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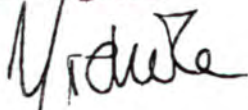
Melanne Verveer
Assistant to the President and Chief of Staff to the First Lady
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Dear Melanne,

It was a pleasure seeing you again last night. I hope you felt the event went as well as we all did. It was very special for us to be able to honor Madeleine Albright and all the female foreign ministers. What an amazing gathering of women in that room!

I wanted to follow up on our conversation about children soldiers. I would be very grateful if you would arrange for person who is working on the issue of child soldiers on your end to call me. We can then assess if we need to add it to our story on Sierre Leone. Thank you so much.

Best regards,



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-CHILDREN'S RIGHTS
- CHILDREN

file Children's health

CENTER ON BUDGET AND POLICY PRIORITIES

December 23, 1997

HHS NEEDS TO PROVIDE CLEAR GUIDANCE TO STATES SETTING UP SEPARATE CHILD HEALTH PROGRAMS ON THE OBLIGATION TO SCREEN FOR MEDICAID ELIGIBILITY AND ENROLL ELIGIBLE CHILDREN IN MEDICAID

Over the next several months, states will unveil new child health programs funded under the Title XXI State Children's Health Insurance Program. Many states are expected to roll out their programs with considerable fanfare, hopefully attracting enough attention to prompt large numbers of families with uninsured children to apply for coverage. These new programs, however, will *not* cover the more than three million children who are eligible for Medicaid but not enrolled — the lowest income children who currently lack health insurance coverage.

Although there is an expectation that the creation of new child health programs will help identify these Medicaid-eligible children and get them enrolled in Medicaid, this will occur only if states establish systems to coordinate the enrollment process between Medicaid and the new programs. The child health law specifically requires states that establish separate state child health programs with federal block grant funds to develop procedures to screen children to determine if they are eligible for Medicaid and to enroll eligible children in Medicaid. Most of the state child health plans submitted to HHS so far, however, do *not* assure that Medicaid-eligible children will be enrolled in the Medicaid program. Under these plans, uninsured children too poor to qualify for

Children Losing Out on Coverage

Sylvia Mendez, her husband, their three-year-old boy and one-year-old twins, moved to Pennsylvania from New York in July 1997 so Mr. Mendez could get a better job. The twins have been diagnosed with lingual frenotomy, which means their tongues are attached to the bottom of their mouth. They won't be able to speak without surgery. Mr. Mendez works as a carpenter and has fluctuating income. Ms. Mendez is currently unemployed and caring for the children. No one in the family has health insurance.

The family applied for Medicaid for their children soon after they moved, but coverage was denied because the family could not meet the agency request to verify their income back to 1994. Ms. Mendez then attempted to apply for coverage for the children under the state CHIP program, but coverage was denied because the family's income was too low for CHIP. The family was told to apply for Medicaid. Ms. Mendez returned to the Medicaid office but was denied again, this time because Mr. Mendez had worked overtime and the children were found to be over income for Medicaid that month.

It has now been five months since the Mendez family began the process of trying to get health care coverage for their children in a state that covers children up to 185 percent of the poverty line through two separate programs. The children remain uninsured.

Source: Testimony of Sylvia Mendez, Philadelphia, Pennsylvania, public hearing on the Children's Health Insurance Program, December 15, 1997.

the new child health programs will be denied coverage and simply *referred* to the Medicaid program rather than *enrolled* in it.

Many of the children referred to Medicaid, like the Mendez children whose situation is described on page 1, will not be able to navigate through the maze of program applications, denials, reapplications, and conflicting program rules and will remain uninsured. Federal action is essential to assure that children do not fall through the cracks and that the children's health initiative comes as close as possible to fulfilling the Administration's goal of covering five million uninsured children. This action is needed quickly, before more states submit plans that do not satisfy the screen-and-enroll requirement the new law contains.

The Law Requires States to Screen *and* Enroll Medicaid-Eligible Children

Coordination between existing Medicaid programs and new or expanded separate state child health programs is essential to assure that all low-income uninsured children who apply for coverage will get enrolled in the appropriate program regardless of their point of entry. Fortunately, the new child health law addresses this issue. The law requires that child health programs be coordinated with Medicaid and other public health care programs. Most important, the law specifically requires states to include descriptions in their child health plans of the procedures they will put in place:

*"to ensure...that children found through the intake and screening process (for the new child health program) to be eligible for medical assistance under the State Medicaid plan under title XIX are enrolled for such assistance under such plan."*¹

This "screen and enroll" obligation is a very important provision. Unless states establish a meaningful "screen and enroll" procedure, either of two things will occur:

- Medicaid-eligible children who apply for coverage through the new child health program will be turned away without any assurance they will be enrolled in Medicaid. This will leave many poor children uninsured.
- States could mistakenly enroll Medicaid-eligible children in the new child health program. If this occurs, Medicaid-eligible children will not receive certain benefits and protections guaranteed by federal law, such as EPSDT. Furthermore, if Medicaid-eligible children are enrolled in the new child health programs, federal child health funds will be spent on children whose coverage ought to be financed through Medicaid; since

¹ Title XXI, section 2102(b)(3); emphasis added.

the child health funds are capped, this will mean that fewer dollars are available to cover other low-income children, and more children will remain uninsured. If Medicaid-eligible children are enrolled in new state child health programs, the chances that the new initiative will reach the President's goal of insuring five million uncovered children will be diminished.

In either case, the number of children covered through the new child health initiative will be lower than it would be if the screen-and-enroll provision in the child health law were implemented properly.

Agency Action is Needed

Although the requirement to "screen and enroll" is clear, it is likely most states will not establish procedures assuring that Medicaid-eligible children applying for coverage under a separate state child health program are enrolled in Medicaid unless HHS issues a specific directive to states outlining the screen-and-enroll obligation.

- States that currently operate separate state programs generally do *not* coordinate Medicaid enrollment with enrollment under separate state programs. For example, Florida, New York, and Pennsylvania do not have procedures under their current state child health programs for enrolling Medicaid-eligible children in Medicaid. Pennsylvania has a referral process; Florida and New York appear not to have any regularized process, even for referrals.
- In the absence of screen-and-enroll procedures, the new child health law is likely to make the current situation worse. Prior to enactment of the child health law, states with separate state programs had a fiscal incentive to enroll Medicaid-eligible children in Medicaid rather than in their child health programs because federal matching funds were available only through Medicaid. The new law, however, changes the incentives — federal funds now are available under both programs, and the federal matching rate under a separate state program will be higher than the regular federal Medicaid matching rate.
- The need for a clear directive from HHS is underscored by a review of the initial Title XXI state plans HHS has received. Of the five plans submitted that propose to use the new funds in a separate child health program, none appear clearly to establish an enrollment process.² The plans

² The state plans considered here are those submitted by Colorado, New York, Pennsylvania, California, and Florida.

submitted by Colorado, New York and Pennsylvania, for example, show those states do not view the new “screen-and-enroll” provision in Title XXI as requiring them to do anything more than refer children to Medicaid.³

Referral Is Not the Same as Enrollment

Although there are different models HHS could point to that would satisfy the screen-and-enroll obligation, HHS needs to make it clear at a minimum that the obligation to “screen and *enroll*” means something more than simply referring a Medicaid-eligible child to Medicaid and hoping for the best. A referral procedure does not comport with the clear intent of the law and could mean that the lowest-income uninsured children are the least likely to benefit from the new child health initiative.

There are many reasons why more than three million uninsured children who are eligible for Medicaid are not enrolled. Some families do not know about Medicaid eligibility, some cannot take the time off from work to apply (while not required by federal law, many state Medicaid programs require lengthy in-person interviews at the welfare office before an application can be approved), and many cannot get through the application process due to requests for extensive documentation. If uninsured children in hard-to-reach families make their way to the new child health program and appear to be eligible for Medicaid, there is a good chance that unless steps are taken at least to initiate the enrollment process during that contact, the child's family will not reapply for Medicaid or, if it does, may not make it through the Medicaid application process.

Low-income parents who have no way of knowing in advance that the new child health program will not cover their children because the family's income is too low should not simply be turned away with nothing more than the address of the welfare office (and possibly an application form that may be confusing or even intimidating to them). The law was designed to reduce these kinds of unnecessary barriers to coverage

³ The California plan proposes a referral process but it appears California is waiting to develop a joint application for the two programs. Florida's plan is ambiguous; at one point, it states that Medicaid-eligible children will be referred to the Medicaid agency. It later states that these children "will be processed" for Medicaid eligibility.

Pennsylvania's plan provides that it will supply families a Medicaid application and assist families applying for Medicaid, but currently this has only meant that families are mailed a Medicaid application when their CHIP application is denied, with instructions on how to apply. For example, in the Philadelphia area, the CHIP contract with U.S. Healthcare (now Aetna U.S. Healthcare), which performs eligibility determinations for the Pennsylvania state program, requires the contractor to assist families in applying for Medicaid if a family has been denied coverage under CHIP because its child has been determined to be Medicaid-eligible. However, the contract specifically provides that "assistance" can be limited to providing an application form and a written notice of the telephone number and address of the county assistance office where the applicant's family can apply for Medicaid.

by requiring states to develop procedures to coordinate their programs and to *enroll* eligible children into Medicaid.

States Have Options for How to Proceed

The simplest way for states to meet the screen-and-enroll obligation is to use one application form for both programs. In this way, children eligible for coverage either under Medicaid or a separate state program will be evaluated based on the same application, and enrollment can be accomplished without the need to refer the family to another agency to complete another application. Washington and Minnesota use a joint application for their child health programs, and Connecticut plans to develop a joint application.

Massachusetts currently uses a presumptive eligibility procedure whereby a child is enrolled in the state program pending enrollment into Medicaid. Although this is far better than a referral system, Massachusetts is finding that many families enrolled in the state program are not able to complete the Medicaid application process within the presumptive eligibility period. Plans are now underway to implement a joint application.

While a joint application that covers both programs is the best approach, a state also could have its Title XXI agency or contractor screen for Medicaid eligibility and “initially process” a Medicaid application, as is now done in the context of Medicaid “outstationing.” Outstationing is the process whereby Medicaid applications are taken at hospitals, health centers and other community-based sites. Under federal rules, outstation sites help families complete the Medicaid application and gather the necessary documentation. Completed applications are turned over to the Medicaid agency for a final determination of eligibility. This kind of process, applied to the child health context, would bring families substantially through the enrollment process while assuring that the Medicaid state agency, and not the Title XXI agency or private contractor, decides whether the child is eligible for Medicaid.

The concern most often raised about the screen-and-enroll obligation is that the requirement to evaluate (i.e., screen for) Medicaid eligibility could complicate the application process for coverage under the new state child health programs. It need not be complicated, however, to screen for a child’s eligibility for Medicaid. While some states continue to use lengthy and burdensome Medicaid application forms, other states have streamlined the Medicaid application process considerably and have adopted one or two-page applications and a simplified process. HHS can address the concern over the Medicaid application process by coupling a directive concerning the screen-and-enroll obligation with strong encouragement for states to simplify their Medicaid applications, pointing to positive state models that meet federal requirements. (This message would have positive benefits for Medicaid participation beyond the screen-

and-enroll issue.) Moreover, HHS also can assure states that they may draw down federal Medicaid administrative matching payments for these screen-and-enroll activities.

Action is Needed Right Away

It is essential that the Administration act very soon to avoid confusion about what the law requires and to respond consistently and decisively to state plan submissions that do not propose any kind of Medicaid enrollment procedure. If separate state programs covering children with incomes above Medicaid eligibility limits proliferate without there being any real system for coordinating enrollment between Medicaid and the new programs, important opportunities to identify and cover Medicaid-eligible children will be lost. Proper implementation, prompted by clear, unambiguous federal guidance, can assure that all low-income uninsured children who apply for coverage — those eligible for Medicaid and those eligible under a separate state program — are enrolled in the appropriate program and can thereby help the Administration to achieve its worthy goal of covering five million uninsured children.

THE CONVENTION ON THE RIGHTS OF THE CHILD IMPACT STUDY

A Project of Rädda Barnen / Save the Children Sweden

January 26, 1999

Melanne Verveer
Chief of Staff
Office of the First Lady
The White House
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*Kathy -
keep for
PR & child
stuff*

Dear Melanne:

Happy New Year!

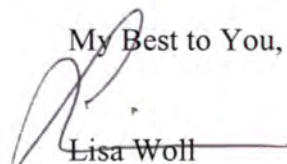
Given the First Lady's interest in children's rights and international development, I am continuing to send to you the country reports of the Convention on the Rights of the Child Impact Study. The enclosed report from Nicaragua is particularly interesting because it shows the significant effort that can be made even in extremely poor countries.

As I may have mentioned to you when I sent you the Yemen report some months ago, the international study is expected to be launched in June of this year. I have been thinking about whether such a release might offer the opportunity for the First Lady to draw attention to international children's issues, the importance of investing in children around the globe, and our own failure to ratify the CRC.

I would be interested in meeting with you to discuss whether there is a role that the First Lady can play in the release of this study. I can be reached at 202-463-0020 or at lwoll@erols.com

I look forward to seeing you soon.

My Best to You,



Lisa Woll
Director, International CRC Impact Study

cc: Katy Button

*File Rights
of the child*

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Dear Colleague:

Enclosed please find a report which examines the impact of the UN Convention on the Rights of the Child in Nicaragua.

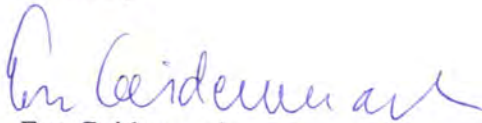
This country report is part of The Convention on the Rights of the Child Impact Study which Rädda Barnen is undertaking in some countries in Latin America, Africa, Middle East, Asia and Europe to assess how the CRC has affected the actors and structures with an ability to advance children's rights.

The international study will be published in early 1999. However, as country studies are completed, we wanted to make them available for your use.

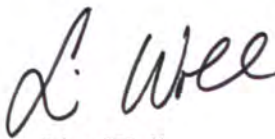
If you have any questions about the study or are interested in more information, please contact our study director, Lisa Woll, at tel.no 202-463-0020 (USA); e-mail: lwoll@erols.com or Lennart Reinius at Rädda Barnen, 46 8 698 90 00; e-mail lennart.reinius@rb.se.

We hope you find this report useful to your work.

Sincerely,



Eva Geidenmark
International Programme Department
Rädda Barnen



Lisa Woll
Director, CRC Impact Study

THE CONVENTION ON THE RIGHTS OF THE CHILD IMPACT STUDY

The Study of Nicaragua

*A study to assess the effect of the Convention on the Rights of the Child on the
institutions and actors who have the responsibility and ability to advance
children's rights*

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Prepared by: Mireille Vijil and Noemi Danao Cabuslay

November 1998

Nicaragua Study Is a Part of the International Convention on the Rights of the Child
Impact Study

A Project of Rädde Barnen/Swedish Save the Children, Stockholm Sweden
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Nicaragua Study Is a Part of the International Convention on the Rights of the Child
Impact Study

A Project of Rädde Barnen/Swedish Save the Children, Stockholm Sweden
Lisa Woll, International Study Director, 202-463-0020 (USA) or lwoll@erols.com

The Nicaragua Convention on the Rights of the Child Impact Study is part of the International Convention on the Rights of the Child Impact Study, a project of Rädde Barnen/Swedish Save the Children. The study is also being undertaken in Ghana, Peru, Philippines, Sweden and Yemen.

Nearly a decade after ratification of the CRC, more information is needed about whether and how the CRC is being used to advance children's rights. The International CRC Impact Study was created to obtain in-depth information about the effect that the CRC is having on a broad array of institutions and actors who have the responsibility and the ability to advance children's rights at local, national and international levels. The study asks: "How is the Convention on the Rights of the Child influencing policy and programming related to children?" The study will answer this question through comparing the experiences of these diverse countries and will make recommendations about how to further advance the Convention on the Rights of the Child.

The study does not focus on the direct impact of the CRC on children, with the exception of how children are involved in creating the policy and programming which affects them. The study does not seek, for example, to ascertain whether there has been a change in child poverty as a result of the CRC. It is too early to undertake such an analysis (and proving such cause and effect would be extremely difficult, if not impossible). The belief underlying the study is that unless such actors as government, non-government organizations, international non-government organizations, media, research institutions, UN agencies and others are changing their programming and policy in response to the CRC, the ability to change children's lives for the better will be severely limited. Thus, the study assesses whether and how those institutions and actors have changed since the CRC was ratified.

The country studies and international study have as their goals to:

- 1) analyze and document the actions of governments, non-government organizations, UN agencies, and other key players with the responsibility and ability to advance the CRC;
- 2) assess how particular circumstances in each country, including geographic, economic, political, religious, and social, have affected the manner in which the CRC is advanced;
- 3) analyze and document the successes and failures found in the reporting, monitoring and implementation of the CRC;
- 4) highlight "good practices" taking place in the reporting, monitoring and implementation of the CRC;
- 5) make recommendations about ways in which the reporting, monitoring and implementation of the CRC could be more effectively undertaken in study countries, other countries, and by international and UN organizations.

While the individual country studies will be published as they become available, the International Convention on the Rights of the Child Impact Study will be launched in the first half of 1999.

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Executive Summary

The purpose of this study is to illustrate and analyze how the Convention on the Rights of the Child, ratified by Nicaragua in April of 1990, has influenced the policies, programs and practices of government institutions, non-governmental organizations, civil society and international agencies involved in the advancement of Nicaraguan children. It describes the structures, instruments and mechanisms created to promote children's rights, and presents case studies of noteworthy national and local efforts. Finally, the study makes recommendations on how the different actors might more effectively work to implement the Convention.

Nicaragua has a population of approximately 4.3 million inhabitants. It is considered the poorest country in Central America as well as the most indebted in the American continent, with 74.8% of all households living in poverty with one or more of their basic needs unsatisfied.

Throughout this century, armed conflict has played a significant role in the country's history. This has included 23 years of occupation by US military forces, 18 years of armed civil unrest to overthrow 43 years of dictatorship, and 11 years of civil war. It was not until 1990 that Nicaragua entered into a period of "peace and reconciliation." Nevertheless, the absence of war has not brought about improved living standards for the majority of the population, as rampant unemployment, illiteracy, violence, low health indicators, limited access to social services and other difficulties continue to plague the country.

With 53% of the population under the age of eighteen, Nicaragua has been called a country of children. Given the grave socioeconomic context, the number of children living in difficult circumstances is staggering. 1.5 million persons under the age of nineteen live in extreme poverty, representing 62.7% of the country's population. Over one million school age children a year do not attend an educational institution; approximately 160,686 children over the age of ten work outside of the home to generate income; 169 out of every 1000 teenage girls becomes pregnant; and an average of 40,000 children a year die from diarrhea and respiratory infections.

When Nicaragua ratified the UN Convention on the Rights of the Child in 1990, it set the stage for a series of events that would bring to the forefront children's needs and rights. Immediately following, the National Commission for the Protection of Children was created, renamed in 1994 as the National Commission for the Promotion and Defense of the Rights of Children. In 1995, the UN Convention was granted Constitutional status.

Between 1994 and 1996, a period of great momentum in terms of the creation of mechanisms to advance children's rights, governmental and non-governmental organizations were able to coordinate efforts in the formulation of three important policy instruments: the proposal for the Children's Legal Code, the National Policy of Comprehensive Attention for Children, and the National Action Plan for Children 1997-2001. The government created in 1995 the Nicaraguan Fund for Children and Families (FONIF) for the purpose of addressing the needs of children in especially difficult circumstances. Other ministries, such as the Ministry of Health and the Ministry of Social Action, also began placing greater emphasis on child oriented programs. Moreover, both the government and NGOs have presented reports to the UN Committee on the Rights of the Child evaluating the advancement of children's rights in Nicaragua.

The UN Convention also brought about a change in the policies and programs of non-governmental organizations. In 1992, national NGOs joined forces to create the NGO Coalition for the Rights of Children, which to date is the largest and most influential alliance of NGOs in Nicaragua working to promote, defend and protect the rights of children. Numerous NGOs have incorporated the Convention into their mission as well as their initiatives, and have raised awareness among civil society of the rights of children through educational programs and social communication.

International agencies such as UNICEF and the members of the Save the Children Alliance have also played key roles in the promotion of children's rights. For UNICEF, the Convention brought about a revision of their development policies and practices, and as a result UNICEF has assumed an important role in the promotion of new laws, public policy and the dissemination of the Convention, as well as continued their support of more immediate primary needs in health and education. The Save the Children Alliance and its members have been instrumental in promoting the Convention as well, both through their own programs and initiatives and by supporting NGOs that address the rights of children. They have also played a role in lobbying the government on issues and policies directed toward children; have promoted the formation of joint efforts and coalitions; and have acted as facilitators between governmental and non-governmental organizations in the search for a more collaborative and effective effort in favor of children.

Despite these advancements, however, there have been obstacles. The change of government in January 1997 ended the effective coordination between the State and NGOs, particularly on a central level. From the beginning, there was mutual distrust between the new administration and the non-governmental sector: many high officials accused NGOs of operating to fulfill their own needs and of lacking in concrete actions; NGOs claimed that the government was trying to undermine their work and limit their access to resources. Furthermore, the vast majority of newly elected officials had little knowledge or understanding of the Convention on the Rights of the Child, which hindered the continuity of actions taken by outgoing officials towards its promotion.

These difficulties have hindered many initiatives: for example, the three policy instruments created were not readily assumed by the current administration, and only the Children's Legal Code was approved in May of 1998, two years after its writing. The Ministry of Education continues to omit the formal inclusion of the Convention in its educational curriculum, and indirectly limits access to education through policies that permit the charging of school fees. Cuts in social spending as a result of structural adjustment limit access to social services, with no plan to mitigate its effects on the child population. Moreover, a recently approved "Law of State Reorganization" has created new government entities and dissolved others. Such is the case with FONIF, which will be dissolved, and whose work will become part of a broader based plan under the Ministry of the Family, scheduled to begin operations toward the end of 1998. The influence this change might have on programs of special attention to children at risk formally attended to by FONIF remains to be seen, though at least in the short term the reorganization will most likely disrupt normal operations.

Still other difficulties have limited the impact of the Convention on both the governmental and non-governmental level. These include the lack of an effective monitoring system on the fulfillment and implementation of the Convention, as well as accurate methods for gathering qualitative and quantitative information that would permit a better assessment of the situation of children and their rights. Aside from the limited coordination between State and civil society in the implementation of the Convention, there are also difficulties among NGOs. NGOs throughout the country have different levels of development, coordination and vision, particularly between those based in the capital and those located in other geopolitical departments. In this sense, bodies such as the NGO Coalition for the Rights of Children need strengthening in order to help create a unified front.

Nonetheless, the advancements in Nicaragua toward the implementation of the UN Convention on the Rights of the Child continue. The recent approval of the Children's Legal Code, scheduled to go into effect in November of 1998, is considered a milestone toward the fulfillment of children's rights, and has mobilized the civil sector to actively rally for its implementation. Its effects on government entities are already being felt, as is the case with the National Police Force, which is currently undergoing the process of establishing new norms and procedures that coincide with the Code and ultimately the Convention. The Children's Legal Code has been given much media attention, which has also served to raise public awareness. As well, the National Commission for the Promotion and Defense of the Rights of Children has been steadily working to train appointed government functionaries in the Convention, and has plans to include the Code in this process.

On a local level, there has been a rise in the effectiveness and number of Municipal Children's Commissions, which have become a forum where both NGOs and government institutions can work together. From these instances and other endeavors have risen numerous examples throughout the country of coordinated efforts between civil society and local government institutions in favor of children.

Lastly, discussion has grown on how to give children a more active voice in the promotion of their rights, and several innovative initiatives and organizations have emerged that are directed by children themselves, that foster their participation, and that include them in decision making processes. Nicaragua now must face the challenge of sustaining these achievements, coordinating efforts on all fronts and guaranteeing the implementation of child's rights based policies, united by the common goal of promoting and defending the superior interest of children.

Background to the Impact Study of the UN Convention on the Rights of the Child in Nicaragua

Objectives and methodology of the study

Nine years after the ratification of the UN Convention on the Rights of the Child, there is still very little information regarding the impact the Convention has had on the actors and structures who work towards the fulfillment of children's rights. With this in mind, Rädga Barnen of Sweden commissioned an international comparative study for the purpose of gathering this information. Nicaragua was selected among the Central American countries to do a case study.

This study, carried out between October 1997 and October 1998, aims to illustrate cases and examples of how, in Nicaragua, the government, the *Coordinadora de ONGs que Trabajan con la Niñez* (or the NGO Coalition for the Rights of Children), other national NGOs, international NGOs, and UN agencies such as UNICEF are putting the Convention into practice, as well as to demonstrate the more significant results of their actions and experiences.

This study also defines the breadth of impact the Convention has had in terms of how it has been appropriated, disseminated, implemented, and monitored by the key actors and institutions responsible for its fulfillment. Moreover, it presents an opportunity for evaluating the effectiveness of the drafting and follow-up processes of the reports presented to the UN Committee on the Rights of the Child, an activity that involves all key actors.

