

# Children Rights a systemic platform for analysis, strategies and action

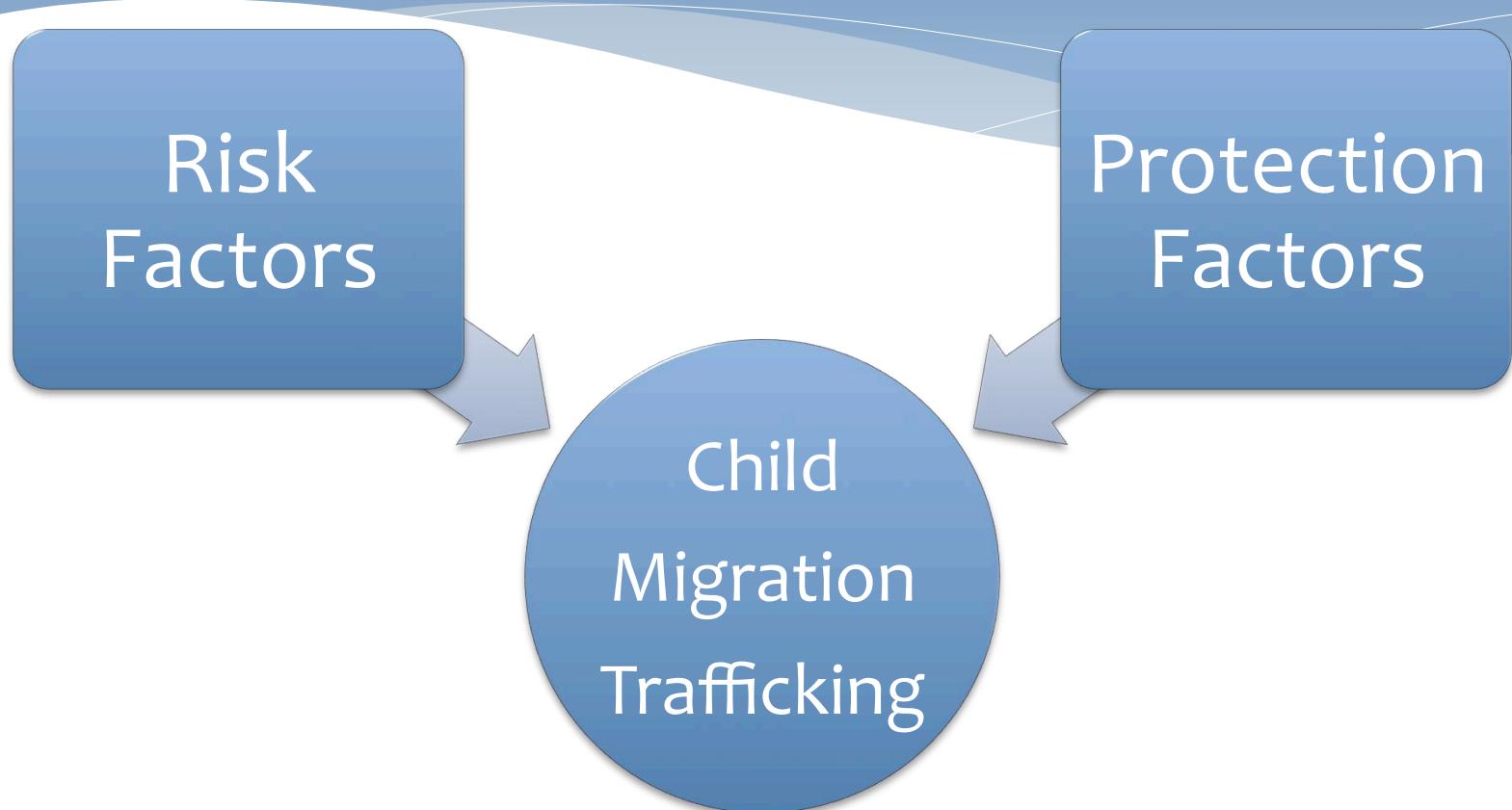
Resiland European Training Laboratory

*La Certosa di Avigliana, Italy*

*3 - 7 May, 2015*

**Virginia Murillo Herrera**

# Departing point -elements Training



```
graph TD; RF[Risk Factors] --> CR((Children Rights)); PF[Protection Factors] --> CR; CR --> VA[VIOLATIONS AND ABUSES]
```

