Introduction

Andréa Sepúlveda Brito Carotti*

The rights of the child have long been the object of concern of International Law. Already in 1924, the League of Nations, in its 1924 Declaration of Geneva of the Rights of the Child, declared that mankind owed to the child 'the very best that it has to give'[1]. It also recognised the state duty to non-discrimination, with a view of allowing children to develop material and spiritually, to protect them in the events of sickness, homelessness and exploitation, and to protect the 'delinquent child'.[2] A hopeful tone was apparent in the duty to educate to create a spirit of brotherhood in future generations. Protection against violence, however, was not clearly enshrined.[3]

The rights of children were again enunciated in 1948, with the adoption of the Universal Declaration of Human Rights.[4] Article 25(2) recognised the right to special care and assistance to mothers and children, born in or out of wedlock, within the context of the right to an adequate standard of living. Albeit important, this was a limited protection. In other words, special care and assistance as rights would not, as a result of a literal interpretation, be accorded to children whose standards of living were adequate, but who were nevertheless subjected to abuse.

The expansion of the scope of protection to children, brought by the 1959 Declaration of the Rights of the Child,[5] was therefore a welcome development. This declaration notably introduced the importance of the principle of the best interest of the child,[6] restricted nevertheless to the realm of education and guidance. Of great importance is the recognition that children have certain needs that ought to be specially protected. Principle 6 of the 1959 Declaration states that the child needs love, understanding and affection, as well as moral and material security. Although the remainder of the text focuses on material support, reference to less quantifiable – and equally or more important – forms of support are stressed for the first time. Finally, Principle 9, whose purpose is to condemn neglect, cruelty, exploitation and traffic, complements the protection that respect for those special interests is expected to afford to the child.

Although much more comprehensive than the Declaration of Geneva, the 1959 Declaration was still no more than a declaration of principles.[7] It would take another 7 years for the advent (and

---

* Andréa S. B. Carotti is serves as an executive editor for the Essex Human Rights Review. She holds a degree in law from the University of Rio de Janeiro, Brazil, and has an MA in Human Rights from University College London. She is a PhD Candidate at the School of Law at the University of Essex and a lawyer at the Office of Public Defenders of Rio de Janeiro, Brazil.

[1] Geneva Declaration of the Rights of the Child ('Geneva Declaration'), adopted 26 September, 1924, League of Nations, preamble, available at http://www.un-documents.net/gdrc1924.htm. Last access 10 November 2010.

[2] Geneva Declaration. See fn.1.

[3] Geneva Declaration. See fn.1.

[4] Adopted and proclaimed by the United Nations General Assembly on 10 December 1948.

[5] General Assembly Resolution 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Document A/4354.

[6] Principle 7.

[7] It is important to mention that, in 1974, the General Assembly proclaimed another declaration relevant to children, although limited in scope, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict General Assembly Res. 3318 (XXIX), of 14 December 1974.

17 years for entry into force) of legally binding provisions calling for attention to children's interests: Article 24 of the International Covenant on Civil and Political Rights (ICCPR)[8] and Article 10(3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)[9]. These are by no means comprehensive protections of all needs of children, as they mostly call for specific attention and assistance to children in the context of protection of the family. Nevertheless, the inclusion of these articles in legally binding instruments can be understood as an important step towards the recognition that children are subjects of rights, enforceable against states. Protection of children becomes a matter of obligation, not of benevolence or political strategy.

Nevertheless, there was a need of a legally binding instrument with the specific object and purpose of protecting children's rights. The Convention on the Rights of the Child (CRC) was thus a notable milestone towards better levels of protection and increased awareness of children's interests. Comprehensive and detailed, it is a document that refines and expands the rights previously recognised in scattered instruments. The fact that there are 193 states parties to the Convention adds to the sentiment that a quasi-universal common understanding has been reached regarding the rights of children.[10]

This feeling, however, dissipates as soon as one is confronted with the harsh reality. The rights of children are, disturbingly too often, neglected or misunderstood in both developed and developing countries alike. The ideas expressed more than 50 years ago in Principles 6 and 9 of the Declaration of the Rights of the Child, and reflected throughout the CRC – their need of love, understanding and affection, and moral and material security – are of great importance today. It is an unfortunate fact, exposed in the articles in this volume, that understanding and acting upon these ideas are some of the greatest difficulties encountered by policymakers, communities and families. This is especially so when children's rights are in conflict with more powerful or pressing interests in society or when they are assumed to have been met without further investigation or attention. The result of this failure is the widespread and repeated violation of several rights of children, translated into neglect, abuse, exploitation and traffic.

