

International Children's Rights

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International Children's Rights

Sara Dillon

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*To Kasia and Theo,
my little doves*

Contents

Table of Cases	xxiii
Preface	xxv
Chapter One · Introduction to International Children’s Rights and the United Nations Convention on the Rights of the Child	3
I. International Children’s Rights as a Separate Field of Study	3
A. Background to International Children’s Rights	3
Notes and Questions	11
B. The Origins and Early Development of the UNCRC	11
Nigel Cantwell, <i>The Origins, Development and Significance of the United Nations Convention on the Rights of the Child</i>	12
Adam Lopatka, <i>Symposium: Implementation of the United Nations Convention on the Rights of the Child: Background: An Introduction to the United Nations Convention on the Rights of the Child</i>	20
Notes and Questions	23
C. Application and Implementation of the Convention on the Rights of the Child	23
1. UNCRC Committee Implementation	23
Cynthia Price Cohen, <i>Implementing the U.N. Convention on the Rights of the Child</i>	23
Cynthia Price Cohen & Susan Kilbourne, <i>Jurisprudence of the Committee on the Rights of the Child: A Guide for Research and Analysis</i>	27
Notes and Questions	29
2. Examples from Country Reports, NGO Alternative Reports, and Concluding Observations by the Committee on the Rights of the Child	30
Brazil State Party Report	31
Report of Civil Society on the Situation of the Rights of the Child and the Adolescent in Brazil	32
United Nations Convention on the Rights of the Child [CRC], Concluding Observations of the Committee on the Rights of the Child	34
Kenya State Party Report	34
Supplementary Report to Kenya’s First Country Report on Implementation of the UN Convention on the Rights of the Child	37
United Nations Convention on the Rights of the Child [CRC], Concluding Observations of the Committee on the Rights of the Child	39

Korea State Party Report	40
Supplementary Report to the Republic of Korea's Second Periodic Report on the Implementation of the Convention on the Rights of the Child	41
United Nations Convention on the Rights of the Child [CRC], Concluding Observations of the Committee on the Rights of the Child	43
India State Party Report	44
The Status of Children in India	45
United Nations Convention on the Rights of the Child [CRC], Concluding Observation of the Committee on the Rights of the Child	47
Notes and Questions	47
D. Beyond the Committee on the Rights of the Child: How Individual States Approach UNCRC Implementation	48
1. National judicial application	48
Jonathan Todres, <i>Emerging Limitations on the Rights of the Child: The U.N. Convention on the Rights of the Child and Its Early Case Law</i>	48
Notes and Questions	55
2. Case Study on Integrating CRC Principles into a National Constitutional Order	55
Johan D. van der Vyver, <i>Special Spring 2006 Symposium: Municipal Legal Obligations of States Parties to the Convention on the Rights of the Child: The South African Model</i>	56
Notes and Questions	59
3. National Reservations to the UNCRC	60
United Nations Treaty Collection	60
Notes and Questions	63
II. Critical Perspectives on the UNCRC	64
A. The UNCRC and the Developing World: Is There a "Universal Child"?	65
Vanessa Pupavac, <i>The Infantilization of the South and the U.N. Convention on the Rights of the Child</i>	65
Eva Brems, <i>Children's Rights and Universality</i>	69
Notes and Questions	75
Problem for Discussion	76
Child Marriage	76
Early Marriage Child Spouses	76
Elizabeth Warner, <i>Behind the Wedding Veil: Child Marriage as a Form of Trafficking in Girls</i>	79
FGM	80
Female Genital Mutilation/Cutting: A Statistical Exploration	80
Questions for Discussion	83
B. The UNCRC As a "Mythic" Document	84
David M. Smolin, <i>A Tale of Two Treaties: Furthering Social Justice Through the Redemptive Myths of Childhood</i>	84
Notes and Questions	88
C. The UNCRC and American Ratification: Will It Ever Happen?	89
1. The Anti-Ratification Position	89

Bruce C. Hafen & Jonathan O. Hafen, <i>Abandoning Children to Their Autonomy: The United Nations Convention on the Rights of the Child</i>	89
Notes and Questions	98
John J. Garman, <i>International Law and Children's Human Rights: International, Constitutional, and Political Conflicts Blocking Passage of the Convention on the Rights of the Child</i>	98
Notes and Questions	100
2. Advocates for U.S. Ratification	101
Joshua T. Lozman & Lainie Rutkow, <i>Suffer the Children?: A Call for United States Ratification of the United Nations Convention on the Rights of the Child</i>	101
Notes and Questions	105
Tamar Ezer, <i>A Positive Right to Protection for Children</i>	106
Notes and Questions	110
III. The Convention on the Rights of the Child as a Living Document: Is It Making a Measurable Difference to the World's Children?	111
A. Conflicting Assessments of Effectiveness	111
Cynthia Price Cohen, <i>Implementing the U.N. Convention on the Rights of the Child</i>	111
Notes and Questions	113
UNICEF, <i>Convention on the Rights of the Child: Setbacks and Successes</i>	113
Jaap E. Doek, <i>The Protection of Children's Rights and the United Nations Convention on the Rights of the Child: Achievements and Challenges</i>	115
Notes and Questions	120
The Human Rights Watch assessment of the UNCRC at Ten	120
Human Rights Watch, <i>World Report 2000: Children's Rights</i>	120
Notes and Questions	127
B. Children's Lives versus Children's Rights?	127
Richard Horton, <i>UNICEF Leadership 2005–2015: A Call for Strategic Change</i>	128
Notes and Questions	129
IV. Critical Perspectives on the United Nations Human Rights Regime	130
A. Improving the Human Rights System	130
The UN Human Rights Regime: Is It Effective?	130
Hilary Charlesworth, <i>Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations</i>	133
Notes and Questions	136
B. The UNCRC and Its Ultimate Paradox: Reconciling Protection and Liberation	136
Michael Freeman, <i>Beyond Conventions — Towards Empowerment</i>	137
Notes and Questions	141
Chapter Two · Child Labor: The Children's Rights Dimension	143
I. The Child Labor Debate: Prevention, Empowerment, and "Worst Forms"	143
William E. Myers, <i>The Right Rights? Child Labor in a Globalizing World</i>	145
Notes and Questions	152
Bozenna Maria Celek, <i>The International Response to Child Labor in the Developing World: Why Are We Ineffective?</i>	153

