



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1988/NGO/52
18 February 1988

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-fourth session
Agenda item 13

QUESTIONS OF A CONVENTION ON THE RIGHTS OF THE CHILD

Written statement by the International Federation of Human Rights,
a non-governmental organization in consultative status
(category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 February 1988]

1. The preamble to the Declaration of the Rights of the Child states that mankind owes to the child the best it has to give, and the preamble to the draft convention on the rights of the child states that the child requires particular care and assistance for his health and development, as well as legal protection. Accordingly, aware that children are the future of mankind, the International Federation of Human Rights (FIDH) is deeply concerned about the many violations of children's rights throughout the world.

Haiti

2. According to a bulletin about the overall situation regarding children in Haiti that was published by the League for the Defence of Children's Rights in August 1987, since Duvalier's departure a number of children, fleeing from poverty, have moved away from the provinces into the capital. Some of them have been put into a reception centre that has a school where the number of

places is small. Others have reportedly been arrested and imprisoned along with adults in very difficult conditions, or again, forced to return to their home towns. At the present time, Haiti has no appropriate facilities to take children in off the street or any special arrangements for them in law.

3. Between 7 November 1986 and 30 August 1987, the League for the Defence of Children's Rights found very many violations of the rights of children in Haiti, namely arrests without any reason, beatings, rapes, forcible return to the provinces, disappearances and executions. This upsurge of violence has led to renewed aggressiveness among some children, and is of concern to the League, for juvenile delinquency is now on the increase in Haiti but there are no facilities to look after young delinquents.

4. The League for the Defence of Children's Rights mentions the case of Vladimir David, aged 16, who is said to have been arrested and treated brutally after street demonstrations. Despite steps taken by his parents, by the Haitian Human Rights League, the Centre for the Promotion of Human Rights and the Lafontant and Volel offices, Vladimir David is still missing. The League goes on to mention the cases of Magalie Eugene, aged 14, and Chine Delva and Junie Depestre, shot dead by the forces of law and order.

5. During the strike on 29 June 1987, a child aged 12 was reportedly arrested by soldiers who assaulted him. Jacquelin Saint-Fleur and Joel Joseph, aged 15 and 12 respectively, were wounded by gunshots and rushed to hospital. At the beginning of August, three Americans crossed the Dominican border with 28 Haitians, but the League has not been able to find out anything about what has happened to them, despite inquiries with the American and the Dominican Embassies.

6. The League for the Defence of Children's Rights also mentions the case of an American Pastor, James McClellande, who ran a secret orphanage in Haiti and was arrested and imprisoned after raping two children, aged 10 and 16. From inquiries it emerged that he had also raped 12 little girls, aged 7 to 13, within the space of a year. Yet the orphanage had been operating for 13 years without being registered with the competent authorities. Although he had been told to put the situation in order, no action was taken against Pastor McClellande to compel him to place his orphanage on a legal footing. Similarly, he was not sentenced, for he was released and was able to leave Haiti for the United States, where he is living at the present time.

7. Lastly, the League points out that three quarters of the children in Haiti do not attend school, are undernourished and have no medical care or recreation facilities. The poverty of the masses is on the increase, as are the numbers of babies who are abandoned soon after they are born.

Guatemala

8. Children in Guatemala suffer from serious problems, both physical and mental, because of the prevailing political and economic situation. The infant mortality rate is very high, malnutrition and child labour are widespread and there are few schools and hospitals. According to a paediatrician working for the United Nations Children's Fund (UNICEF), one child in eight could be saved from an early death simply by vaccination against five very common diseases.

9. In January 1987, the Minister of Education in Guatemala revealed that 73 per cent of all children did not go to school. In addition, 82 per cent of the children up to five years of age suffer from malnutrition and 75 per cent of the children who do attend school are undernourished; moreover, their parents cannot afford to buy them a minimum of school materials.

10. Children are also disappearing and being summarily executed in Guatemala, a situation that is being perpetuated under the present Government. Furthermore, some war orphans are being taken in by families and treated like slaves. The army has reportedly used children aged 9 and upwards in the course of various expeditions in the El Quiché region.

11. Trafficking in children is also widespread in Guatemala and some members of the previous Government are implicated. Children ranging from 1 month to 10 years of age continue to disappear in mysterious circumstances. On 27 September 1987, a Guatemalan mother called on the civilian Government to conduct an inquiry into the disappearance of her young son, who had been sent to the United States after a so-called adoption procedure handled by a lawyer. At the same time, various newspapers in Guatemala revealed that two other young children had disappeared in obscure circumstances.

12. Consequently, since the suffering of children is a particularly distressing phenomenon for the international community, FIDH recommends that the Commission on Human Rights should do everything possible to achieve prompt completion of the convention on the rights of the child, in the hope that the convention will answer the needs of those for whom it is intended and will improve the situation of the most underprivileged children.