Risk Factors

Protection  
Factors

Children  
Rights

VIOLATIONS  
AND ABUSES

# Children Rights

# Human Rights (dignity, integrity, privacy)

**Human Being**  
Feeling  
Think  
To Do  
Is related the basic elements as human beings

**Person**  
Characteristic of a person (socialization and recognition of an actor/agent)  
  
-Individuality (identity, vision of the work, equality)  
-Privacy  
-Social Integration (social enjoyment, participation)

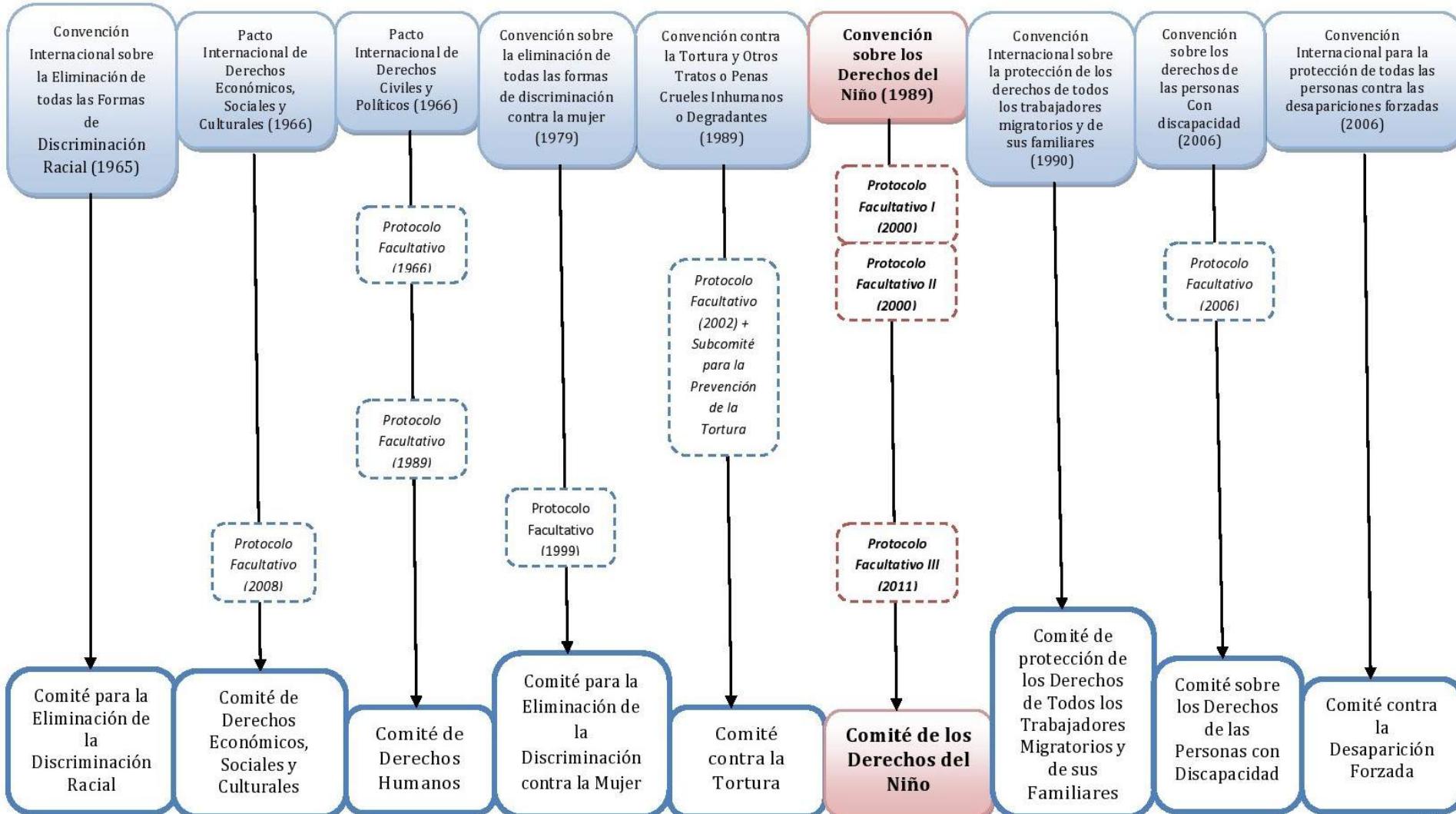
**Citizen**  
Development of life in society  
  