Notes and Questions	157
Karl Hanson & Arne Vandaele, <i>Working Children and International Labour Law: A Critical Analysis</i>	157
Notes and Questions	162
Antonella Invernizzi & Brian Milne, <i>Are Children Entitled to Contribute to International Policy Making? A Critical View of Children's Participation in the International Campaign for the Elimination of Child Labour</i>	163
Notes and Questions	166
II. International Labor Organization Standards	166
A. Overview of the ILO	166
Matteo Borzaga, <i>Accommodating Differences: Discrimination and Equality at Work in International Labor Law</i>	167
Notes and Questions	172
Edward E. Potter, <i>The Growing Significance of International Labor Standards on the Global Economy</i>	173
Notes and Questions	175
B. The Recent Emphasis on Worst Forms of Child Labor	176
Yoshie Noguchi, <i>ILO Convention No. 182 on the Worst Forms of Child Labour and the Convention on the Rights of the Child</i>	176
Mary Gray Davidson, <i>The International Labour Organization's Latest Campaign to End Child Labor: Will It Succeed Where Others Have Failed?</i>	179
Notes and Questions	183
III. Case Studies in Worst Forms of Child Labor	184
A. Bonded Labor in South Asia: A Tradition of Child Slavery	184
India and Bonded Child Labor	185
Human Rights Watch, <i>Small Hands of Slavery: Bonded Child Labor in India</i>	185
Notes and Questions	192
M. Neil Browne, et. al., <i>Universal Moral Principles and the Law: The Failure of One-Size Fits All Child Labor Laws</i>	193
Notes and Questions	197
Ranjan K. Aharwal, <i>The Barefoot Lawyers: Prosecuting Child Labour in the Supreme Court of India</i>	197
Notes and Questions	201
Amelia Gentleman, <i>Indian Ban on Child Labor: Who Will Clean the Houses?</i>	202
Notes and Questions	204
Aine Smith, <i>Child Labor: The Pakistani Effort to End a Scourge upon Humanity — Is It Enough?</i>	204
Notes and Questions	208
B. Child Labor in Its Worst Forms in Ecuador's Banana Sector	209
Human Rights Watch, <i>Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations</i>	209
Human Rights Watch, <i>Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations</i>	216
Notes and Questions	219
IV. Child Labor in the United States, Including Worst Forms	219

Seymour Moskowitz, <i>Malignant Indifference: The Wages of Contemporary Child Labor in the United States</i>	220
Notes and Questions	229
Celeste Corlett, <i>Impact of the 2000 Labor Treaty on United States Child Laborers</i>	229
Notes and Questions	236
V. Possible Remedies in the Child Labor Arena	236
A. The Alien Tort Claims Approach: A Potent Remedy for a Narrow Band of Abuses	238
Marisa Anne Pagnattaro, <i>Enforcing International Labor Standards: The Potential of the Alien Tort Claims Act</i>	239
Notes and Questions	243
Virginia Monken Gomez, <i>Note, The Sosa Standard: What Does It Mean for Future ATS Litigation?</i>	244
<i>Sosa v. Alvarez-Machain</i>	246
Notes and Questions	248
<i>United States District Court, S.D. Indiana, Indianapolis Division, John Roe I, et al., Plaintiffs v. Bridgestone Corporation, et al., Defendants</i>	248
Notes and Questions	250
B. Trade-Based Strategies to Eliminate Child Labor	251
Frank Garcia & Soohyun Jun, <i>Trade-Based Strategies for Combatting Child Labor</i>	251
Notes and Questions	257
Sara Dillon, <i>A Deep Structure Connection: Child Labor and the World Trade Organization</i>	258
Notes and Questions	261
Frederick Jonassen, <i>A Baby-Step to Global Labor Reform: Corporate Codes of Conduct and the Child</i>	261
Notes and Questions	267
C. International Elimination of Child Labor (IPEC)	267
IPEC (International Programme on the Elimination of Child Labour) Action Against Child Labour	268
Notes and Questions	271
Chapter Three · Children in the Sex Industry	273
I. Overview of the Exploitation of Children in the Global Sex Industry	273
A. The Generic Approach: Human Trafficking as a Unitary Phenomenon	274
Kevin Bales, <i>Disposable People: New Slavery in the Global Economy</i>	275
Notes and Questions	278
Human Rights Watch, <i>Promises Broken: An Assessment of Children's Rights on the 10th Anniversary of the Convention on the Rights of the Child</i>	279
Notes and Questions	280
II. Historical and Contemporary Legal Approaches to Trafficking for Purposes of Sexual Exploitation	280
A. Background to the United Nations Trafficking Protocol	280
Kathryn E. Nelson, <i>Sex Trafficking and Forced Prostitution: Comprehensive New Legal Approaches</i>	281