Finally, this study provides a source of information regarding the advancements made in Nicaragua since the ratification of the Convention: for example, if there have been changes in policies and programs in order to advance children's rights; whether there has been an increase in the participation of children and adolescents in the decisions and actions that affect them; and whether there is more interest on the part of the media, academic institutions and researchers regarding the rights of children.

It is hoped that the results of this report will serve as an example to other countries that, for different reasons, have not had the same advancements in the application of the Convention.

The nature of this study is descriptive as well as analytical. It attempts to describe with some level of detail the new structures, policies and existing mechanisms created to apply the Convention, as well as local or national experiences that would be worth duplicating. At the same time, the study explains a process of reflection and analysis of the impact that these efforts have had in favor of the rights of children, as well as makes recommendations for future actions.

This study was developed in two stages. In the first stage, the topics outlined in the study's terms of reference were researched. In the second stage, certain aspects were analyzed more in-depth and others, which were not identified in the terms of reference, were included. Among these aspects were the work of the Network of Mayors for the Defense of Children, and the direct consultation held with children.

This study is based principally on the results of open interviews with persons in key positions, representatives of the NGO Coalition for the Rights of Children, government officials, members of the Municipal Children's Commissions, UN officials and officials of international NGOs. These interviews were an efficient means of obtaining key information and for procuring leads for other interviews. Later, several workshops and group sessions were held to consult other sectors and to debate content. These sessions were carried out with actors and entities related to the implementation of the Convention, including a group of children involved in media. The workshops allowed for a greater analysis of important issues or themes raised during the interviews. This study also reflects the findings obtained from pertinent document research.

The conclusions and recommendations were written on the basis of the general perspective gained during the study, and take into account the elements obtained through interviews and documentation. These were later enriched by the findings gathered in the consultation process through workshops and group sessions.

The first draft of the study was discussed with representatives from the organizations and entities that were involved in the investigation. Later, the second and final drafts were presented to and analyzed with the members of the Save the Children Alliance.

Country Description/Situation of Children

Since the last century, Nicaragua can be characterized as a country in permanent conflict. After independence from Spain in 1821, both Great Britain and the United States have supported one Nicaraguan political party or another, depending upon which one represented their interests (Barahona, 1989). From 1910 to 1933, the United States maintained military presence in Nicaragua; later, the US contributed to maintaining the Somoza dynasty in power from 1936 until 1979 (ibid.), and from 1979 to 1990 supported anti-Sandinista paramilitary forces.

When the *Frente Sandinista de Liberación Nacional* (or the Sandinista party) overthrew the Somoza dictatorship after eighteen years of armed conflict and assumed power in 1979, it set goals for the short term solution of some social problems, including illiteracy and the lack of health services. However, political polarization within the country once again thrust Nicaragua into violent conflict.

In this sense, changes in government until the elections of 1990 have been resolved through violence, exacerbated by political polarization and the absence of a "culture of dialogue." Moreover, years of structural crisis, war, hyperinflation, structural adjustment measures and natural disasters have exacerbated the conditions within the country and contributed to what they are today.

Nicaragua has a population of 4.3 million people, of whom 53% are under eighteen years of age (INEC, 1996). Since 1990, Nicaragua is situated as the poorest country in Central America and the most indebted in the continent, with 74.8% of all households living in poverty with one or more of their basic necessities unsatisfied (Ministerio de Acción Social-MAS, 1995).

When structural adjustment policies were implemented at the beginning of the 1990's as a way to improve macroeconomic indicators, social programs were reduced, contributing to the deterioration in the coverage and quality of health, education and other public services. While the war formally ended in 1990, poverty and unemployment levels have increased and armed violence continues, with devastating human costs.

In actuality, there exists an uneven distribution of resources and insufficient access to basic services, resulting in a serious deterioration in the health, nutritional and educational situation of the country. This has had a more detrimental effect on the vulnerable sectors of society, particularly children, and is even more precarious in the rural sector. 62.7% of the population who live in extreme poverty are under the age of nineteen, which translates into 1.5 million children living in situations that put them at risk for their survival, welfare and development (op.cit.).

Some of the statistics that further illustrate this problem include the following:

- 34% of households with children have limited access to potable water, and must obtain it from distant sources (CNPDN, no date).
- 75% of households with at least one child uses firewood as cooking fuel (ibid.).
- 18% of children live in overcrowded conditions, where often one room serves for all household activities both day and night (ibid.).
- According to official statistics, annually 475,000 preschool age, 160,000 primary school age, and 450,000 high school age children do not attend school (La Tribuna, Oct. 11, 1998).
- The most frequent cause of infant mortality are diarrhea and respiratory infections. According to outdated statistics, an average of 40,000 children a year die from these causes (UNICEF, 1996).
- 12% of children under age eighteen possess some kind of disability whose origin is from birth, illness, accident or other causes (CNPDN, no date).
- Nicaragua is the Latin American country with the highest incidence of teen pregnancy in girls between the ages of 15 and 19 years, representing 169 of every 1000 pregnancies (Solum and Arnoldo, 1996).
- According to estimates from the Center for Labor Studies, approximately 160,686 children must look for work to provide for their own subsistence. They may work on the street, in coffee, banana or tobacco fields, or in domestic settings (Centro de Estudios de Trabajo, 1996). According to other sources, such as the position paper from the First National Forum on Child Labor, there are over 300,000 working children.

These conditions have served as a catalyst for the propagation of and increase in domestic and social violence, involving girls, boys and teenagers as both victims and aggressors. Moreover, there has been an increase in delinquency, drug use and prostitution among this population.

Overview of the UN Convention on the Rights of the Child in Nicaragua

The UN Convention on the Rights of the Child, approved by the General Assembly of the United Nations on November 20, 1989, was signed and ratified by the Nicaraguan government in April of 1990 and granted constitutional status in 1995. As well, in 1990 Nicaragua participated in the World Summit for Children.

Before the ratification of the Convention, Nicaraguan law considered that children were objects of protection, subject only to compassion or charity, and possessing no rights to judicial defense or protection. For example, if a child was accused of violating the law, an administrative judge had the total power of decision as to the sentence that the child would receive. Moreover, children in conflict with the law, children in difficult situations, orphans or those abandoned by their families were all treated the same way. Many were placed in detention centers, regardless of whether they or their families agreed.

Basically, this was an attempt to protect society from “delinquent minors” whose problems, according to those working in “reeducation” detention centers, were the product of aberrant personalities and not at least in part the result of the socioeconomic context. This has been termed by some as the “pathologicalization” or the criminalization of minors living in poverty. These antiquated conceptions not only were reflected on a judicial level but also in society, family, school, church and the media.

With the ratification of the Convention, the situation began a process of change both on a governmental and non-governmental level. This has included the revision and reformulation of laws and policies to better protect the interests of children; the redefinition of children as social subjects with rights; the creation of entities to guarantee the implementation of children’s rights; the initiation of a “humanization process” in justice and law enforcement institutions based on a real concept of reeducation as opposed to privation of liberty; and the increased protagonism of NGOs to organize, lobby and raise awareness within State and civil society of the rights and needs of children. Among the more salient structures and initiatives created since the ratification of the Convention have been the following:

- The National Commission for the Protection of Children, made up of different government institutions, established by decree of law in 1990 for the purpose of monitoring the application of the Convention. It was restructured in 1994 to include non-governmental organizations, and was renamed the National Commission for the Promotion and Defense of the Rights of Children (CNPDN);
- The Nicaraguan NGO Coalition for the Rights of Children, officially convened in 1992 as a means for coordinating efforts to protect and defend the rights of children;
- The creation of the Police Commission for Women and Children in 1994;
- The Permanent Commission for Women, Children and the Family, created by the National Assembly in 1992;

- The Nicaraguan Fund for Children and Families (FONIF) instituted in 1995;
- The National Policy of Comprehensive Attention for Children, drafted in 1996;
- The Children's Legal Code, written in 1996 and approved by the Nicaraguan government in May 1998;
- The National Action Plan for Human Development, Children and Adolescents 1992-2000, which was reformulated as the National Action Plan for Children 1997-2001;
- The presentation of two "Reports to the UN Committee on the Rights of the Children" by the Nicaraguan government, the first in 1993 and the second in 1997. As well, the presentation of the first "Alternative Report" drafted by the NGO Coalition for the Rights of Children in 1994.

It is worth mentioning that many of these advancements were achieved between 1994 and 1996, brought about by improved coordination between government and NGOs in respect to the protection of children's rights. As a result of the elections in October 1996 and the change of government in January 1997, momentum and the level of coordination was lost; for example, the Children's Legal Code, whose approval was projected during the previous administration, was in fact not approved until 1998, after a process of intense lobbying and public campaign carried out by the NGO Coalition and other key actors. Meanwhile, for political and other reasons there has yet to exist a concerted effort between the current government and NGOs toward the fulfillment of the Convention, despite it being a common agenda (see section "Relations between NGOs and the Government").

Evaluation of Government Efforts to Advance the UN Convention on the Rights of the Child

Background

The Nicaraguan government is made up of four branches: the judicial, legislative, executive and electoral.

The judicial branch, whose highest entity is the Supreme Court of Justice, is responsible for the exercise of justice in Nicaragua as defined in the Magna Carta. This branch is therefore responsible for guaranteeing the fulfillment of Chapter IV, Article 71 in which the UN Convention on the Rights of the Child is granted constitutional status.

The legislative branch, represented by the National Assembly (or Parliament), is responsible for drafting and approving laws, including those in favor of children. In 1992, the National Assembly created the Permanent Commission for Women, Children and the Family.

At the level of the executive branch there are various entities that directly or indirectly attend the needs of children. These include the Ministry of Social Action, Ministry of Education, Ministry of Health, Ministry of Labor, Nicaraguan Fund for Children and Families (FONIF), the Institute for Municipal Promotion (INIFOM), the Nicaraguan Aqueduct and Sewage Institute, and the municipal governments.

In 1994, the Ministry of the Presidency created the National Commission for the Promotion and Defense of the Rights of Children (CNPDN), headed by the First Lady of Nicaragua. Under the current administration and a new "Law of State Reorganization," the Ministry of the Family (MiFamilia) was created to begin functioning toward the end of 1998. MiFamilia will assume the work of FONIF, which will be dissolved.¹

From 1995 to 1996, the CNPDN promoted a coordinated effort with governmental and civil entities for the drafting of the Children's Legal Code, the National Policy of Comprehensive Attention for Children, and the National Action Plan for Children 1997-2001. The actors who participated in these efforts included all executive branch institutions, a delegate from the Supreme Court, assembly members from the Permanent Commission for Women, Children and the Family, as well as representatives from the NGO Coalition for the Rights of Children.

¹ While FONIF may no longer exist at the time this study is published, it will continue to be referred to as such throughout this document.

Reporting to the UN Committee on the Rights of the Child and Compliance with Recommendations

To date, the government of Nicaragua has presented two “Reports to the UN Committee on the Rights of the Child,” the first in 1993 and the second in 1997. The NGO Coalition also presented an Alternative Report in 1994 and is currently drafting the Second Alternative Report to be presented in October 1998.

The process for the production of the second government report began five months after the current administration assumed office in 1997; the first step included orientation to newly elected officials about the Convention, the National Commission for the Promotion and Defense of the Rights of Children, and the efforts carried out since 1994.

Each government institution was asked for information regarding programs and efforts in favor of children, as well as statistical data. Meetings were held in the more important ministries in order to analyze the information gathered. The actual writing of the second report took four months.

Nevertheless, the same report pointed out several deficiencies in the methodology implemented, particularly regarding consultation with other actors and entities:

- There lacked a more participative process and dialogue with other governmental and non-governmental organizations;
- There was little information regarding judicial power;
- Other important entities, such as the Police Commission for Women and Children, the Permanent Commission for Women, Children and the Family, and the Women’s Institute were not consulted in the process.

Recommendations of the UN Committee

The UN Committee made recommendations to Nicaragua based on the first government and alternative reports. The following is a synthesis of these recommendations and the state of the Nicaraguan government’s compliance with them:

1. Make the national legislation compatible with the principles and dispositions of the Convention.

The Nicaraguan Government gave Constitutional rank to the UN Convention on the Rights of the Child in 1995, during the context of constitutional reforms. Nevertheless, although this signified an advancement, many of the Nicaraguan laws in place at that time were incompatible with the spirit of the Convention. While according to the Convention children are social subjects and subjects with rights, in the Nicaraguan legal framework children were merely subjects for protection. Even though some reforms were made from 1990 to 1995, they were insufficient for rectifying this contradiction.

With the drafting of the Children's Legal Code during the previous administration and its subsequent approval by the current National Assembly, Nicaraguan legislation will be compatible with the Convention. Given that the Code overrides previously approved laws, a second phase must take place for the revision of those laws affecting children. This also implies a need to reorganize some institutions, to train officials and authorities in the Code and its application, and the construction of adequate facilities. At this time, the current government is analyzing the cost of implementing the Code, which is to go into effect in November 1998.

2. Establish an efficient system for coordinating the implementation of the Convention. Strengthen the National Commission for the Promotion and Defense of the Rights of Children.

The previous administration made headway in establishing greater coordination between governmental and non-governmental organizations, which included the strengthening of the Commission by including the participation of civil society. The result of this effort was the joint elaboration of the Children's Legal Code and the National Policy of Comprehensive Attention for Children.

In actuality, the level of coordination between the current government and NGOs is weak. While the National Commission for the Promotion and Defense of the Rights of Children has made efforts to promote coordination, it has been insufficient. This situation has limited the impact and strength of the Commission.

3. Create a system of statistical collection and other data that reflect the situation of children.

As a first step towards the creation of a system for monitoring indicators on the rights of children, a needs analysis was carried out in 1996 with respect to the existence of and possible use for available data in the country. This process was supported by Childwatch International. Nevertheless, as of 1997 an information system on Nicaraguan children had yet to be implemented.

4. Create a Children's Ombudsman office.

Legislation was approved for the creation of the Human Rights Ombudsman office. As a result of lobbying from NGOs, this legislation also included the creation of a Children's Ombudsman sub-office. However, authorities have yet to be appointed to either office, and the process is dependent upon the interest of the government to do so.

5. Incorporate the Convention into formal and non-formal education curriculum. Offer training or refresher courses on the Convention to educators and professionals who work with children.

Until now, the Ministry of Education has not been receptive to incorporating the Convention in its totality into the official curriculum, although there is mention of the fundamental rights of children in existing study programs.

Within the Ministry of Health there have been substantial advancements, illustrated by the creation of a Program Area for Attention to Children. More importantly, the Ministry of Health is reworking its vision of health attention to this sector, from a strictly biological viewpoint to one of comprehensive attention. In this sense, not only the physical well being of children will be taken into account but also their social and psychological health.

With respect to the judicial system, training programs on the Convention are being offered to judges and other authorities. The National Police have incorporated the Convention into the Police Academy curriculum, and has begun a training process for existing law enforcement personnel. The National Police have also begun changing or adapting their norms and internal procedures in the areas related to children. As well, the National Commission for the Promotion and Defense of the Rights of Children has been working to train appointed functionaries in the Convention.

6. Address the problems of children who are members of minority or ethnic groups.

The Atlantic Coast Region of Nicaragua, inhabited by indigenous groups of Miskitos, Sumus and Ramas, is essentially abandoned by the central government. This area is characterized by a lack of economic and social programs and high levels of poverty, resulting in serious repercussions in the development and well being of children from this region. However, there are NGOs who work directly with these groups.

7. Increase the coverage and quality of social services that benefit children.

The structural adjustment policies geared towards macroeconomic improvement have gravely affected health and education programs. The coverage and quality of social services, particularly those that benefit children, are sorely insufficient. In the National Policy of Comprehensive Attention for Children, the need for more foreign assistance to address this situation is mentioned. Nevertheless, advancements have been made in determining the cost in applying the National Policy.

The current administration has yet to ratify the National Policy of Comprehensive Attention for Children, nor has it determined a strategy for soliciting international aid to improve the situation of children. While the previous government did procure financing from the European Union to support a project for incarcerated adolescents, this type of negotiation would have greater impact if it addressed more global needs.

8. Broaden and expand the participation of children in decisions that affect them.

With the creation of the Municipal Children's Commissions as well as Youth Commissions made up of young people, an attempt has been made to take into account the opinions and interests of children. However, their participation is still very formal.

In the case of the Nicaraguan Fund for Children and Families (FONIF) program for child laborers, the institution has made efforts to include the opinions of this sector in the development of activities. The Code itself mandates the creation of more opportunities for children to participate in decisions made for their benefit and in issues that concern their situation.

9. Assure the protection of children against offensive media.

There is still much to be done concerning information transmitted by the media, who irresponsibly contributes to the propagation of a "culture of violence." This is most evident in television and newspapers. In the case of television, there are programs that foster negative attitudes and values. Regarding newspapers, sensational articles are published daily, regardless of the psychological affects they may have on young readers.

10. Organize a more comprehensive and coordinated campaign to confront problems that affect both the family and society.

Under the previous administration, the National Commission for the Promotion and Defense of the Rights of Children (CNPDN) attempted to promote discussion on different problems related to family and society. Through the coordinated efforts between government and non-governmental organizations brought about by these discussions, there emerged a variety of joint campaigns on the following themes: vaccination, preventive health, sexual abuse and reproductive health.

The Ministry of Health, as a member of the CNPDN, voiced a particular concern regarding the problems of maternal mortality and teen pregnancy, and attempts were made to coordinate efforts with the Ministry of Education. However, within the Ministry of Education there was resistance to address within the school system the issue of contraceptives as a means of preventing teen pregnancy, despite a signed agreement between the Ministry of Health and the Ministry of Education to work together. The lack of a concerted view of how to address the subject of adolescent sexuality continues to impede any joint process.

Aside from governmentally spearheaded actions, the NGO Coalition for the Rights of Children has made its own attempts to develop a more comprehensive approach for the treatment of the issues mentioned above.

11. Focus on the provision of primary health care, with family planning and nutrition as two of the principal components.

Primary health care continues to be limited, particularly in the rural area, for the urban poor and for other sectors of society already at living in difficult circumstances. In terms of family planning, there is no nationwide, concerted strategy: the Ministry of Health offers free contraceptives in its clinics and health posts; the Ministry of Social Action works with adolescents and sexuality; and NGOs, particularly those involved in women's health, promote family planning. Nonetheless, these continue to be isolated efforts.

The Ministry of Health has disseminated information on nutrition, yet the high levels of poverty and unemployment have made the practical application of this information difficult. In a UNICEF program to improve the diet of students and ultimately their ability to study and concentrate, milk and fortified cookies were given out in primary schools. This program was eliminated in 1998, and may affect the levels of scholastic achievement and school desertion, both of which have risen in the last five years.

12. Substantially increase school enrollment and retention rates, as well as improve the relevancy and quality of education.

According to the Ministry of Education, primary school enrollment has been increasing since 1980; between 1990 to 1995, the number of children enrolled rose from 632,000 to 784,713, a 23.9% increase (UNICEF, 1996).

The UNICEF study, "Analysis of the Situation of Women and Children, 1996," concludes that the educational system has become more efficient. From 1990 to 1993, 488 of every 1000 students completed the cycle of primary education, an 8% increase from 1990. Of these, 220 completed the cycle without repeating a grade, representing a 10% increase from 1990.

There have been other advancements as well. The automatic promotion from first to second grade, independent of its influence on academic results, is a measure directed towards improving school retention. Curricular transformations have been implemented to improve teaching methodologies, to make contents more interesting and relevant, and to increase student participation in the learning process. There are also internationally supported efforts to increase pre-school coverage.

There continues to be serious obstacles, however. Despite an increase in school enrollment, according to the Ministry of Social Action only 73.6% of the school age population actually attend school; and approximately 635,000 have never attended (MAS, 1994,1998). This indicates that educational services do not cover the increasing demand as a result of demographic growth, approximately 3% per year (Nicaraguan government, 1996).

The situation is even more critical in the rural sector. In 1993, it was calculated that 33% of rural children between the ages of 6 and 17 have never been to school; for urban children, the statistic was still high at 11%. Furthermore, while statistically

students spend an average of 4.5 years in school, in impoverished urban sectors the average is 3 years, and in the rural sector it is a low 1.6 years (CNPDN, no date).

In some respects, the School Autonomy Program has exacerbated the situation. Its implementation has resulted in school fees and higher expenses for students, making it less economically viable for many families to enroll or maintain their children in school. Economic necessity has pushed families into extreme recourse, and oftentimes the income their children can generate by working becomes more important than their education. For many children enrollment and withdrawal from school, particularly due to economic reasons, is a continuous cycle, and it has been calculated that an average of eleven years is needed to produce one grade school graduate.

One of the obvious results of the aforementioned difficulties is illiteracy. In a 1995 study carried out by the International Foundation for Global Economic Challenges (FIDEG), the national illiteracy rate was calculated at 26.3%, with 45% illiteracy in rural areas and 17% in urban areas (D'Angelo, 1996).

UNESCO warns that if the same tendencies are maintained in Nicaragua, with 200,000 children left out of the school system each year, by the year 2000 the national illiteracy rate could reach 50%, a rate similar to that at the end of the 1970's (ibid.).

The majority of Nicaragua's educational indicators continue to be the lowest in Central America, making an effective educational system one the countries biggest challenges.

13. Establish an administrative system for juvenile justice.

An administrative system for juvenile justice, in accordance with international instruments, is proposed in the Children's Legal Code but has yet to be implemented.

14. Address the issue of child labor.

According to the Ministry of Labor, in 1996 over 160,686 children between the ages of ten and nineteen worked to generate income. The overwhelming majority, 140,000 children, was from the rural sector and worked in agricultural production (Centro de Estudios de Trabajo, 1996).

It is calculated that the number of child laborers as determined in surveys and censuses is grossly underestimated by 50%. Furthermore, these censuses and surveys do not tally the number of working children under ten years of age, nor do they include children working in domestic settings. Taking all this into account, it is estimated that there are approximately 323,372 working children in the country (ibid.).

FONIF (the Nicaraguan Fund for Children and Families) has developed the "Program of Attention to Child and Adolescent Laborers." This program contemplates the following components: formal and vocational education, family, community, culture, sports and recreation. However, insufficient resources have limited the scope of each component as well as the number of beneficiaries.

In 1997, the National Commission for the Progressive Eradication of Child Labor was created, under the responsibility of the Ministry of Labor. The objective of the Commission is to coordinate the many efforts related to the issue of child labor within a coherent program, as well as to research the real situation of child labor in Nicaragua for the purpose of publishing a study and formulating appropriate projects to monitor and/or address this situation.

Among the actions directed towards the issue of child labor, an initiative of civil society merits special mention. In 1997, the First National Forum on Child Labor was held, organized by the NGO Coalition for the Rights of Children and the members of the Save the Children Alliance. The objective of the Forum was to stimulate the process of creating a national plan to address child labor.

The results of this Forum, which included the participation of over 400 delegates from NGOs, government agencies, private business, religious groups, labor organizations and representatives from other Central American countries, included the following:

- the participation of different social sectors associated with the issue, including small and medium enterprises and large businesses;
- the presentation of different opinions and viewpoints on the issue as well as the presentation of new information;
- the generation of public awareness on the subject of child labor, its causes and its manifestations, as a result of the ample media coverage obtained.

In preparation for the Forum, the National Consultation on Child Labor was held. More than 300 children and adolescents from around the country participated in the Consultation, and their experiences and opinions formed the informational and experiential basis for the event.

In terms of achieving its objective, the First National Forum on Child Labor was successful in promoting the formulation of a national plan on child labor.

15. Widely distribute the Reports to the UN Committee on the Rights of the Child, including a synthesis of the discussion with and observations of the Committee.

The recommendations of the Committee were published, but the extent to which they are being used as a guideline for organizations and institutions that address the issues of children is uncertain.

Legal Adaptation

The ratification of the Convention by the Nicaraguan government in 1990, and its subsequent placement into effect in 1995 under “Title IV of the Rights, Duties and Privileges of Nicaraguan Citizens, Chapter IV Rights of the Family, Article 71” of the Constitution, set precedent for the legal adaptation of all laws concerning children.

Before the Convention went into effect, the National Assembly, with the support of the Executive Branch and non-governmental organizations, made exhaustive revisions to the different laws and codes pertaining to children, for the purpose of making them compatible with the principles of the Convention.

Nevertheless, these efforts were merely “band aids” on antiquated concepts, and instead created a series of contradictions and legal ambiguities. While on the one hand certain laws were maintained based on the Doctrine of Irregular Situations², on the other, legislation was introduced that clearly expressed a commitment to respect the legal principles of the Doctrine of Full Protection³.

In response to these contradictions, three instruments were created between 1994 and 1996 for the purpose of insuring the application of the Convention on the Rights of the Child. These instruments include the Children’s Legal Code, the National Policy of Comprehensive Attention for Children and the National Action Plan for Children 1997-2001.

Before entering into detail on each of these instruments, it is important to have a global vision of the existing relationship between them.