- Relationship with other  
- Relationship with authority / State (State authority and is not the same, the State is also guarantor of rights)  
- Relation to biodiversity

# Human Rights Framework

- \* legal framework (international, regional, national, local)
- \* Categorization of rights (DESC, DCP and the new generation of rights)
- \* Rights that can be Enforce
- \* Obligations/responsibilities
- \* Subject of Rights
- \* Co-responsibilities

# CRC as a key Instrument but not the only one

- \* CRC more than just a legal benchmark
- \* Revolution conceptualization of the Child
- \* Define Obligations, Responsibilities and Subjects of Rights
- \* Provoke tensions in relation of powers, roles
- \* Same Rights as Adults
- \* “Special Protection” that requires holistic approach
  - \* Evolution of capacities art. 5
- \* As HRs instruments has the same HRs principles (most known 4 –Survival and Development, Best Interest of the Child, Child Participation, Non Discrimination)
- \* Needs to be seeing as a core part of a more holistic protection human rights framework
- \* Combination of approaches: HR's, Gender, Generational, Human development...



### **Lista no exhaustiva de instrumentos jurídicos internacionales de protección de los derechos del Niño**

- ✓ Reglas mínimas de las Naciones Unidas para la administración de la justicia de menores, "Reglas de Bejín", 1985.
- ✓ Directrices de las Naciones Unidas para la prevención de la delincuencia juvenil, "Directrices de Riad", 1990.
- ✓ Reglas mínimas de la Naciones Unidas sobre las medidas no privadas de libertad, "Reglas de Tokio", 1990.
- ✓ Convenio relativo a la protección del Niño y a la cooperación en materia de Adopción Internacional, "Convenio de la Haya sobre Adopción", NU, 1995.
- ✓ Convenio 182 sobre la prohibición de las peores formas de trabajo infantil y la acción inmediata para su eliminación, OIT, 1999.

# Principles – Categorization – Rights (1/5)

Issues	Rights Involved
General Principles	✓ No discriminación por cualidades del NN (2.1)
	✓ No discriminación por cualidades de sus padres (2.2)
	✓ Interés superior (3)
	✓ Participación
	✓ Protección Integral
	✓ Interés Público
	✓ Exigibilidad and other HR's Principles
Rights and Civil Liberties	✓ Vida (6.1)
	✓ Inscripción, nombre y nacionalidad (7)
	✓ Preservación de la identidad ( <i>nacionalidad, nombre y relaciones familiares</i> ) (8)
	✓ No separación forzosa de padres e hijos/as (9)
	✓ Ser escuchado (12.2)
	✓ Libertad de pensamiento, conciencia y religión (14.1)
	✓ Intimidad (16)
	✓ Libertad e integridad (37)
	✓ Justicia especializada y reintegración social (40)

# Principles – Categorization – Rights (2/5)

Issues	Rights Involved
Political Rights	- Opinión (12.1)
	- Expresión (13)
	- Asociación y asamblea (15)
	- Acceso a información (17)
Economic Rights	- Seguridad social (26)
	- Nivel de Vida Adecuado (27)
	- No explotación económica y laboral (32)
Social Rights	- Supervivencia y desarrollo (6.2)
	- Igualdad de responsabilidades de ambos padres (18.1)
	- Capacitación a padres para el ejercicio de sus funciones (18.2)
	- Guarderías para NN cuyos padres trabajan (18.3)
	- Salud (24)
	- Seguridad social (26)
	- Acceso a Educación (28)
	- Educación de Calidad (29)
	- Descanso, esparcimiento, cultura y arte (31)

