



Safeguarding Children as Citizens

Children's rights as a systemic platform for
analysis and intervention

RESILAND, ATHENS, 4 JUNE 2015

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UN Convention on the Rights of the Child (CRC)

- ▶ Adopted in 1989
- ▶ Entry into force on 2 September 1990
- ▶ Core part of the body of international human rights law
- ▶ The most widely ratified human rights treaty
- ▶ Comprehensive: Social, economic, civil, cultural and political rights
- ▶ Complemented by three Optional Protocols
 - ▶ Sale of Children, Child Prostitution and Child Pornography (2000)
 - ▶ Children in Armed Conflict (2000)
 - ▶ Communications Procedure (2011)
- ▶ Treaty Body: Committee on the Rights of the Child

UN Convention on the Rights of the Child (CRC)

- ▶ Over 50 Articles: interrelated and indivisible
- ▶ Four general principles: Relate to all other articles

UN Convention on the Rights of the Child (CRC)

- ▶ Over 50 Articles: interrelated and indivisible
- ▶ Four general principles: relate to all other articles
 - ▶ **Non-discrimination (art. 2)**
 - ▶ **Best interests of the child (art. 3)**
 - ▶ **Right to life, survival and development (art. 6)**
 - ▶ **Right to be heard (art. 12)**

The right to non-discrimination in transnational cases: Status, access and jurisdiction

- ▶ Non-discrimination is a human rights imperative
 - ▶ Obligations of states towards non-national children
 - ▶ Matters of jurisdiction, status and entitlements
 - ▶ Practical challenges in transnational situations
 - ▶ Indicators / check-lists for 'identification' and referral: 'Tick the box attitude'
 - ▶ Challenges of ensuring equal access and quality of services
 - ▶ Language and cultural differences
 - ▶ Time factor: Prompt decisions vs. solid assessments
- **Safeguarding the right to non-discrimination requires measures for inclusion and proactive prevention of discrimination**

Best interests of children on the move

- ▶ **Best interests of the child as a collective principle guiding policies and programmes for children on the move**
- ▶ **CRC GC No. 14**
 - ▶ The best interests as a substantive right
 - ▶ The best interests as a rule of procedure
 - ▶ The best interests as a fundamental, interpretive legal principle
 - ▶ Opportunities for safeguarding children on the move

Best interests' principle and human rights: Towards a holistic understanding of the person

- ▶ **Complex and challenging process of assessments** in transnational cases when authorities have to cooperate, investigate and communicate across borders
 - ▶ **Consensus on importance** of 'the best interest' but vague understanding in practice. Important to define the principle in a broader human rights context.
 - ▶ **Holistic and rights-based perspective:** The best interests of the child in relation to "all" the rights afforded under the Convention and other human rights instruments
 - ▶ **Innovative practice examples** that inspire an understanding of the principle that is holistic, child-centred and rights-based
- **It is in the best interests of the child to enjoy all the human rights afforded under the Convention**

The right to be heard in transnational situations: Communicating with children

- ▶ Child-sensitive communication
 - ▶ Fostering **trust**
 - ▶ Making the child feel cared for as a person
 - ▶ Take time to speak to the child and listen
 - ▶ Provide information in a form and language that the child understands
 - ▶ Quality interpreters / cultural mediators whom the child feels comfortable with
 - ▶ Qualified interviewers / Children's House model for forensic interviews
 - ▶ Data protection and privacy considerations in transnational cases
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- **Safeguarding the right to be heard in a meaningful way is about a lot more than interviewing children**
 - **It has implications for policy and practice at all levels**