Notes and Questions	285
B. On What Constitutes Trafficking	285
Abigail Schwartz, <i>Sex Trafficking in Cambodia</i>	285
Notes and Questions	288
C. How National Legislatures Should Respond	288
Mohamed Y. Mattar, <i>Incorporating the Five Basic Elements of a Model Antitrafficking in Persons Legislation in Domestic Laws: From the United Nations Protocol to the European Convention</i>	289
Notes and Questions	295
Judge Nimfa Cuesta Vilches, <i>Trafficking of Women and Children</i>	295
Notes and Questions	297
III. Commercial Sexual Exploitation of Children: The Same Issues from a Different Conceptual Angle	298
A. Introduction to the UNCRC's Optional Protocol on the Sale of Children	298
Amy McCoy, <i>UN Report: Children "Playing Sex for Money": A Brief History of the World's Battle Against the Commercial Sexual Exploitation of Children</i>	299
Notes and Questions	301
Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography	302
Notes and Questions	305
B. Child Sexual Exploitation in Southeast Asia	305
Abigail Schwartz, <i>Sex Trafficking in Cambodia</i>	306
Notes and Questions	315
Kevin Bales, <i>Disposable People: New Slavery in the Global Economy</i>	315
Human Rights Watch, <i>A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand</i>	319
Notes and Questions	321
C. Sex Trafficking in India	321
Bureau of Democracy, Human Rights & Labor, U.S. Department of State, <i>Country Reports on Human Rights Practices: India</i>	322
Notes and Questions	325
Human Rights Watch, <i>Rape for Profit: Trafficking of Nepali Girls and Women to India's Brothels</i>	325
Notes and Questions	334
D. Sex Trafficking in Eastern Europe	334
ECPAT European Law Enforcement Group, <i>Joint East West Research on Trafficking in Children for Sexual Purposes in Europe: The Sending Countries</i>	334
Notes and Questions	340
E. Sex Trafficking to and within the United States	340
Peter Landesman, <i>The Girls Next Door</i>	341
Notes and Questions	352
F. Legal Response to Sex Trafficking in the U.S.	352
Susan W. Tiefenbrun, <i>Sex Slavery in the United States and the Law Enacted to Stop It Here and Abroad</i>	352
Notes and Questions	361
IV. The U.S. Government and International Sex Trafficking	361
U.S. Department of State, 2008 Trafficking in Persons Report	362

Notes and Questions	383
V. Sex Tourism and the Issue of the Customer	384
A. Traveling to Exploit	384
Diane Taylor, <i>Preying Fields</i>	385
Notes and Questions	388
B. Overview of Legal Efforts against Sex Tourism	388
Naomi L. Svensson, <i>Extraterritorial Accountability: An Assessment of the Effectiveness of Child Sex Tourism Laws</i>	388
Notes and Questions	395
The PROTECT Act	396
Karene Jullien, <i>The Recent Efforts to End Commercial Sexual Exploitation of Children</i>	397
Notes and Questions	403
C. United States Efforts at Prosecuting Sex Tourists	404
Karen D. Breckenridge, <i>Justice Beyond Borders: A Comparison of Australian and U.S. Child-Sex Tourism Laws</i>	405
<i>Sex Tourism: Big Apple Oriental Tour Operators Indicted for Promoting Prostitution</i>	410
Notes and Questions	411
D. Understanding Demand: The Role of Images	412
Charles Miranda, <i>A Webcam World of Depravity</i>	412
Michelle R. Adelman, <i>International Sex Trafficking: Dismantling the Demand</i>	415
Notes and Questions	419
Kate Dugan, <i>Regulating What's Not Real: Federal Regulation in the Aftermath of Ashcroft v. Free Speech Coalition</i>	420
<i>Ashcroft v. The Free Speech Coalition</i>	434
Notes and Questions	443
Chapter Four · Children Living on Their Own: A Global Cohort	445
I. A World of Orphans: "True" Orphans, "Social" Orphans and Quasi-Orphans	445
A. Defining the Problem	447
Lynn D. Wardle, <i>Parentlessness: Adoption Problems, Paradigms, Policies, and Parameters</i>	447
Notes and Questions	449
UNICEF, <i>Child Protection Information Sheet: Children without Parental Care</i>	450
Notes and Questions	451
B. Confronting the Problem: In Search of Best Practice	451
Draft UN Guidelines for the Protection and Alternative Care of Children without Parental Care	452
Notes and Questions	458
II. Children in State Care and the Intercountry Adoption Debate	458
A. Children Out of Family Care	459
1. Human Rights Watch Revelations from Orphanages in China and Russia: The 1990s	460
Human Rights Watch, <i>Death by Default: A Policy of Fatal Neglect in China's State Orphanages</i>	461
Notes and Questions	464