The **Children’s Legal Code** represents the legal translation of the Convention into the Nicaraguan context. This Code abolishes obsolete laws that do not correspond with the principles of the Convention, and readapts them to a new legal framework. In this sense, the needs of children become a right of obligatory compliance on the part of the Nicaraguan State. The Children’s Legal Code was ratified by the National Assembly in April 1998, and is scheduled to go into effect in November 1998.

² **Doctrine of Irregular Situations:** Defines the judicial treatment received by minors who are determined to be in “irregular situations.” Children under this category include alleged law violators, abandoned or neglected children, those in situations that put their well being at risk (i.e. indigent), and orphans. Their cases are attended by an administrative judge who solely decides their verdict; as minors in irregular situations, they are not allowed due process of the law. Historically, these children have been placed in detention centers, orphanages or prisons in order to protect them and society.

³ **Doctrine of Full Protection:** Defines the treatment of all children, not only those in “irregular situations.” According to the Doctrine of Full Protection, children are social subjects whose rights are to be promoted and defended. Special situations are handled according to their nature; for instance, those accused of law violations are dealt with within a framework of juvenile justice, with the right to legal representation and/or the intercession of social workers, psychologists, or other relevant professionals. The four pillars on which the Doctrine of Full Protection is based include the UN Convention on the Rights of the Child, the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the UN Rules for the Protection of Juveniles Deprived of Their Liberty, and the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

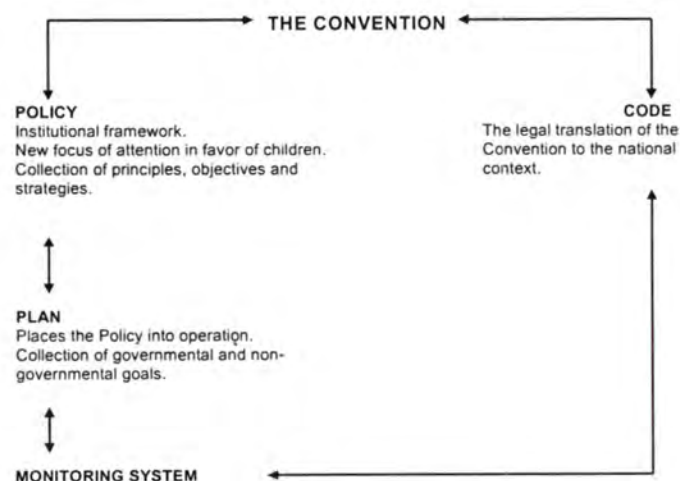
The **National Policy of Comprehensive Attention for Children** was created to coordinate governmental and non-governmental efforts and policies. The National Policy unifies criteria in conceptual terms as well as in objectives and strategies; contributes to the rational use of human and financial resources; and suggests the roles that distinct entities might play within a more global and comprehensive plan. In other words, the Policy consolidates what would otherwise be disarticulated policies into basic social, assistential, legal and special protection policies, as well as designates responsibilities to the different actors who would insure the fulfillment of each. While the previous government approved the National Policy of Comprehensive Attention for Children, the current administration has yet to ratify or implement it.

The Code insures the ability to demand children's rights in legal terms, while the Policy is the institutional framework for implementing the Code.

Both the Code and the Policy stipulate the creation of a National Council of comprehensive Attention to Children, a body that would guarantee the fulfillment of both of these instruments and ultimately that of children's rights; the Code grants legal status to such a Council, and the Policy determines its structure, function and operability.

The **National Action Plan for Children 1997-2001** fulfills the role of making the Policy operational by integrally managing the different efforts and priorities of each institution according to specific program goals, available national resources and international aid. The Plan is the ideal instrument for measuring the grade of fulfillment of the Convention according to defined indicators. As with the case of the National Policy, the National Action Plan is pending ratification. Nevertheless, the National Action Plan serves as a guideline for the National Commission for the Promotion and Defense of the Rights of Children.

Relationship between the Code, Policy and Plan



The Children's Legal Code

The drafting of the Code was coordinated by the National Commission for the Promotion and Defense of the Rights of Children (CNPDN), and included the participation of the different State branches, government institutions whose programs benefit children, and the NGO Coalition for the Rights of Children.

Its writing involved the combined efforts of an interdisciplinary and intersectorial commission, which carried out in coordination with the NGO Coalition a series of consultations with different sectors of the population. For example, in one consultation carried out by the commission, the views and opinions of students, teachers, parents, volunteers, representatives, professional associations and the Municipal Children's Commissions were taken into account. In another consultation led by the NGO Coalition, 574 adults and 318 children participated, representing promoters, educators, community leaders, program directors, governmental and non-governmental organizations.

Moreover, the NGO Coalition organized workshops, which gave birth to the Network of Promoters of the Children's Legal Code, made up of individuals with experience in training and community development. These promoters went on to reproduce the workshops on a local level.

In July of 1996 the proposal for the "Children's Legal Code" was published. However, this project was not approved by the National Assembly due to time limitations and the impending government elections carried out in October that same year.

Once the current administration assumed power in January 1997, the process of lobbying for its approval had to begin anew, spearheaded by the NGO Coalition for the Rights of Children. As directed by the executive branch, the National Commission for the Promotion and Defense of the Rights of Children subjected the proposal to revisions, and was asked to carry out economic, legislative and administrative feasibility studies upon its implementation. While it met no opposition from the National Assembly, its approval was delayed due to a backlog of other pending laws considered more important. Lobbying intensified, and the Children's Legal Code was eventually ratified in May of 1998, and is scheduled to go into effect in November of 1998.

In synthesis, the general principles of the Children's Legal Code are the following:

- The regulation of full protection of children on the part of the family, society, the government, and private institutions.
- The definition of children as those under the age of 13, and adolescents as those between the ages of 13 and 18.
- The definition of children and adolescents as social individuals with rights.
- Equality of condition and opportunities, free from discrimination, exploitation, violence, or other conditions that violate children's rights and liberties.
- The definition of the family as the fundamental and natural entity to guarantee the growth, development and well being of children and adolescents.
- The superior interest of girls, boys and adolescents as a national interest, with the right to their full physical, psychological, moral, cultural and social development.

- Special attention to children who belong to indigenous communities or ethnic, religious or linguistic groups, with the right to live and develop within their social, traditional, historic or cultural context.
- The role of the State in all of its expressions as guarantor of the survival and development of children.

While the Children's Legal Code represents a milestone in juvenile justice and the fulfillment of children's rights, certain conditions must still be created to guarantee its implementation. For instance, Book III of the Code (about legal punishment of adolescents) states that children under the age of thirteen cannot be given criminal sentences that would restrict their liberty, but instead should be integrated into centers that would provide social and educational measures as well as comprehensive protection. It also states that adolescents between 15 and 18 years of age who have been detained for law infractions should be provided with cells separate from adults. However, no such infrastructures exist nor are there institutions capable of offering that sort of attention, and at present, most organizations are focusing their efforts on the dissemination of and training in the Code. Nevertheless, the Code is an important starting point, and its full implementation is a process that will be guided by the Code itself.

The National Policy of Comprehensive Attention for Children

The National Policy of Comprehensive Attention for Children, drafted in 1996, is a policy instrument made up of actions, priorities, objectives and a strategy for the division of responsibilities, in which the government and civil organizations would work together to coherently guarantee the rights of survival, development and participation of children. The policy also takes into account the strengthening of the family unit.

The drafting of the Policy also had the result of improving relations between government institutions and NGOs, as it brought them together for a common goal: the fulfillment of the Rights of Children.

First, a three-party steering committee was formed, whose members included the president of the Permanent Commission for Women, Children and the Family of the National Assembly; the president of the NGO Coalition; and the executive director of the National Commission for the Promotion and Defense of the Rights of Children. This Committee reviewed existing policies, and found them to be insufficient, incomplete and influenced by the Doctrine of Irregular Situations (see footnote p. 21).

Second, the Interinstitutional Technical Committee was established, made up of representatives from the ministries that make up the social cabinet, representatives of the National Assembly, and members of the NGO Coalition. Also participating were members of the Save the Children Alliance, UNICEF, and representatives from universities such as the UCA and UNAN. The members of this committee were experts and representatives of their fields, capable of substantially supporting the drafting process of the Policy. They were summoned not as government nor as NGOs, but rather as agents of public policy.

A technical team of the Permanent Commission for Women, Children and the Family wrote the general outline of the Policy and later elaborated on each aspect, which were then discussed in ministerial technical subcommittees. These subcommittees were made up of general directors of specific areas as well as officials who directly attended programs that benefit children (for example, from the Ministry of Health the area directors of Comprehensive Attention to Children and of Epidemiology participated), whose function was to analyze the advancement and writing of the Policy from the point of view of their ministry and in its totality.

The Interinstitutional Technical Committee discussed the articulation of the different aspects of the Policy, meeting every two to three weeks during five months. Among the more salient structures and functions that would be created by the Policy were the following:

- The National Council of Comprehensive Attention. Responsible for the implementation of the Policy, its primary functions are to articulate and coordinate the actions and initiatives stipulated in the Policy; defend the rights of children as a representative of governmental and non-governmental organizations; and to act as guarantor that all actions and initiatives reflect the superior interest of children. The Council also guarantees that human, technical, financial and infrastructure resources are efficiently utilized and managed. Finally, it carries out the function of follow-up, monitoring and evaluation.
- The Directive Council. The Directive Council, the highest level of coordination within the National Council of Comprehensive Attention, will be made up of officials from the institutions and organizations that form the National Council. This body is responsible for decision-making, and for analyzing strategy and actions to be taken in order to fulfill the National Policy.
- The Permanent Technical Committee. Made up of technical personnel chosen by the Directive Council, this Committee will be coordinated by the Executive Board of the CNPDN. It will have an active role in the implementation of programs, plans and actions of the National Policy as well as provide feedback to the Council for decision making.
- The Executive Board of the CNPDN. The Executive Board will have a support staff dedicated full time to research, analysis, surveys and evaluation of situation of children. It will also formulate proposals and adjustments to the National Policy.

The National Policy of Comprehensive Attention for Children was approved by the National Assembly in 1996. Nevertheless, the change in government in 1997 affected its actual implementation, and in fact the Policy has yet to be ratified by the current administration. As a result, the creation of the aforementioned structures and their designated functions remain pending.

The National Action Plan for Children

After the Convention was ratified by the Nicaraguan government and the World Summit for Children had taken place, Nicaragua drafted its own plan titled the "National Action Plan for Human Development and Children 1992-2000," thus affirming its commitment to fulfilling the Convention.

This first effort represented an advancement in coordinating actions implemented by governmental institutions in favor of children. Nevertheless, it implied neither an integrated nor comprehensive effort among the different institutions; rather, each proposed what was convenient to them, resulting in a disarticulated plan that was essentially the sum of different activities. The Plan 1992-2000 was not accepted by the institutions as a guideline for defining social policies for children, nor was it ever disseminated, despite being an obligation of Nicaragua to do so as signatory to the Convention.

Furthermore, the Plan 1992-2000 was difficult to implement due to the government's preoccupation at the beginning of the 1990's with the structural adjustment program and the focus on improving macroeconomic indicators.

Another deficiency of the Plan was that it did not incorporate the spirit and concepts of the Doctrine of Full Protection (see footnote p. 21), nor the Convention, which made difficult the definition of appropriate, measurable results and indicators. Essentially, under the prior government few of the institutions that attended children fully understood the Convention and its implications.

It was not until the restructuring of the National Commission for the Protection of Children as the National Commission for the Promotion and Defense of the Rights of Children (CNPDN) in 1994 that the fundamental task of promoting and complying with the Convention was once again established. One of the responsibilities of the restructured Commission was to follow-up on the fulfillment of previously established goals regarding the rights of children. A new era in the work with children had begun, with increased opportunity for the participation of the non-governmental sector.

From its inception the CNPDN, in coordination with NGOs, began a process of legal adaptation and articulation of social policies directed towards children. The result of this process was the creation of the "National Policy of Comprehensive Attention for Children" and the proposal of the "Children's Legal Code." The implementation of the Policy required the creation of a new Plan that would guarantee true fulfillment of the Convention; and in December of 1996, the "National Action Plan for Children 1997-2001" was publicly presented.

Unfortunately, the Plan 1997-2001 became a government agenda instead of a national one that involved different sectors in the fulfillment of the rights of children. Despite the participation of the NGO Coalition in the process of creating the Plan, the programs, projects and actions realized by relevant NGOs were not counted as contributing to the fulfillment of national goals.

While the current government has not ratified the National Action Plan for Children, it continues to be used as a guideline for the CNPDN. The government, meanwhile, plans to draft a revision of the original goals stipulated by the Plan, as it considers some to be too ambitious. It also plans to introduce new elements in its implementation. This process will be carried out in each institution or ministry, with the CNPDN acting as facilitator. Its implementation will require international support, given the difficult economic situation of the country.

National Commission for the Promotion and Defense of the Rights of Children

In 1994, the National Commission for the Promotion and Defense of the Rights of Children (CNPDN) replaced the National Commission for the Protection of Children, which was created in 1990. While the National Commission for the Protection of Children was made up of government entities, the CNPDN included not only governmental but also non-governmental organizations.

The CNPDN is presided by the President of the Republic of Nicaragua, and directed by an executive committee made up of the following entities:

1. Ministry of Social Action (MAS)
2. Ministry of Education (MED)
3. Ministry of Health (MINSAL)
4. Nicaraguan Fund for Children and Families (FONIF)
5. Nicaraguan Sports Institute
6. Nicaraguan Institute for Municipal Promotion (INIFOM)
7. NGO Coalition for the Rights of Children
8. Church representatives
9. Representatives from philanthropic entities.

Although it is not formally established, in practice the executive board represents the CNPDN on a national and international level, and administers the resources assigned for the implementation of its programs and projects.

In coordination with other commissions, the CNPDN provides comprehensive attention to children with specific problems, through the following entities:

- The Technical Commission. The objective of this commission is to follow-up on the actions implemented within the "Network Pilot Program of Comprehensive Attention for Children in Extraordinary Circumstances and their Reintegration into the Educational System."
- The Commission for the Prevention of and Attention to Child Sexual Abuse. The purpose of this commission is to articulate activities and initiatives that contribute to the design and monitoring of the "Interinstitutional Model for the Prevention of and Attention to Sexual Abuse of Children."

- The Commission of Assistance to the Juvenile Prison Population, which works to improve the living conditions for incarcerated juveniles between 15 and 18 years of age.

Additionally, the CNPDN, with the support of the European Union, is implementing a program of comprehensive attention to imprisoned youth, offering them medical and psychological attention as well as technical training for their reinsertion into society.

The CNPDN was at its most active between 1994 to 1996. During this time, it was able to introduce to state institutions a new strategic concept based on the Doctrine of Comprehensive Attention. At the same time, it carried out a series of studies to better understand the actual situation of children, and drafted reports regarding the fulfillment of the Convention. These reports contributed to understanding the impact of distinct programs and projects for children, their principal deficiencies and the gaps in attention to this sector. In addition, the CNPDN was a key actor in drafting the Children's Legal Code, the National Policy of Comprehensive Attention for Children, and the National Action Plan for Children 1997-2001.

As with other actors and endeavors, the CNPDN also lost momentum and the level of intersectorial coordination with the change of government in 1997; in particular, the NGO sector has felt that its role in the CNPDN has been hindered. The general sentiment is that on a governmental level there has yet to exist a unified concept of how to address and respond to the situation of children, and as a result mechanisms and structures such as the CNPDN are underutilized.

The actual executive committee of the CNPDN has continued to advance in coordinating distinct actions with different state entities on a technical level, but it has yet to achieve its goal of creating a guideline for actions at a higher level. Because of this, the CNPDN runs the risk of becoming an executive structure that competes with responsibilities that pertain to other government entities. Institutions are summoned by the CNPDN to give information, but they perceive that they are given little space to participate in the elaboration process. It is felt by many institutions that their experiences gained during 1994 to 1996 are being undervalued. Furthermore, the Commission has reduced the occasions where state institutions and civil society organizations can meet.

Meanwhile, the Interinstitutional Technical Committee continues to work on the creation of an information system on Nicaraguan children, to which representatives from government institutions give technical assistance on the basis of proposals presented by the CNPDN.

Other National Government Actions

Nicaraguan Fund for Children and Families (FONIF)

In January of 1995, the Nicaraguan Fund for Children and Families (FONIF) was created. Its fundamental objective is to promote and attend to projects directed toward children who come from socially high-risk families. The majority of these projects offer immediate and related solutions to social problems. In actuality, FONIF will become part of the Ministry of the Family when it goes into effect in September 1998.

Special protection for children who are socially at risk is provided through foster homes, when for diverse reasons they cannot continue to live with their natural parents. These children are placed in family homes close to their geographical areas in order to keep them close to familiar surroundings.

In the detention centers, children who need direct attention are offered special protection twenty-four hours a day. Following a guideline of transition, social integration, comprehensive attention, rescue and strengthening of familial relationships, these centers have begun a process of deinstitutionalization and humanization.

Through children's meal programs, lunch is provided to children between the ages of 45 days to six years, as well as to children up to the age of eighteen who work and come from families that are socio-economically precarious.

The Program of Attention to Child and Adolescent Laborers integrates this population and their families into a structured program of activities, such as formal and vocational education, sports, recreation, health and family unity, all of which are interrelated within a framework of community promotion.

Financial Resources

The National Action Plan for Children 1997-2001 determined the total cost of programs and/or projects that would fulfill the projected goals. At the end of 1997, it was estimated that there was approximately a 37% deficit of financing, which will obligate each institution and ministry to revise plans and make budgetary adjustments.

The current government has not taken into account the needs of children in their negotiations with the World Bank, nor in their requests for financial assistance to international agencies. Essentially, the administration has not preoccupied itself with acquiring funds to fill the deficit.

Training of Professionals

In 1997, the National Commission for the Promotion and Defense of the Rights of Children facilitated twenty-one workshops regarding the "National Policy of Comprehensive Attention for Children" as well as the "Children's Legal Code." These workshops were directed toward technical personnel and directors of institutions that work with children, for the purpose of informing them on these policies and helping them understand their implications. Among the participants were functionaries of the Ministry of Education, the Ministry of Health, the Nicaraguan Fund for Children and Families, technical staff of these institutions who work on a municipal level, and NGOs.

Following this cycle of workshops, the Commission continued to organize training sessions on an intermediate level with the different institutions that make up the social cabinet, regarding the National Action Plan and the Children's Legal Code.

With assistance from Rädga Barnen of Sweden, a project of training workshops for the National Police regarding the Rights of Children has been implemented, with the following objectives:

- To educate students, cadets and police on the rights of children.
- To train police men and women whose responsibilities are related to criminal investigation and public security in basic educational and psychological attention techniques, so they can better comprehend and deal with the social problems of children and adolescents.
- To revise norms and procedures regarding the treatment of children.
- To strengthen relations between the police, governmental and non-governmental organizations who attend to children in order to formulate policies and carry out activities of shared interest.

Nevertheless, much more training is needed, which at the same time must be complemented by the appropriate mechanisms and infrastructure necessary to apply what is learned, as is the case for attending to children and adolescents who have violated the law.

Dissemination of Information

The government, principally through the National Commission for the Promotion and Defense of Children (CNPDN), has carried out some activities for the dissemination of information on the Convention, particularly during the previous administration. For example, with the support of governmental, non-governmental and international organizations that work with children, in October of 1996 the Commission organized the "First National Forum on Social Policy and the Rights of Children." Two hundred twenty-four delegates participated, representing more than seventy institutions and organizations. The purpose of this event was to generate a process of reflection, understanding and appropriation within Nicaraguan society of the need to guarantee the rights of children as a fundamental interest of the nation.

The CNPDN has also published newsletters, studies and other documents, including the proposal for the Children's Legal Code.

However, there is no coherent strategy for a more broad-based diffusion of the Convention. little information on the situation of rural children, as well as some institutional obstacles. One example of the latter is the Ministry of Education. Despite the educational system being a principal agent of dissemination, in Nicaragua the Convention has yet to be formally incorporated into the primary or secondary school curriculum, although mention of children's rights are made in the subject area of Civic and Moral Education. The exception to this is in the Atlantic Coast region of Nicaragua, which as a result of a Law of School Autonomy is able to make certain independent decisions and as such includes in the curriculum the Convention in its totality. This process has been carried out jointly by the regional Ministry of Education and the NGO CEDEHCA, with the support of R  dda Barnen.

The root of this situation lies with the interpretation of the Convention held by central level functionaries of the Ministry of Education (MED). According to this interpretation, the Convention undermines parental authority, promotes licentiousness in adolescents, and encourages the abandonment of familial and educational obligations, among other negative behavior. Moreover, it is seen not as a declaration of universal human rights of children, but rather the platform of political groups and NGOs who wish to undermine the principles and values promoted by MED.

This lack of acceptance of the Convention is demonstrated in different ways. Departmental delegates of MED obstruct teacher training workshops offered by NGOs, including those implemented outside of work hours; there is a reticence towards collaborating on initiatives related to the application of the Convention; and there is little participation in activities promoting the rights of children. It is worth noting that this problem was reiterated during interviews with NGOs, Municipal Children's Commissions, municipal governments, the NGO Coalition, and other actors.

However, there may be a change of attitude in sight. During the interview process of this study, which permitted dialogue with different government authorities, some interviewees expressed a level of aperture to the possible diffusion and promotion of both the Convention and the Children's Legal Code.

Monitoring Indicators

Since 1995, the CNPDN has worked on the idea of creating a system for monitoring indicators regarding the fulfillment of the Rights of Children. With the support of Childwatch International and a team of experts, the CNPDN has carried out an initial study towards this end that involved the following actions:

- Analysis of existing implicit and explicit perceptions within state institutions, NGOs, parents and society in general regarding each article of the Convention as it pertains to the national context. In those articles where there exist no perceptions, the National Commission suggests ways in which these can be understood in terms of the spirit of the Convention and the national reality.

- Analysis of existing data and its interpretation for use in a constructive, effective, affirmative and timely fashion. Moreover, the CNPDN recommended the implementation of a process to determine what data would be useful for an indicator monitoring system on the Rights of Children.

In order to carry out these actions, a protocol was designed based on a critical reading of the Convention, governmental and non-governmental reports received by the UN Committee, as well as official documents regarding the situation of children. This critical study of the Convention brought to light the conceptual relationships that exist between the different articles. These relationships were systematized into three groups and sixteen categories of articles. The groups and categories were determined by key concepts, and resulted in a reordered structure and classification of the Convention's articles.

For the information analysis, a specific year (1993) was taken into account, given that in that year several national surveys were carried out that served as a basis for studies, analysis and statistical projections. Seventy-nine governmental, non-governmental and international institutions and organizations were identified as having direct or indirect work related to the Convention. Of these, forty-six institutions were deemed the most influential and subsequently were interviewed, among them: twenty-six government agencies, thirteen national NGOs, two international NGOs and five inter-governmental agencies.

The conclusions made by this study were the following:

- The actual governmental information systems in the country are not designed for understanding the situation of the rights of children and adolescents. Moreover, they only take into account information on children who are participating in government programs.
- Children are not taken into account as a unit of observation, but rather as part of other groupings such as the home or the family.
- Actual data only deals with difficulties faced by urban children and groups classified as impoverished or extremely impoverished, and do not reflect the reality of rural children or other social sectors of children.
- There is inconsistency in defining age groups (i.e. for some organizations adolescents are those between 12 and 18 years of age, while for others it is 13 to 19 years of age), which makes it difficult to compare and cross reference data.
- There is a lack of qualitative information for measuring the quality of basic services, and for comprehending the situation of children who do not have access to them.
- The absence of interinstitutional coordination for registering, processing, utilizing and diffusing information regarding children translates into duplication, inconsistency and inadequate use of data.
- Personnel who work in statistic and information departments are inadequately trained, particularly in the definition of indicators that reflect the reality of children and their rights.
- Information regarding children and adolescents is merely a description of primary data and lacks systematic interpretation, making difficult its use for analyzing policy and for decision-making on an institutional level.

- There is a need to include in information systems indicators with enough specific detail that enable profound analysis of the situation of Nicaraguan children in relation to the fulfillment of their rights.

Beginning in 1997, the CNPDN has worked toward the definition of an Information System regarding Nicaraguan Children, which has as its objective:

1. Monitoring the application of the Convention of the Rights of Children.
2. Serving as a basis for monitoring and evaluating the goals of the National Action Plan for Children 1997-2001.
3. Serving as a basis for formulating and making adjustments to policies and strategies for children.
4. Assisting in the dissemination and communication of activities directed toward the promotion and protection of children's rights.
5. Assisting in the elaboration of municipal action plans.
6. Strengthening information-gathering institutions.

The Interinstitutional Technical Committee was formed to define the Information System, and involved representatives of various institutions. This Technical Committee worked closely with the departments of statistics and planning. At the same time, this committee kept superior officials informed as to their progress and results.

The process of definition began with a workshop seminar with the Interinstitutional Technical Committee, in which the conceptual and referential framework of the Information System was presented. Opinions and comments were gathered to support the final document regarding the System. In actuality, the first chapters of this document have been written and are ready for revision.

