is largely due to sanitation and water supply. Environmental sanitation must be adequate as well as personal hygiene. Those families living in basic overcrowded accommodation have an increased likelihood of infection. Cold, damp and unventilated housing mean that respiratory infection is abundant especially in infants who require constant care and support from their family. The urban and rural slums and displaced communities consist of millions of people in this category. Malaria continues to be a major health problem claiming many young lives. Malaria is a serious problem for adults but children are more vulnerable to the effects of the disease. The chance of malaria increase is possible with a rise in mosquitoes, often congregating around water supplies and unsanitary rubbish dumps and latrines. These conditions contribute to one of the worst health problems of the entire South Asia region, diarrhoeal disease. This is the result of not only poor sanitation but, unsafe drinking water. In 1992, The Colombo Resolution on Children reaffirmed their commitment to provide access to safe drinking water to not less than 3/4 of South Asian children by 1996 and universal access by 2000. In 1998, just 57% had this basic right. Diarrhoeal disease along with respiratory infection are the main cause of infant mortality. The incidence of disease (particularly malaria) is higher in the north and east. The combination of disease, displacement

Malnutrition is a widespread problem in Sri Lankan children particularly due to poverty. 18% of those under 5 are malnourished, while many more are underweight. The figure of 18% would be a lot higher if data was included from the north and east. Malnourished children do not get the right amount of nutrients needed to allow them to develop to their full potential. It is acknowledged that malnutrition among children can lead to brain damage or lack of mental development. Sri Lanka unlike other South Asian countries, such as India, Pakistan and Bangladesh does not discriminate against the girl child in the case of food but all children are malnourished equally. Serious deficiencies in protein, iodine, vitamin A and D have been seen.

The Colombo Resolution in 1992 listed nutrition as one of the most urgent challenges in South Asia and aimed to reduce moderate and severe malnutrition by half. Around the same time a Sri Lankan study was carried out in six different locations looking at the food patterns of children. It found that children were generally eating 2-3 meals a day, largely comprised of rice and very few vegetables. Food from all major groups necessary for adequate nutrition were not included. The study also found that malnutrition among rural and plantation sectors was especially high.

Protein needs of children are very important for development of healthy individuals but it is generally seen that in poor or developing communities consumption is low. Protein deficiency can lead to increased likelihood of disease, including problems such as kwashiorkor. This serious condition causes a failure to grow, irritability, muscle wastage and liver damage in children. While it isn't seen to be an overt problem, the potential exists for it to have major consequences. The study showed that protein rich fleshy foods such as meat, fish and eggs were consumed very little ranging from 2.2% of a community to 72.2%. It has been said that protein deficiency in children may even have an effect on development of Sri Lanka. As development is the result of brain power and the brain is largely formed by the age of three via a process of protein synthesis, consumption of protein at a young age is essential.

found in the study to be significantly higher in boys and a widespread severe problem as a whole.

The problem of inadequate food intake in majority cases is affected by poverty. Interventions must consider this factor as well as seasonal changes of access to food. While delivery of food relief by various group attempts to the North and the East is often delayed or cancelled for security reasons here is also a need for these groups and others to consider poorer communities and seasonal food variations outside the conflict zone. Education within the family, particularly of mothers is an important way to bring about change.

A major problem with effectively addressing malnutrition is the inability to reach children. The distribution and utilization of existing food supplies is also important. Schools and maternal health centres are good places for education of both children and parents. Schools should also make efforts to provide or supplement protein-rich lunches for children. It is however important to note that different sources of protein must be taken into account to benefit the child completely. Increased productions of protein rich food and ways to increase the protein content of traditional food is needed. For this cooperation between government, food and education authorities will be important.