# Principles – Categorization – Rights (3/5)

Issues	Rights Involved
Cultural Rights	<ul style="list-style-type: none"><li>- Religión (14)</li><li>- Minorías (30)</li><li>- Descanso, esparcimiento, cultura y arte (31)</li><li>- Abolición de prácticas culturales perjudiciales (24.3)</li></ul>
Special Protection Measures	<ul style="list-style-type: none"><li>- Traslados o retenciones ilícitas NN en el extranjero (11)</li><li>- Abandono (20)</li><li>- Adopción (21)</li><li>- Refugio (22)</li><li>- Revisión periódica de las condiciones de internamiento (25)</li><li>- Explotación sexual (34)</li><li>- Maltrato y abuso sexual (19)</li><li>- Otras formas de explotación (36)</li><li>- Conflictos armados (28)</li><li>- Recuperación y reintegración social de víctimas (39)</li><li>- Justicia especializada y reintegración social (40)</li><li>- Protect from all forms of Violence (art. 19)</li></ul>

# Principles – Categorization – Rights (4/5)

Issues	Rights Involved
	<ul style="list-style-type: none"><li>- NNA con discapacidad (23)</li><li>- Protección contra las drogas (33)</li></ul>
General Obligations of the States	<ul style="list-style-type: none"><li>- Aplicación de todos los derechos a todos los niños (2)</li><li>- Velar por las buenas condiciones de los establecimientos de institucionalización de NNA (3.3)</li><li>- Invertir hasta el máximo de los recursos disponibles para garantizar estos derechos (4)</li><li>- Dar a conocer los Derechos del Niño (42)</li><li>- Informe comité (43 / 44)</li><li>- Tomar todas las medidas legislativas y administrativas adecuadas.</li><li>- Respetar los derechos y responsabilidades de los padres (5)</li><li>- Alentar la cooperación internacional (24.4)</li></ul>
Co-responsibilities	<ul style="list-style-type: none"><li>- Relación NNA-familia- Estado (5)</li><li>- Medios de comunicación (17)</li></ul>

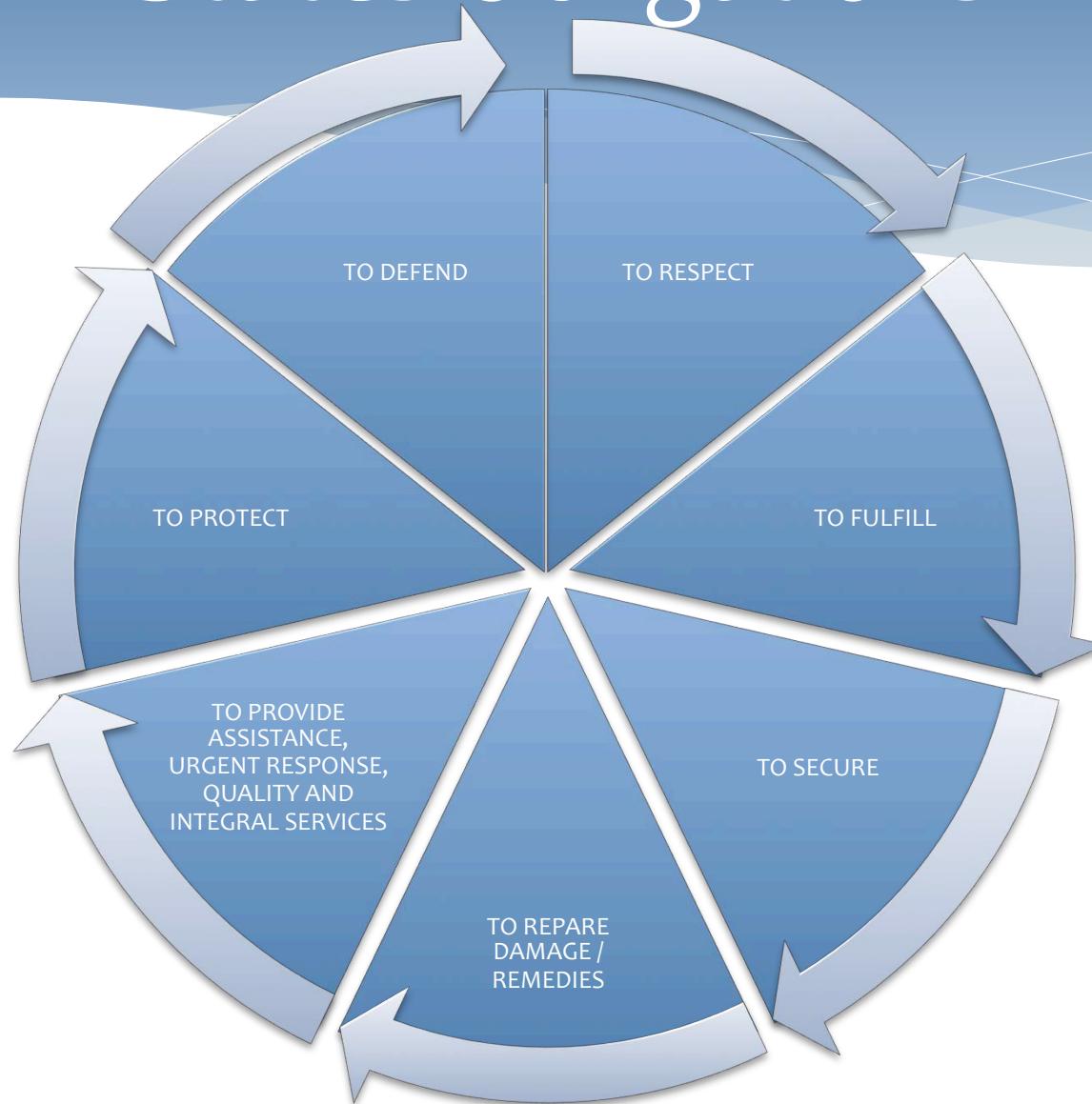
## Principles – Categorization – Rights (5/5)

