

# UN Resolution ‘Promotion and Protection of the Rights of Children’

Dr Chrissie Gale

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Child Consulting Ltd



# UN Resolution 'Promotion and Protection of the Rights of Children'

- The content of the Resolution
- Why the Resolution is important to children without parental care and those at risk of being so

# The UN Resolution

30<sup>th</sup> Anniversary of the adoption of the Convention on the Rights of the Child (CRC)

The UN Resolution - 'Promotion and protection of the rights of the child- (A/RES/74/133) - adopted by the United Nations General Assembly on 12th November 2019

Focus on children without parental care - and those at risk of being so



# The UN Resolution

*Reaffirms* many international treaties include the CRC (optional protocols) and the UN Guidelines for the Alternative Care of Children

*Reaffirms* the general principles of the CRC - including best interests of the child, non-discrimination, participation, survival and development

*Underscores* importance of the Sustainable Development Goal (SDG) agenda

# Roles and Responsibilities

**Family** - primary responsibility for the nurturing and protection of children - in the **best interests of the child** - for their full and harmonious development ...should grow up in a family environment and in an atmosphere of **happiness, love and understanding**

**States** - primary responsibility to respect, promote and protect all human rights and fundamental freedoms, including the rights of the child

**Recognizes** importance of international, regional and bilateral multi-stakeholder partnerships and initiatives

# State Protection

*Recalls* the CRC and recognizes that:

- a child temporarily or permanently deprived of his or her family environment - entitled to special protection and assistance provided by the State
- States parties should....ensure safe and appropriate **quality** alternative care

# The UN Resolution

Highlights **multiple and intersecting** vulnerabilities of children - including concerns related to:

- poverty
- violence
- social exclusion, stigma and discrimination
- children belonging to ethnic, religious and linguistic minorities and indigenous children
- migrant children, refugee or asylum-seeking children and internally displaced children,
- children with disabilities
- girls
- child headed households
- children with HIV/AIDS and other serious illnesses
- children in detention

# The UN Resolution

Also recognises impact of:

- humanitarian emergencies
- armed conflict
- natural disasters
- climate change
- and disease outbreaks, including the impact of the HIV and AIDS epidemic (the Resolution was issued a few weeks before the full onset of the COVID pandemic)



**ACTIONS**

# Child Protection

## 1. Strengthen efforts to prevent and protect children from all forms of violence

*Strongly condemns* all forms of violence against children in all settings including: (poly-victimisation)

- physical, psychological and sexual violence
- torture and other cruel, inhuman or degrading treatment,
- child abuse and exploitation
- domestic violence
- trafficking in or sale of children and their organs
- child prostitution/child pornography and other child sexual abuse material
- child sex tourism
- gang/ armed violence
- sexual exploitation of children online and offline
- bullying, including cyberbullying
- harmful practices, including FGM
- early and forced marriage

# Components of a Child Protection System

## 2. Strengthen the national child protection system

(alternative care is an integral component of a CP system)

- Normative framework – laws, policy, plans etc.
- Coordination and oversight on national system
- Data management information systems
- Structures/ resources/systems for system and social services delivery
- Sufficient and skilled multi-sector workforce
- Child protection case management tools and procedures
- Continuum of suitable care options
- Advocacy and awareness raising – attitudes and practices