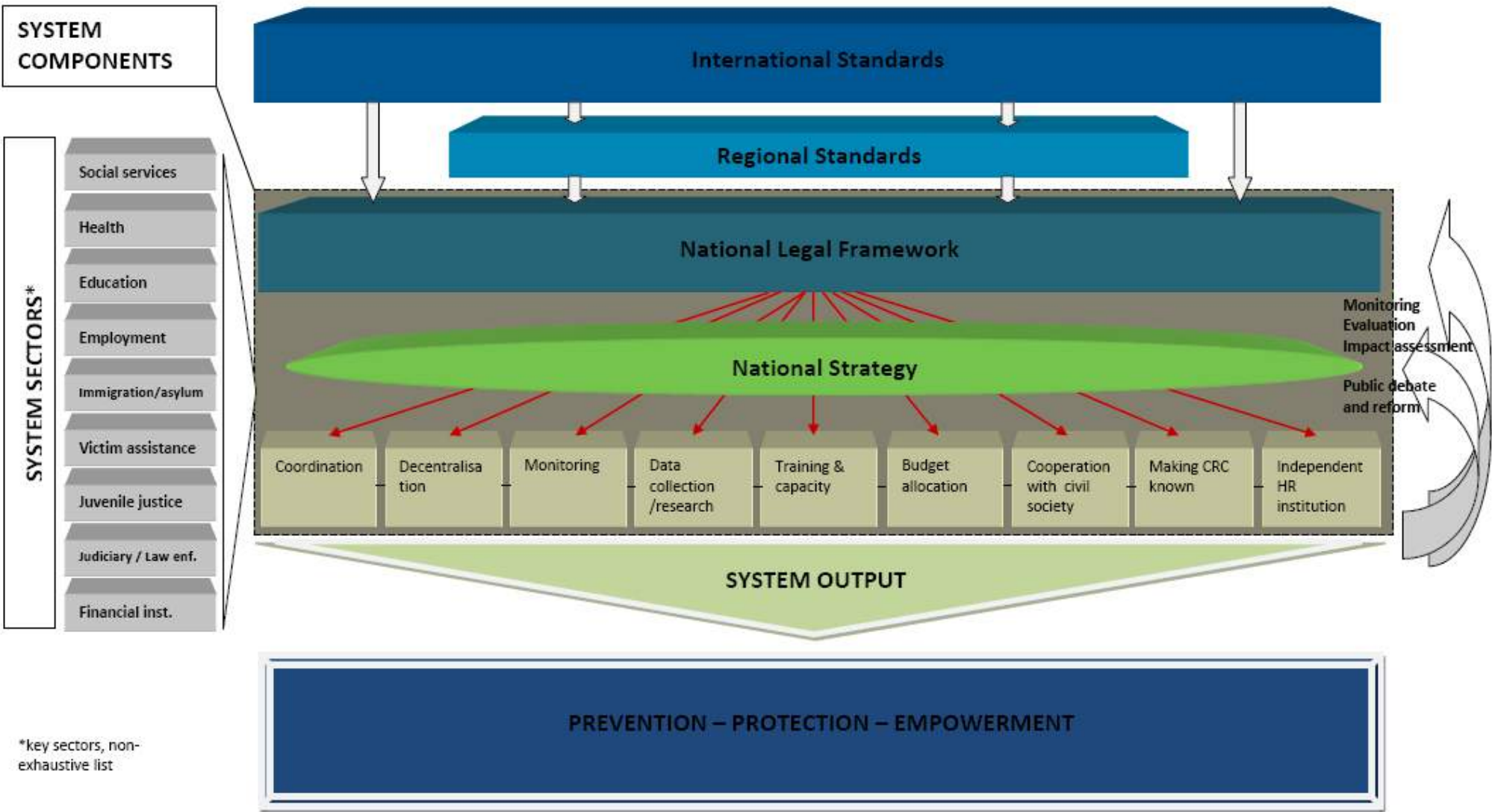
FROM RIGHTS TO PRACTICE CRC IMPLEMENTATION

CRC Implementation: General measures

(Articles 4, 42, 44, CRC GC No. 5)

- ▶ Law reform
- ▶ Comprehensive national strategy rooted in the Convention
- ▶ Coordination
- ▶ Decentralisation, federalisation and delegation
- ▶ Monitoring
- ▶ Independent human rights institutions
- ▶ Data collection, analysis and development of indicators
- ▶ Making children visible in budgets
- ▶ Training and capacity-building
- ▶ Cooperation with civil society
- ▶ Making the Convention known
- ▶ International cooperation

A 'child rights system' rooted in the general principles and measures of implementation of the CRC



Source: Wenke, Daja, *Vulnerable Children in Switzerland: Safeguarding the Rights of Every Child, A discussion of a systemic approach to the implementation of the Convention on the Rights of the Child*, Swiss Committee for Unicef, Zurich, 2010.