The most common nutritional problem in children from Sri Lanka is inadequate food intake. High price and difficult access to food means households do not have sufficient amount to meet the requirement of all family members. Mothers deliberately serve less to themselves hoping children will be adequately nourished. So they themselves become under-nourished in their attempt to bring up healthy children. the result of inadequate food intake is the condition of wasting. Wasting is seen when children have a low weight compared with their height. Wasting was



Other nutrient deficiencies severely affecting Sri Lankan children include iron, iodine and vitamin A. The rate of anaemia, a deficiency in iron has been found at particularly high rate. In the study of 6 locations 78.6% of girls and 70.6% of boys were anaemic having a huge effect on their development. Iron is of particular importance in adolescent girls where deficiency is highest. Iodine deficiency has been found to have serious consequences resulting in goitre and severe mental handicap. Sri Lanka is facing endemic rates of goitre which effects not only mental development but has social implication due to its obvious affects on appearance. It is essential for all communities, particularly rural to have access to and encourage iodized salt consumption. It is illegal to sell salt without iodizing. Vitamin A deficiency has declined it still requires attention to prevent a resurgence of problems such as blindness and eye related disease. Vitamin D deficiency is also of great concern causing the developing of bones of children to arc outwards. Once again this also has social implications for the child due to appearance of bowed legs and the inability to run, play and socialize with the average child.

From the above it is easy to see that an adequate supply of food and good balance of nutrients is essential in the diet. Prevention on nutrient deficiency and intervention at an early age is the best way to prevent permanent damage that can affect a child's physical, mental, social and economic development. Education and awareness programs are the best way to do this but supplementary feeding and food subsidies are also needed. Resource allocated later in life will not have an affect on permanent damage, therefore malnutrition is responsible for much social and economic loss.

Food taboo or restriction particularly at adolescence among girls can have an impact. Restriction of food such as animal flesh (often high in iron) and oily foods were very common in Sinhalese communities of the studies as they were thought by parents to be 'not good for future health'. In fact these foods were needed more during this period of growth and development.

It has been shown that other foods are the main health care providers for children and therefore should be the focus of programs to combat the problem. The education of mother is linked with her

preventative health patterns. It influences sanitary behaviour when dealing with food as well as personal hygiene. The educated mother is more likely to provide nutritious food in a safe environment. Their knowledge of basic nutrition and health measures strongly influence their children's health. The nutritional status of women is a result of their adolescent and childhood years and can strongly affect child bearing. A larger focus on nutritional food for girls aged 6-15 year is therefore needed.

Sri Lanka now boasts a 99% immunisation rate. Among the 6 major diseases diphtheria, pertussis, tetanus, poliomyelitis, measles and tuberculosis a rapid improvement has been made. This is the result of an extensive public health program aimed specifically at immunisation and involving cooperation of government and local health authorities. The success of the program could not be ignored but should be built on to bring about improved health of children for long term benefit.

Here we have talked about children with a parent figure and relatively stable shelter. We have not mentioned the 1000's of children living on the street alone or the 10's of 1000's in child labour. These children obviously are at risk of all of the above and many more problems to a severe degree. Without a parent and often no education, street children barely survive on the food that come to them, and the greater risk of disease that come with their living conditions. Working children face health risks including sexually transmitted disease such as HIV/AIDS, hearing and eye problem and respiratory infections. Long hours of work lead to excessive fatigue, malnutrition and less time to eat.

So we see despite the obvious improvements and positives in Sri Lanka child health, there is still a lot to be done. Poverty is the major contributor to health problems in Sri Lanka reinforcing the need for work in this area. Education and awareness programs of safe, balanced food practices particularly focussing on the main care given need to be combined with government support in the form of subsidies, supplements and garbage clean ups. Prevention of health problems can only benefit our children, economy and therefore society as a whole.

**Melinda Shaw**



# DO POOR CHILDREN HAVE RIGHTS?

**Vijita Fernando**

Nature has been bountiful to the little fishing village on the southern coast. The blue sea, the swaying palms, the azure sky, the imposing five star hotels dotting the beaches are as real as in the most extravagant travel brochure. In sharp contrast to this beauty is the squalid poverty of its people, eking a meagre living by fishing in far, often storm tossed seas, in crafts that cannot survive the rough seas and their lives tossed overboard when nature overpowers them.

The lives of these fisher folk are full of contrasts. Their shacks made of wooden planks, covered with polythene sacks are shadowed by the luxurious tourist hotels. On the beaches are the golden skinned, scantily clad men and women walking side by side with ragged malnourished little boys, begging for money.....offering them sea shells and sex for sale.....