It is worth mentioning that although the final definition of the Information System takes into account some of the findings obtained in the study supported by Childwatch, it does not take into account all of its richness and perspective. The government continues to utilize limited information, and once a monitoring system is in place, its utility will depend greatly upon the policy-making capacity of the National Commission for the Protection and Defense of the Rights of Children. The Commission will need to redirect the design of information systems already in place in the country in order to determine the situation of children's rights. If it does not, the monitoring process will remain merely an ideal; meanwhile, the information that feeds it will continue to focus on adults as the center of social analysis and remain deficient in terms of information specific to children.

Advocate for the Rights of Children

The Advocate for the Rights of Children will be created as a service of the National Council of Comprehensive Attention for Children, whose function will be to promote and defend children's rights as recognized by the law. While it has yet to be instituted, it is worth mention due to its nature and possible judicial implications. The principal objectives of the Advocate for the Rights of Children are the following:

1. To investigate violations of children's rights, present these cases to competent authorities and represent children in legal defense.
2. To guarantee that public servants in charge of protecting children are fulfilling their obligations and applying the Children's Legal Code and other relevant laws.
3. To offer social and legal attention to victims of children's rights violations as well as multidisciplinary information to their families.
4. To assume the defense of children in civil, administrative, legal or other procedures that may affect their rights, privileges and fundamental liberties.
5. To recommend to competent authorities the application and fulfillment of laws and agreements.
6. To develop informal educational programs directed towards certain social sectors, with the objective of disseminating the rights of children.

Municipal Governments

Background

The Republic of Nicaragua is organized into sixteen geopolitical departments, made up of two autonomous regions and 147 municipalities. Each geopolitical department has a provincial capital, where government institutions and ministries have their regional offices. The autonomous regions, located on the Atlantic Coast, have their own political structure.

The municipalities are groupings of communities and towns, with one town selected as the municipal seat. Each municipality has its own locally elected government, which include a mayor, council members, and other appointed officials.

On the municipal level, there has been a vast range of experiences in the promotion of children's rights. While in some municipalities, particularly those more isolated, there have been almost no advances, in others, such as those demonstrated in the case studies of Estelí and León which will be presented later, there have been notable initiatives and results.

In terms of support and initiatives stemming from municipal governments, some have allocated funds from the municipal budget in order to expand programs directed towards children, particularly in the areas of health, education and sports. Others have council members who specialize in children's issues, who essentially become spokespersons and lobbyist for children. Meanwhile, some Municipal Action Plans contemplate attention to children and their needs, while others have a specific action plan for children. Other expressions include:

- Intersectorial municipal commissions with a child focus; for example, the Municipal Children's Commissions.
- Network of Mayors for the Defense of Children.
- Local development committees that specialize in social issues that include the situation of children.
- Intersectorial commissions that have projected plans to benefit children.
- Bilateral endeavors (local government-NGO, for example), representing another level of development. The Integrated Basic Services Program (PROSERBI), supported by UNICEF, is an example of this (for more information, see "UNICEF Programs" under "Evaluation of International NGOs Efforts to Advance the Convention").
- Children's town hall meetings. An innovative approach to increasing child participation, where children are consulted on issues that affect them.
- Elections of youth mayors and council members, albeit a symbolic effort.
- Youth Commissions, whose members are children.
- Volunteer community support groups, endorsed by local governments, that assist children. These include women's organizations, youth promoters, literacy promoters and street educators.
- Community and municipal surveys that focus on the situation of children.

Of these endeavors towards the promotion of the children's rights, the most visible have been the Network of Mayors for the Defense of Children and the Municipal Children's Commissions.

Network of Mayors for the Defense of Children

In 1994, the First National Conference of Mayors took place. During this Conference, municipal action plans were drafted, a National Council of Mayors was organized with representatives from each geopolitical department, and an executive steering committee was formed.

Additionally, another initiative emerged from the Conference. Thirty-two mayors, interested in promoting the rights of children on a municipal level, formed the National Network of Mayors for the Defense of Children. These mayors took advantage of the Conference to discuss, share experiences, raise awareness regarding the situation of children, and determine actions for the benefit of children that could be taken on a municipal level.

The Second National Conference took place in October of 1995. Aside from an evaluation of the advances and limitations experienced by mayors since the First Conference, the Network of Mayors also determined its new strategies and functions. In addition, the "Report on Advances and Obstacles" presented during the Second Conference made reference to the following activities regarding the Convention:

"For the dissemination of the Convention and the promotion of the rights of children, radio and printed medium were utilized. In municipalities with more resources and organizational capacities, campaigns for the promotion of the

rights of children were implemented, which included on-going activities of dissemination and training.

"Educational seminars were developed to provide information about the Convention. These were directed toward organizations and institutions involved in the Municipal Children's Commissions, teachers, rural and urban community leaders, parents, health promoters, police and children.

"This ongoing exchange between people of different sectors, brought together by civic activities that benefit children, has been capitalized on by municipal governments as a way to positively influence the family."

The municipalities represented by the Network of Mayors did not receive additional funding from the central government and merely relied on municipal tax revenues and in limited cases support from cooperation agencies. Nonetheless, they were able to bring children's needs and rights to the local agenda, promote local level activities, and raise awareness among the public and within government institutions. Unfortunately, the advances achieved were interrupted by the national elections in 1996. Following the elections, many of the newly elected mayors had little comprehension of the Convention, and discontinued the initiatives of the previous municipal administration. More seriously, a large majority, particularly from the rural sector, had limited understanding of the implications and powers of municipal officials. The Network of Mayors lost momentum; nevertheless, it continued to receive support from some international agencies such as Redd Barna (Save the Children-Norway) towards its reactivation.

Currently, there are renewed efforts to bolster both the Network of Mayors and municipal endeavors to promote the Convention. Mayors and other municipal leaders are participating in training programs that address the issues of children, through the technical and financial support of the Institute for Municipal Promotion (INIFOM), UNICEF, the Save the Children Alliance, the NGO Coalition for the Rights of Children, and the National Commission for the Promotion and Defense of Children's Rights.

The "Project for Training of Municipal Authorities and Leaders in the Convention on the Rights of the Child and the Children's Legal Code" is an example of this effort. The purpose of this training is to raise consciousness and educate municipal authorities, staff and local leaders in understanding the rights of children with the hope that they will assume their corresponding roles, acquire dedication and carry out concrete activities in the promotion and defense of these rights. In the first stage of training, six regional workshops, which benefited representatives from sixty-seven municipalities, were held; for the second stage, seventeen regional workshops are planned.

Municipal Children's Commissions

The Municipal Children's Commissions are interinstitutional and intersectorial entities that coordinate initiatives for children within the framework of municipal action plans. A Municipal Children's Commission may involve representatives from the mayor's office, from the Ministries of Education and of Health, and from local NGOs. As with other municipal level endeavors, the effectiveness and level of protagonism varies, and range from a merely symbolic commission that meets every so often to one that executes a variety of initiatives. In actuality, the number of functioning Municipal Children's Commissions is rising, as a result of increased financial and technical support, greater awareness and protagonism of local governments regarding the rights of children, and the involvement of non-governmental organizations.

The experiences in the cities of León and Estelí are two examples of effective Children's Commissions. Several factors have played into their success, including the following:

- The Commissions are entities autonomous from the local government, and are composed of many organizations; each member, whether they are government institutions or civic organizations, has the right to equal participation.
- There is a history of civic activism and community development in the two cities, both on a governmental and non-governmental level.
- The plans and actions of the Commission are non-partisan, which provides continuity to their initiatives despite changes in government.
- The municipal governments are supportive and active members of the Commissions.
- The Commissions have a local and national reputation for effectiveness, and have been able to acquire funding and other resources from international and non-governmental sources.

Case Study: The Municipal Children's Commission of Estelí

The Municipal Children's Commission of Estelí (CNE) is an organization autonomous from the local government. It is made up of thirty-one organizations and institutions that collaborate for the development of children. Members include the mayor's office, governmental and non-governmental organizations, adult promoters of youth movements, church representatives and international cooperation agencies.

As part of its mission, the Children's Commission of Estelí:

- Promotes and defends the rights of children.
- Coordinates municipal activities that address the situation of children.
- Capitalizes on the experiences of participating organizations and institutions.
- Strengthens the methodological and conceptual preparation of human resources.
- Promotes the participation of other social sectors in support of children.
- Facilitates dialogue among organizations and institutions.
- Promotes child protagonism.

The CNE has carried out a number of initiatives and activities. To begin with, there exists a "Municipal Action Plan for Attention to Children" for each year, whose drafting is based on both the recommendations of the member organizations as well as the opinions and interests of children. Among the actions implemented during 1997 were the following:

- The School Campaign 1997 to enroll children who did not attend school, to equip and stock school libraries, and to donate pencils and notebooks.
- Workshops for teachers and school principals regarding the rights of children, educational communication and the importance of libraries.
- Workshops for children, promoters, educators, parents and members of the CNE regarding laws that favor children.
- Promotion and support of sports activities.
- Celebrations of Children's Week. Campaign for Persons with Disabilities. Campaign for the Child Laborer's Christmas Bonus 1997.
- Youth exchanges between children from the urban and rural area, and between the Youth Commission of Estelí and other commissions.
- Workshops/meetings with the Youth Commission of Estelí. Meetings with youth representatives.
- Planning sessions, evaluations, and systematization of experiences with promoters, supervisors, educators and members of the CNE.

The success of the CNE is the result of various elements. Its autonomous, interinstitutional character allows it to define and execute actions it considers relevant to children of the municipality, regardless of any particular member, political party, institution or church. Nonetheless, the commission does not usurp or compete with the endeavors of its members. The participating organizations wield the same concepts and methodology of working for children's rights, product of an ongoing process of reflection, consensus building, and mutual training. They have managed to identify the issues that unite them, and deal with their differences in a respectful and tolerant manner.

The Commission is also respected by the population of Estelí and other social actors, and the activities it promotes are held with ample citizen participation. For example, in 1997, 23,093 children, 1,354 parents of school children, 969 teachers and 375 promoters and educators from different organizations and institutions participated in activities organized by the Commission.

Additionally, there exists a Youth Commission of Estelí, whose 230 youth participants represent each urban and rural school, institution or organization in the municipality. These youth representatives are elected by other children. The Municipal Children's Commission consults this Youth Commission before any decisions on projects that affect children are made, includes them in all activities, and consults them before any general assembly is called to order.

Among its principal initiatives in 1998, the Municipal Children's Commission of Estelí is carrying out a study of the situation of children in the municipality and defining a strategy of assistance to children and adolescents outside the scope of attention of the entities that make up the CNE. Moreover, it is promoting the involvement of other sectors that attend children (churches, judges, counselors, police and others); disseminating the Children's Legal Code; strengthening municipal youth organizations; and contributing to the improvement of enrollment levels, school retention and grade advancement through the project "School Campaign Plan 1998." This campaign involves a process of reflection about the right to education, school autonomy and child participation; dialogue and exchange among the different autonomous and non-autonomous schools; the establishment of agreements between the Ministry of Education and schools to facilitate increasing enrollment; the promotion of parent-child participation and the creation of associations that represent them within the school and municipality.

Case Study: The Municipal Children's Commission of León

The Municipal Commission for Children of León, made up of twenty-four governmental, non-governmental and civic organizations, is another example of collaborative efforts in favor of children. An autonomous organization with ample support from the municipal government, the Commission's role is to coordinate the actions implemented by different institutions and organizations, with the objective of increasing impact and making favorable changes in the living conditions of children. It has created the Comprehensive Action Plan 1998-2000 to prioritize the efforts and resources of its member organizations.

There are also organized initiatives of children. One example is the Municipal Children's Council, made of forty-five children whose motto is "Now it's our turn." It is the youth counterpart to the Municipal Children's Commission. Two or three children from each member institution or organization of the Municipal Commission are elected to serve on this council. From this group the "Youth Mayor" is elected.

Various studies have been written regarding the difficulties faced by children in León. Among these include studies about the situation of children in particularly difficult circumstances, child prostitution, and child laborers who work in the bus terminal of León, among others.

Since 1995, yearly campaigns have been organized regarding the defense of the rights of children, concentrated around the International Week of the Child. A two-year campaign regarding abuse was carried out, which has activated the population into denouncing cases of abuse through the offices of the Municipal Children's Commission.

The Commission has received much support. Between 1995-1997, twelve projects were simultaneously implemented in the municipality, with financial support from the Hamburg (Germany) Sister City. Also vital to the strength of the Municipal Children's Commission of León has been the technical assistance of UNICEF.

Limitations of Municipal Efforts

In terms of limitations encountered on a municipal level, insufficient resources and the overwhelming number of children with unfulfilled basic needs are the most cited. In addition, the change of government in January of 1997 represented a downturn in collaborative efforts in favor of children, particularly in municipalities where newly elected officials were first term politicians. This is most notable in the municipalities where the out-going mayor was a member of the Network of Mayors for the Defense of Children.

Since 1997, the children's town hall meeting, municipal youth exchanges, and a few other activities continue, promoted and supported by the Institute for Municipal Promotion (INIFOM) and other organizations. Nevertheless, these are isolated activities that are not part of an articulated and thought out plan to strengthen existing entities, such as the Network of Mayors. In the case of the Network, INIFOM is working to organize the Third National Conference of the Network of Mayors for the Defense of Children.

A difficulty that current Municipal Children's Commissions face is that they are not supported in a comprehensive manner by any organization or entity. In addition, the municipalities have a limited budget for such endeavors, due in part to the withholding by the central government of funds that are legally destined for municipalities.

The NGO Coalition only convenes Municipal Children's Commissions to coordinate campaigns or relevant activities; the National Commission for the Promotion and Defense of the Rights of Children does not destine any energy toward them; and INIFOM only organizes support activities or seminars in certain regions of the country. On the other hand, there are efforts supported by international and local NGOs to strengthen Municipal Children's Commissions, albeit with selected commissions.

Even within the Municipal Children's Commission of Estelí, perhaps the most exemplary integrated municipal effort for children in the country, there are limitations as well. It lacks a strategy of attention to children with particular problems, such as homelessness, drug addiction and prostitution, nor do the member organizations address these issues. A limited budget has not allowed for expanding support to meet demand, nor to strengthen the Commission institutionally. More seriously, however, has been the position of the Ministry of Education (MED); despite being a member of the Commission, MED has ordered teachers not to participate in activities organized by it, such as teacher training workshops.

Evaluation of Non-Governmental Efforts to Advance the Convention on the Rights of the Child

NGO Coalition for the Rights of Children

Background

In a seminar organized by government representatives at the end of 1990, the Convention on the Rights of the Child was introduced for the first time to non-governmental organizations in Nicaragua working on issues related children.

For the NGO sector, the Convention represented the philosophical framework they had been lacking. The Convention became the foundation on which to base work with children in terms of human rights, as well a reference for demands against the government regarding unfulfilled needs of children. The Convention motivated the creation of alliances, encouraged joint efforts involving different social and political sectors, and acted as an instrument through which NGOs could implement internal adjustments in policies, programs and projects.

The undertaking of a number of joint investigations underlined the need for NGOs to create common proposals and program policies. At the same time, UNICEF and the Save the Children Alliance were encouraging coordination among organizations in this sector.

In a workshop on the Rights of Children given in November of 1991, a motion was made to create a body that would serve to coordinate actions among different NGOs. After initial discussions and the sharing of experiences, in June of 1992 the *Coordinadora de ONGs que Trabajan con la Niñez* (or the NGO Coalition for the Rights of Children) was formed.

The NGO Coalition for the Rights of Children is a civic, non-governmental and non-profit organization, whose principal purpose is to promote, defend and protect the rights of children. The NGO Coalition also works toward the effective use of human, technical and economic resources, as well as the promotion of exchanges of experience and information among the different sectors of society who work with children. The objectives and means towards the fulfillment of these goals are the following:

1. To promote coordination among national, international, governmental, non-governmental and other related organizations that work with children, adolescents, the family and the community.
2. To promote research that contributes to greater knowledge, awareness and actions that address the situation of children.
3. To promote educational initiatives that contribute to the transformation of traditional perceptions and values regarding girls, boys, adolescents, family, school and community.
4. To promote the denouncement of violations of children's rights, in whatever forms these violations may take.

5. To lobby national institutions on policies, laws, plans and programs that address children and families.
6. To carry out actions that promote the real participation of girls, boys and adolescents.
7. To establish cooperative links with institutions as well as public and private organizations that work with children.

As part of the “Strategy 1997-2000” to promote the social defense of children’s rights within the framework of the Convention, the NGO Coalition plans to:

- Strengthen and broaden the political and social legitimacy of the NGO Coalition within State and civil society.
- Maximize social advocacy and public denouncements as a way to mobilize society against human rights violations of children.
- Politically and organizationally consolidate the NGO Coalition by defining positions on the situation of children, improving the participation of its members, increasing the coverage of actions and proposals, and strengthening the organization institutionally.
- Improve and broaden collaborative links with international multilateral, bilateral and non-governmental NGOs.
- Capitalize on regional experiences through national NGO coalitions during events involving Central American countries.

The member organizations of the NGO Coalition are predominantly based in the capital city of Managua, although some have representation in other municipalities or in the rural sector. In actuality, the NGO Coalition is working to include some Municipal Children’s Commissions as members, as well as to coordinate with regional coalitions of NGOs that work with children from different parts of the country.

There exists a Directory of members to facilitate communication among them. At present, the NGO Coalition has 51 NGO members who work in the following areas:

- Promotion of the human rights of children
- Education, health and nutrition
- Promotion of children’s organizations
- Attention to child laborers
- Attention to children with disabilities
- Attention to children in especially difficult circumstances
- Reproductive health for teenagers
- Defense of the rights of children in conflict with the law
- Attention to children in situations of sexual exploitation
- Promotion of the rights of aboriginal children and those of the different ethnic groups on the Atlantic Coast
- Investigation and training.

The NGO Coalition is divided into two bodies for the purpose of direction and administration: The General Assembly, made up of all NGO Coalition members, is the highest decision making

authority; and the Board of Directors, comprised of seven members elected for a two year period, is responsible for administering and carrying out the decisions made by the General Assembly.

The Coalition does not have its own office space, but it does have two full and two part time staff members who work out of the office of the organization that is currently serving as chair. None of the members of the Board of Directors work full or even part time for the NGO Coalition; instead, they share their responsibilities with those that they have in their respective NGOs.

In terms of financial support, 65% of funds come from the Save the Children Alliance, integrated by Redd Barna of Norway, Rädda Barnen of Sweden, Save the Children-Canada, Save the Children-USA and Save the Children-UK. The remaining 35% of funding come from other agencies. Additionally, each member organization of the NGO Coalition pays a monthly membership fee equivalent to \$10 US dollars.

The majority of national NGOs that work with children from a child rights perspective are members of the NGO Coalition. The member organizations have received ample training in the Convention, reflected by the fact that the issue of children's rights has been integrated into their programs and projects.

Nevertheless, some NGOs or religious organizations that are characterized as assistential or charity organizations are not members; for example, the National Commission for Aid to Children with Cancer, and the Association for the Support of Children who have Suffered from Burn Accidents.

Actions Taken

Since its inception, the NGO Coalition has developed a series of initiatives for the promotion and defense of the Convention and the fulfillment of the rights of children, among them:

- Lobbying for the approval of the Children's Legal Code.
- Production of the "First Alternative Report to the UN Committee on the Rights of the Child." This report was delivered in 1994 to the UN Committee on the Rights of the Child. The Second Alternative Report is scheduled for completion in October 1998.
- Publication of articles and other documents such as the "Declaration of the Conference on Children," "Adolescents and Violence," a bulletin of the NGO Coalition, and newspaper articles during National Children's Week.
- Involvement and participation in national and international events and activities related to the follow-up of the Convention, such as the "Conference on the Rights of Children in Central America, Belize, Panama and Mexico."
- Participation in the restructuring of the National Commission for the Promotion and Defense of the Rights of Children (CNPDN).
- Presentation of proposals for the reform of the Labor Code with respect to its content concerning child labor.

- Participation in the definition and drafting of the National Policy of Comprehensive Attention for Children, the Children's Legal Code and the National Action Plan for Children 1997-2001.
- Participation in the discussion on the legislative proposal to create the Human Rights Ombudsman office.
- Implementation of seminars, training workshops, conferences and forums such as the "First National Forum on Child Labor."
- Promotion of public campaigns such as the Central American Campaign against Child Abuse "Not Blows that Wound...or Words that Wound," supported by Rádda Barnen, Redd Barna, and Save the Children-Canada; the approval of the Children's Legal Code; and the nationwide children's contest "If I were President," carried out in conjunction with UNICEF.
- Participation in the Constitutional reform process.
- Presentation of the initial proposal for the legislative approval of National Children's Week.
- Organization of national consultations regarding the fulfillment of the rights of children in Nicaragua. Also, consultations with NGOs that indirectly work with children in terms of women's issues, environment, health, and education.
- Drafting of the preliminary proposal of the Family Code.

Future plans and activities include the following:

- Promote public denouncements of children's rights violations through different governmental and non-governmental agencies such as the Women and Children's Commission of the Police; human rights agencies; the Nicaraguan Fund for Children and the Family (FONIF); among others.
- Serve as a channel for demands made by children, adults, communities, and other civil sectors on problems specific to children.
- Influence the media so that it serves as a tool for social defense and denouncement of children's rights violations.
- Carry out national and local campaigns based on the promotion and defense of the rights of children, including such topics as child abuse, free education, National Children's Week, the anniversary of the Convention on the Rights of Children, among others.
- Contribute to strengthening the Municipal Children's Commissions.
- Lobby National Assembly members to report on how the Convention and the recommendations of the UN Committee are being followed up.

Of the completed initiatives, the lobbying effort for the approval of the Children's Legal Code and the writing of the "Alternative Report to the UN Committee on the Rights of the Child" were among the most important, and will be discussed in greater detail.

Lobbying for the Children's Legal Code

During 1997 and the beginning of 1998, the NGO Coalition for the Rights of Children carried out an intense effort for the ratification of the Children's Legal Code, in conjunction with UNICEF and the Save the Children Alliance. In synthesis, the stages from the initial presentation of the Code to its approval in May of 1998 were as follows:

1. During the previous administration, a favorable dictum had been obtained from the Justice Commission for the discussion and approval of the Children's Legal Code in the National Assembly. However, the process was interrupted by the 1996 elections. When the change of government occurred, the Supreme Court invalidated all the motions made by the previous National Assembly in their last months. As most of the newly elected Assembly members were new and had little awareness of social issues, particularly those related to children, the dictum process for the Code had to be reinitiated.
2. Workshops were held with party benches, the new Justice Commission, and the Permanent Commission for Women, Children and the Family. Individual lobbying as well as a letter writing campaign were used to explain the importance of the Children's Legal Code. At the same time, a campaign to broaden the awareness of presidents from other National Assembly commissions was carried out.
3. When the dictum process began again another workshop was held, which included presentations from UNICEF, the Save the Children Alliance, and the NGO Coalition. As a result, a representative from the NGO Coalition and an expert from the original Technical Committee for the drafting of the Code were invited to participate in the process.
4. The process was difficult: There was resistance to perceiving the gender focus for children; to understanding the role of the Executive Branch in public policy; and to accepting the formation of the National Council for Comprehensive Attention to Children. The creation of a juvenile penal justice system was highly debated as there already existed various tribunals and the government did not have the resources to create a new one. Nonetheless, the result of the dictum process was an improved version of the Children's Legal Code.
5. In January of 1998, lobbying continued with the newly appointed Board of Directors and commission presidents of the National Assembly. Finally, with the backing of UNICEF, the Save the Children Alliance, and the National Commission for the Promotion and Defense of the Rights of Children, the Children's Legal Code with all of its 243 articles was approved by the National Assembly and subsequently by the President of the Republic in April of 1998.

Alternative Reporting to the UN Committee on the Rights of Children

The First Alternative Report

In 1992, the NGO Coalition began to participate in a series of international events regarding the Convention. These experiences have contributed elements for analyzing the situation of children in Nicaragua, for determining actions, and for understanding the rights of children in a more global context. During these events, the NGO Coalition was able to learn of the efforts of other countries in the drafting and presentation of alternative assessment reports.

In 1994, the NGO Coalition was invited to Geneva, Switzerland to present the first "Alternative Report to the UN Committee on the Rights of the Child." A team of four people were involved in writing the Alternative Report, representatives from the NGOs *Dos Generaciones* (Two Generations), *Puntos de Encuentro* (Points of Encounter), CAPRI (Center for Support of Programs and Projects), and the YMCA.

The principal sources of information used for the drafting of the Report were the First and Second National Consultations on the Fulfillment of the Rights of Children. The First National Consultation was carried out in 1993, with the participation of forty NGOs; the Second was held in 1994, with sixty participating NGOs. In addition, the writing team did a bibliographic investigation, and carried out interviews on topics of which there was scarce written information available. The first draft of the Report was presented in a session of the NGO Coalition, with representatives of other social sectors present.