CRC Implementation: Key factors determining implementation

- ▶ Capability of public administration to implement
- ▶ Scope of implementation
- ▶ Quality of implementation

CRC Implementation: Key factors determining implementation

- ▶ Capability of public administration to implement
 - ▶ **Decentralisation: Connecting bottom-up and top-down approaches**
 - ▶ **Public-private partnership**
 - ▶ **Institutionalised cooperation and coordination across sectors, disciplines and actors**
 - ▶ **Follow-up to monitoring, evaluation and accountability**
 - ▶ **Role of bureaucracy**
 - ▶ **Attitudes and mindsets**
 - ▶ **Promoting innovation and change**
- ▶ Scope of implementation
- ▶ Quality of implementation

CRC Implementation: Key factors determining implementation

- ▶ Capability of public administration to implement
- ▶ Scope of implementation
 - ▶ **Ensure comparable standards at local levels**
 - ▶ **Progressive and continuous process for improvement**
 - ▶ **Avoid overburdening of public capacities**
 - ▶ **Setting priorities for step-by-step implementation**
 - ▶ **Adaptation and contextualisation: 'Reinvent the wheel'**
 - ▶ **Involve informal actors and networks**
- ▶ Quality of implementation

CRC Implementation: Key factors determining implementation

- ▶ Capability of public administration to implement
- ▶ Scope of implementation
- ▶ Quality of implementation
 - ▶ **Inclusiveness**
 - ▶ **Appropriateness**
 - ▶ **Effectiveness**
 - ▶ **Compliance**

CRC: A broader and integrated perspective

- ▶ CRC implementation as a legal obligation of States
- ▶ General principles and measures of implementation
 - ▶ A framework for analysing the components of a national child rights system and guiding the implementation into practice
- ▶ Systemic approaches:
 - ▶ Identify vulnerability
 - ▶ Redresses risk factors
 - ▶ Strengthen assets, protective mechanisms, resources and resiliency
- ▶ Weak systems and structures may create or exacerbate child vulnerability

CRC holistic and integrated approach: “The child at the centre”

- ▶ **Child protection imperative**
- ▶ **Beyond protection:**
 - ▶ Children have the right to unfold and develop their evolving capacities, the right to master their destiny and to emancipate themselves
- ▶ **“Protect to enable”: From a charity-based to a rights-based approach**
- ▶ **Parallel investments:**
 - ▶ Strengthen systems
 - ▶ Address specific issues through a ‘systems approach’
- ▶ **Uniqueness of every child**
- ▶ **Recognise the potential and resources that children offer for the society**
- ▶ **Evolving understanding of childhood: The child as citizen and nation builder**

The CRC as a guiding policy document

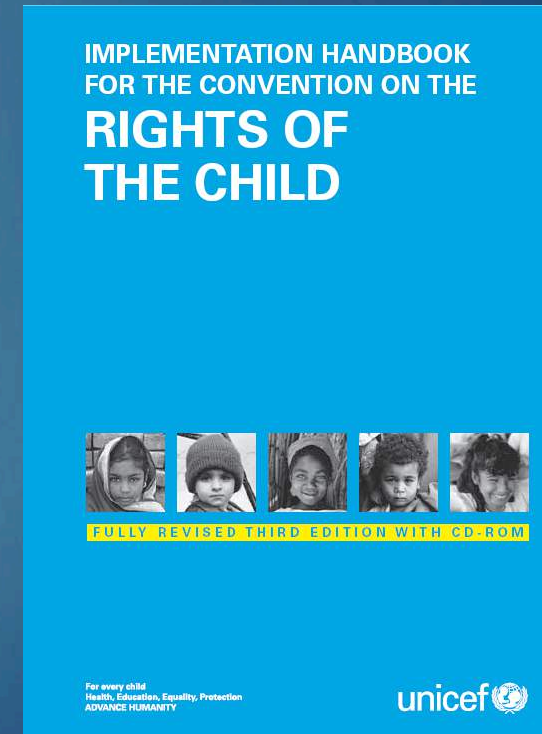
The CRC as turning point: A vision for nations