Human Rights Watch, <i>Abandoned to the State: Cruelty and Neglect in Russian Orphanages</i>	465
Notes and Questions	470
2. More Hidden Camera Revelations	470
Mental Disability Rights International, <i>Hidden Suffering: Romania's Segregation and Abuse of Infants and Children with Disabilities</i>	470
Notes and Questions	476
3. Damaging Effects of Residential Care	477
UNICEF Press Center, <i>Children in Residential Institutions Desperately Vulnerable to Abuse</i>	477
B. The Heated Debate over Intercountry Adoption: What Place Should It Have in National Child Welfare Policies?	479
Kathleen Ja Sook Bergquist, <i>International Asian Adoption: In the Best Interest of the Child?</i>	480
Notes and Questions	484
Elizabeth Bartholet, <i>International Adoption: Propriety, Prospects and Pragmatics</i>	485
Notes and Questions	486
David Smolin, <i>Intercountry Adoption as Child Trafficking</i>	487
Notes and Questions	494
Sara Dillon, <i>Making Legal Regimes for Intercountry Adoption Reflect Human Rights Principles: Transforming the United Nations Convention on the Rights of the Child with the Hague Convention on Intercountry Adoption</i>	495
Notes and Questions	504
C. Intercountry Adoption — The Case of Romania	504
Elisabeth Rosenthal, <i>Law Backfires, Stranding Orphans in Romania</i>	504
UNICEF Romania Media Center, Letter to Prime Minister Regarding Inter-Country Adoption	507
Notes and Questions	510
III. Sex-Selective Abortion and Abandonment of Girls	510
Lesley Wexler, <i>Allowing Girls to Hold Up Half the Sky: Combining Norm Promotion and Economic Incentives to Combat Daughter Discrimination in China</i>	511
Notes and Questions	514
Uma Girish, <i>For India's Daughters, A Dark Birthday: Infanticide and Sex-Selective Abortion Yield a More Skewed Gender Ratio</i>	515
Alison Wood Manhoff, <i>Banned and Enforced: The Immediate Answer to a Problem without an Immediate Solution — How India Can Prevent Another Generation of "Missing Girls"</i>	516
Notes and Questions	522
IV. Children Living on the Streets	522
A. Setting the Scene: Introductory Articles	522
Mona Pare, <i>Why Have Street Children Disappeared? — The Role of International Human Rights Law in Protecting Vulnerable Groups</i>	523
Notes and Questions	523
B. UN Recognition of the Problem of Street Children	524
United Nations, <i>The Plight of Street Children</i>	525
C. Street Children and International Human Rights	527

Mona Pare, <i>Why Have Street Children Disappeared? — The Role of International Human Rights Law in Protecting Vulnerable Groups</i>	527
Notes and Questions	537
Marc D. Seitles, <i>Effect of the Convention on the Rights of the Child upon Street Children in Latin America: A Study of Brazil, Colombia, and Guatemala</i>	538
Notes and Questions	544
Casa Alianza, <i>Our Integrated Approach</i>	544
Notes and Questions	545
D. Response of State Law Enforcement to Street Children	546
Egypt: Arbitrary Arrest and Detention	546
Human Rights Watch, <i>Charged with Being Children: Egyptian Police Abuse of Children in Need of Protection</i>	546
Notes and Questions	550
Vietnam: One Child's Story	550
Human Rights Watch, <i>"Children of the Dust": Abuses of Hanoi Street Children in Detention</i>	550
Notes and Questions	554
V. Unaccompanied Minors — Juvenile Refugees and Asylum Seekers	554
E. Unaccompanied Minors in the United States	555
Christopher Nugent, <i>Whose Children Are These? Towards Ensuring the Best Interests and Empowerment of Unaccompanied Alien Children</i>	555
Notes and Questions	561
F. Unaccompanied Minors in Spain: A Case Study	562
Human Rights Watch, <i>Nowhere to Turn: State Abuses of Unaccompanied Migrant Children by Spain and Morocco</i>	563
Concluding Observations of the Committee on the Rights of the Child: Spain	572
Notes and Questions	573
Chapter Five · Children and Punishment	575
I. Introduction to Children and Punishment: The Anti-Corporal Punishment Movement and Juvenile Justice Issues	575
II. The Anti-Corporal Punishment Movement	577
A. Whether to Ban the Practice of Physical Punishment	577
Deana Pollard, <i>Banning Corporal Punishment</i>	578
David Benatar, <i>Corporal Punishment</i>	585
Notes and Questions	589
B. Europeans Out in Front on Banning Corporal Punishment	590
Europe-Wide Ban on Corporal Punishment of Children	590
Notes and Questions	596
C. Creating a European Consensus against Physical Punishment	596
Portugal: Condemned for Tolerating Violence against Children	597
Notes and Questions	598
Global Initiative to End All Corporal Punishment of Children	598
Notes and Questions	603
D. Ending Corporal Punishment by Judicial Decision: Israel and the <i>Plonit</i> Case	604
Tamar Ezer, <i>Children's Rights In Israel: An End to Corporal Punishment?</i>	604