Ruwan is now eighteen. From the age of twelve he was pushed into prostitution with some European tourists by his own father. Working as a boat hand to the owner of a fishing craft, David is addicted to liquor and can hardly feed and clothe his eight children.

Ruwan has got used to the life on the beach and when he is not busy providing sexual favours to ageing homosexual tourists, he spends his time lounging on the beach with friends who introduced him first to smoking cigarettes and now to "pot".

Strangely all this does not satisfy Ruwan.

"If I had a chance to learn something I could be doing a useful job," he says at times, his eyes clouding with regret.

Ruwan is not the only one in this situation in his community. There is Sameera, the son of another fisherman. Sameera dropped out of school when he found an easier life on the beach with tourists. He does one better. He is now a pimp at eighteen, procuring ten and twelve year old boys to tourists.

Sri Lanka has ratified the UN Convention on the Rights of the Child which enunciates thirty rights bearing on all aspects of a child's life - right to identity, nationality, right to live with parents, right to education, right to health care, right to information, right to special protection, right to engage in jobs that are not harmful to health, education and development, right to leisure and recreation, being some of the crucial ones.

How do these rights operate in the case of Ruwan, Sameera and many more children in this village? This was the focus of a study undertaken by Redd Barna, a Norwegian children's NGO working for the development of children in low income settlements in collaboration with INASIA, Initiatives in Research and Education for Development in Asia, a regional NGO based in Colombo.

Looking at the research study of this fishing village, even a cursory glance is enough to show that several rights are not protected in these children. They do not go to school, they are in the kind of "job" injurious to health, they are malnourished and they live in houses which are certainly not conducive to health.

Ajantha is twelve. He has never been to school. He goes fishing with his father and works for other fishermen when they need a bit of cheap labour. His ramshackle shack leaks when the rains come and

his father never has enough money to take him or his sisters and brothers to hospital when they fall ill.

Looking at this tragic scenario one is aghast that in a country genuinely committed to the welfare of her children, which has a Child Protection Authority headed by the President herself that some of the basic rights of children are not protected.

A significant factor in the lives of these children is that their lives are inextricably linked to the sea shore which is their home and their environment.

With burgeoning tourism, especially on the Southern beaches, the sea shore is associated with nefarious activities - homosexuality, prostitution, especially boy prostitution, pornography, drug dealing and dealing in illicit liquor. These situations are a fertile ground for young boys, out of school and with hardly any supervision by parents and where, often, poverty stricken parents turn a blind eye or tragically, push them to a grown up world of drugs, sex and pornography.

There are so many ironies. The Convention says that children must not engage in jobs that harm their health, education and development and that they must be protected from the use of narcotics and the use and trafficking of alcohol. These boys have both these rights violated in one fell blow when they "work" on the beaches and are introduced to drugs and alcohol.

Their right to education goes by the board when their impoverished parents push them into jobs - often harmful to their health - to supplement meagre family incomes.

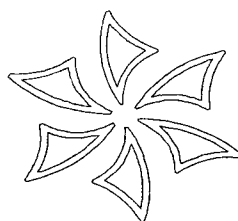
Even more tragic is the situation of children who have had some schooling and fail to conform to their parents' 'traditional' - and to them restrictive - social values, preferring their own, developed through contact with the ill effects of tourism.

Their right to leisure and recreation again pushes them to the beaches and their right to be protected from injurious work and right to health are violated when they become the victims of harmful contact with tourists.

The strongest irony is in the situation of girls. Girls are protected to a great extent by mothers who do not venture out to the sea shore. Fishing is essentially a man's job and no woman in these villages participates in any fishery activity, except drying and cooking the fish the men bring home....Thus this very protection violates the rights of girls to recreation, leisure and sports.....

Ananda's parents did not want him to go to the sea with his fisherman father or loaf about the beaches. They sent him to school and when he failed his O-Levels he dropped out. Ananda does not want to be a fisherman like his father seeing what a hazardous life his father leads. But Ananda has no job and quietly and surreptitiously he seeks freedom from the poverty of his home, the vagaries of his father's lifelong link with the sea by taking the easy way out.....with the tourists on the beach.