- ▶ Important achievements since 1989
- ▶ Policymakers, professionals and practitioners as Change Agents
 - ▶ Initiate and sustain processes of innovation
 - ▶ Leaders for children and national development
- ▶ Opportunities for States:
 - ▶ **CRC as a living and evolving policy document**
 - ▶ **Shapes a new and evolving understanding of children and childhood**
 - ▶ **Programmatic guidance for policy makers**
 - ▶ **Towards democracy, peace, development and statebuilding / nationbuilding**

GUIDANCE FOR CRC IMPLEMENTATION

CRC Implementation: Guidance

- ▶ Committee on the Rights of the Child
<http://www2.ohchr.org/english/bodies/crc/>
- ▶ CRC Implementation Handbook
http://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child_Part_1_of_3.pdf
- ▶ Child Rights Information Network (CRIN):
Online information resource
<http://www.crin.org/>



CRC Committee: General Comments

No.	Subject	Date
18	Harmful practices	2014
17	The right to play	2013
16	Children's rights and business	2013
15	The right to health	2013
14	The best interests of the child	2013
13	The right of the child to freedom from all forms of violence	2011
12	The right of the child to be heard	2009
11	Indigenous children and their rights under the Convention	2009
10	Children's rights in Juvenile Justice	2007
9	The rights of children with disabilities	2006
8	The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment	2006
7/Rev.1	Implementing child rights in early childhood	2005
6	Treatment of unaccompanied and separated children outside their country of origin	2005
5	General measures of implementation for the Convention on the Rights of the Child	2003
4	Adolescent Health	2003
3	HIV/AIDS and the rights of the child	2003
2	The role of independent human rights institutions	2002
1	The aims of education	2001
Source:	http://www2.ohchr.org/english/bodies/crc/comments.htm	



Thank you!

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Safeguarding Children as Citizens

Organising and integrating protection systems and strategies

RESILAND, ATHENS, 5 JUNE 2015

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Towards a systemic approach: Concepts and definitions

▶ UNICEF: 'Child Protection'

- "... preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices ..."

[UNICEF, 2006]

▶ UNICEF: 'Child Protection System'

- "The set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks."

[UNICEF Child Protection Strategy, 2008]

▶ 'System'

- Laws, policies and institutions dealing with children's rights and concerns and all the relevant provisions, regulations and structures needed to make them operate and cooperate in practice
- Guaranteed standards and safeguards to ensure that measures, procedures and decisions are rights-based and replicable

[Swiss Committee for UNICEF, 2010]

Existing 'systems'

- ▶ Child protection system
 - ▶ Immigration management system
 - ▶ Asylum reception system
 - ▶ Juvenile justice system
 - ▶ Education system
 - ▶ Health system
 - ▶ Social protection system
 - ▶ ...
-
- **'Systems' are inter-related and dependent**
 - **Effective connections increase the potential for prevention, protection and empowerment**
 - **Capitalise on vast experience available in each**
 - **How are these systems connected in practice?**
 - **Is there a 'system' for CRC implementation, a child rights system?**

The actors

- ▶ **Children**
 - ▶ **Host and origin communities (families, peers)**
 - ▶ **Guardians and representatives**
 - ▶ **Social services / child protection services**
 - ▶ **Immigration authorities, consular offices, et al.**
 - ▶ **Police**
 - ▶ **Prosecution**
 - ▶ **Judiciary**
 - ▶ **Lawyers and Child Rights Advocates**
-
- Individual perspective and strengths of each actor
 - Maximum realisation of potential through mutual trust, cooperation and common commitment
 - Cooperation guided by a child rights-based approach:
 - The child at the centre
 - Potential of CRC to reconcile approaches

Cross-sectoral cooperation

- ▶ Institutionalise cross-sectoral and multi-disciplinary cooperation mechanisms at all levels
- ▶ Allocating time, budget, structures and leadership for inter-disciplinary cooperation
- ▶ Training, awareness and sensitisation on inter-disciplinary approaches
- ▶ Fostering an understanding of multi-disciplinary approaches in leadership and service culture