This Alternative Report filled many of the voids that the official government Report contained, and approached many issues that were omitted from it. It provided complementary information to that of the government and made known the work of the NGO Coalition. It also presented the NGO Coalition's proposals to collectively confront the situation of children and their rights. Aside from presenting another viewpoint, the First Alternative Assessment Report provided the NGO Coalition with a tool for defining its work in children's rights, understanding insufficiencies and determining priorities.

In terms of the actual presentation to the UN Committee, the NGO Coalition did have some difficulties. First, there was limited time to prepare; second, they possessed little information about the Committee, the mechanisms of presentation, or its implications. Nevertheless, the information presented by the NGO Coalition was sufficient for the Committee to make comparisons and recommendations based on both the government and alternative reports. Once the session was over, the Committee organized a program of visits to UN children's programs, which included Nicaragua.

The recommendations of the Committee have not been the object of public debates; rather, they have served as a guide or frame of reference for the Coalition's work plans and for the definition of their Strategic Planning 1997-2000.

The Second Alternative Report

The drafting of the Second Alternative Report was to have begun in November of 1997, but was temporarily suspended for the following reasons:

- Due to budgetary difficulties, the writing of the report was not begun until the beginning of 1998. In addition, there was some confusion as to the official deadline for submission to the UN Committee on the Rights of the Child. Eventually, the official October 1998 deadline was disclosed.
- There are no precise official guidelines directed toward NGO coalitions on the production of Alternative Reports. Through the UNICEF Documentation Center and the initiative of the consultant involved in the drafting process, Annex F of the document "The presentation process for reports presented to the UN Committee on the Rights of the Child, Guide for UNICEF personnel" was obtained. It was the only source of information and guidelines for NGOs on the process, albeit limited.
- The writing process of the Second Alternative Report is currently underway, and is scheduled for submission in October of 1998.

One of the primary difficulties in the writing of alternative reports is the lack of non-governmental information regarding the Convention and each of its articles, desegregated by sex, age, rural and urban, and geographic location; essentially, neither the NGO Coalition nor any other organization has an alternative system for monitoring and assessing the Convention. This obstacle hindered the writing of the First Report and continues to affect the writing of the Second Report.

In this sense, the NGO Coalition and civil society must have their own information and monitoring system regarding the level of fulfillment of the Convention. This would allow for a more complete picture of the situation of the rights of children from the perspective of distinct groups, with or without access to services, or from a rural and urban perspective. The NGO sector has an abundance of information due to their involvement in problems affecting children and their communication with other organizations. It would be enough to consolidate this information to either complete or challenge the picture that the government presents, as well as to contribute to a more accurate assessment of the fulfillment of children's rights in the country. Unfortunately, the lack of resources continues to be an obstacle that limits the capacity of NGOs to implement such a monitoring system.

Legitimacy and Limitations of the NGO Coalition

Since its founding, the Coalition has been gaining legitimacy and representation before the State, international organizations and other social entities. At the level of the average citizen, there is still much to be done in terms of projection and interaction. For example, there is a need to know at any given moment what people are thinking on current issues - such as what ideas, concerns, beliefs and so forth the population has regarding the Children's Legal Code.

The NGO Coalition has been able to open communication and gain formal recognition from the new government. Nevertheless, the intention of current authorities is to validate their own proposals more than to assume those of the NGO Coalition. The NGO Coalition is recognized as the civilian counterpart to the government with respect to issues concerning children, given that the government recognizes the capabilities of the NGO Coalition, its representation of civil society, knowledge about children's issues and its capacity for social mobilization.

One achievement has been the inclusion of the NGO Coalition in the National Commission for the Progressive Eradication of Child Labor. In the case of other key ministries, such as the Ministry of Education, such openness has not been encountered. Others, such as the National Council on Health, have negated the participation of most NGOs altogether.

The NGO Coalition participates informally in several government commissions as well as in the National Assembly sessions. It also supports or participates in other civil initiatives such as the women's movement and the environmental movement.

With respect to these relations, the NGO Coalition recognizes that one of its challenges is to strengthen and broaden its political and social legitimacy within State and civil society. It proposes to take on these challenges by:

- Maintaining its privilege to participate within government spaces and developing a policy of relations with the different State powers.
- Continuing the process of promoting the Children's Legal Code.
- Monitoring the compliance to policies directed toward children and the "National Action Plan for Human Development 1997-2001."
- Developing closer relations with political parties, not only to share opinions about the situation of children but also to understand their positions.
- Strengthening ties with the Network of Mayors for the Defense of Children.
- Creating proposals and initiatives for laws, policies, programs and activities that promote the rights of children, among them the new law on child labor.
- Strengthening ties with social movements and networks such as "Initiative for Nicaragua."
- Participating in the creation of the "Plan for Comprehensive Attention to Children" sponsored by the InterAmerican Development Bank and the Canadian Support Fund for Children.
- Developing links with private enterprise.

Presently, the NGO Coalition has developed a plan to strengthen itself politically and organizationally, by implementing the following actions:

- Defining the NGO Coalition's position on the situation of children as well as in other key issues such as child labor, education, sexual exploitation, and violence.
- Promoting different forms of participation of the member organizations depending upon their capacities and interests.
- Developing actions of social communication based on the monitoring of the Convention.
- Creating a National Documentation Center on Children.
- Assigning sufficient material and human resources necessary for the effective operation of the NGO Coalition. This includes having its own offices.
- Increasing the membership of the NGO Coalition.
- Promoting a new vision of children and adolescents based on the Doctrine of Full Protection, within the framework of a follow-up strategy to the Convention.
- Gaining recognition for its initiatives and proposals.
- Strengthening the NGO Coalition institutionally.

In terms of obstacles for the NGO Coalition, one of the principal limitations is the lack of time and opportunity for analysis and reflection. While there has been debate within the NGO Coalition on important themes such as violence and child labor, the result of which is a unified position on concepts and actions regarding them, there are still other issues such as child participation and organization that lack reflection and conceptualization. This has at times hindered their ability to respond promptly to crises and to confront political situations. While this might be partially due to the fact that the Board of Directors and the members of commissions within the NGO Coalition primarily work in their respective NGOs, as a coalition this is their defined mode of operation.

The NGO Coalition has placed much emphasis on policy issues but has not given sufficient direction on appropriate methodology and capacity building for NGOs. In the General Assembly sessions issues of strategy are addressed; nevertheless, if these were more fully discussed in work commissions as stipulated, there would be more opportunity to deal with other issues and needs. For instance, there is a need to anticipate possible events and controversies, and create mechanisms for dealing with them in an efficient and timely manner. In actuality, such issues are first discussed by the Executive Committee, who then inform the General Assembly, which only meets every two months.

Not all member NGOs participate equally. In general there is a perception that issues are addressed from the "top down" and rarely from the "bottom up," despite the General Assembly having the role as the principal decision making body. Additionally, there are different levels of organizational development within each NGO as well as different conceptions of what an NGO should be. Should NGOs be doing what the government should be doing but is not? Should NGOs be representatives of the sector of beneficiaries that they are working with, or should they be facilitators of processes, intermediaries for social demands, and/or facilitators of communication between government and the civil society? These are just some of the questions that have yet to have a unified answer.

Moreover, few member NGOs work in regions other than Managua or in the rural sector. For example, the only stable mechanisms for coordinating and communicating with Municipal Children's Commissions and regional NGOs are through general meetings, which are held in the capital of Managua. Unfortunately, these activities are insufficient for maximizing, articulating and influencing local level initiatives.

As mentioned earlier, the NGO Coalition does not have a defined system for assessing the Convention in an ongoing manner, nor for understanding the actual situation and living conditions of children, the advances and difficulties in the implementation of their rights, and the specific problems of children who are most affected by their lack of rights. The existence of such a system would also facilitate the production of alternative reports for the UN Committee as well as aid in analyzing the impact of different programs and projects.

Meanwhile, a more profound debate continues regarding the role children should play in the NGO Coalition. This debate is centered on what child participation means, when children should speak for themselves and when children should be spoken for. There is also the concern of forcing child participation, instead of letting children develop a natural course of involvement, of opinion and of appropriation.

Finally, funding continues to be one of the greatest limitations for the organizational strengthening of the NGO Coalition. Nevertheless, the NGO Coalition has been able to make great strides despite these limitations, and their importance and achievements in the promotion of children's rights cannot be overstressed.

Other National NGO Efforts

While the NGO Coalition has carried out many of the endeavors for the promotion of children's rights, other national NGOs have also played a role. Many of these activities have concentrated on investigations, studies and publications related to the Convention; others have focused on children's rights advocacy, training, conferences, and public campaigns.

Among the publications produced by NGOs are:

- "The Convention on Children's Rights, the Institutional Capacity to put the Convention into Practice, and the Situation of Nicaraguan Teenagers between 15 and 18 years of age, with Special Emphasis on Teens in Especially Difficult Circumstances," produced by the Foundation for Nicaraguan Woman (FUNIC-Mujer), 1993.
- "Survey on Sexual Abuse against Minors" and "The Condition of Girls who are Victims of Sexual Abuse," produced by Two Generations, 1992 and 1997.
- "Between Stoplights and Parks: Child and Adolescent Labor in Managua," produced by the Luis Alfonso Velásquez Flores Movement (MILAVF), 1995.

- “We’re in the Street ... A Study on Children and Adolescents in Risk Situations in Managua,” Tesis Association, 1995.
- “Survey on the Situation of Children in the Urban Area of Condega and Nine Nearby Rural Communities” and “Survey on the Situation of Children in Eleven Communities in the Municipality of San Lorenzo,” produced by the Center for Support to Programs and Projects (CAPRI), 1996.
- “Legal and Social Analysis of Children and Adolescents who have Allegedly Infringed the Law,” produced by the Nicaraguan Human Rights Center (CENIDH), 1977.
- “Children of the Present and of the Future: A Methodological Manual on the International Convention on the Rights of Children,” written by Two Generations, 1997.

The latter publication was the result of a study carried out in 1994, which revealed a lack of methodological techniques for addressing the Convention, its principles and its specific articles. As a result, Two Generations took on the task of filling that void. Using a participatory and accessible educational methodology, the manual provides educators, promoters and children with a tool for understanding and making a critical analysis of children’s rights.

Many of these publications have had limited dissemination, restricted to the circles related to the issues addressed. There has yet to be carried out rigorous investigations on themes such as rural child labor, violence and abuse, child war victims, child prostitution, children and drug addiction, among others. While this is largely attributed to the lack of funds, it is also a fact that these issues have not been given the importance they merit.

In terms of advocacy, training and program implementation, some of the more notable efforts of NGOs include those of the following organizations:

- The Nicaraguan Human Rights Center (CENIDH) created a section of “Promotion, Protection and Defense of the Rights of the Children” with the support of Save the Children-Canada. The objective of this endeavor is to attend and follow up on charges of children’s rights violations. The section especially focuses on cases of alleged law violations committed by children. Recently, CENIDH together with UNICEF carried out an investigation on the police and judicial system in relation to children and adolescents in conflict with the law.
- The Nicaraguan Communal Movement (MCN), a national organization with affiliates located throughout the country, has been undergoing a process of reformulating their projects and policies in accordance with the promotion of children’s rights. This has been carried out with support from Rädda Barnen. (see case study after “Local NGO Efforts”).

There have also been numerous initiatives involving the coordination and participation of various NGOs. For example, the NGO Coalition has created alliances with several NGOs or groups for the implementation of different actions; among these NGOs:

- The Women's Movement, for lobbying on the content and powers of the Ministry of the Family.
- The Network of Women Against Violence, in the preparation and organization of the "First National Conference on Children, Adolescents and Violence," carried out in November of 1996 in coordination with the NGO Coalition and the Save the Children Alliance. Over 423 representatives from governmental, non-governmental and local organizations participated. Also, the NGO Coalition, the Network of Women against Violence, and other NGOs collaborated in the writing and publication of the pamphlet "What to do and where to go in cases of violence."
- The Initiative for Nicaragua organization, which has worked in conjunction with many NGOs in the promotion of education. They have labored to endorse a new conception of children as social subjects and subjects of rights, and to promote "non-formal" (or non-traditional) teaching methodologies as valid and effective educational methodologies for impoverished or marginalized children.

Local NGO Efforts

On a local level, the promotion of the Convention occurs mainly through efforts made by NGO's participating in Municipal Children's Commissions. Periodically, national encounters with the Municipal Children's Commissions and local NGO's are held, to facilitate the exchange of ideas on strategic or current issues such as the Children's Legal Code, child labor, child abuse, strengthening of municipal governments and other themes.

Additionally, the formation of regional coalitions of NGOs working with children has been encouraged, particularly by the NGO Coalition and other international NGOs such as Save the Children Canada.

Throughout the country, there are at least 115 local NGOs implementing programs and projects related to children and their rights. These efforts are mainly focused on capacity building (i.e. workshops, local conferences), direct attention to children in especially difficult circumstances, formal and non-formal educational processes, and coordination with local actors in the promotion of children's rights.

Case Study: Nicaraguan Communal Movement

The Nicaraguan Communal Movement (MCN) is a national organization with affiliates throughout the country. MCN focuses its efforts on comprehensive community development and within that framework, has spearheaded various initiatives in benefit of children. For example, they have revised as an organization their vision of children and have studied the situation of children in the communities where they work, both actions based on the precepts of the Convention.

This process has resulted in the formulation of two key instruments. The first is the formulation of the MCN guideline entitled "Social Community Defense," which coordinates all the initiatives promoted on a community level around the defense of children's rights. Within this framework workshops are held so as to generate processes of reflection and analysis within the community, and to stimulate the implementation of concrete actions based on a new vision of children as social subjects of rights. These activities involve the participation of community leaders, fathers, mothers, children, adolescents, teachers, educators, parent committees, and youth groups.

The second result was the formulation of the "Community Based Policy for Attention to Children," a theoretical and conceptual instrument. This policy defines the principles, objectives, actors and fundamental goals that favor children; values children as subjects of rights; and reaffirms the role of the family and the State in the full development of the child. The "Community Based Policy" represents the ideal beliefs and attitudes that communities should possess in respect to children, and proposes that all members adopt these same conceptions.

In terms of programs and projects, the Nicaraguan Communal Movement created the "Program of Community Based Attention to Children," which represents the practical application of the "Community Based Policy." Financed by Rädä Barnen of Sweden, the principal activities include training, education, community-based social advocacy, and community promotion. The type of attention given is determined by age groups, interests and social necessities. Efforts include the implementation and promotion of daycare centers, children's meal programs, preschools, children's community services, programs for child laborers, youth leadership, sports teams, teen groups, and children's brigades and promoters. There are also initiatives directed towards adults and the community as a whole, such as adult education, counseling, commissions and family planning, all of which are framed within the Convention.

In terms of education, the Communal Movement has made advances in preschool instruction. Due to a shortage of financial and human resources in communities, as well as the growing demand for early childhood education, a strategy of non-formal preschooling emerged. This has helped to respond to the limitations of the official model of education, which is oftentimes inappropriate to the realities of poor communities, does not present appropriate methodology, and does not contribute to the full development of children.

In 1994, MCN began to make curricular modifications in their non-formal community preschools, located in marginalized neighborhoods and poor rural communities. This move has represented an experiment in the formulation and design of a new educational model, appropriate to the socioeconomic and cultural reality of children, where the child is respected and treated as a social subject of rights, and where the parents have ample opportunity to participate in the educational process of their children.

The programs of the Nicaraguan Communal Movement have benefited many individuals, particularly children. This includes attention to over 20,000 children; the organization of 400 education, nutrition, daycare or community centers; capacity building for 800 community educators; and the organization of 3000 adults in 800 community boards.

Relations between NGOs and the Government

When the Nicaraguan government in 1990 ratified the Convention on the Rights of Children, the relationship between the government and NGOs was tense. It was not until 1993 that both parties began to open lines of communication in an attempt to improve relations.

The most tangible results of this were the cooperative efforts to draft the National Action Plan 1997-2001, the National Policy of Comprehensive Attention for Children, and the Children's Legal Code. With this came a growing level of mutual acceptance and respect, opening the possibility for greater collaboration toward the fulfillment of the Convention.

When the present government assumed power in January of 1997, the situation changed dramatically. From the beginning, there was mutual distrust between the government and NGOs based on party politics and prejudices. Many high officials claimed that NGOs operated as "modus vivendi," existing to fulfill their own needs, dedicated only to research but not to concrete actions. NGOs feared the worst, and expected the government to undermine not only their work but also their institutions.

In terms of financial resources, the government has expressed interest in centralizing foreign aid directed toward NGOs and redirecting it to government programs and projects, or to NGOs with direct alliances to the administration. Many shared the opinion that religious and charitable organizations would benefit from this, while the majority of NGOs would suffer the economic consequences.

There are other criticisms as well. The current administration is very partisan. It does not listen to other opinions; it has a vertical style of leadership, it makes demands that hinder the development of NGOs, and it wants to take credit for the few activities carried out collectively. Few NGOs are invited to participate in government commissions, although there are exceptions such as in National Commission for the Promotion and Defense of the Rights of Children and the Commission for the Progressive Eradication of Child Labor, in which participate the NGO Coalition for the Rights of Children. Furthermore, the NGO Coalition believes that the government has given no clear indication that children are a priority to its institutions, demonstrated in the programs they carry out and the lack of a coherent strategy. It is easier for NGOs to coordinate efforts with government on a local and intermediate level than on the central level.

There are efforts, almost exclusively on the part of NGOs, to improve relations and move from a defensive to a cooperative stance. As mentioned in the "Legitimacy and Limitations" section under "Evaluation of Non-Governmental Efforts," the government has had to recognize the NGO Coalition as a civic force, knowledgeable and actively involved in the struggle to fulfill the rights of children. For example, the approval of the Children's Legal Code is largely attributed to the collaborative efforts of the NGO Coalition, other NGOs and international agencies. Meanwhile, if there is to be a more concerted effort in favor of children and their rights, both the government and NGOs must play their part to improve communication and create mechanisms of coordination.

Research Institutions and the Media

The participation of academic or research institutions and the media in the dissemination and promotion of the Convention on the Rights of the Child has been marginal. In terms of academic institutions, only the fields of Sociology, Social Work and Psychology in some universities have participated in consultations on the Children's Legal Code and the National Policy of Comprehensive Attention for Children. Other fields such as medicine, journalism and law have had no involvement.

Neither the NGO Coalition nor the government has sought the participation of these institutions in the promotion of the Convention. Nonetheless, there are some civil entities that have initiated work with state universities on the Convention, principally in law schools.

The media has played a mixed although minimal role. In general, the manner in which the media approaches the issues of children is inadequate and limited compared to other topics. Moreover, the media, particularly the newspapers, sensationalize cases of violence and abuse of children and rarely approach these issues with positive insight or commentary.

However, in the last few years some advancements have been made, principally due to the efforts of the NGO Coalition and other non-governmental organizations. For instance, there has been an effort to use media campaigns to generate public interest and concern for such issues as child abuse and child labor, the latter involving the publication of newspaper articles during the "First National Forum on Child Labor." The media campaign for the approval of the Children's Legal Code included activities, newspaper articles, posters and other means to rally public and government opinion.

In other aspects, there exist initiatives and programs to promote the participation of children in mass communications, principally through radio and television programs. According to the adults involved in these endeavors, child participation in these mediums help children to develop, mature, increase their creativity and gain respect from adults.

Among these initiatives the following merit mention. It should be noted, however, that despite their innovative qualities they do not represent a significant influence in terms of hours.

- The children's radio program "*Los Cumiches*" (or "Small Ones") in the city of Estelí, which began in 1991 with the objective of being a program for and by children. Its programming is based on the promotion of child participation and the defense of their rights. *Los Cumiches* has a roster of forty-five youth announcers between the ages of six and sixteen. These children are trained in youth journalism and are supported by three adult facilitators. It is estimated that over 1000 children tune in to *Los Cumiches* daily.
- The children's radio program in the city of Leon, directed by children. The program, staffed by seventeen reporters, focuses on themes related to the Convention on the Rights of the Child, with special emphasis given to topics of violence, child participation, and communication among children and with parents. The reporters

- conduct interviews with children involved in preventive or rehabilitation projects, thus providing them with an outlet to voice their opinions, expectations and reflections.
- The television program "*Tita Ternura*," a production by and for children. It is sponsored by the NGO *Dos Generaciones* (Two Generations). The program disseminates the contents of the Convention on the Rights of the Child, educates the family and society in themes of violence and sexual abuse, contributes to improving familial relationships, and aims to advancing gender equality.
- *Dos Generaciones* also promotes the radio program "*Tiempo para Ternura*" ("Time for Tenderness"), in which children help to determine content and viewpoint.

There also exists a network of child communicators, made up of over 200 children and adolescents who work in radio, television and print media. This network has received training from *Dos Generaciones* and a group of journalists. For International Children's Day on June 1, 1998, they published their first full edition newspaper.

Children's Participation and their Perceptions of the Convention

In terms of child organizations, Nicaragua is considered one of the most developed countries in Central America, an advantage that comes from the experiences gained during the decade of the eighties. During this time, the *Asociación de Niños Sandinistas* (Association of Sandinista Youth) gave over 14,000 children the opportunity to participate in educational, cultural and recreational activities.

The **Children's Movement "Luis Alfonso Velásquez Flores" (MILAVF)** emerged from this structure, and became an alternative expression for child participation and protagonism in marginalized urban neighborhoods. Originally organized by young volunteers concerned with the situation of children from these areas, the movement began with the participation of children in recreational activities; later on, MILAVF expanded its efforts into workshops on children's rights and self-esteem. It continues to be directed by youth promoters, but now involves the support of teachers, parents, a network of adult promoters, community members and other children.

MILAVF has gained much experience and reputation in the dissemination, promotion and defense of children's rights. It also organizes camps with recreational and educational activities, attends to child laborers, implements workshops and carries out other actions. The demand for these activities is great and the resources to carry them out limited. In fact, within MILAVF there is discussion on how to articulate and incorporate the growing participation of children into their programs and operations, as well as how to strengthen existing efforts.

Boys and girls have varying degrees of participation, usually determined by their age, length of time involved with MILAVF, and support from their parents. Girls have demanded their own space, and have formed a network of nineteen groups throughout the country. The boys and girls who participate in the movement in the region of Boaco stated that they felt listened to and had recognized that they were individuals with rights, thanks to their participation in the movement.

The community is MILAVF's network of support. Nevertheless, the participation of adults is fundamental for the strengthening of this movement, in so much as they have appropriated the rights of children and the spirit of the Convention.

The **Movement of Child Laborers and Children who Live on the Streets (NATRAS)** involves approximately 7000 children who are attended to by different governmental and non-governmental organizations. These children may work on the street, in factories, in agriculture, in their homes, or in other locales. The objective of NATRAS is to teach and encourage children to defend their rights; to raise awareness among the population of the problems children face as laborers; and to offer assistance to child laborers in aspects such as health, education, family and other issues.

Since 1993, NATRAS has generated debate regarding the theme of child protagonism, through such mediums as the "*Cuadernos Natras*" (Natras Notebooks) publications, forums and encounters. These have been organized by different NGOs and projects throughout the country.

The **Child to Child Program** is a work methodology promoted by the NGO Center for the Investigation and Promotion of Health (CISAS). In this program, children and adolescents between 7 and 18 years of age facilitate workshops in their community around themes related to health, violence, sexuality, child participation and protagonism.

This methodology promotes the active role of children in the management of their own health and that of their community, based on the traditional practice of older children having the responsibility of taking care of their younger siblings. The program also organizes community teams of Child to Child promoters, adults and youth.

Six conferences have been held to share experiences among community teams regarding the work they do on a personal, familial and community level; to make proposals of how to develop and expand Child to Child in their community and on a national level; and to reinforce their understanding of issues such as discrimination and violence.

It is worth mentioning the dual role that child promoters play in many projects, as protagonists who also contribute to the development of other children. The children say: "They understand us because they are like us, there is more confidence between children, and they identify with our reality because they are part of it."

Promoting the participation of children in local democracy

The participation of children in local democracy is predominantly promoted by local NGOs that participate in Municipal Children's Commissions. Towards this end, the experience in Estelí stands out (see section "Municipal Children's Commissions" under "Municipal Governments").

In 1996, the Municipal Children's Commission of Estelí organized a process of reflection and analysis in rural and urban primary schools and seventeen institutions, in which 14,348 children, 409 parents, and 486 teachers, educators and promoters participated.

The initial meetings of the Children's Commission had as their objective the promotion of civic participation of the 15,000 children of Estelí. In this way the proposals and ideas of children would be included in the agenda of the elected municipal government. In more concrete terms they demanded that:

- children should be listened to by political representatives.
- children should be able to present their problems and proposals to political candidates, for the purpose of developing a collaborative plan that would guarantee their participation.
- a new concept of children should be promoted, one which sees them as social subjects and protagonists of local development.

In order to unify criteria and procedures in the process of reflection and participation of children, activities and workshops were carried out with the support of adult facilitators. The process culminated in a municipal conference, which presented the platform of children, and included the

participation of children, NGOs, institutions and other social entities. A conference was also held with the political candidates in the municipal elections.