As stressed by the Independent Expert for the United Nations Study on Violence against Children:[11]

> [N]o violence against children is justifiable; all violence against children is preventable. Yet the in-depth study on violence against children (…) confirms that such violence exists in every country of the world, cutting across culture, class, education, income and ethnic origin. In every region, in contradiction to human rights obligations and children's

[8] Adopted and opened for signature, ratification and accession by GA Res. 2200A (XXI), of 16 December 1966, entry into force 23 March 1976.
[9] Adopted and opened for signature, ratification and accession by GA Res. 2200A (XXI), of 16 December 1966, entry into force 3 January 1976.
[10] Convention on the Rights of the Child (CRC). Adopted and opened for signature, ratification and accession by General Assembly Res. 44/25, of 20 November 1989, entry into force on 2 September 1990. There are currently 140 signatories and 193 parties to the CRC. See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en, last access 29 September 2010.
[11] UN General Assembly, Sixty-first session, Report of the Independent Expert for the United Nations Study on Violence against Children, UN Doc. A/61/299, 29 August 2006 ('Report on Violence against Children').

> developmental needs, violence against children is socially approved, and is frequently legal and State-authorized.[12]

With this concern in mind, the United Kingdom-India Education and Research Initiative (UKIERI) conferences on 'Realizing Children's Rights: Comparative Socio-legal Perspectives', and on 'Violence against girls, and girls as human rights defenders' were held. With their multidisciplinary approach, they have contributed in raising awareness of some of the most serious problems in understanding children's rights and acted as a hub where academics, practitioners and students could gather to explore new and revisit old solutions for better realising the rights of the child.

The papers in this anthology are a selection of those presented at the Conferences. They expose the great difficulties encountered by policy makers, society and individuals when attempting to safeguard, in practice, the rights of children. When in conflict with the law, the child's interests can conflict with prevailing societal norms of justice or with private interests. This is shown in the papers of Part I, which demonstrate the difficult encounter of the child with the juvenile criminal justice system. The comparative studies of Part II illustrate how difficult it is in practice to act upon the special interests of children, even when such interests are acknowledged. Extremely complex domestic mechanisms must be in place for children to be effectively protected across borders in an inter-country adoption setting. More broadly, the lack of a 'children's rights culture', structures and training severely compromises the success of mechanisms of protection. Part III deals with instances of violence against children, specifically those abuses that are 'hidden' within socially acceptable norms. They show how the special interests of children can be easily overlooked, either because they are taken for granted and assumed to have been met or because they are simply invisible. The papers of Part IV present responses to some of the issues previously raised.

The volume opens with the study of Eamonn Carrabine, who advocates for a 'rights-based approach' that challenges the criminalization of children and young people. After explaining the welfare and the justice approaches, Carrabine demonstrates that there has been a movement of 'return to justice' in the United Kingdom, and then moves on to explore some of the consequences of harsher punitive and restorative policies. He provides as an example the Anti-Social Behaviours Orders (ASBOs), which are widely criticised for being non-imprisonable civil orders whose breach is in turn punishable by imprisonment. Carrabine reveals striking statistics that show an increase in the number of children being imprisoned as a result of ASBOs.

The author also brings to the fore the deleterious consequences of imprisonment for young persons. The widespread and unchecked use of physical restraint in penal custody which have led to the death of children in custody, and the occurrence of racist deaths are also troublesome evidence of the dangers faced by imprisoned children. He stresses that strip-searching, segregation and intimidation are unfortunately very common. This state of affairs and the severe consequences of imprisonment are also shown by the Independent Expert for the United Nations Study on Violence against Children:

> Violence by institutional staff, for the purpose of "disciplining" children, includes beatings with hands, sticks and hoses, and hitting children's heads against the wall,

[12] Report on Violence against Children, para.1. See fn.11.