FROM 'PROTECTION'

TO 'SAFEGUARDING'

Continuum of services for prevention, protection and empowerment

Responses to violence are more effective and sustainable when they are planned and delivered through a continuum of services

Continuity means essentially three things:

- ▶ A **holistic approach** that promotes children's right to be safe in relation to all the other rights afforded under the Convention in order to reduce risks and strengthen the resiliency and resources of children and families;
- ▶ An **inclusive approach** that targets a broad group of child victims, children at risk and particularly vulnerable groups and fosters social inclusion;
- ▶ A longer-term **continuity of care approach** that follows-up child victims and children at risk to support their recovery and rehabilitation and prevent further harm.

Continuum of services for prevention, protection and empowerment

- ▶ **Protect children from violence in any form**
- ▶ **Development of individual care plans towards durable solutions**
- ▶ **Strengthening proactive and preventive approaches in child protection**

Continuum of services for prevention, protection and empowerment

- ▶ **Protect children from violence in any form**
 - ▶ **Identify & recognise experience of violence, exploitation, abuse, neglect**
 - ▶ **Status as victim / role of official identification ?**
 - ▶ **Treatment and support for rehabilitation and sustainable / durable solution**
 - ▶ **Justice**
- ▶ **Development of individual care plans towards durable solutions**
- ▶ **Strengthening proactive and preventive approaches in child protection**

Continuum of services for prevention, protection and empowerment

- ▶ Protect children from violence in any form
- ▶ Development of individual care plans towards durable solutions
 - ▶ Life projects and longer-term perspectives beyond 18
 - ▶ Support children's development in a holistic way
 - ▶ Documentation and transparency
 - ▶ Periodic review and adjustment
- ▶ Strengthening proactive and preventive approaches in child protection

Continuum of services for prevention, protection and empowerment

- ▶ **Protect children from violence in any form**
- ▶ **Development of individual care plans towards durable solutions**
- ▶ **Strengthening proactive and preventive approaches in child protection**
 - ▶ **Availability and accessibility of quality services, including at low-threshold**
 - ▶ **Early interventions**
 - ▶ **Enable children to contact social services independently**
 - ▶ **Effective local networks of care, protection and referral**
 - ▶ **Stronger integration of services**
 - ▶ **Investing in assets, resources and resiliency**
 - ▶ **Effective and longer-term follow-up services**
 - ▶ **Strengthen secondary and tertiary prevention**

Safeguarding children on the move in care

- ▶ Key principles:
 - ▶ **Non-discrimination (CRC art. 2)**
 - ▶ **Best interests determination (CRC art. 3)**
 - ▶ **Right to life, survival and development (CRC art. 6)**
 - ▶ **Views of the child (CRC art. 12)**
 - ▶ **Equity of care**
 - ▶ **Continuity of care (incl. transnational)**
 - ▶ **Permanency and stability of relations with caregivers, staff and peers**
 - ▶ **Contact with family of origin (if and as appropriate)**
 - ▶ **Supporting family reunification wherever in the best interests of the child**
 - ▶ **Applying after care and youth policies to children on the moving who turn 18 years old**
 - ▶ **Support transition into adulthood and independence**
- ▶ Reporting and complaints mechanisms with prompt follow-up
- ▶ Inspections, monitoring, evaluation
 - ▶ Including participatory and child-led monitoring and evaluation

Conclusions

- ▶ High quality services for children is more than the sum of relevant laws, guidelines and recommendations
- ▶ Holistic vision of the child as a person, a citizen and rights-holder
- ▶ Need to innovate transnational communication and cooperation
- ▶ Capability of public administrations to embrace and implement this vision in practice
 - ▶ Connect sectors and systems, nationally and transnationally
 - ▶ From a tick-the-box attitude towards true commitment for change
 - ▶ Invest in the resources that children offer
 - ▶ Integrated services and multi-disciplinary cooperation
 - ▶ **From sector-specific policies towards a more systemic approach for the implementation of the CRC**



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