For all the Ruwans, Sameeras and Anandas and hundreds like them, rights have gone horribly wrong.



# The Child

The child caught and taken struggling  
hurriedly flung into a darkened lorry  
coarse hands gagged the soft mouth  
in the dark  
the spade in the child's hand carrying wet sea sand  
was roughly thrown out and hit a stone with a clang  
the child could not cry out but felt legs being  
tightly tied together

like a plantain flower, a *kehel muwa*, tight packed swathed  
the jolting journey increased the pain a  
grip left on the shoulder  
the child lay like a log in the corner  
another child was flung into the lorry breaking silence and darkness; parting the curtain  
little splinters of light fell on the moving child  
more numbers were tossed in to the lorry again and again  
sent journeying through the day and may be the coming night

weird sounds gurgled from gagged mouths  
lost their significance in the traffic din of  
trafficking

the child rolled and moved towards the curtained door of the lorry  
and shot with a thud landing on the road  
many seeing rushed towards the running lorry  
picked the child up amazed at the plight  
of the child  
life was hiding outside its body now, still in fear

they chased the lorry that vanished in a cloud of dust  
they were armed with  
the convention, the rights and the legal system  
they chased shouting loudly

the books in the shops and the pavement  
contained the highest number of reading material  
in Asia as reported  
more books than in the shops outside.  
the day of the child was the day they set out  
looking for the vanished lorry



an old woman cuddled the dead child thrown out  
lorries hurried and trafficking continued  
the child sprouted in poverty stricken huts  
and on the dusty streets of Colombo

In the *wadiya* the child in the inferno of  
semi dessert Puttalam dried fish on the sand given  
one meal a day; carried on bare back marks of torture

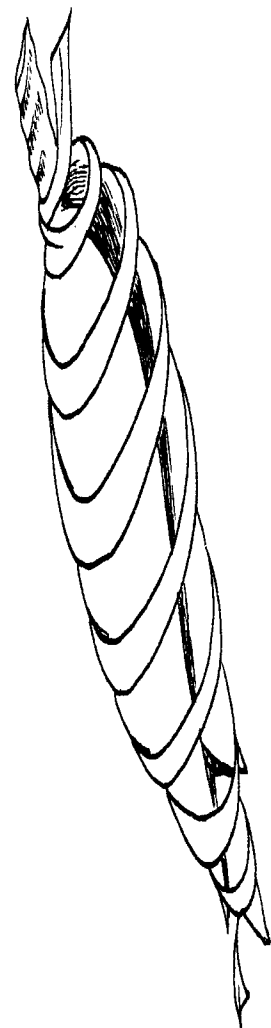
future unknown offered no bright hope as the child now and  
then played with drying fish turning them over and over till the lash  
descended on the bare back  
he chewed furtively the raw fish, flies on them preferred his festering wounds.

child carried pails of water from the road tap to the  
*kade*  
washed the cups and tea glasses in the water  
heaped up plastic bags of rubbish dragged to the  
street  
sometimes threw them on the *don't throw rubbish here*  
signs  
the child smelt of dung collected from stray cattle  
to sell the gardening ladies

watched others going to school  
backs burdened with bags of books.

dreamt of going to school  
back burdened with heavy books  
what the child would do with books  
the child had no idea  
bending forward with the weight

the child gripped his mother's hand  
walking beside her to school  
when returned noon time  
food she prepared in the morning would be cold  
but she had chosen clean food nutritious  
to make him a healthy man.



EVA RANAWEERA.

# *A Minimum Age of Marriage* **for Muslim Girls**

**Chulani Kodikara**

Under traditional Islamic Law, a person attains majority for the purpose of marriage on attaining the age of puberty. According to the *Hedaya*, the earliest age of puberty is 12 years for a boy and 9 years for a girl. In the absence of specific proof minority terminates at the age of 15.<sup>1</sup> However, it can be argued that this age cannot be considered the minimum age of marriage. Puberty is in effect the age when a Muslim marriage can be consummated. But a child below the age of puberty can be given in marriage at an earlier age. The Islamic Law concept of marriage guardianship or *wilayat al jabr* gives the guardian the right to give a minor child in marriage subject to the limitation that she cannot be delivered to her husband until she attains puberty. As a party to the marriage contract, a girl child given in marriage before puberty has however the right to accept or reject her marriage when she attains the age of puberty. This is known as the option of puberty.