> restraining children in cloth sacks, tethering them to furniture, locking them in freezing rooms for days at a time and leaving them to lie in their own excrement. The impact of institutionalization goes beyond the experience by children of violence. Long-term effects can include severe developmental delays, disability, irreversible psychological damage, and increased rates of suicide and recidivism.[13]

On the issue of the restorative justice elements introduced by the New Labour government in 1998, such as family group conferences, reparation orders and the possibility of consultation with victims, Carrabine points out that, even such mechanisms are likely to be abused to the detriment of children. The problem is that their aim is to 'force' young people to behave in certain ways, which can amount to abuse of power. Therefore, both punitive and restorative measures, if unchecked, can amount to serious violations of the rights of the child. Carrabine thus concludes that, despite their limitations, human rights are important for 'the weak'. Carrabine's suggestion is that human rights could open the door for social justice as a normative project, which would in turn perhaps better tackle the problems faced by deprived communities, where the majority of young offenders originate from. This might be better than criminalising the children of the poor and marginalised.

A human rights approach to dealing with instances of juvenile criminal behaviour would indeed reinforce the point that the use of deprivation of liberty is by no means the preferred response. It would accordingly emphasise the importance of preventive mechanisms, which is in line with Carrabine's proposition of focusing on social justice. This is also the understanding of the United Nations Committee on the Rights of the Child.[14] Should deprivation of liberty become unavoidable, the Committee urges States to put in place an effective probation service to minimise the time spent in prison.[15] During imprisonment, the human rights approach demands that a series of guarantees are in place, to help minimise the deleterious consequences of imprisonment on children, as stressed by Carrabine. For example, institutions should fully take into account the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.[16] In particular, restraints or force should only very exceptionally be used,[17] and only for the purpose of necessary control and when other means have been exhausted.[18] It must never be used as a means of punishment and members of the staff who use restraint or force in violation of the rules and standards should be punished appropriately.[19] In any circumstance, 'disciplinary measures in violation of article 37 of CRC must be strictly forbidden, including corporal punishment, placement in a dark cell, closed or solitary confinement, or any other punishment that may compromise the physical or mental health or well-being of the child concerned.'[20]

While Carrabine is doubtful as to whether imprisoning young persons is the best response not only for children, but also for society, Ved Kumari advances the thesis that children should not

[13] Report on Violence against Children, para.54-56. See fn.11.
[14] Committee on the Rights of the Child, Forty-fourth session, 15 January-2 February 2007, General Comment no. 10 (2007), UN Doc. CRC/C/GC/10, 25 April 2007, hereinafter 'General Comment no.10'. See para.18.
[15] General Comment no.10, para.28. See fn.14.
[16] General Assembly Res. 45/113, of 14 December 1990.
[17] General Comment no.10, para.89. See fn.14.
[18] General Comment no.10, para.89. See fn.14.
[19] General Comment no.10, para.89. See fn.14.
[20] General Comment no.10, para.89. See fn.14. Article 37 of the Convention requires States to ensure that 'no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment'.

be imprisoned in any circumstance, even if the accusation involves a serious criminal offence. To do so, she embarks on a difficult enterprise of attempting to unveil the psychological motivations behind the commission of (what is called) a criminal act by children.

Kumari points out that societal response to children committing crime is guided by the gravity of the act, not by the special interests of children. Consequently, when the offence is considered minor, society accepts the imposition of 'milder' responses grounded in the welfarist approach. However, when the act is classified as a serious criminal offence, society responds with outrage and demands 'justice'. In such cases, this usually amounts to demands for imprisonment (sometimes for life) and even the death penalty.

If this is the case – as Kumari claims – then society simply does not see 'the child' in the child accused of having committed a serious crime. She asks: 'if we could see the child as a child, despite the seriousness of the act, would we adopt a welfare approach and protect the child, despite the seriousness of the crime?' This question is certainly one of the most intractable, because it brings to light, in one of the most difficult settings, our international commitment to always identify and protect the special interests of the child. If states were to really honour this commitment, they would perhaps strive to never imprison young persons. What would be necessary, however, for societies to accept that children accused of having committed serious offences are dealt with care and protection, instead of punishment? Kumari argues that changes in this collective mindset would require a deep understanding of the motivations of children committing crimes.