This experience set the stage for a new level of civic education, based on the development of child protagonism.

Perceived changes since the ratification of the Convention

According to a group of youth spokespersons, the most concrete changes since the ratification of the Convention are the following:

- Cases of abuse are now punishable by law, and children are assisted to make such cases public and brought before the law.
- Teachers are made aware that they cannot mistreat school children.
- There is greater understanding that children have the right to voice their opinions.
- Communication between parents and children is encouraged, and some youth spokespersons say that they have greater support from their parents.
- Now children have the opportunity to talk about sexual and reproductive health without fear. Although the Ministry of Education prohibits the discussion of sexuality within school, non-governmental organizations have facilitated many workshops with useful information.

They also consider that the Convention has yet to change many things:

- Although ratified, there are many unfulfilled rights because the Children's Legal Code has not been implemented, and it is necessary to obligate adults to fulfill them.
- The existence of children who work at the stoplights, who surely know nothing about the Convention.
- A worsened situation regarding the right to education, despite the claim that education is gratis. In actuality, if parents cannot afford to pay the supposedly voluntary tuition, textbook rental, exam and report card fee, on top of the cost of school materials and uniforms, their children oftentimes do not study.
- Fathers who do not follow through on their obligation to work. Before, fathers assumed their responsibilities; now they abandon their families and many mothers are obligated to make their children work on the streets.

Among the recommendations given for the dissemination and practical application of the Convention, children gave the following ideas:

- Remind adults of our rights through the media. Write articles in the newspapers about rights that are not met.
- Present the opinions of children in the newspaper, mentioning the good things we do.
- Create radio programs where the problems and apprehensions of children are presented, allowing us to share our experiences. Implement educational programs that help us to think and analyze.

- Raise awareness of the population that we are not objects of property, but rather capable, feeling beings.
- Have informational activities about the Convention in each neighborhood. Hold discussions with children and parents.
- Counsel our parents, so they know how to educate us without mistreating and hitting us, so they treat us with affection.
- The Ministry of Education should allow giving classes about our rights.
- Apply sanctions to people who do not comply with the Convention.
- The right to free education must be fulfilled. Within schools, rules should be discussed with all the students, who should also be allowed to present counter-proposals.
- There should be information about sexual education in every school in the country.

Evaluation of International Organizations' Efforts to Advance the Convention on the Rights of the Child

UNICEF

Before the Convention, the work of UNICEF-Nicaragua was limited to attending some needs of children in the areas of survival, education, water and sanitation. Since 1991, the Convention has come to represent a reaffirmation of UNICEF's development policy and practice, redirecting efforts from that of attention to primary needs to the definition of strategies and policies aimed at institutional changes that would comprehensively benefit children. Toward this end, UNICEF has played a relevant role in the promotion of new laws, public policy, and actions that contribute to the fulfillment of children's rights.

This shift in focus from attention to children's needs to that of rights is clearly illustrated by various studies carried out during the 90's. In September 1991, UNICEF published a situation study entitled "Nicaragua: Challenges and Options in a Nation of Women and Children." This study was strictly limited to a socioeconomic analysis of the country with some statistics about children in the areas of health, education, potable water, sanitation, and the quality and scope of respective programs.

In March 1995, another situation study was produced titled "Children and their Rights." The focus was the level of fulfillment of the rights of children in Nicaragua. The study analyzed several aspects: the commitments and qualitative advances achieved since the Convention was ratified; the creation of entities to put the Convention into operation; the fulfillment and monitoring of the goals set at the World Summit on Children; the legal position of children before and after the Convention; the right to life, health, education and basic social services; the right to special protection; the freedom of expression and information and freedom from discrimination.

"Nicaragua: Women and Children Situation Study" was published in November 1996. This study presented more in-depth analysis of the situation of children and women from a rights perspective, and the initiatives of the different state and civil entities to address them.

The policy transformation is also demonstrated by the change in UNICEF's relief operations. For example, in the areas affected by draught caused by the climatological phenomenon "El Niño" in 1997, the program of attention was based not just on immediate mitigation, but rather a comprehensive plan of action that contemplated the four pillars of the Convention (survival, development, protection, participation) and the precepts of the National Policy of Comprehensive Attention for Children.

Government Relations

The Operations Master Plan for 1997-2001 is the policy document that defines the program of cooperation between UNICEF and the Nicaraguan government, based on the Convention on the Rights of the Child.

UNICEF's involvement with the government has been through technical collaboration for the passing of laws that take into account the rights of children, either in a direct fashion or through other channels. It has lobbied the highest levels of government to ratify the Children's Legal Code; has held interviews and training seminars with key entities for the revision and dissemination of the Code; and through the Operations Master Plan has coordinated with the government to increase coverage of basic services such as water and sanitation in rural and marginalized urban areas. Moreover, instead of confronting the government or carrying out campaigns to denounce violations of children's rights, UNICEF's strategy has been one of persuasion, to make suggestions in a positive way in order to convince the government and to promote UNICEF's message while creating a climate of mutual trust.

The "Promotion and Protection of the Rights of Children, Adolescents and Women Program" proposes to collaborate in the creation, transformation and consolidation of legal institutions; promote necessary legislative reforms; and contribute to actions such as the restructuring of the juvenile justice system. The program also foresees assisting in the creation of the Advocate for the Rights of Children as a body which would monitor the State to insure the respect and compliance of children's rights.

Programs

UNICEF-Nicaragua carries out or supports a variety of programs, from that of lobbying and institutional development to health and sanitation projects, community development and dissemination. Regarding dissemination, publications of the text of the Convention have been circulated and supplied by UNICEF; as well, it has financed various governmental and non-governmental publications related to children's rights.

In order to promote the knowledge and understanding of the Convention, UNICEF has assisted with resources and has participated at the regional and municipal level in the development of various educational training plans about the Convention, the Doctrine of Full Protection and the Children's Legal Code. These training programs are directed towards government officials, municipal commissions, students from the teacher training schools, municipal government entities, NGOs and journalists, among others.

On a rural level, UNICEF promotes the rights of children and the healing of wounds left by the war and violence through the Integrated Basic Services Program (PROSERBI) which is executed by the Ministry of Social Action with support and funding from UNICEF. PROSERBI's focus includes health, education, nutrition, potable water, sanitation, the environment, and attention to children in difficult circumstances, involving both governmental and non-governmental coordination.

At the end of 1997, PROSERBI began the facilitation process for the formulation of "Municipal Plans for the Development of Children and Women" in the 30 municipalities it attends. These plans are based on community surveys involving women as well as children between the ages of 10 and 18 years. The process represented an opportunity for children to voice their opinions; to identify and analyze the problems that most affect them; and to understand the causes and consequences of their situation. They also discussed what the role and actions of the community, the government and NGOs should be in order to contribute to the fulfillment of their rights. These efforts not only contribute to the participation of children, but also to the strengthening of local capabilities and community involvement.

Other initiatives promoted at the local level by PROSERBI have included the following: instituting International Children's Day through municipal ordinance; the organization of children's meetings; the formation of children's groups and movements; and children's representation in the Municipal Development Committees.

In terms of bilateral and interagency efforts in favor of children, the "Cooperation Plan 1997-2001" defines as priority increasing coordination and cooperation between the different entities of the United Nations and other agencies (i.e. World Health Organization), members of the Save the Children Alliance, the World Bank, the International Development Bank, the European Union, US AID, ASDI and NORAD.

Toward this end, UNICEF participates in a variety of interagency commissions and committees, which address such issues as child and maternal health and mortality, immunization, water and sanitation, gender, and nutrition. Regarding the issue of nutrition, UNICEF and the World Food Program have joined efforts to implement comprehensive initiatives toward the betterment of nutritional indices in the municipalities attended by PROSERBI. UNICEF has also joined forces with the Nicaraguan Ministry of Health (MINSA) in the implementation of a project to strengthen MINSA's "Local Systems of Comprehensive Attention" area.

Limitations

In practice, UNICEF has focused its attention on children under twelve years of age; its attention to adolescents is insufficient. Moreover, among UNICEF and its collaborators, including other UN agencies, there do not exist unified definitions of age group ranges; for instance, in some agencies adolescents are defined as those between the ages of twelve to eighteen, and for others it is thirteen to nineteen years of age.

UNICEF has not taken advantage of its relationship with the Ministry of Education (MED) for the promotion of the Convention, both in efforts to make the right to education a reality as well as in efforts to promote the dissemination of the Convention in the schools. Given this difficulty, UNICEF has neither promoted through or outside of MED teacher training programs on the Convention.

There have also been limitations regarding interagency cooperation. For instance, despite strategies to promote these efforts as well as common goals to incorporate the Convention into programs, there still exists a lack of cooperation between the World Bank and to a lesser extent the IDB and the European Union. Nevertheless, efforts have been initiated to develop links.

Finally, given the rise in poverty and unfulfilled basic needs, UNICEF's cooperation remains insufficient, despite an increase in its technical and financial assistance to Nicaragua.

Save the Children Alliance

The members of the Save the Children Alliance, which include Rädga Barnen of Sweden, Save the Children-Canada, Redd Barna of Norway, Save the Children-UK and Save the Children-USA, have supported work in benefit of Nicaraguan children since before 1990, and as the Alliance since the early 90's. For them, the ratification of the Convention has brought about greater emphasis on the rights of the child in their programs.

The members share a united position as the Alliance in certain issues such as child labor and abuse. Aside from carrying out joint efforts, the Alliance plans and discusses how the Convention can be better applied in Nicaragua, and determines not only what they can cooperatively do but also analyzes what the role of each member should be. Additionally, the members share publications and collaborate with other available resources.

In terms of assistance, the members of the Save the Children Alliance have surpassed the role of solely offering financial support to projects, to that of an active role of partner to the process and the development of local capacities and NGOs that directly attend children. At the same time, they have served as facilitators between the NGO Coalition, other NGOs and the government, encouraging processes of communication and promoting greater coordination. For instance, the Alliance strongly encouraged NGOs to form the NGO Coalition. The formation of coalitions has also been encouraged on a local and regional level, both among NGOs and between government entities and NGOs.

The principal lines of action prioritized by the Alliance members have been to strengthen institutions that work in favor of the fulfillment of children's rights; social mobilization in favor of children; and support for social communication and training efforts. With respect to rights, the rights to health, participation, education and protection have been given priority.

In a concrete manner, the assistance of the members of the Alliance has been expressed through financial and technical support for the formulation of the Children's Legal Code, the National Policy of Comprehensive Attention for Children, and the National Commission for the Promotion and Defense of Children's Rights. It has also carried out lobbying efforts with the National Assembly, offered technical and financial support for the training of municipal authorities, and continues to strengthen the NGO Coalition. As well, efforts have been carried out in coordination with UNICEF.

In addition, Alliance members have been involved in activities that put children's rights on the public agenda. Such endeavors include the financial and organizational involvement in the "First National Forum on Child Labor." The Forum represented a milestone in raising awareness on child labor, and the role of the Alliance members was key in its success. As follow-up, the Alliance plays an advisory role to the National Commission for the Progressive Eradication of Child Labor. Other endeavors jointly supported by the Alliance include:

- The public campaign against child abuse "Not Blows that Wound...or Words that Wound;"
- The "First National Conference on Children, Adolescents and Violence" in 1996;
- Lobbying for the approval of the Children's Legal Code;
- A training program for municipal authorities in the Rights of the Child and the Children's Legal Code;
- Support to the National Commission for the Promotion and Defense of the Rights of Children.

Other International NGOs

While UNICEF and the Save the Children Alliance members have made the most visible contribution to the advancement of children's rights in Nicaragua, there are other efforts as well, particularly on a local level. As demonstrated in the case study of the city of León (see case study under "Municipal Governments") the Sister City of Hamburg, Germany, has provided assistance for the simultaneous implementation of twelve projects that benefit children. The European Union, DANIDA and NORAD have supported specific projects of the NGO Coalition. However, these represent only a few of the instances where international organizations have supported efforts to advance the Convention, and there are many more examples throughout the country. There are also others, such as Tierra de Hombres and the Casa Alianza that support programs for children that do not necessarily have a child's rights focus.

Conclusions

A. The ratification of the Convention has been an important step toward the advancement of children's rights in Nicaragua, and its elevation to constitutional standing has brought about the revision of laws that did not comply with its spirit. It has introduced the concept of children as subjects of rights, transforming their needs into rights to survival, protection and development. The Convention has also served as the basis for policies directed toward children under the concept of the universality of basic services, equality, equity and participation, and has achieved a series of institutional changes oriented toward mobilizing resources and efforts around children. More importantly, it has lead governmental and non-government organizations into a shared agenda, represented by the "National Policy of Comprehensive Attention for Children" and the "Children's Legal Code."

B. The politically polarized context of Nicaragua is a considerable obstacle to the advancement, understanding and implementation of children's rights. This difficulty is particularly notable at the central government level, where there is reticence to address, through any concerted effort, the rights of children. However, through the National Commission for the Promotion and Defense of the Rights of Children, the new government has demonstrated some willingness to continue with the commitments made in the previous years regarding the Convention.

Nonetheless, in practice the government has been going through a transitional phase. Many of the newly named government officials, both at the national and regional level, did not have an understanding or knowledge of the Convention, the efforts carried out, and the advances made in this area. Their experience had been related to models of assistential attention, and for this reason their initial perspective on the issues of children was characteristic of the criterion of the Doctrine of Irregular Situations.

C. Presently, government institutions continue to work on issues related to children from a very limited perspective. If this disarticulated and narrow vision continues, the results will be limited advancement, minor social impact, and fragmented actions, regardless of advancements made during the previous administration.

Nevertheless, a process has begun toward the application of the National Action Plan for Children 1997-2001, which would bring about a more comprehensive and concerted effort. The fulfillment of its strategy would necessitate the inclusion of the work of NGOs and the beginning of collective actions. However, the current administration is reviewing the National Action Plan, as it feels the goals are too ambitious.

D. The national election process, which involves a change of power from the central government to the lowest ranking local official, also affects the advancement of the Convention. It limits

the continuity of any efforts, particularly those promoted by government entities, and has led to repeated or aborted actions that do not take into account past efforts.

While elections will be staggered in the future, with the next municipal elections to be held in the year 2000, initiatives to minimize the effects of this situation are not foreseen; when the task of education and appropriation in the Convention is achieved with municipal authorities, they will once again be changed.

- E. Municipal level efforts toward the fulfillment of the Convention are varied and lack a guiding entity. The Network of Mayors for the Defense of Children, whose mission is to coordinate efforts among different municipalities, must continue to be strengthened in order to carry out this process.

This is not to say that local level endeavors are nonexistent. Many municipalities have formed Municipal Children's Commissions, for the purpose of promoting both the Convention and activities in favor of children. The number and effectiveness of these Commissions continue to rise. Moreover, there are more instances in the municipalities of coordination between local governments and NGOs.

For example, the Municipal Children's Commissions in the cities of Estelí and León have become prime examples of consensual and autonomous processes, wherein distinct governmental, non-governmental and other social sectors have appropriated common goals and objectives in favor of children. Autonomy from the government and its own sources of financing have allowed these commissions to continue their efforts despite changes in government.

- F. The Coalition of NGOs for the Rights of Children has played a key role in the advancement of the Convention, particularly in its lobbying efforts with the government and in the drafting and approval processes of the National Policy for Comprehensive Attention, the Children's Legal Code and the National Action Plan for Children 1997-2001. However, the NGO Coalition assumed that the Code would be approved before or immediately following the national elections of 1996, and was not prepared otherwise. While the Code was finally approved in May of 1998, it was only after renewed efforts of lobbying and educating new officials.
- G. There exists other NGO efforts and experiences, particularly on a local level, that are nationally unknown; many do not coordinate with the NGO Coalition. Moreover, within the NGOs that make up the NGO Coalition there is an unequal level of development and participation, as well as differing opinions on what the role of NGOs should be. This has made it difficult to have a shared, consensual position on issues affecting children, and to anticipate appropriate collective actions.

H. International agencies such as UNICEF and the members of the Save the Children Alliance have played important roles in promoting the Convention, lobbying for policy changes, and supporting programs and projects in favor of children. They have changed their role from supporting efforts to becoming partners in the process, and have facilitated communication among NGOs and between the government and NGOs.

I. The magnitude of the Convention's impact in terms of its dissemination by relevant actors and structures is limited considering that the general public has little understanding or knowledge of children's rights.

This conclusion is not absolute, however; innumerable children, educators, parents, promoters, officials and police have been made aware of the rights of children. Nonetheless, there still lacks a broad-based awareness of the population in the meaning and scope of the Convention.

J. The contents of the Convention on the Rights of the Child are insufficiently disseminated in research and academic institutions or through the media. While in some universities there has been coordination and consultation, particularly regarding the Children's Legal Code, these efforts have been minimal. There is also limited research carried out regarding issues affecting children and their rights.

In terms of the media, there are innovative efforts to promote the Convention and child participation, particularly through radio programs. Nevertheless, their impact is minimal in terms of broadcast hours.

K. The reporting process on the fulfillment of the rights of children, both from the government and NGO perspective, has provided a basis on which to assess what has been done and what needs to be done. However, it continues to be an internal process within institutions and organizations, without including the public sphere in its analysis or by using the results as a tool for broadening awareness. The recommendations made by the UN Committee on the Rights of the Child have also received the same treatment, thus limiting a more intersectorial effort to address them.

L. The absence of a system for monitoring the dissemination, understanding, and results of the Convention in Nicaragua affects not only the ability to assess its impact, but also the planning of appropriate actions for its fulfillment. Moreover, there are many gaps in information regarding children, particularly those who live in the rural sector and in terms of gender equality.

M. Most programs are directed toward young children, and do not place special emphasis on issues that affect adolescents. One of the only specific topics addressed with adolescents is that of sexuality and reproductive health, which has proved to be controversial.

Attention to and protection of children with specific difficulties, such as victims of armed conflict, drug abuse and prostitution, is limited; while many NGOs are attempting to address these issues, the government does not have specific programs or policies for these children.

The right to education in all of its expressions, including attention to children with learning disabilities, secondary and technical instruction, has been limited. Moreover, the rights to recreation, culture, sports, employment opportunities and legal guarantees have essentially been neglected.

- N. Finally, the majority of the relevant actors involved in the fulfillment of children's rights have centered their efforts on broadening awareness that children are social subjects with rights. However, they have fallen short of identifying a fundamental prejudice: adultism, which legitimates the inferiority of children to adults. This problem represents a paradigm that cuts across all cultures, social conditions and religious creeds. Moreover, the limited understanding of the generational focus, which addresses the societal division between children and adults, has impeded the ability to identify the root causes of the situation that children face.

To achieve a more egalitarian relationship between adults and children, the ideological and cultural elements that propagate the subordination of the interests of children to the interests of adults will have to be ameliorated. This would have profound implications not only on an interpersonal, familial level, but also within existing structures, institutions, policies and legislation.

In other words, while an unequal power relationship between adults and children continues, only with difficulty will adults—be they fathers, mothers, family members, government ministers or officials—accept children as having full rights. In this sense, it is necessary to reverse these roles and place in first order the superior interest of children.

Recommendations

For Governmental and Non-Governmental Actors and Structures

1. The UN Convention on the Rights of the Child and the legal instruments derived from it for its adaptation to the national context should be the base from which the government and civil society develop and carry out collective actions. The experience of the last two years of the previous government demonstrated how much can be achieved when cooperation prevails rather than conflict.

The actual government and the NGO Coalition for the Rights of Children have a very important starting point—the Code, the Policy, and the Plan—to carry out collective actions with far reaching impact. The National Council for Comprehensive Attention to Children would be the guiding entity that would coordinate these efforts.

Based on the Plan, the Policy, the Code and the UN Committee's recommendations, the government should review the manner in which these could be incorporated into their institutional plans, programs and projects. For this to happen there needs to be greater emphasis on the knowledge and understanding of these instruments in the different state structures, through educating officials and establishing indicators for monitoring and evaluation.

2. While changes in policy and legislation have been the focus of change, there are other actors that need to be considered more closely in terms of the reproduction of values and behavior that negatively affect the rights of children. For instance, the media and formal education must also undergo a revision of their policies and practices.
3. The focus on gender and generation should be contemplated within the plans and programs of government entities that deal with children, particularly in terms of educational curriculum.
4. New and innovative opportunities and alternatives need to be created for the task of defending the rights children. Given the tradition of conflict and inadequate coordination between the government and civil society, coalitions and coordinating bodies are insufficient.

A national movement involving different sectors of society in the promotion of the survival and full development of Nicaraguan children, or an informal mechanism for mobilizing and coordinating governmental, non-governmental and civic representatives, could create and develop a minimum agenda in favor of the rights of children. Lead by prestigious and respected national figureheads, these entities could involve governmental and non-governmental organizations, the media, religious organizations, political parties, artists, intellectuals, entrepreneurs, unions, etc. The media could play the role of rallying support for this endeavor.

On a local level, a Network for the Defense of the Rights of Children could be created, involving officials, teachers, promoters, concerned parents, police, religious figures, and others. No one can be excluded in the promotion and defense of the rights of children.

5. On a municipal level, a change in government not only affects the work with children, but rather all municipal matters. There needs to be a national solution such as the implementation of the law of civil service, which would limit the changes of appointed functionaries when elections occur. Specifically concerning children, the following initiatives could be carried out:
 - a) creating agreements that would guarantee the tenure of appointed civil servants whose role is related to children's needs and rights, based on these being of greater importance to any other interest.
 - b) introducing the theme of the Convention and its advancements into the preparatory training program of newly-elected local governments.
 - c) promoting Municipal Children's Commissions as autonomous structures closely associated with local governments.
6. There needs to be an ongoing search for a more adequate method for fulfilling the Convention on the Rights of the Child. More theoretical and reflective efforts are needed that will permit a more interactive relationship among the cultural, political, social and legal elements that condition the application of the Convention. Investigations could be focused on the areas previously mentioned.

Investigations could also be carried out that would permit a better understanding of priority issues and their impact, as well as problems that to date have not been closely addressed: drug addiction, child prostitution, adolescent delinquency, among others. The creation of areas of research regarding children should be promoted in existing institutions and universities.

7. There exist legal, conceptual, cultural and practical obstacles that hinder the real participation of children. Children should have opportunities to create organizations where they can learn about and defend their rights; to improve communication with and among themselves, their families and communities; to create mechanisms that allow for their point of view to be heard; and to strengthen existing youth organizations.
8. A strategy of social and participative communication for Nicaraguan children could be developed, for the purpose of raising awareness within society in terms of the fulfillment of children's rights and the problems that children face.

A first step could be a study regarding the media's treatment of children's issues, the obstacles and facilitators of social communication, and the positive experiences in Nicaragua.

Part of this strategy would be the dissemination of the Convention through massive campaigns; the promotion of collaborative efforts between governmental and non-governmental organizations and institutions; the transformation of traditional perspectives toward children; the mobilization of public opinion toward the rights of children; and the promotion of children as social agents of communication and protagonists in the transformation of adults.

Other elements of this strategy could include:

- The organization of municipal, scholastic and community pilot projects for the validation of legal instruments, impact evaluation and the systematization of positive experiences.
- The creation of objectives, topics and activities tailored to the rural areas of the country.
- The promotion of workshops for media directors, journalists and producers of children's programs regarding the Convention, the Code, the National Plan and the influence of the media in transforming how children and adolescents are viewed. These would be similar to those workshops offered to the National Assembly.
- The promotion of forums and debates in universities.
- The creation of a bulletin that supports the work of persons involved in social communication, which would contain experiences of communication and methodological techniques for the promotion of child protagonism.
- The formation of a Network of Journalists in Favor of Children.
- The dissemination of experiences that have changed adults' views of children.

The National Commission for the Promotion and Defense of the Rights of Children has an important responsibility in the strategy of social communication for children; and the NGO Coalition must consolidate its own efforts, as it has projected for 1998.

9. The Rights of the Child should be incorporated into the agenda of political parties, both on a municipal and national level, taking into account the initiatives developed in some municipalities during the past elections.
10. The Reports to the UN Committee on the Rights of the Child should be part of a national plan, carried out in a timely fashion in order to achieve greater levels of mobilization and communication regarding the rights of Nicaraguan children.
11. Efforts to create a system for monitoring indicators of the fulfillment of the Convention must continue, as it would provide an effective means for understanding the actual situation of children and determine appropriate plans and strategies.

For the National Commission for the Promotion and Defense of the Rights of Children (CNPDN)

1. The idea of transforming the CNPDN into a collaborative organization involving the powers of state and civil society should be reconsidered, for which the legislative branch would need to create a law granting this organization autonomy, with its own budget and regulations to direct its functions.

This would lead the way to an organization that transcends governments and parties in turn, with the capacity to carry out defined actions and interventions as well as the capability to influence the development of initiatives that structurally transform all policies related to the protection of the rights of children.

2. The National Policy of Comprehensive Attention for Children must become a permanent agenda of all State and civic entities. Since the Children's Legal Code has been approved, the government must make it effective.
3. The Convention and Code must be introduced into the subject of civic education, which would require training within all formal structures of the Ministry of Education.