Notes and Questions	607
E. The Argument for a U.S. Anti-Spanking Statute	607
Susan H. Bitensky, <i>The United Nations Convention on the Right of the Child and Corporal Punishment of Children: Ramifications for the United States</i>	608
Notes and Questions	612
III. Corporal Punishment in the Educational Context: Physical Discipline in Schools	612
A. Corporal Punishment in U.S. Schools	612
Andre R. Imbrogno, <i>Corporal Punishment in America's Public Schools and the U.N. Convention on the Rights of the Child: A Case for Nonratification</i>	612
Notes and Questions	618
B. Contrasting Judicial Views of Punishment and the Educational System: The United States and South Africa	619
<i>Ingraham v. Wright</i>	619
<i>Christian Education South Africa v. Minister of Education</i>	623
Notes and Questions	632
C. Changing an Educational Culture: The Case of Kenya	633
Human Rights Watch, <i>Spare the Child: Corporal Punishment in Kenyan Schools</i>	633
Notes and Questions	637
D. The State and the Family: From Non-Intervention to Absolute Bans on Corporal Punishment	638
Benjamin Shmueli, <i>Who's Afraid of Banning Corporal Punishment? A Comparative View on Current and Desirable Models</i>	638
Notes and Questions	648
IV. Juvenile Justice — Children in Conflict with the Law	649
A. International Principles and Social Realities	649
Geraldine Van Bueren, <i>A Curious Case of Isolationism: America and International Child Criminal Justice</i>	650
Notes and Questions	656
B. The Reality of Juvenile Justice Standards	657
Anthony N. Doob and Michael Tonry, <i>Varieties of Youth Justice</i>	657
Notes and Questions	662
Erika Rickard, <i>Paying Lip Service to the Silenced: Juvenile Justice in India</i>	663
Notes and Questions	667
Matthew Solis, et al., <i>International Legal Updates</i>	668
Human Rights Watch, <i>In the Dark: Hidden Abuses against Detained Youths in Rio de Janeiro</i>	669
C. The Death Penalty for Juveniles	671
<i>Roper v. Simmons</i>	671
Notes and Questions	680
Amnesty International, <i>Philippines: Something Hanging Over Me — Child Offenders under Sentence of Death</i>	681
Notes and Questions	684
D. From Punishment to Child Rights: The Case of South Africa	684
Julia Sloth-Nielsen, <i>The Juvenile Justice Law Reform Process in South Africa: Can a Children's Rights Approach Carry the Day?</i>	685
Notes and Questions	692

Chapter Six · Children and Armed Conflict	693
I. The Machel Report and Its Fallout — An Introduction to Children and Armed Conflict	693
A. Machel and Her Report	694
Graça Machel, <i>Impact of Armed Conflict on Children</i>	694
Notes and Questions	708
B. Aftermath of the Machel Report	708
Stephen Hick, <i>The Political Economy of War-Affected Children</i>	708
Notes and Questions	711
II. International Laws Relating to Children and Armed Conflict	712
A. The Evolution of an International Law on Children and Armed Conflict	713
Nsongurua J. Udombana, <i>War Is Not Child's Play! International Law and the Prohibition of Children's Involvement in Armed Conflicts</i>	713
Notes and Questions	723
B. Culpability of the Child Soldier: Should Juveniles Ever Be Treated as War Criminals?	723
Nienke Grossman, <i>Rehabilitation or Revenge: Prosecuting Child Soldiers for Human Rights Violations</i>	724
Notes and Questions	731
Amnesty International, <i>Child Soldiers: Criminals or Victims?</i>	731
Notes and Questions	734
III. Beyond the Legal Norms: Recent Global Reaction to Children and Armed Conflict	734
A. Have We Begun to Care?	734
P.W. Singer, <i>Talk Is Cheap: Getting Serious about Preventing Child Soldiers</i>	736
Notes and Questions	743
Press Release, <i>Security Council, Security Council Establishes Monitoring, Reporting Mechanism on Use of Child Soldiers</i>	743
Press Release, <i>Office of the Special Representative for Children and Armed Conflict, UN Security Council Establishes First Comprehensive Monitoring and Reporting System to Protect Children Affected by Armed Conflict</i>	746
Notes and Questions	748
The Secretary-General, <i>Report of the Secretary-General on Children and Armed Conflict</i>	748
Notes and Questions	760
B. Machel at 10: Another Retrospective	761
Special Representative of the Secretary-General for Children and Armed Conflict, <i>Report of the Special Representative of the Secretary-General for Children and Armed Conflict ("Machel 10 Year Review")</i>	762
Notes and Questions	769
IV. Child Soldiers in Particular Conflicts	769
A. The Case of Uganda	770
1. Background to the Tragedy	770
Hema Chatlani, <i>Uganda: A Nation in Crisis</i>	770
Human Rights Watch, <i>The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda</i>	774

Notes and Questions	776
2. Legal Response to the Ugandan Conflict	776
Press Release, International Criminal Court, <i>Warrant of Arrest Unsealed against Five LRA Commanders</i>	777
Noah Benjamin Novogrodsky, <i>Challenging Impunity</i>	779
Notes and Questions	781
Manisuli Ssenyonjo, <i>Accountability of Non-State Actors in Uganda for War Crimes and Human Rights Violations: Between Amnesty and the International Criminal Court</i>	781
Notes and Questions	789
Maggie Alerotek, <i>Bad Timing: ICC Justice Should Wait</i>	789
Notes and Questions	791
Luis Moreno-Ocampo, <i>Keynote Address, Integrating the Work of the ICC Into Local Justice Initiatives</i>	792
Notes and Questions	795
B. The Case of Sierra Leone	796
1. Background to the Conflict	796
Truth and Reconciliation Commission of Sierra Leone, <i>Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission</i>	797
Notes and Questions	799
Human Rights Watch, <i>Sowing Terror: Atrocities Against Civilians in Sierra Leone</i>	800
Human Rights Watch, <i>Forgotten Children of War: Sierra Leonean Refugee Children in Guinea</i>	807
Notes and Questions	809
2. Legal Response to the Conflict in Sierra Leone	810
S.C. Res. 1315, U.N. Doc. S/RES/1315	810
Statute of the Special Court for Sierra Leone	812
Stephanie Bald, <i>Searching for a Lost Childhood: Will the Special Court of Sierra Leone Find Justice for Its Children?</i>	813
Notes and Questions	814
Press Release, Special Court for Sierra Leone, <i>Appeals Chamber Rules Recruitment of Child Combatants a Crime under International Law</i>	815
Lisa Clifford & Katy Glassborow, <i>ICC Examines Child Solider Convictions</i>	816
Notes and Questions	818
C. The Case of Colombia	818
1. Background and Description of the Conflict	818
Notes and Questions	820
D. Effect of Economic Sanctions on Children	821
Graça Machel, <i>Impact of Armed Conflict on Children</i>	821
Amy Howlett, <i>Getting “Smart”: Crafting Economic Sanctions That Respect All Human Rights</i>	823
Notes and Questions	828
Robin Geiss, <i>Humanitarian Safeguards in Economic Sanctions Regimes: A Call for Automatic Suspension Clauses, Periodic Monitoring, and Follow-Up Assessment of Long-Term Effects</i>	828
Notes and Questions	832