In order to achieve that, Kumari attempts to explore the innate relationship between human beings. Based on some psychological insights, she proposes that we understand the different motivations that might guide a child and an adult in their relationships with fellow human beings. She points out that what is defined in the adult world as a crime is more likely to have been an adventure gone wrong in children's efforts to realise their full potential or to guarantee their own survival whenever they feel threatened. Kumari believes that this approach should lead to a more child-friendly juvenile justice system. This is indeed an idea that needs to be further researched and developed.

The special interests of the child within the criminal justice system are approached in Pam Cox's article from the perspective of their confrontation with private interests. Cox presents her new study on the concept of 'mixed economy of justice'. The concept of 'mixed economy' is that public services can be delivered by a range of agencies. Providers in a 'mixed economy' model would include, for example, the family, the voluntary sector, the state sector and the private sector. Cox's project aims to explore how mixed economies have developed in the area of youth justice over time, and how they seem to work today. She also aims to provide a response to the argument that it is possible to 'buy social justice'.

Specifically in regards to children, the question that needs to be asked – and answered – is whether the development of this industry assisted the realisation of children's rights in the UK and, if it has not, how can it be made to do so. Cox points out that there is a historical precedent for partnership within youth justice, which date from the 19th century. The rationales and motivations informing this kind of historical civil activity seem to be different though from those informing contemporary forms of corporate action in this field. As Cox notes, contemporary initiatives in 'offender management', in the view of the private sector, are examples of high

quality partnership practice that offers innovation, value for money and good outcomes. The problem is that these partnerships do not necessarily pay attention to the rights of children. The paper concludes by stressing the differences between historical and contemporary forms of partnerships around youth justice and by pointing out that there is a 'criminal justice industry' in place that might or might not be well placed to assist on the realisation of children's rights.

One must never forget, however, that it is the duty of states to make sure that private providers of public services respect internationally assumed human rights obligations. This is clearly stressed by the UN Committee on the Rights of the Child:

> [E]nabling the private sector to provide services, run institutions and so on does not in any way lessen the State's obligation to ensure for all children within its jurisdiction the full recognition and realization of all rights in the Convention (…). Article 3 (1) establishes that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private bodies. (…) The Committee proposes that there should be a permanent monitoring mechanism or process aimed at ensuring that all State and non-State service providers respect the Convention.[21]

Therefore, as long as children's best interests and rights are identified and respected – either by public or by private providers of services – it seems that a mixed economy of justice can be put to work to the benefit of children. This might demand that business-oriented principles are sometimes sacrificed to the benefit of children's interests.

Moving on to the comparative approaches to the realisation of children's rights, Part II of the volume contains two interesting investigations on child protection mechanisms across jurisdictions. They vividly show how difficult it might be to realise the best interests of children, even when they are clearly identified. Sarah Sargent's study focuses on the question of inter-country adoption, specifically on the mechanisms available for securing the validity of parental consent in inter-country adoption settings. The author points out that there is a notorious need to 'produce' children to satisfy the market of the inter-country adoption business, which can lead to unscrupulous adoption practices, including fraudulent consent. The magnitude of the problem has been emphasised by the very recent Report of the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography:

> There is a veritable lucrative market based, on one hand, on the demand for cheap labour, sexual services and children for adoption, and on the other hand on clandestine transnational criminal organizations. Such organizations continue to grow despite the high number of criminal networks which have been dismantled. Thus, networks regulate global supply and demand in what is estimated to be a very lucrative multi-billion dollar market. (…) According to some estimates, there could be as many as 1.2 million child victims of trafficking per year. This profitable and well-organized criminal activity (which involves trafficking routes, networks, recruitment via the Internet, fictitious

[21] Committee on the Rights of the Child, Thirty-fourth session, 19 September-3 October 2003, General Comment no.5 (2003), UN Doc. CRC/GC/2003/5, 27 November 2003, hereinafter 'General Comment no.5', para.44.