For the NGO Coalition for the Rights of Children

1. The NGO Coalition must create an alternative system for follow-up and evaluation of the Convention that permits in an on-going and systematic way an understanding of how rights are being addressed and how the problems that affect Nicaraguan children are being dealt with, not just how many children are involved in programs.

Specific indicators are needed regarding the fulfillment of all articles of the Convention and the application of the Children's Legal Code which would reflect: the participation of children in decisions that affect them; the perception of children on how their lives are changing as well as the changes they have felt in terms of time dedicated to work, study and recreation; the expansion of coverage and quality of health and education services, etc.

In this sense, a system of on-going and participative monitoring needs to be established for the purpose of: a) establishing a common conceptual framework of the articles stipulated by the Convention on the Rights of the Child; b) employing a methodology that capitalizes on existing information systems; c) prioritizing the principal information sources with the broadest national coverage; d) defining a time line for the utility of information and how information will be categorized once a standard system exists; e) establishing indicators that are in accordance with internationally recognized standards.

This alternative system of information would allow:

- Documentation of exemplary experiences of work with children.
- Distribution of information for use in media.
- Gathering of annual information for use in public presentations.
- Recognition of the work carried out by NGOs and civil society in favor of children.
- Inclusion of academic and investigative centers in the effort.

To achieve the aforementioned will require educating NGOs and other civil society bodies in the importance of monitoring the rights of children and in understanding the usefulness of this data for making decisions that benefit children; creating an entity that would coordinate, regulate and oversee existing information; and training of information gathering personnel in how to improve the quality and consistency of data.

These efforts could be coordinated by the creation of a Documentation Center, which would receive and organize existing information regarding children and their rights, thus taking advantage of studies and existing data in the country. These could then facilitate future research.

2. For the participation in the session with the UN Committee for the Rights of the Child, there needs to be ample official information on the Committee and its sessions. The actual session could be used for dialogue among the participating representatives. As there exist efforts among signatory countries to assemble and meet, so should national and international NGOs promote a parallel endeavor.
3. Since there exist solid national coalitions, regional coordination and conferences should be encouraged. The best experiences of these should be duplicated.
4. Projects involved in the promotion of the rights of children should include in their budgets funds earmarked for the systematization and documentation of experiences and results. Funding agencies could also encourage and finance such endeavors.
5. Publications, audiovisual materials and facilities should be capitalized on and marketed.
6. A strategy directed towards bilateral and multilateral organizations could be developed that would incorporate aspects of the Convention into programs of cooperation and technical assistance in Nicaragua, as well as increase financial support to the NGO Coalition for the Rights of Children.

For the Save the Children Alliance

1. The Alliance could play a greater role in the conveyance of knowledge and successful experiences of other countries to national NGOs, through the employment of temporary consultants and advisors. It could encourage and lobby cooperation organizations of their countries to distribute funds between government and NGOs in a more democratic manner.
2. The member countries of the Alliance should encourage their respective home offices to destine specific funds for the initiatives carried out as the Alliance.
3. The Alliance must capitalize on their relations with government entities and NGOs, in order to improve lines of communication between the two.

For UNICEF

1. Taking into account the mid-term evaluation of the Five Year Plan, UNICEF could direct greater efforts toward the creation of opportunities that allow children to participate and voice their opinions; attend to specific problems of adolescents; develop and expand the dissemination, communication and social mobilization regarding the rights of children.
2. UNICEF should share its information, including projections, documents, studies and other documentation with the NGO Coalition for the Rights of Children and the Save the Children Alliance.
3. Greater effort should be made for the promotion of interagency collaboration in order to strengthen local interventions.
4. As bilateral cooperation agreements exist between UNICEF and government entities, these should be capitalized on to more comprehensively promote the Convention on the Rights of the Child, particularly in lobbying for the inclusion of the Convention into the strategy of the Ministry of Education.

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Key to Translated Names and Actual Spanish Equivalents

Advocate for the Rights of Children	<i>Oficina del Procurador de la Niñez</i>
Association of Sandinista Youth	<i>Asociación de Niños Sandinistas</i>
Center for Investigation Promotion of Health (CISAS)	<i>Centro de Investigación y Promoción de la Salud</i>
Center for Support of Programs and Projects (CAPRI)	<i>Centro de Apoyo a Programas y Proyectos</i>
Children's Legal Code	<i>Código de la Niñez y la Adolescencia</i>
Children's Movement "Luis Alfonso Velásquez Flores" MILAVF	<i>Movimiento Infantil "Luis Alfonso Velásquez Flores"</i>
Children's Townhall Meetings	<i>Cabildos Infantiles</i>
Commission of Assistance to the Juvenile Prison Population	<i>Comisión de Apoyo a la Población Penal Juvenil</i>
Commission for the Prevention of and Attention to Child Sexual Abuse	<i>Comisión para la Prevención y Atención del Abuso Sexual Infantil</i>
FONIF (Nicaraguan Fund for Children and Families)	<i>Fondo Nicaragüense de la Niñez y la Familia</i>
Initiative for Nicaragua	<i>Movimiento Iniciativa por Nicaragua</i>
Institute for Municipal Promotion (INIFOM)	<i>Instituto Nicaragüense de Fomento Municipal</i>
Integrated Basic Services Program (PROSERBI)	<i>Programa de Servicios Básicos Integrados</i>
International Foundation for Global Economic Challenges (FIDEG)	<i>Fundación Internacional para el Desafío Económico Global</i>
Ministry of Education (MED)	<i>Ministerio de Educación</i>
Ministry of Health (MINSA)	<i>Ministerio de Salud</i>
Ministry of Social Action (MAS)	<i>Ministerio de Acción Social</i>

Movement of Child Laborers and Children Who Live on the Street (NATRAS)	<i>Movimiento de Niños y Niñas Trabajadores de la Calle</i>
Municipal Children's Commissions	<i>Comisiones Municipales de la Niñez y la Adolescencia</i>
National Action Plan for Children 1997-2001	<i>Plan de Acción Nacional en Favor de la Niñez y la Adolescencia 1997-2001</i>
National Action Plan for Human Development and Children 1992-2000	<i>Plan de Acción Nacional sobre Desarrollo Humano, Infancia y Juventud 1992-2000</i>
National Commission for the Promotion and Defense of the Rights of Children	<i>Comisión Nacional de Promoción y Defensa de los Derechos del Niño y de la Niña</i>
National Commission for the Progressive Eradication of Child Labor	<i>Comisión Nacional para la Erradicación Progresiva del Trabajo Infantil</i>
National Commission for the Protection of Children	<i>Comisión Nacional de Protección de la Niñez</i>
National Policy of Comprehensive Attention for Children	<i>Política Nacional de Atención Integral a la Niñez y la Adolescencia</i>
Network of Mayors for the Defense of Children	<i>Red Nacional de Alcaldes Amigos y Defensores de los Niños y Niñas</i>
NGO Coalition for the Rights of Children	<i>Coordinadora Nicaragüense de Organismos No-gubernamentales que Trabajan con la niñez y adolescencia</i>
Nicaraguan Aqueduct and Sewage Institute	<i>Instituto Nicaragüense de Aqueductos y Alcantarillados</i>
Nicaraguan Communal Movement (MCN)	<i>Movimiento Comunal Nicaragüense</i>
Nicaraguan Human Rights Center (CENIDH)	<i>Centro Nicaragüense de Derechos Humanos</i>
Nicaraguan Sports Institute	<i>Instituto Nicaragüense de Deporte</i>
Permanent Commission for Women, Children and the Family	<i>Comisión Permanente para la Mujer, Niñez, Juventud y Familia</i>
Points of Encounter	<i>Puntos de Encuentro</i>
Police Commission for Women and Children	<i>Comisaria de la Mujer y la Niñez</i>

Program for Attention to Child and Adolescent Laborers

Programa de Atención a Niños, Niñas y Adolescentes Trabajadores

Two Generations

Dos Generaciones

UCA

Universidad Centroamericana

UNAN

Universidad Nacional Autónoma Nicaragüense

UNCLASSIFIED

Children's

TL
AG
Lors

SUBJECT: SIERRA LEONE - UPDATE ON CHILDREN'S ISSUES

SUMMARY

* given to Christine Macey -
FL Speechwriter

1. ON MAR. 23, POLOFF RECEIVED AN UPDATE ON CHILDREN'S ISSUES IN SIERRA LEONE FROM UNICEF. APPROXIMATELY 2800 CHILDREN HAVE BEEN REPORTED MISSING FROM FREETOWN FOLLOWING THE JANUARY 1999 ATTACK. OF THIS NUMBER, ONLY 99 HAVE BEEN REUNIFIED WITH THEIR FAMILIES TO DATE. REUNIFICATION OF CHILD SOLDIERS BECOMES INCREASINGLY DIFFICULT FOR THOSE WHO HAVE BEEN WITH THE REBELS FOR LONGER PERIODS OF TIME. WITH THE HIGH INCIDENCE OF RAPE DURING THE ATTACK ON FREETOWN, CHILDREN BORN AS A RESULT ARE NOT LIKELY TO BE ACCEPTED BY THE COMMUNITY. END SUMMARY.

JANUARY ATTACK

H/B

MV -

Just in case we
lose sight of
what we are
working against.

2. ON MAR. 23, POLOFF RECEIVED AN UPDATE ON CHILDREN'S ISSUES IN SIERRA LEONE FROM A UNICEF REPRESENTATIVE BASED IN CONAKRY. SHE SAID APPROXIMATELY 2800 CHILDREN HAVE BEEN REPORTED MISSING FROM FREETOWN FOLLOWING THE JANUARY 1999 ATTACK TO DATE. THAT NUMBER IS LIKELY TO INCREASE AS SOCIAL WORKERS ARE ABLE TO HAVE ACCESS TO MORE AREAS OF THE CITY AND FAMILIES LEARN WHERE THEY CAN REPORT THEIR LOSSES. IN APPROXIMATELY 30 PERCENT OF THE REPORTS, THE FAMILY WITNESSED THEIR CHILDREN'S ABDUCTION FIRSTHAND. APPROXIMATELY 57 PERCENT OF THOSE ABDUCTED WERE GIRLS. (NOTE: UNICEF DEFINES A "CHILD" AS ANYONE WHO HAS NOT REACHED HIS OR HER 18TH BIRTHDAY.)

3. ON MAR. 12, REBELS RETURNED 51 ABDUCTEES FROM THE JANUARY ATTACK TO MEMBERS OF THE INTER-RELIGIOUS COUNCIL. THESE WERE NOT CHILD SOLDIERS, AND HAD NEVER BEEN ARMED, BUT HAD BEEN ABDUCTED AND USED AS PORTERS, SERVANTS, OR SEX SLAVES. UNICEF WAS PLEASED TO REPORT REUNIFIED ANOTHER 48 CHILDREN WHO THEY HAD TAKEN INTO CUSTODY (MOST WERE FOUND WANDERING THE STREETS AND HANDED OVER TO SOCIAL WORKERS). TO DATE, 69 KIDS ARE STILL AWAITING REUNIFICATION WITH THEIR FAMILIES AND ARE EITHER IN FOSTER CARE OR AT A CENTER IN MURRAY TOWN. HOWEVER, THESE FEW CASES BARELY BEGIN TO MAKE A DENT IN THE TOTAL OF 2800 REPORTED MISSING.

REUNIFICATION PROCESS

4. THE UNICEF REPRESENTATIVE DESCRIBED THEIR FAMILY TRACING AND REUNIFICATION PROCESS (FTR) IN SIERRA LEONE. AFTER SOCIAL WORKERS COLLECT REPORTS OF MISSING CHILDREN

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AND UNICEF COMPILES LISTS OF CHILDREN IN THEIR CARE, THE NAMES ARE ANNOUNCED OVER THE RADIO, AT CAMPS FOR INTERNALLY DISPLACED PEOPLE (IDP'S), OR OTHER LARGE GATHERING PLACES. AS MANY CHILDREN ARE MOVED TO A DIFFERENT PART OF THE COUNTRY AFTER BEING KIDNAPPED, UNICEF MAKES THESE ANNOUNCEMENTS THROUGHOUT THE COUNTRY. FOR THIS SAME REASON, UNICEF WILL TURN THE CHILDREN OVER TO A MEMBER OF THE EXTENDED FAMILY, IF THE PARENTS ARE NOT IMMEDIATELY AVAILABLE. HOWEVER, THE LOW NUMBERS OF CHILDREN BEING FOUND COMPARED TO THE HIGH NUMBER OF MISSING MAKE THE ODDS FOR REUNIFICATION LOW.

COMMUNITY ACCEPTANCE

5. ACCORDING TO UNICEF, COMMUNITY SENSITIZATION PLAYS AN IMPORTANT PART OF THEIR REUNIFICATION STRATEGY. THE LONGER THE CHILDREN HAVE BEEN AWAY FROM HOME, THE MORE DIFFICULT IT IS FOR THE COMMUNITY TO ACCEPT THEM. IN PREVIOUS CASES, SOME PARENTS HAVE REFUSED TO TAKE THEIR CHILDREN BACK AFTER THEY HAVE BEEN CHILD SOLDIERS. PART OF THE REBELS' STANDARD PRACTICE IS TO FORCE THE CHILD TO COMMIT A VIOLENT ACT AGAINST AN IMMEDIATE FAMILY MEMBER (SUCH AS RAPE OF A SISTER OR MUTILATION OF THE FATHER) TO SEVER THE FAMILY TIES. UNICEF ALSO SAID CHILDREN ARE MORE READILY REUNIFIED IN THE NORTH, AS THE KAMAJOR GROUPS IN THE SOUTHERN PART OF THE COUNTRY HAVE THREATENED FORMER CHILD SOLDIERS ON OCCASION.

6. IF THE COMMUNITY WILL NOT ACCEPT THE CHILDREN, UNICEF HAS A LONG-TERM HOUSING FACILITY IN A FORMER HOTEL WHERE THE CHILDREN ARE ORGANIZED IN SMALL FAMILY UNITS UNDER THE CARE OF AN ADULT, WHO IS OFTEN A FORMER FEMALE REBEL CAPTIVE. SOME OF THESE CHILDREN HAVE DIFFICULTY MAKING THE TRANSITION TO CIVILIAN LIFE, AND THEY ARE ENROLLED IN SCHOOL OR LEARN A TRADE TO HELP SEPARATE, DUE TO THE LEVEL OF VIOLENCE THE CHILD SOLDIERS HAVE PARTICIPATED IN AND WITNESSED.

✓ RAPE

* 7. RAPE WAS A STANDARD TERROR TACTIC USED BY THE REBELS DURING THE JANUARY ATTACK ON FREETOWN. ALL OF THE GIRLS PUBERTY AGE AND OLDER (AND MANY YOUNGER) WHO WERE ABDUCTED OR UNDER REBEL CONTROL FOR ANY LENGTH OF TIME WERE RAPED, ACCORDING TO UNICEF. AS PART OF THEIR REHABILITATION, UNICEF REFERS THE GIRLS TO COUNSELORS TO HELP THEM DEAL WITH THE TRAUMA. SIERRA LEONEAN SOCIETY DOES NOT USUALLY PUNISH THESE GIRLS FOR BEING RAPED,

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RECOGNIZING THEY WERE UNWILLING VICTIMS. HOWEVER, THE CHILDREN THAT WILL RESULT FROM THESE RAPES WILL LIKELY NOT BE ACCEPTED, AND THE FAMILIES THAT CAN AFFORD TO DO SO ARE TRYING TO HAVE THE GIRLS ABORT THEM. (NOTE: ABORTION IS ILLEGAL IN SIERRA LEONE, WHICH MAY SOON CAUSE A HEALTH CRISIS OF A DIFFERENT NATURE. END NOTE.) FOR THE OTHER RAPE VICTIMS, THE CHILDREN WILL LIKELY BE SENT TO ORPHANAGES IMMEDIATELY AFTER BIRTH. UNICEF IS ALREADY PLANNING FOR DEALING WITH THE INFLUX OF UNWANTED CHILDREN BEGINNING SEPT. 1999.

NAGY

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TAGS: PREL, PGOV, SL

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CHILD RIGHTS

unicef
United Nations Children's Fund

About the Convention



"A century that began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their human rights."

Carol Bellamy
UNICEF Executive Director

The Convention on the Rights of the Child has broken all records as the most widely ratified human rights treaty in history. Work on its drafting began in 1979 -- the International Year of the Child -- by a working group established by the Commission on Human Rights. After the Convention was unanimously adopted by the United Nations General Assembly on 20 November 1989, it was opened for signature on 26 January 1990. That day, 61 countries signed it, a record first-day response. Only seven months later, on 2 September 1990, the Convention entered into force after the 20th State had ratified it. Since then -- in just six years -- it has been ratified by all States with the exception of only two.

Its uniqueness stems from the fact that it is the first legally binding international instrument to incorporate the full range of human rights -- children's civil and political rights as well as their economic, social and cultural rights -- thus giving all rights equal emphasis.

The Convention defines as a child every human being under 18, unless national laws recognize the age of majority earlier.

The Convention sets minimum legal and moral standards for the protection of children's rights. Nothing in the Convention affects any provisions that contribute more to the realization of child rights and that may be found in the law of the State Party or in other international laws in force in that State -- the higher standard shall always apply.

States Parties to the Convention have a legal and moral obligation to advance the cause of child rights, through administrative, legislative, judicial and other measures in implementation of this Convention.

- General Principles
 - Substantive Provisions
 1. Civil rights and freedoms
 2. Family environment and parental guidance
 3. Basic health and welfare of children
 4. Education, leisure and recreation
 5. Special protection measures
 - a) In situations of armed conflict
 - b) In situations where children are in conflict with the law
 - c) In situations of exploitation
 - d) In situations of children belonging to a minority or an indigenous group
 - Monitoring Implementation
 - The Challenge
-

The Convention stipulates the following general principles:

- States shall ensure each child enjoys full rights without discrimination or distinctions of any kind;
 - The child's best interests shall be a primary consideration in all actions concerning children whether undertaken by public or private social institutions, courts, administrative authorities or legislative bodies;
 - Every child has an inherent right to life and States shall ensure, to the maximum extent possible, child survival and development.
 - Children have the right to be heard.
-

The Convention stipulates the following substantive provisions:

1. Civil rights and freedoms



Every child has a right to a name and nationality from birth, and States have an obligation to preserve the child's identity. Children have the right to freedom of expression, and the State shall respect their right to freedom of thought, conscience and religion, subject to appropriate parental guidance. Children also have the right to freedom of association and to be protected against interference with their privacy. Furthermore, no child shall be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. Both capital punishment and life imprisonment without the possibility of release are prohibited for offences committed by persons below 18 years.

2. Family environment and parental guidance

The Convention stipulates that States must respect the rights and responsibilities of parents and extended family members to provide guidance for children that is appropriate to the child's evolving capacities. The



Convention gives parents a joint and primary responsibility for raising their children and stipulates that the State should support them in child-raising. Children should not be separated from their parents, unless this is deemed to be in the child's best interests by competent authorities and in accordance with applicable laws. Children also have the right to maintain contact with both parents if separated from one or both. Children and their parents have the right to leave any country and to enter their own for purposes of reunion or maintenance of the child-parent relationship. Parents are responsible to ensure that

children enjoy an adequate standard of living while the State has the duty to ensure that this responsibility can be fulfilled.

The Convention obliges the State to provide special protection for children deprived of a family environment. Where applicable, adoption is to be carried out in the best interests of children and with the authorization of the competent authorities.

The State also has the obligation to prevent and remedy the kidnapping or retention of children abroad by a parent or third party; and to protect children from all forms of abuse and neglect. It is the responsibility of the State to ensure -- in cases of children victims of armed conflict, torture, neglect, maltreatment or exploitation -- that they receive appropriate rehabilitative care and treatment to facilitate their recovery and social integration into society. Furthermore, a child placed by the State for reasons of care, protection or treatment is entitled to have that placement evaluated regularly.

3. Basic health and welfare of children

Every child has a right to life, and States Parties shall ensure to the maximum extent possible the survival and development of the child, and the right to the highest attainable standard of health. States shall place special emphasis on the provision of primary and preventive health care, public health education and reduction of infant mortality. They shall encourage international cooperation in this regard and strive to see that no child is deprived of access to effective health services.

Disabled children have the right to special treatment.



education and care. Children also have the right to benefit from social security. 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.

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.

4. Education, leisure and recreation

Children have a right to education, and it is the State's responsibility to ensure that primary education shall be free and compulsory, that discipline in school should respect the child's dignity; and that the aims of education are geared towards developing children's personalities as well as their mental and physical abilities to the fullest extent. Education should foster respect for parents, cultural identity, language and values and should prepare the child for a responsible life in society, in a spirit of understanding, peace, tolerance and friendship among all people. Children also have a right to enjoy leisure, recreation and cultural activities.



5. Special protection measures

a) In situations of armed conflict

States Parties shall take all feasible measures to ensure that children under 15 years of age take no direct part in hostilities and that no child below 15 is recruited into the armed forces. In accordance with their



obligations under international humanitarian law -- particularly the Geneva Conventions 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 armed conflict. The State has an obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social reintegration.

Special protection shall be granted to a refugee child or to a child seeking refugee status. It is the State's obligation to cooperate with competent organizations

that provide such protection and assistance.

b) In situations where children are in conflict with the law

Regarding the administration of juvenile justice, children who come in conflict with the law have the right to treatment that promotes their dignity and self-worth, and also takes the child's age into account and aims at his or her reintegration into society. Children in such cases are entitled to basic guarantees as well as legal or other assistance for their defence and judicial proceedings and institutional placements shall be avoided wherever possible.

Any child deprived of liberty shall be kept apart from adults unless it is in the child's best interests not to do so. Furthermore, a child who is detained shall have legal and other assistance as well as contact with his or her family.



c) In situations of exploitation

Children have the right to be protected from economic exploitation and from work that threatens their health, education or development. States shall set minimum ages for employment and regulating working conditions -- particularly in line with standards set forth by the International Labour Organisation, particularly in the Minimum Age Convention 1973 (No. 138).

Children have the right to protection from the use of narcotic and psychotropic drugs, as well as from being involved in their production or distribution.

The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography. The Convention stipulates that it is the State's obligation to make every effort to prevent the sale, trafficking and abduction of children.



d) In situations of children belonging to a minority or an indigenous group

Children of minority communities and indigenous populations have the right to enjoy their own culture and to practise their own religion and language.



Monitoring Implementation

The Committee on the Rights of the Child -- composed of 10 international experts -- is charged with the task of monitoring the implementation of the Convention. Ratifying the Convention obligates States Parties -- as a

first step -- to review their national legislation to make sure it is in line with the provisions of the treaty. Each ratifying nation must submit a report to the Committee on the Rights of the Child, two years after ratification and then every five years, on measures it has taken to implement the provisions of the Convention in a practical way, and the difficulties and constraints faced in the process.

The Challenge

Fulfilling children's rights is a legal obligation that could be a lengthy process on the part of ratifying nations. However, it is also a process that calls on the active involvement of communities, families, non-governmental organizations and children themselves with the objective of translating the Convention's legal provisions into a living reality for all children. In this process, industrialized nations have a responsibility -- within the framework of international cooperation -- to bring about conditions in which children can fully enjoy their rights. The real challenge is to ensure that the spirit of the Convention and its provisions weaves their way into the policies and constitutions of all nations guaranteeing children -- for the first time -- the first universal code of child rights in history.

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CHILD RIGHTS



The Process: From Signature to Ratification



- What does it mean for a country to "sign" the Convention?
- What are Accession and Ratification?
- What formalities are involved in Ratification and Accession?
- What precedes Ratification or Accession?
- Must compliance be assured before a country can ratify or accede to the Convention?
- What is the Convention's significance in countries that have not ratified or acceded to it?

Introduction

Article 46 of the Convention states that it is "open for signature by all States." Articles 47 and 48 respectively add that the Convention is "subject to ratification" and is "open for accession." The Convention was officially opened for signature, ratification and accession on 26 January 1990.

1. What does it mean for a country to "sign" the Convention?

Signature constitutes a preliminary and general endorsement of the Convention by the country in question. It is not a legally binding step, but is an indication that the country intends to undertake a careful examination of the treaty in good faith to determine its position towards it. While signing the Convention does not in any way commit the country to proceed to ratification, it does create an obligation to refrain from acts that would defeat the objectives of the Convention, or to take measures to undermine it.

2. What are Accession and Ratification?

Articles 47 and 48 of the Convention state that a country can become a State Party to it either by ratification or accession. Both of these acts signify an agreement to be legally bound by the terms of the Convention.

The distinction is essentially irrelevant: accession has exactly the same effects as ratification. The distinction

refers to two different procedures to becoming a State Party. Most commonly, a country in favour of a convention signs shortly after it has been adopted, and follows up with ratification when all procedures required by domestic law have been fulfilled. Countries that have not signed can become States Parties through accession to the Convention.

3. What formalities are involved in Ratification and Accession?

Both ratification and accession involve two steps.

Step One: The appropriate organ(s) of the country (whether it be the Parliament, the Senate, the Crown, the Head of State/Government) make(s) a formal decision to be a Party to the Convention in accordance with the relevant domestic constitutional procedures.