## Legal position in Sri Lanka

There is no minimum age of marriage for Muslim in Sri Lanka. In an attempt to discourage child marriages however, the act of 1951 in sec. 23 states that a marriage of a Muslim girl who is below 12 years of age shall not be registered unless the Quazi has authorised the registration after an investigation. A registrar who knowingly violates this prohibition or any person who aids or abets him commits an offence punishable with fine not exceeding Rs. 100/= or imprisonment for a period not exceeding 6 months or both (see sec.82). But as registration is not mandatory under the Act, child marriages can be solemnised in disregard of this protective provision.

## Option of puberty

In Sri Lanka while the Act of 1951 does not specifically mention the option of puberty, case law has recognised that a female child given in marriage at a tender age has the right to exercise this option (see the case of *Muheidinbawa V Seylathumma* 1937 2 MMDR 53)

## Minimum age of marriage under the General Law and the Penal Code provision on rape

Under the General Law and the Kandyan Law the minimum age of marriage is now 18 years for both males and females. Furthermore, under provisions of the Penal Code of Sri Lanka, sexual intercourse with a girl who is under the age of 16, with or without her consent, amounts to the offence of rape [Sec. 363 (e) of the Penal Code]. The age of consent was raised from 12 to 16 by an amendment to the Penal Code in 1995 [Penal Code (Amendment) Act No. 22 of 1995]. However the amendment recognised that sexual intercourse with a person's wife is below the age of 16 but above the age of 12 will not be considered rape, provided the parties are not judicially separated [see. sec. 363 (e)]. This concession was made on account of the low age of marriage among Muslims. But the question remains whether sexual intercourse with a girl below the age of 12, even though she is the wife of the man would amount to rape.

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<sup>1</sup>ibid.pp.93-94

Choice giving provisions	Least option giving provision/Need for reform	Comment
<p>Permission of quazi is necessary to register the marriage of girl under 12 yrs. - sec 23.</p> <p>Right to repudiate marriage arranged by wali during childhood, when the child attains the age of puberty.</p>	No minimum age. Wali has right to give a minor girl in marriage.	1995 amendments to the age of marriage not extended to Muslim Law. Special concession also made to Muslims in the amendment of rape laws. Under the penal Code sexual intercourse with a girl under the age of 16 with or without her consent amounts to rape. Exception if the girl is below 16 and above 12 and is the wife of the man.

## Law Reform Initiatives

prepared in March 1973 by the Muslim Law Research Committee).

The Board of Quazis in 1937 recognised the need to amend the provision on child marriage in Muslim law when it declared that ".....in the best interest of the Muslim community this social evil should be eradicated by the creation of public opinion."<sup>2</sup>

Since then the Muslim Law Research Committee in its March 1937 report recommended amendments to Sec 23 and 47 of the Muslim Marriage and Divorce Act as follows:

- a) Subject to b) below, a marriage of a Muslim male below 16 or a female below 14 years shall not be solemnised or registered.
- b) The Quazi shall have the power to authorise the solemnisation and registration of the marriage of a Muslim girl aged between 12 and 14 years.
- c) Any contravention of the prohibition should be a punishable offence (to which should attach the general penalty in section 92).
- d) The legal validity of marriages that contravene the prohibition should not be affected (This is safeguarded) by section 16)

(See proposals for the amendment of the Muslim Marriage and Divorce Act: A report to government

## Progressive Legislation in other countries

Personal law enactments of several Muslim countries now prescribe a minimum age of marriage for both males and females which is higher than the age of puberty prescribed by Islamic Law. In Algeria, Indonesia, Iraq, Lebanon, Somalia, Syria, Tunisia and Turkey marriage can be allowed by the court at a lower age as an exceptional case with the consent of the guardian and authorisation of the court. Here again the law lays down a minimum age limit below which no marriage can be concluded.. The Muslim Law in Sri Lanka does not recognise a minimum age of marriage. The NCPH is now having discussions with permission. Members of the Muslim community on this matter with a view to reform the law in the future.