> labour contracts, "mail-order brides" and corruption) is fuelled by the demand for children for low-cost labour, sexual exploitation or illegal adoption.[22]

Ultimately, all the efforts to guaranteeing valid and informed parental consent aim at preventing child abduction, trafficking and selling. Sargent's study is a contribution to the prevention of trafficking and abduction of children precisely because it tackles one of the most relevant among the multiple forms of violence involved in trafficking: the 'deception by recruiters in their transactions with children, their parents or other carers'.[23]

The paper highlights the importance of domestic mechanisms for assuring that protections provided for in international covenants are effective. The comparison of Guatemala, India and South Africa in their role as sending countries in inter-country adoptions reveals that the state of the rule of law in the sending state is crucial in determining the level of safeguarding for the child. However, Sargent stresses that it is social and cultural norms that are of utmost importance, as they exert an incredible influence on the parental consent process. Economic considerations are also relevant, both because families in poverty are more vulnerable to succumb to proposals to sell their children and due to the governmental perception that widespread deprivation is a more pressing issue to be tackled than ensuring parental consent in intercountry adoption by, for example investing in better access to justice. Thus the article concludes that effective norms on parental consent would be those crafted with an awareness of the social context.

Nishtha Desai's paper is primarily concerned with the absence of child protection mechanisms at the local level, particularly in Goa, India. Desai points out that, in Goa, children at risk are mainly those victims of child labour, migrant children living in sub-human conditions and children out of schools. However, mechanisms for identifying these children and safeguarding their interests are notably lacking or insufficient in Goa.

Desai highlights that local mechanisms in the UK are considerably more developed than in India. Examples such as 'Local Safeguarding Children's Boards (LSCBs)' should help the Indian local protection agencies develop a system of more effective protection against abuse, neglect and exploitation. Schemes currently in place in India are unsatisfactory, among other reasons, because they do not have the objective of protecting the child from abuse. The purpose of ICDSs (Integrated Child Development Scheme), for example, is to improve the health and nutritional status of children under the age of six. Albeit essential, this activity clearly does not sufficiently address the totality of children's interests.

Another area where the author argues that India could learn from the UK is in the field of crime prevention via multi-agency working. As an example, she cites and praises the 'springboard project' at the Blackpool Police, in which social services and the police joined forces to identify children at risk of abuse and to then provide support to prevent family breakdown and negative behaviours. It is interesting to note that Desai's conclusions about this project are aligned with Kumari's argument that children commit crime when they feel threatened. The experience also

[22] General Assembly, Sixty-fifth session, Promotion and protection of the rights of children, The sale of children, child prostitution and child pornography, UN Doc. A/65/221, 4 August 2010, Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography ('Report on the Sale of Children'), para.73 and 93.
[23] Report on Violence against Children, para.79. See fn.11.

seems to be a successful example of multi-agency work, albeit without the interference of private companies. Although Cox would ask whether the motivations behind these actions are actually geared towards the best interest of the child, the project does seem successful.

Desai also highlights the importance of alternatives to the judicial procedure, which can be highly traumatic for children, and of training and personal commitment of police officers working with children. Assistance to child victims during trial is essential and needs attention in both the UK and India. She concludes by suggesting that, although the situation of child protection in the UK is certainly not ideal, several lessons could be learned by Indian policy makers.

The concerns exposed by Desai have also been the object of study of the Committee on the Rights of the Child. The Committee called for the development of a 'comprehensive juvenile justice system', one whose primary aim is to raise awareness of the need to always act with due consideration to the best interests of the child and of children's rights. In the view of the Committee, this would require 'the establishment of specialized units within the police, the judiciary, the court system, the prosecutor's office, as well as specialized defenders or other representatives who provide legal or other appropriate assistance to the child.'[24] Specialised, systematic and on-going training is also of utmost importance.[25] The 'comprehensive juvenile justice system', if effectively in place, would indeed contribute in addressing the issues raised by Sargent and Desai and ultimately protect children's rights.

Part III of the volume deals with instances of violence against children, specifically those abuses that are 'hidden' within socially acceptable norms. In such a context of 'hidden' violence, the task of protecting children becomes even more daunting than protection in the face of explicit violence. The best interests of children are overlooked, either because they are taken for granted or are assumed to be met. In other words, they are simply invisible to most. In such cases, deeply entrenched collective psychological and cultural norms contribute to this blindness. As is clearly shown by the papers of Part III, this state of affairs perversely silences victims and perpetuates abuses.