Issues	Rights Involved
	- Rol de otros actores (45)
General Provisions	- Definición de niño (1)
	- Principio de prevalencia (41)
	- Formalidades jurídicas (46 al 54)

# Working HR approach implies

- \* The need to transform the context
- \* Working to combat causes that perpetuate violations and abuses
- \* To have a political position doesn't matter from where you are departing/responding
- \* Measures should include the basic principles

# States Obligations



## Minimun Platform

- \* Committee on the Rights of the Child identify several minimun obligations and conditions in each one of the States Members:
  - \* -policy and legal reforms
  - \* -transformation of institutions and specialization
  - \* Holistic/Integral Protection National and Local Systems
  - \* Data information systems
  - \* Investment on children's rights

# Main Challenges 25 years of the CRC

VI Congress on Children's Rights and CRC Observations,  
General Comments and Thematic Days:

- \* Problems implementation
- \* Recognition subject of right
- \* Discourse and approaches
- \* Difficulties in coordination in all levels and sectors
- \* Lack resources
- \* Repressive responses, conservative views, social criminalization of young people
- \* Weak protection systems
- \* Different approaches , not equal comprehension of principles and articles/responsibilities
- \* No data unify information
- \* No reform/transformation of institutions

# New scenarios

- \* Economical crisis, less resources, increasing of inequality (social, economic and rural/urban)
- \* Arm Conflicts: children/schools as objectives of war
- \* Post conflict effects
- \* Weak Democracies
- \* Narco increasing presence in communities, schools.
- \* Invisible forms
- \* New forms of Violence, Slavery and other violations (complexity)
- \* Unsafe Homes, Communities, cities
- \* More people move into cities
- \* TiCs in life of children and youth
- \* Tics use for exploitation, violence and abuse
- \* others

## NEW ACTORS, AGENTS OF CHANGE

- \* Children same rights but not equal.
- \* Diversity and context/situation
- \* Children a person, subject of rights, victim, survivor, commodity, consumer, client, offender, in conflict with the law..
- \* Still adult vision and relation of power
- \* Participation a big challenge (problems on its conception, understanding and implementation arts. 12,13, 14, 15, 17 – and art. 3)
- \* General Comment 12
- \* 3<sup>rd</sup> Optional Protocol
- \* EU Child Friendly Justice Guidelines

**Children's  
Rights a  
systemic  
platform for  
research,  
action,  
assistance, etc.**



# Thank you!

- \* [presidencia@dnicostarica.org](mailto:presidencia@dnicostarica.org)
  - \* [virginia@dni-es.org](mailto:virginia@dni-es.org)
  - \* Skype id: vickymurillo