Chapter Seven · Enforcement of Children’s Rights through Regional Human Rights Systems	833
I. The Emerging Role of Regional Human Rights Systems in the Enforcement of Children’s Rights	834
Bernardine Dohrn, <i>Something’s Happening Here: Children and Human Rights Jurisprudence in Two International Courts</i>	835
Notes and Questions	845
II. The Enforcement of Human Rights in Europe	845
A. Overview of the European Human Rights System	846
Dinah Shelton, <i>The Boundaries of Human Rights Jurisdiction in Europe</i>	846
Notes and Questions	852
Council of Europe, European Court of Human Rights	852
Notes and Questions	855
B. The European System as a Model for American Advocates for Children’s Rights	855
Tania Schriwer, <i>Establishing an Affirmative Governmental Duty to Protect Children’s Rights: The European Court of Human Rights as a Model for the United States Supreme Court</i>	855
Notes and Questions	860
C. The European Human Rights System and the UNCRC	860
Ursula Kilkelly, <i>The Best of Both Worlds for Children’s Rights? Interpreting the European Convention on Human Rights in the Light of the UN Convention on the Rights of the Child</i>	861
Notes and Questions	866
D. The European System in Focus	867
Convention for the Protection of Human Rights and Fundamental Freedoms	867
<i>Marckx v. Belgium</i>	868
Notes and Questions	873
<i>Johnston v. Ireland</i>	874
Notes and Questions	885
<i>Pini and Bertani and Manera and Atripaldi v. Romania</i>	886
Notes and Questions	897
<i>Odièvre v. France</i>	898
Notes and Questions	907
III. The Inter-American Human Rights Systems	908
A. Overview of Regional Human Rights in Latin America	908
Victor Rodríguez Rescia & Marc David Seitles, <i>The Development of the Inter-American Human Rights System: A Historical Perspective and a Modern-Day Critique</i>	909
Notes and Questions	918
Christina M. Cerna, <i>The Inter-American System for the Protection of Human Rights</i>	918
Notes and Questions	923
B. The Inter-American System in Focus	923
Organization of American States, American Convention on Human Rights	923
Ann Birch, <i>State of Guatemala Condemned in Historic Court Case Case of the “Street Children” (Villagrán-Morales et al.) v. Guatemala</i>	923
Notes and Questions	924

Notes and Questions	942
Jennifer Bol, <i>Using International Law to Fight Child Labor: A Case Study of Guatemala and the Inter-American System</i>	943
Israel de Jesús Butler, <i>The Rights of the Child in the Case Law of the Inter-American Court of Human Rights: Recent Cases</i>	949
Notes and Questions	957
IV. The African Human Rights System	957
A. Overview of the African Human Rights System	957
Christof Heyns, <i>The African Regional Human Rights System: The African Charter</i>	958
Notes and Questions	966
Vincent O. Nmehielle, <i>Development of the African Human Rights System in the Last Decade</i>	966
Notes and Questions	967
B. The African System in Focus	967
African Charter on the Rights and Welfare of the Child	967
Thoko Kaime, <i>From Lofty Jargon to Durable Solutions: Unaccompanied Refugee Children and the African Charter on the Rights and Welfare of the Child</i>	968
Notes and Questions	973
Index	975

Appendices

(The appendices are contained in an Adobe Acrobat PDF file on the included CD. The Acrobat Reader program can be downloaded for free at <http://www.adobe.com>.)

Appendix to Chapter One · Introduction to International Children's Rights and the United Nations Convention on the Rights of the Child	A1
Declaration of the Rights of the Child	A1
United Nations Convention on the Rights of the Child	A3
Appendix to Chapter Two · Child Labor: The Children's Rights Dimension	A20
Convention Concerning Minimum Age for Admission to Employment (ILO No. 138)	A20
R146 Recommendation concerning Minimum Age for Admission to Employment (June 26, 1973)	A26
Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182)	A30
R 190 Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, June 17, 1999	A33
International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work	A37
Appendix to Chapter Three · Children in the Sex Industry	A41
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime	A41

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	A49
Victims of Trafficking and Violence Protection Act of 2000	A55
Trafficking Victims Protection Reauthorization Act of 2003	A66
Trafficking Victims Reauthorization Act of 2005	A78
William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008	A91
Selections from the 2009 Trafficking in Persons Report, U.S. Department of State	A135
Appendix to Chapter Four · Children Living on Their Own: A Global Cohort	A273
Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption	A273
Protocol Relating to the Status of Refugees	A283
Appendix to Chapter Five · Children and Punishment	A286
United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)	A286
United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)	A303
Appendix to Chapter 6 · Children and Armed Conflict	A311
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	A311
Rome Statute of the International Criminal Court	A315
Appendix to Chapter Seven · Enforcement of Children's Rights through Regional Human Rights Systems	A378
The European Convention on Human Rights and Fundamental Freedoms and its Five Protocols	A378
Case of Gaskin v. United Kingdom	A397
Case of Ignaccolo-Zenide v. Romania	A412
Evans v. the United Kingdom	A432
American Convention on Human Rights	A456
African (Banjul) Charter on Human and Peoples' Rights	A475
African Charter on the Rights and Welfare of the Child	A485

Table of Cases

Principal cases appear in bold. Page numbers preceded by ‘A’ can be found in the appendices, which are contained on the enclosed CD.