Jackie Turton raises awareness of the important problem of sexual abuse of children by their own mothers. Although statistics confirm the ordinary belief that sexual abuse by female offenders is less common than male sexual abuse, female offenders still account for up to 5% of all sexual offences against children. This amounts to a considerable number of children who simply do not fit into the paradigm of victims of sexual abuse, but who, nevertheless, ought to be protected.

Turton explains that it is precisely the very hidden and unexpected nature of the crime that has important implications for the children's rights agenda. Society does not see women as child sex abusers. There exists a collective denial based on the assumption that a mother would never be capable of such behaviour. This is embedded in the minds of those who are supposed to protect the children, in the minds of the offenders themselves, and in the mind of the victims. As a result, professionals fail to identify and protect children; perpetrators rationalise and justify their behaviour to conform to expectations that are, for their part, a byproduct of an idealised nature of mothering. Finally, victims experience intense internal conflict: although they suffer deeply

[24] General Comment no.10, para.92 and 97. See fn.14.
[25] General Comment no.5, para.53. See fn.21.

because of the abuse, they do not want to disclosure it because this could mean that they would lose their mother, a very serious risk indeed for a child.

The latter statement is of special importance because it vividly shows that one of the most deeply entrenched interests of any child is to be loved by their mother. Thus, despite the natural outrage that such abuses incite, prosecution and imprisonment might not be, from the child's perspective, the best solution. It is also the Committee's view that 'prosecution and other formal interventions should only proceed when they are regarded both as necessary to protect the child from significant harm and as being in the best interests of the affected child. The affected child's views should be given due weight, according to his or her age and maturity'.[26]

In any case, Turton recommends that children who are abused by mothers and other female abusers who care for them need to be given a voice. Likewise, female offenders themselves need to be given a voice. One way to address the problem, in Turton's view, is to challenge the idealisation of the role of the mother. This would potentially help women who do not feel that they fit into the stereotype of the nurturing mothering image and this, in turn, would potentially help their children.

Fernne Brennan and John Packer's paper, which acted as a background document for the 2009 UKIERI conference, raises awareness about the often hidden violence against girls and calls for the inauguration of a research agenda that identifies means for empowering girls to fight for their own rights. They urge states and individuals to see girls as 'an end in themselves', not as objects of others, or, as the Committee on the Rights of the Child puts it: 'The Convention asserts the status of the child as an individual person and holder of human rights. The child is not a possession of parents, nor of the State, nor simply an object of concern'.[27]

The argument put forward is based on the underlying assumption that violence reduction strategies whose success depends on others are subject to limitations, particularly because girls are victims of institutional discrimination. The perversity of institutional discrimination rests on the fact that certain patterns of violence are regarded as acceptable to the point that the girl child's rights, and corresponding abuses, are not even seen. In this situation, the protection afforded by international human rights instruments such as the CRC is essential. The provision of Article 2 of the CRC, that enshrines the obligation of non-discrimination, must in particular be respected. However, addressing discrimination is not only a matter of changes in legislation, administration and resource allocation. It must recognise entrenched social beliefs. Perhaps more importantly, as stressed by Packer and Brennan, children themselves – especially girls – need to be given voice.

Expanding Packer and Brennan's considerations, Brett Dodge provides examples of instances of violence against girls, as discussed during the 2009 Colloquium. Issues such as domestic violence, forced marriage, human trafficking, female genital mutilation were discussed. He explains that participants appointed the problem of deeply engrained cultural practices as the greatest practical difficulty for preventing violence against and abuse of girls. The absence or inefficiency of public services for tackling complex problems such as human trafficking was also

[26] Committee on the Rights of the Child, Forty-second session, Geneva, 15 May-2 June 2006, General Comment no.8 (2006), UN Doc. CRC/C/GC/8*, 2 March 2007, hereinafter 'General Comment no.8', para.41.
[27] General Comment no.8, para.47. See fn.26.

debated. Myriad possible responses to these problems were discussed. As pointed out by Dodge, a core theme of the colloquium was that, through peer support and networking, girls can become human rights defenders. The existence of safe spaces where girls can be listened to, not judged, was also considered crucial. The importance of education was considered paramount.