Note that the legal position in Sri Lanka lags considerably behind the rest South Asia. In Bangladesh, India and Pakistan the Child Marriage Restraint Act of 1929 makes child marriages a criminal offence. However it is important to note that despite these statutory provisions the marriage of minors is still widespread. The practice

is especially prevalent in rural areas, where many believe that it is their sacred duty to marry off daughters as soon as is possible - usually soon after the girl's first menstrual cycle. Other reasons why young girls are married off while still young is the fear of loss of control over their sexuality, social transgression, poverty, social insecurity and rape.

<sup>2</sup> Muheidinbawa V Seylathumma 1937 2 MMDR 53 at p.55.



COUNTRY	SECT	PROGRESSIVE LEGISLATION
1. Bangladesh	Hanafi	The Child Marriage Restraint Act of 1929 Marriage of a girl under 18 and a boy under 21 is illegal.
2. Pakistan	Hanafi	The Child Marriage Restraint Act of 1929 as amended by the Muslim Family laws Ordinance of 1961 The act prohibits marriage below 16 years for girls and 18 for boys. In cases of violation no penalty for child bride or groom but parents / guardians and persons who conducted the ceremony face imprisonment or a fine. However law accepts as legally valid a marriage of a minor contracted by the parent or guardian but the girl or boy can exercise option of puberty and seek dissolution of marriage. Girl can exercise this option on attaining the age of 16 and (an before she is 18) provided the marriage was not consummated.
3. India	Hanafi	The Child Marriage Restraint Act of 1929 (amended 1978) The minimum age of marriage for men is 21 years and 18 years for women. Violation of the law does not affect the validity of the marriage, but entail the penalties laid down by the Act.
4. Algeria	Maliki	The Family Code of 1984 - Art. 7 The legal age of marriage is 21 years for men and, 18 years for women. The Quazi can waive the age requirement if it is in the interest of the parties or otherwise advisable.
5. Iraq	Hanafi	The Code of Personal States 1959 (as amended 1978) Art. 7 - 8 Sanity and completion of 18 years are conditions for the capacity to marry. The Quadi can permit marriage of a person who has completed 15 years, on proof of capacity and physical fitness, with consent of the legal guardian. The guardian's consent must be given within a fixed period. If he does not object to it, or if his objection is not worthy of consideration, the Quadi can permit the marriage.
6. Lebanon	Hanafi	The Law on Family Rights 1917 - 1962 Art. 4 - Art. 7 It is a condition for competence to marry that the man must have completed 18 years and the woman 17 years. A boy who claims puberty, can be permitted to marry by the court if he is sufficiently mature. Court may permit a girl who claims puberty if she is adequately mature and the guardian gives consent. Nobody is permitted to contract in marriage, a minor girl who is below the age of 9 years.
7. Tunisia	Maliki	Code of Personal Status 1956 - Art 5(1) & 6 A man who has not completed the age of 20 years and a woman who has not completed the age of 17 years cannot contract a marriage. A marriage of a person below the age will depend on the special permission of the court. Such permission will only be granted for grave reasons and if it is in the clear interest of the parties. In addition the court must have the consent of the guardian. If the guardian refuses consent the matter will be decided by the court.
8. South Yeman	Shafi	Family Law of 1974 - Art. 7 It is necessary for contracting a marriage that the man should have completed the age of 18 years and the woman 16 years.
9. Syria Malaysia	Hanafi Shafi	Code of Personal Status 1953 - Sec. 16 & Sec. 18 Men shall obtain capacity to marry on the completion of 18 years and women on 17 years. If a boy of 15 and a girl of 13 years of age claims to have attained puberty and wants to marry, the Quadi can give permission to do soon proof of the claim of physical maturity. The guardians consent is also necessary.