- A. v. United Kingdom, 839, 856-857
Abdulaziz, Cabales and Balkandali v. the United Kingdom, 886
Airey v. Ireland, 850
American Booksellers Association v. Hudnut, 426
Anti-Fascist Comm. v. McGrath, 623
Ashcroft v. The Free Speech Coalition, 420-422, 424, 426-433, **434**
Atkins v. Virginia, 673-677, 679
Aydin v. Turkey, 837
A.Z. v. B.Z., A444
B v. the United Kingdom, A409
Baker v. Owen, 615-616
Bartnicki v. Vopper, 440
Board of Regents v. Roth, 621
Book Named “John Cleland’s Memoirs of a Woman of Pleasure” v. Attorney General of Mass., 438
Brandenburg v. Ohio, 441
Brasserie du Pecheur v. Germany, 851
Broadrick v. Oklahoma, 436, 441
Brown v. Board of Education, 852
Bulacio v. Argentina, 841
Butler v. Michigan, 440
Campbell v. UK, 631
Canadian Foundation for Children, Youth and the Law v. Canada, 844
Carey v. Population Services Int’l, 437
Christian Education South Africa v. Minister of Education, 623
Christine Goodwin v. the United Kingdom, A450
Coker v. Georgia, 675, 679
Costello-Roberts v. United Kingdom, 838-839
Davis v. Davis, A443
Dent v. West Virginia, 621
DeShaney v. Winnebago County Department of Social Services, 856-858
Dudgeon v. the United Kingdom, A450
Epperson v. Arkansas, 614
Eriksson v. Sweden, 886, A426
Escobar v. Gonzales, 562
Evans v. Amicus Healthcare Ltd, A435
Evans v. the United Kingdom, 908, **A432**
FCC v. Pacifica Foundation, 437
Filartiga v. Pena-Irala, 247
Flores v. Reno, 557, 561-562
Free Speech Coalition v. Reno, 426
Frette v. France, A450
Furman v. Georgia, 674
Gaskin v. Liverpool City Council, A400
Gaskin v. United Kingdom, 866, **A397**
Ginsberg v. New York, 440, 443
Goss v. Lopez, 622
Greene v. McElroy, 620
Hatton and others v. the United Kingdom, A452
Hess v. Indiana, 441
Hokkanen v. Finland, A426
Ignaccolo-Zenide v. Romania, 886, 897, **A412**
IIT v. Vencap, Ltd., 246
Ingraham v. Wright, 611, 613-614, **619**
J.B. v. M.B., A444
John Roe I, et al., Plaintiffs v. Bridge-stone Corporation, et al., 248

- Johnston v. Ireland**, 856, 874
 K. and T. v. Finland, A446
 Kadic v. Karadzic, 723
 Kass v. Kass, A444
 Keegan v. Ireland, A426
 Keller v. State Bar of Cal., 436
 Kingsley Int'l Pictures Corp. v. Regents
 of Univ. of N. Y., 437, 440
 Kois v. Wisconsin, 438
 Lawless v. Ireland, 850
 Litowitz v. Litowitz, A444
 Louisiana ex rel. Francis v. Resweber, 674
Marckx v. Belgium, 868, 886
 Margareta and Roger Andersson v. Swe-
 den, A426
 McMichael v. the United Kingdom, A427
 Meyer v. Nebraska, 621
 Miller v. California, 422, 423, 434, 437-
 438, 440, 442
 Minors in Detention v. Honduras, 842
 Morrissey v. Brewer, 621-622
 Nachmani v. Nachmani, A444
 New York v. Ferber, 422-424, 426-427,
 434, 436, 439-442
 North Valley Baptist Church v. McMa-
 hon, 615
Odièvre v. France, 898, A446
 Olsson v. Sweden (no. 2), A426, A430
 Osborne v. Ohio, 439
 Penry v. Lynaugh, 675-676
**Pini and Bertani and Manera and Atri-
 paldi v. Romania**, 839, 886
 Poe v. Ullman, 622
 Powell v. Texas, 620
 Pretty v. the United Kingdom, A446
 Prince v. Massachusetts, 630
 Prosecutor v. Norman, 719
 The Queen v. Jesse Spencer Pearce, 394
 R. v. Secretary of State for Health ex
 parte Quintavalle, A439
 Reno v. ACLU, 437
 Robinson v. California, 674
 Rochin v. California, 621
Roper v. Simmons, 671, 844
 Rosenberger v. Rector and Visitors of
 Univ. of Va., 436
 S v. a Juvenile, 631
 S.C. v. United Kingdom, 836
 Sable Communications of Cal., Inc. v.
 FCC, 437, 440
 SERAC v. Nigeria, 961
 Serrano Cruz Sisters v. El Salvador, 842
 Simmons v. Bowersox, 673
 Simon & Schuster, Inc. v. Members of N.
 Y. State Crime Victims Bd., 437
 Soering v. United Kingdom, 849
Sosa v. Alvarez-Machain, 246
 Stanford v. Kentucky, 671, 673, 675-676
 Stanley v. Georgia, 440
 State ex rel. Simmons v. Roper, 673
 State v. Furman, 676
 State v. Simmons, 673
 State v. Williams, 844
 T. v. United Kingdom, 836-837, 864
 The 'Gómez-Paquiyaui Brothers' v.
 Peru, 954
 Thompson v. Oklahoma, 674, 677, 679
 Trop v. Dulles, 674, 679
 Tyrer v. United Kingdom, 838, 859
 United States v. Acheson, 425-426, 436
 United States v. Barnett, 620
 United States v. Fox, 425, 436
 United States v. Hilton, 424-425, 436
 United States v. Kozminski, A58
 United States v. Mento, 425-426, 436
 V. v. United Kingdom, 836-837, 864
Villagrán-Morales et al. v. Guatemala
 (Case of the "Street Children"), 840,
 924
 Vo v. France, A445
 W. v. the United Kingdom, A427
 Ware v. Hylton, 246
 Weems v. United States, 674
 Wooley v. Maynard, 436
 X. and Y. v. the Netherlands, A450
 X, Y and Z v. the United Kingdom, 903,
 A450