The overall consensus of this colloquium was that positive change on behalf of girls is not happening quickly enough, thus new ways must be sought to improve the situation of the girl child around the world. The papers of Part IV present two projects that can be thus classified. The examples of solutions provided by Netta Cartwright and Betty Makoni aim to provide children with a voice and the courage to expose their interests and then demand them as a matter of rights.

Peer support, or the process whereby support is provided by children to children, greatly contributes to promoting young people's citizenship, participation and the defence of their own human rights, as shown by Cartwright. It is, according to her, an empowering strategy by definition, as it aims to place responsibility for children in their own hands, thus helping them realise their full potential. The model used in the majority of the case studies presented by Cartwright is the re-evaluation and co-counselling (RC) model of peer support, based on the belief that ordinary people, inherently altruistic, can help each other recover from hurtful experiences in life by exchanging attention. As will be seen, Makoni's project provides a similar solution.

Cartwright shows that, by learning how to better relate to other people, young children avoid criminal behaviours and learn how to cope with any instances of human rights abuses of which they might have been victims. It also helps in the prevention of future human rights abuses in their local community, by raising awareness of sexist, racist, disability and social class prejudice. Children are, as a result, better equipped to defend their own rights as well as the rights of others. To a great degree, these satisfactory results confirm the hypotheses advanced in previous papers in this anthology. Although Cartwright warns that the paper does not present conclusive empirical evidence of success, it is fair to say that the impact of projects has been felt in the relevant communities.

Makoni presents the Girls Child Network, an organisation founded by her in 1999, whose purpose is to assist girls in their quest for emancipation and empowerment. According to her, the organisation recognises that the main cause of vulnerability of girls and women is their low socioeconomic, political and cultural position in society. This, as also stressed by Packer and Brennan, makes girls invisible victims of abuses. Makoni firmly believes that it is more effective to empower young women than adult women. It is the girl rather than the woman, who will be more likely to feel motivated to confront the discriminatory society in which they live, once they are educated to act as leaders and once they feel safe by finding support among their peers.

It is interesting to note that the strategy not only aims to respond to individual cases of abuse but also recognises that entrenched community attitudes and beliefs require an adequate collective response. The Girls Empowerment Villages project is an excellent example of how an entire community can be involved in the protection of its girls, and in the reformulation of its own set of values. Indeed, as highlighted by the Committee on the Rights of the Child,

> [i]f the adults around children, their parents and other family members, teachers and carers do not understand the implications of the Convention, and above all its confirmation of the equal status of children as subjects of rights, it is most unlikely that the rights set out in the Convention will be realized for many children'.[28] In this context of 'collective education', it is also crucial that children themselves learn their human rights[29] and help to implement 'their' Convention.[30]

It seems that, if at least the two successful examples above were implemented in all societies, some of the factors more likely to prevent violence against children would be in place. Indeed, any practice that fosters or encourages an atmosphere of dialogue, respect and affection are likely to facilitate the identification of the most special interests of children. Good parenting, amicable relationships at school, and high levels of social cohesion are good examples of this.[31] If an efficient system of access to justice to children is also in place, as stressed by Carolyn Hamilton, in her interview that closes the volume, children's rights are likely to be better protected.

The consequences of all forms of violence against children are many and dramatic. They may include '(…) greater susceptibility to […] substance abuse and early initiation of sexual behaviour […], anxiety and depressive disorders, hallucinations, impaired work performance, memory disturbances […], aggressive behaviour, [and even] lung, heart and liver disease, sexually transmitted diseases and foetal death during pregnancy, as well as […] intimate partner violence and suicide attempts'.[32] The papers in this collection, taken together, vividly expose the many forms in which the best interests of the child are ignored, dismissed or overtly disrespected, resulting in myriad forms of violence. If states and individuals want to effectively realise children's rights, they must (in the words of the League of Nations) give to the child 'the very best that [they have] to give'.[33] This implies the honest recognition of the best interests of the child and the courage to act in accordance with them, especially by challenging powerful interests and entrenched patterns of discrimination.

[28] General Comment no.5, para.66. See fn.21.
[29] General Comment no.5, para.53. See fn.21.
[30] General Comment no.5, para.57. See fn.21.
[31] See the Report on Violence against Children, para.34. See fn.11.
[32] Report on Violence against Children, para.36. See fn.11.
[33] Geneva Declaration. See fn.1.