## REQUIEM FOR ANNA

Your Millenium count down clock still ticks  
On my writing desk

On my wrist I wear the Balirinja watch  
You gave my daughter Parvathi,

My heart beats on but its pace uneven  
Interrupted for a moment when news  
Reaches me in Hena's letter that you  
Anna are no longer with us, passed away  
In your sleep.  
I cannot help thinking what that last  
Dream you had, was, did you feel Death's icy fingers  
Touch at the edge of your heart?  
Your warm blood growing chill?

In my jewel box yet another gift  
A medal struck in gold  
"I got it at a Sydney exhibition," she told me  
Engraved upon its surface  
A shackled convict and the initials H.B.  
That's the anonymity of a stranger's history.

In the books on my loaded shelves  
Are pictures of you, Anna, your writings,  
My writings, an album with photographs of us both  
With smiling faces that bore no portents of  
Catastrophes, tragedy, disasters, wearing masks  
In Time's clever concealment.

In the Festschrif I find poems to you,  
Stories about your life, stories and poems  
of My life and the lives of other strangers  
Who were close to you,

Yet you were always elusive so I kept  
Searching for you in the pages of books,  
In photographs, until you too searched  
me out  
And found me as I did you.

You always spoke of us as your "family",  
"My Sri Lankan family" you would  
remind us.  
You wanted us to belong to you, part of  
A different kind of bonding.

We sat together in my home  
Talked together, ate together



"Requiem for Anna" was read at the Twelfth Triennial ACLALS (Association of Commonwealth Literature and Language Studies) Conference held in Canberra from the 9-14th July 2001. The theme of the Conference was Resistance and Reconciliation.

Jean Arasanayagam read the poem at the Plenary Session held in memory of Anna Rutherford, who passed away in Australia in February 2001.

Anna Rutherford taught for twenty-five years at the University of Aarhus, Denmark. She was co-editor of Kunapi, "a bi-annual arts magazine with special but not exclusive emphasis on new literatures written in English". She was the first woman to be elected International Chairperson of Commonwealth Literature and Language Studies and was founder / director of Dangeroo Press.

Jean Arasanayagam is the winner of two State Literary Awards for the year 2000. The Awards are for "In the Garden Secretly" (fiction) and "Colonizer / Colonized".



# UN CONVENTION THE RIGHTS OF THE CHILD

Adopted by the General Assembly of the United Nations by Resolution 44/252 on 20 November 1989 at the Forty-Fourth Session of the General Assembly of the United Nations

Entry into Force : 2 September 1990.

Ratified by all countries except USA and Somalia as of August 1997.

## Preamble

### *The States Parties to the Present Convention,*

*Considering* that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Bearing in mind* that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

*Recognizing* that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

*Convinced* that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

*Recognizing* that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

*Considering* that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

*Bearing in mind* that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular articles 23 and 24), in the International Covenant of Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

*Bearing in mind* that, as indicated in the Declaration of the Rights of the Child, 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth',

*Recalling* the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

*Recognizing* that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

*Taking due account* of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

*Recognizing* the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows :

## Part I

### Article 1

For the purpose of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

### Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other

individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measure.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

### Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

### Article 5

States Parties shall respect the responsibilities, rights and duties of parents or where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

### Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

### Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.



## Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, State Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

## Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. State Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

## Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party

for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restriction as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

## Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multi-lateral agreements or accession to existing agreements.

## Article 12

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

## Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

#### Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

#### Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

#### Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

#### Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those

aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual

abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafala of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

#### Article 21

States Parties that recognize and / or permit the system of adoption shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

#### Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent inter-governmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

#### Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or other caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit in international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to

education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.



3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

#### Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 29

1. States Parties agree that the education of the child shall be directed to :

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect of human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

#### Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### Article 32

1. States Parties recognize 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 or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

#### Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

#### Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

#### Article 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.

#### Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

#### Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawful or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to promote access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

#### Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

#### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of; any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

#### Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witness and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

## Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State Party; or
- (b) International law in force for that State

## Part II

## Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

## Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party. Each States Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary - General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list on alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the States Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

## Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:



(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

#### Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies,

any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from State Parties.

#### Part III

#### Article 46

The present Convention shall be open for signature by all States.

#### Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment of States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one-third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

#### Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.







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- States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

*Un Convention on the  
Rights of the Child*