Preface

As the first chapter in this book points out, the world of international children's rights is a difficult and complex one, filled with contradictions and paradoxes. While the iconic United Nations Convention on the Rights of the Child provided children with their own human rights instrument, and in essence made children the autonomous holders of rights, what the expression "children's rights" means in any given situation remains subject to the shared understanding of the adults who have responsibility for the care and protection of those children. As is shown throughout this book, in many areas there is no consensus on what truly constitutes "international children's rights." In that sense, this is an exciting and uniquely challenging field of study.

This book is a quintessential reader; it gathers together articles and documents from a wide variety of sources: academic commentary; reports from non-governmental organizations; United Nations and Council of Europe documents; and governmental studies. In addition to structuring the subject matter, I have provided context and interpretation for these readings. The appendix, contained on a cd at the back of the book, contains all major treaties and statutes discussed in the text, as well as some additional case law. My objective has been to present a wide-ranging resource for anyone and everyone interested in the subject of children and their internationally guaranteed rights; undergraduate and graduate students, law students, activists and advocates. It is meant to be used as part of a course or program, or indeed as a guide to further study and research.

One great challenge in the teaching of international children's rights is that there is such a gap between the suffering created by the violations of these rights and the experience of merely reading about these abuses. In this sense, it is recommended that the readings be supplemented by documentary films and by guest speakers who can assist in bringing the experiences of children to life.

I have tried in each area of concern to demonstrate that there are no easy or obvious answers to such questions as whether children should have the right to work—or by contrast, the right *not* to work; the degree to which tradition and local control should give way to a generic, global vision of children's rights; or what should best be done for children who are not living with their families of origin. In each case, I have tried to present at least two sides of the story, and I invite students who use the book to approach the contrasting point of view with an open mind. A principal theme of the book is the question of whether to protect or empower children in specific situations. While the Convention on the Rights of the Child calls for both protective and empowering responses, the former approach may often be more culturally familiar than the latter. Throughout the book, I have tried to choose readings that demonstrate the complexities of applying the usual human rights template to children.

I have chosen the topics that seem to be representative of the major issues in international children's rights in the world today; specifically, the role of the United Nations

Convention on the Rights of the Child; child labor; children in the global sex industry; children living without parental care; children and punishment; children and armed conflict, including child soldiers; and finally regional approaches to international children's rights. In this regard, the final chapter argues that midway between the national and the international, regional human rights systems have shown a great capacity to articulate meaningful and effective children's rights norms. It should become obvious that the line between one cohort of children and another may be less than clear. A child who is vulnerable to one form of abuse or exploitation may well be vulnerable to another.

The book neither denounces nor glorifies the work of the United Nations; the UN has a great and central role to play in the implementation of children's rights, but its work must be assessed honestly and with objectivity. The book does invite the reader to consider the question of remedies and ask whether children and their rights are well served by the existing system of norm implementation. It is interesting to note that the United States may well be on the verge of ratifying the Convention on the Rights of the Child; the U.S. is, as is often discussed, one of only two countries in the world not to have ratified it.

Not surprisingly, I consider children as a group to be severely underserved by the international human rights system, but I am happy to acknowledge the many ways in which their rights have been promoted in recent years by intergovernmental and non-governmental organizations. In this respect, special mention should be made of the astonishing contribution of Human Rights Watch, a group which has produced reports that draw attention to the lives and suffering of otherwise invisible children in many countries. Their work also serves to keep governments and the United Nations honest, as it is all too easy to fall into platitudes when it comes to describing "progress" in the development and protection of children's rights.

This book has been a labor of love, and I was fortunate to have a number of wonderful research assistants working with me on it. I would like to thank David Dixon and Elena Mamai, who helped get me get started some years ago by piling reports in the corner of my office. My sincere gratitude also to Millie Sanders, Christy Fujio, and Jennifer Singer for their patience and indispensable help. For pulling so much together at the end, my thanks to Andrea Shannon. I would also like to thank the people at Carolina Academic Press for being so supportive of this project.