Step Two: As required by articles 47/48 of the Convention, the Government (normally the Ministry of Foreign Affairs) deposits the instrument of ratification or accession with the Secretary-General of the United Nations. This means:

a formal letter, under seal, referring to the relevant decision, signed by the responsible authority in the country is prepared. This is the instrument of ratification or accession;

this document in original is submitted to the UN Office of Legal Affairs in New York. The date of receipt of the document is then registered as the date of ratification or accession for the country in question.

The Convention becomes legally binding in the country 30 days after the instrument of ratification or accession has been received.

4. What precedes Ratification or Accession?

The formal procedures vary enormously in different countries when ratifying or acceding to an international treaty. It is therefore impossible to give specific descriptions of the required procedures beyond some general observations.

In some countries, the Head of State/Government is constitutionally empowered to ratify or accede to a treaty of his or her own accord. In others, the agreement of the legislative authorities is required. In many cases, a combination of these two systems is used.

Normally, before actually ratifying or acceding to the Convention, a country undertakes a detailed review of the Convention's requirements and gives careful consideration to the most appropriate and effective means to promote compliance, particularly in terms of amending national legislation. In some cases, this may be done through consultations with the principal social partners in the society such as trade unions and employer groups, child welfare and other groups, and NGOs.

5. Must compliance be assured before a country can ratify or accede to the Convention?

It is not obligatory for countries to adopt in advance all of the legislative and other measures foreseen by the Convention on the Rights of the Child before ratifying or acceding to it.

Nevertheless, a country is expected to be in compliance with the Convention's obligations within a reasonable time after ratification or accession. The question of how long is "reasonable" remains open to debate. Article 44 of the Convention requires States Parties to report on measures they have adopted to give effect to child rights within two years of their adherence to the Convention. This two-year period is a reasonable outer limit for the achievement of compliance with the Convention's obligations.

The Convention does, however, make a distinction between economic, social and cultural rights on the one hand and civil and political rights on the other. For economic, social and cultural rights, article 4 provides that countries need "undertake such measures to the maximum extent of their available resources..." This means that where it can genuinely be shown that no resources are presently available, or could reasonably be made available in the immediate future, the obligation will not be considered to be violated. The obligation is to work towards progressive realization and a good-faith effort must be demonstrated.

Article 4 also calls for international cooperation to ensure implementation of the Convention. The inclusion of such a reference is new in international human rights law. This refers to the need for international assistance from organizations such as UNICEF as well as to bilateral assistance. According to the Convention, industrialized countries have certain obligations to assist developing countries.

6. What is the Convention's significance in countries that have not ratified or acceded to it?

The Convention is not formally binding upon a country that has not ratified it. Nevertheless, its provisions still carry significant weight for several reasons:

the Convention has an effect on all countries as part of international customary law. The Convention represents an international consensus on child rights;

the Convention was adopted unanimously by the UN General Assembly after a long process, with a large number of countries having been actively involved;

the importance of the Convention as guidance for work for children was underlined by the 71 Heads of State/Government plus observers at the World Summit for Children;

the support of the standards contained in the Convention by a large number of countries through ratification, and the actual implementation of the standards by countries that already are States Parties will influence and guide much of the debate on child rights at the international level, with inevitable consequences for all countries;

the UNICEF Executive Board decided in 1991 (decision 1991/9) that all programmes should reflect the principles of the Convention, meaning that UNICEF must use the Convention as a frame of reference for all programmes, whether a country has ratified or not.

Although UNICEF cannot make reference to a legal obligation in non-ratifying countries, the Convention should be held as an international standard and staff should refer to this universal consensus on the standards of the Convention. As such, the Convention cannot be completely disregarded by any country.

Signature, Ratification and Accession

The draft provides that the Convention shall be open for signature by all States. This is a formality, but nevertheless an important one, since it constitutes a very general preliminary endorsement of the Convention. However, signature by a State does not in any way commit it to proceed to the next, and final, step of ratification. It does qualify the State to ratify, and, in accordance with article 18 of the Vienna Convention on the Law of Treaties, creates an obligation of good faith to refrain from acts calculated to frustrate the goals of the Convention. In other words, it would be an act of bad faith for a State to sign the Convention and then violate its provisions the next day -- even though the Convention is not actually binding for that State until it has ratified it.

Ratification consists of two steps. The first is for the appropriate organ of the State (e.g. the Parliament, the Senate, the Crown, etc.) to agree to undertake the relevant treaty obligations and to do so in accordance with the relevant constitutional procedures. The second is for the Government to deposit an instrument of ratification with the UN Secretary-General. If the Convention has already entered into force at that time, the State will be bound by the Convention as from the 30th day after ratification.

Accession is essentially just another word for ratification, except that it is not preceded by any act of signature.

Entry into force. The Convention does not enter into force, i.e. become operational, until it has been ratified (or acceded to) by 20 States.

Treaty or Convention? In general terms, any form of intentional agreement that formally creates legal obligations for the parties thereto is considered a treaty. Treaties take many different forms including conventions, covenants, protocols, charters, statutes, etc. In the human rights area, the most common term

used is "convention." The only important distinction is between a "declaration," which represents only a moral commitment and is not legally binding, and a "convention," which, by definition, is legally binding.

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Re: International
Children's
Rights

THE TRIP
of
THE PRESIDENT
to
NEW YORK, NEW YORK

July 5, 2000

Staff Copy

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Wednesday, July 5, 2000

NEW YORK, NEW YORK

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A

THE WHITE HOUSE

WASHINGTON

July 4, 2000

SIGNATURE OF OPTIONAL PROTOCOLS TO THE CONVENTION ON THE RIGHTS
OF THE CHILD ON (1) THE INVOLVEMENT OF CHILDREN IN ARMED
CONFLICT AND (2) THE SALE OF CHILDREN, CHILD PROSTITUTION AND
CHILD PORNOGRAPHY

DATE: July 5, 2000

LOCATION: UN Headquarters, New York

TIME: 2:55 p.m. - 3:40 p.m.

FROM: SAMUEL BERGER *MA for*I. PURPOSE

To sign two recently adopted UN Protocols relating to children.

II. BACKGROUND

These Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Pornography and Child Prostitution are significant achievements. The first raises the legal age for compulsory and voluntary military service, and for participation in armed conflict; the second criminalizes the sale of children, child prostitution and child pornography.

The UN General Assembly adopted both Protocols on May 25, and the United States would be among the first governments to sign them. Obtaining acceptable language on the first Protocol, relating to children in armed conflict, was the greater challenge for us. Some European governments and advocacy groups were pushing to require that only those 18 years of age and older could be recruited or participate in armed conflict, a position we could not support due to the critical importance of 17 year-olds to our recruitment goals and concerns about undercutting readiness. With the support of the Department of Defense and the Joint Chiefs of Staff, skillful negotiation, and help of some allies, we reached agreement on a compromise which permits recruitment below age 18, but requires that governments use "all feasible measures" to prevent those under 18 from "taking a

cc: Vice President
Chief of Staff

direct part in hostilities." DoD is now drawing up proposed guidelines for implementation, and we will shortly present this Protocol, along with its companion Protocol described below, to Congress.

The second Protocol, relating to the sale of children, child prostitution, and child pornography, was less controversial for us. It would mandate that these practices be criminalized, and would provide law enforcement and cooperation tools to help guarantee that offenders will not go unpunished.

III. PARTICIPANTS

Ambassador Holbrooke
UN Deputy Secretary General Louise Frechette
Dr. Palitha Kohona, Chief of the UN Treaty Section

Up to 80 people will be in the audience, including representatives of leading human rights and non-governmental organizations, Permanent Representatives to the United Nations Security Council, senior members of the Administration including Under Secretary of State Frank Loy and Deputy Secretary of Defense Rudy DeLeon, and Congressmen Ben Gilman (R-NY) and Gregory Meeks (D-NY). The President of Mali, Alpha Oumar Konare, will be at the UN on Wednesday, and has also been invited to the Protocol signing.

IV. PRESS PLAN

Pool Press

V. SEQUENCE

The motorcade will arrive at the UN Secretariat, and you will be greeted by Ambassador Holbrooke and UN Deputy Secretary-General Frechette. You will be held in Room 207 for several minutes until everyone is seated in the signing room, the West Foyer. After entering the West Foyer, you will pause for a moment while the Chief of the UN's Treaty Section, Dr. Palitha Kohona, announces the signing of the Protocols. You will then be escorted to a table holding the two Protocols, at which you will be seated. You will sign the signature pages of each of the Protocols underneath the written text, and then date the documents underneath your signature.

While you sign the documents, Ambassador Holbrooke, UN Deputy Secretary-General Frechette, and Dr. Kohona will stand behind you from left to right; all others will be seated in the audience facing you. After you sign the documents, Ambassador Holbrooke and you will be seated in the front row of the audience while Deputy Secretary-General Frechette makes remarks of approximately three minutes at a podium. Ambassador Holbrooke will then take the podium and introduce you, and you will proceed to the podium and deliver your statement. There will be no questions by the press, and you will depart the Secretariat.

B

Final 07/04/00 2:00pm
Heather Hurlburt

00 JUL 4 PM 2:03

PRESIDENT WILLIAM J. CLINTON
REMARKS ON SIGNING CHILD PROTECTION PROTOCOLS
THE UNITED NATIONS
NEW YORK, NY
July 5, 2000

Thank you, Ambassador Holbrooke. Deputy Secretary-General Louise Frechette, thank you for hosting me here today. I'm glad to have Congressman Gilman and Congressman Meeks with us, as well as many senior UN officials, Permanent Representatives, and members of the NGO community. I am glad to see that many of the State, Defense and Justice Department negotiators who worked on these agreements are with us today. Thank you for your hard work. I also want to acknowledge the leadership of the Defense Department and the Joint Chiefs of Staff, in ensuring that the United States could sign the child soldiers protocol in good faith without compromising our military readiness or our national security in any way.

I am very proud to represent the people of the United States in signing these two protocols. With the Convention on the Worst Forms of Child Labor I signed last year, they form a trio of vital protections for children. And they are signposts for our global future. To give life to our dream of a global economy that lifts all people, we must stand together for our children – and the world's children. Yet every day, tens of millions of children work in conditions that shock the conscience. Every day, thousands of children are killed and brutalized in fighting adults' wars. And every day, around the world and even in the United States, children are sold into virtual slavery and trafficked for the worst forms of sexual abuse.

Think about what has been lost for the future because roughly two million children have fought in wars over the last 20 years. In Sierra Leone today, as many as half of the rebel forces are children under 18. Some are as young as 5 or 6. In Colombia, guerrilla forces have taken thousands of children from their villages to serve as soldiers. Two years ago, when we went to Africa, my wife Hillary met with Ugandan children who had been abducted. She heard stories of unspeakable horror, of children forced to kill each other, family members, even their own parents. Since then, she has been an eloquent voice on behalf of children who have been abused, exploited and forced into war. She is an important part of the reason we're here today. And she reminded me this morning of what she said two years ago: that there is no worse sin than sending a child to kill the people who gave him life.

The Optional Protocol on Children in Armed Conflict sets a clear, high standard. No one under 18 may ever be drafted by any army, in any country. Its signatories will do everything feasible to keep even volunteers from taking a direct part in hostilities before they are 18. They will make it a crime for any non-governmental force to use children under 18 in war. And they will work together to meet the needs of children who have been forced into war, to save a generation that has lost so much.

What happens to the world's children in peacetime can be just as shocking. Can you believe, in the 21st century, that the global traffic in human beings is the third-largest source of income for organized crime? Hundreds of thousands of children are bought and sold, exploited and prostituted every year. Yet many countries don't even have laws against this noxious trade. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography will do a great deal to change that. It specifies that child pornography, prostitution and enslavement are crimes everywhere. It provides better tools for law enforcement to extradite and prosecute those who profit from this dirty business. We are already waging a firm fight against those who traffic in children – and this protocol will make a big difference.

These are two agreements that every American should be proud of. It's true that words on paper alone are not enough. But these two documents are a starting point for action: for punishing offenders, dismantling trafficking networks, and caring for young victims. They represent an international coalition, formed to fight a battle that one country could never win alone. They represent a worldwide consensus on basic values – values that every American shares. In short, they represent the United Nations at its best. And they remind us why, at a time when crime, disease and hate can spread faster than ever before, we need a strong United Nations more than ever before.

The U.S. Senate has already passed a Sense of the Senate resolution in support of the protocol on children in armed conflict. I will send both protocols to the Senate this month, and I hope they can be ratified this year. Both agreements are stand-alone documents. They create no obligations to other agreements which the United States has not ratified. They speak to an international sense of justice – and to a profoundly American belief that children, our most precious resource, deserve all our love and protection.

During one of the darkest moments of the century just past, the German theologian Dietrich Bonhoeffer reminded us that “the test of the morality of a society is what it does for its children.” Today, more than ever, this is a test that the world cannot afford to fail. The United States should always be at the forefront of that effort. I am proud of America's leadership in negotiating these two protocols and that we are among the first nations to sign them. I pledge my own best efforts to see that we are leaders in implementing them – and in doing so, granting the world's children a future that is better than the past.

Thank you.

00 JUL 5 PM 5:55

Wednesday, July 5, 2000

**SCHEDULE OF THE PRESIDENT
FOR
WEDNESDAY, JULY 5, 2000**

Final Schedule

SCHEDULING DIRECTOR:

STEPHANIE STREETT

HOME: 202-332-5651
OFFICE: 202-456-2823
WHCA PAGER: 4824

PRESS DESK:

ANNE EDWARDS

HOME: 301-565-3101
OFFICE: 202-456-2921
WHCA PAGER: 4208

TRIP COORDINATOR:

HEATHER DAVIS

HOME: 202-887-5457
OFFICE: 202-456-2811
WHCA PAGER: 4736

**ADVANCE LEAD:
(CHAPPAQUA, NEW YORK)**

ASHLEY HERNREICH

CELL: 202-757-8682
STAFF OFFICE: 47-220
WHCA PAGER: 5077

**ADVANCE LEAD:
(NEW YORK, NEW YORK)**

RICK JASCULCA

CELL: 202-757-8518
STAFF OFFICE: 44-220
WHCA PAGER: 5274

WEATHER:

CHAPPAQUA, NEW YORK

Partly cloudy. Low 65 to near 70. High in the mid 80s.

NEW YORK, NEW YORK

Partly cloudy. Low 65 to near 70. High in the mid 80s.

July 3, 2000 (5:43 PM)

Wednesday, July 5, 2000

**SCHEDULE OF THE PRESIDENT
FOR
WEDNESDAY, JULY 5, 2000
*Final Schedule***

DOWN UNTIL 10:30 A.M.

10:30	am-	MEETING
10:40	am	OVAl OFFICE Staff Contact: John Podesta
10:40	am-	MEETING
10:45	am	OVAl OFFICE Staff Contact: Stephanie Streett
10:45	am-	BRIEFING
11:00	am	OVAl OFFICE Staff Contact: Samuel Berger, Mary Beth Cahill
11:00	am-	MEETING
11:45	am	CABINET ROOM Staff Contact: Samuel Berger, Mary Beth Cahill WHITE HOUSE PHOTO ONLY
12:00	pm	THE PRESIDENT departs The White House via motorcade en route Andrews Air Force Base [drive time: 25 minutes]
12:25	pm	THE PRESIDENT arrives Andrews Air Force Base
12:40	pm	THE PRESIDENT departs Andrews Air Force Base via Air Force One en route Westchester County Airport [flight time: 1 hour, 15 minutes WITH INTERCHANGE]
1:55	pm	THE PRESIDENT arrives Westchester County Airport
2:10	pm	THE PRESIDENT departs Westchester County Airport via Marine One en route Wall Street Landing Zone [flight time: 20 minutes]
2:30	pm	THE PRESIDENT arrives Wall Street Landing Zone
2:40	pm	THE PRESIDENT departs Wall Street Landing Zone via motorcade en route United Nations [drive time: 10 minutes]

July 3, 2000 (5:43 PM)

Wednesday, July 5, 2000

2:50 pm

THE PRESIDENT arrives United Nations

Greeters: Deputy Secretary General Louise Frechette
Ambassador Richard Holbrooke

3:00 pm-

3:45 pm

PROTOCOL ORDERS SIGNING CEREMONY AT THE UNITED NATIONS

WEST FOYER

United Nations

Remarks: Heather Hurlburt

Staff Contact: Samuel Berger

Event Coordinator: Heather Davis

POOL PRESS**Note: There will be approximately 80 guests in attendance.**

- Dr. Palitha Kahona, Chief of United Nations Treaty Section, announces signing of protocol orders.
- **The President**, accompanied by Deputy Secretary General Louise Frechette and Ambassador Richard Holbrooke, proceeds to the signing table and signs the documents.
- Deputy Secretary General Louise Frechette makes brief remarks and introduces Ambassador Richard Holbrooke.
- Ambassador Richard Holbrooke makes brief remarks and introduces the **President**.
- **The President** makes remarks and departs.

3:50 pm

THE PRESIDENT departs United Nations via motorcade en route Sheraton New York Hotel and Towers
[drive time: 10 minutes]

4:00 pm

THE PRESIDENT arrives Sheraton New York Hotel and Towers

4:00 pm-

4:30 pm

DOWN TIME

PRESIDENTIAL SUITE

Sheraton New York Hotel and Towers

4:30 pm-

6:00 pm

BRIEFING AND INTERVIEW WITH JOE KLEIN OF THE NEW YORKER MAGAZINE

PRESIDENTIAL SUITE

Sheraton New York Hotel and Towers

Staff Contact: Joe Lockhart

July 3, 2000 (5:43 PM)

Wednesday, July 5, 2000

6:00 pm- **DOWN TIME**
7:45 pm **PRESIDENTIAL SUITE**
Sheraton New York Hotel and Towers

Note: The First Lady will arrive Sheraton New York Hotel and Towers at 6:40 P.M.

7:50 pm **THE PRESIDENT** and the First Lady depart Sheraton New York Hotel and Towers via motorcade en route Intrepid Sea Air Space Museum [drive time: 10 minutes]

8:00 pm **THE PRESIDENT** and the First Lady arrive Intrepid Sea Air Space Museum

Greeters: Bill White, Chief Operating Officer, Intrepid Museum Foundation

8:05 pm- **PHOTO RECEIVING LINE**
8:20 pm **FISHER GALLERY**
Intrepid Sea Air Space Museum
Staff Contact: Bruce Lindsey
Event Coordinator: Heather Davis
CLOSED PRESS

Note: There will be approximately 60 guests in attendance.

July 3, 2000 (5:43 PM)

Wednesday, July 5, 2000

8:25 pm-
8:55 pm

INTREPID GALA
TECHNOLOGIES HALL
 Intrepid Sea Air Space Museum
 Remarks: David Halperin
 Staff Contact: Bruce Lindsey
 Event Coordinator: Heather Davis
OPEN PRESS

Note: There will be approximately 900 guests in attendance.

- Boomer Esiason announces the President and the First Lady into the room.
- The President and the First Lady proceed to separate head tables.
- Lt. Gen. Martin Steele, President and CEO, Intrepid Sea Air Space Museum, introduces Anthony Fisher.
- Anthony Fisher introduces Military Salute Week video.
- 3-minute video is played.
- Boomer Esiason introduces Denis Bovin, Vice Chairman, Investment Banking, Bear, Stearns and Company, Incorporated.
- Denis Bovin presents Intrepid Salute Award to Daniel Burnham, Chief Executive Officer, Raytheon Company.
- Daniel Burnham makes brief remarks.
- Boomer Esiason introduces Richard Grasso, Chairman and Chief Executive Officer, New York Stock Exchange, Incorporated.
- Richard Grasso makes brief remarks and introduces the President.
- The President makes remarks and departs.

9:00 pm **THE PRESIDENT** and the First Lady depart Intrepid Sea Air Space Museum via motorcade en route Wall Street Landing Zone
[drive time: 20 minutes]

9:20 pm **THE PRESIDENT** and the First Lady arrive Wall Street Landing Zone

9:30 pm **THE PRESIDENT** and the First Lady depart Wall Street Landing Zone via Marine One en route Westchester County Airport
[flight time: 20 minutes]

9:50 pm **THE PRESIDENT** and the First Lady arrive Westchester County Airport

10:00 pm **THE PRESIDENT** and the First Lady depart Westchester County Airport via motorcade en route Private Residence
[drive time: 20 minutes]

10:20 pm **THE PRESIDENT** and the First Lady arrive Private Residence

July 3, 2000 (5:43 PM)

Wednesday, July 5, 2000

BC/HRC RON

PRIVATE RESIDENCE
CHAPPAQUA, NEW YORK

July 3, 2000 (5:43 PM)

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 10, 1995

President Clinton has decided that the United States will sign the United Nations Convention on the Rights of the Child. The Convention will be signed next week by the United States Permanent Representative to the United Nations, Madeleine Albright.

The announcement was made by the First Lady in remarks delivered today at James Grant's Memorial Service. James Grant, the former executive director for the United Nations Children's Fund, spent a lifetime working for children and was a tireless advocate on behalf of the Convention.

"Nobody fought harder than Jim for this Convention and its noble cause -- to promote the well-being and protect the basic rights of children throughout the world," the First Lady said. "I know how happy and proud he would have been to see our country add its name to the Convention. We owe it to him and to the children to whom he dedicated his life."

The Convention has been described by Pope John Paul II as embodying "fundamental values which are at the root of upright, orderly social life," most prominently of all, the need to afford special protection to children and the central role of the family. To date, the Convention has been either signed or joined by over 175 countries, including all major industrialized countries. It will be signed next week by Madeleine Albright, the United States Ambassador to the United Nations.

When he sends the Convention to the Senate to seek advice and consent for ratification, President Clinton will ask for a number of reservations and understandings. In particular, they will protect the rights of the various States under the nation's federal system of government and maintain the country's ability to use existing tools of the criminal justice system in appropriate cases. The Convention will not serve as a basis for litigation in domestic courts.

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AGENCY FOR INTERNATIONAL DEVELOPMENT
OFFICE OF CENTRAL AMERICAN AFFAIRS
WASHINGTON, D.C. 20523



DATE: 7/21/95

FACSIMILE COVER SHEET

TO: Nicole Rabner, OFL.

FAX NO: 456-6244
FROM: Lihiana Ayalde, LAC/CEN
FAX NO. (202) 647-0102
SUBJECT: Declaration
NO. OF PAGES (INCLUDING THIS COVER SHEET):
COMMENTS:

Nicole -
I just had this typed. Let's take a look
at it again before we finalize + send to
heila,

DRAFT DECLARATION OF ASUNCION

5TH CONFERENCE OF WIVES OF HEADS OF STATE
AND OF GOVERNMENT OF THE AMERICASAsuncion, Paraguay
October 16-20, 1995

WE, the Wives of Heads of State and of Government and Representatives of Governments and of First Ladies of the Americas, gathered in the City of Asuncion, Capital of the Republic of Paraguay, on October 16-20, 1995, to exchange ideas on "The Health and Education of Women and Children" in our Region, and as a follow-up to the 4th Conference of Wives of Heads of State and of Government of the Americas held in Saint Lucia on October 11-13, 1994 and the Symposium on the Children of the Americas held in Miami last December 10.

We recognize that our countries face common challenges and that by sharing experiences we can promote the development and well-being of our nations.

Accordingly, we DECLARE:

1. To promote the Health and Education of Women and Children, under the principles of: Comprehensive Development, Equality, Democratization of information and awareness, and Family and Social Participation.
2. To improve the Health of Women and Children, by promoting universal and quality health care.
3. To support access to Health and Education initiatives which focus on the needs of marginalized and low income women and children.
4. To encourage and support the implementation at a national level, of the agreements and recommendations of the World Summit for Children, the United Nations International Conference for Population and Development, the World Summit for Social Development, and the IV World Conference on Women.
5. To encourage the access of Girls and Women to literacy and non-formal programs, as tools of opportunity for their full and equal participation in society.
6. To incorporate the specific needs of women within development policies in order to enhance their participation in the economy and increase their ability to benefit from it.
7. To encourage the national institutions to adopt measures which increase school enrollment and completion rates, improve access to primary education and improve quality of primary education.

limiting the health & econ needs of women & children

8. To promote projects that contribute to the increase of education of girls and women in the continent and the reduction of female school desertion, since social investment in the education of girls yields a greater benefit in terms of the improvement of health, productivity, social well-being, democratic participation, human development and peace.

IN ADDITION, WE AGREE:

To express our gratitude to international Organizations and other entities for the interest and support manifested at the Conference of Wives of Heads of State and of Government of the Americas.

To hold the 6th Conference of Wives of Heads of State and of Government of the Americas in the Republic of Bolivia in 1996; to hold the 7th Conference in the Republic of Panama, and form the new Pro-Tempore Secretariat from the Office so First Ladies of Bolivia, Paraguay and Panama.

Protocolar paragraph

Signed in Asuncion, capital of the Republic of Paraguay on the twentieth day of the month of October of the year nineteen hundred and ninety-five.