# Necessity Principle

# Necessity Principle and Gatekeeping

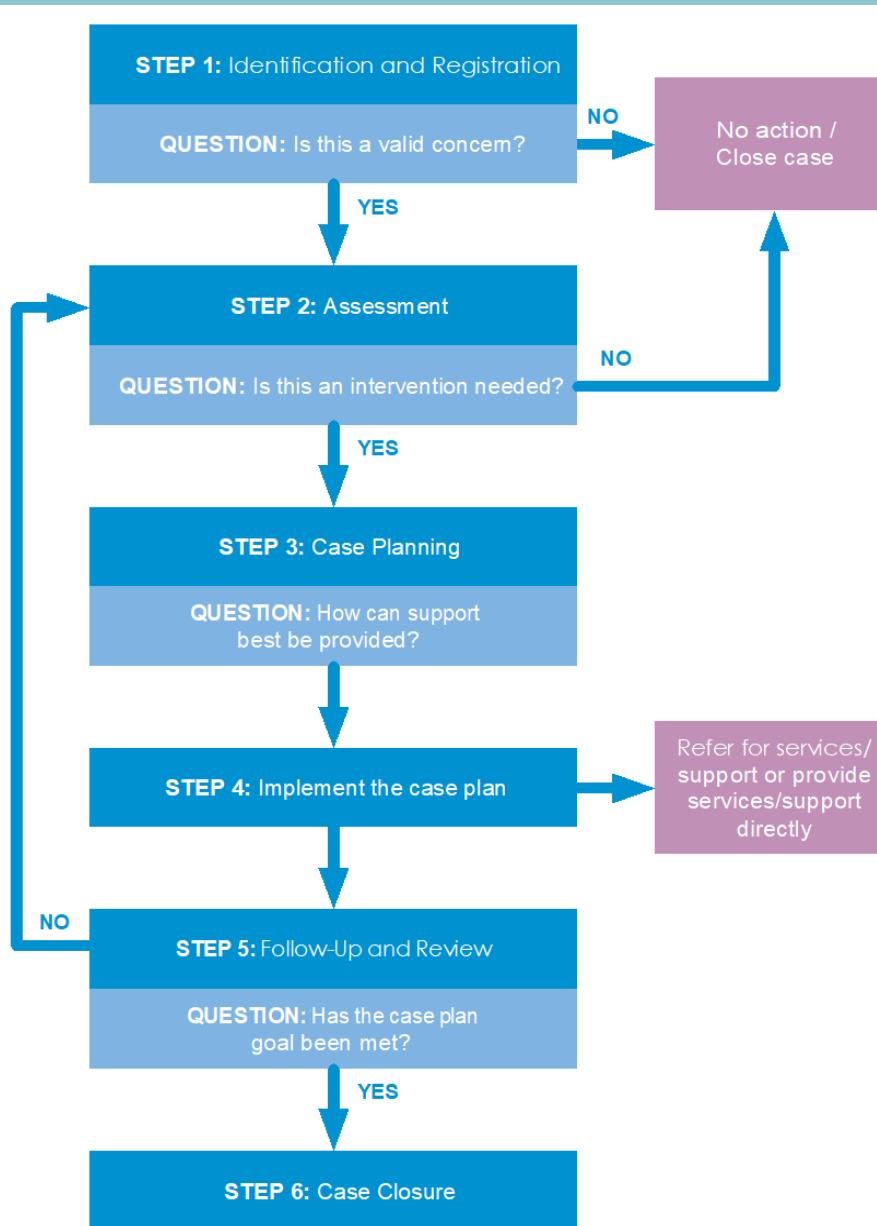
## 3. Strengthen child protection case management and gatekeeping

Gatekeeping –the ‘**necessity**’ and ‘**suitability**’ principles- rigorous and systematic procedures - alternative care only after consideration of the **best interests of the child**

All decisions - made on a case-by-case basis, by **suitably qualified professionals in a multidisciplinary team** - through a judicial, administrative or other adequate and recognized procedure, with legal safeguards

In all decision making – child’s individual circumstances, needs and wishes - **meaningful participation**

# Child Protection Case Management



# Alternative Care Reform

## 4. Improve alternative care reforms

**Prevent separation from parental/family care** - every effort should be directed to enabling children **to remain in** the care of their parents or, when appropriate, other close family members

Children shall not be separated from their parents against their will except when:

- **competent authorities** assess the situation
- **determine** if separation is necessary for the best interests of the child

Ensure removal of children from the care of their family is a **measure of last resort**

# Prevention of Separation and Gatekeeping

Recognising multidimensional aspects of poverty  
(stigma/discrimination/social exclusion)

Recognising that **financial and material poverty**, or conditions directly and uniquely imputable to such poverty, **should never be the only justification for:**

- removing a child from parental care
- receiving a child into alternative care
- preventing his or her reintegration

Note: we speak of 'orphanages' but approx. 95% of children are not orphans



# Prevention of Separation and Gatekeeping

Should be seen as a signal for the **need to provide appropriate support** to their family, benefiting the child directly:

- protect human rights of all family members
- access to inclusive and quality education
- access to health services and well-being for all
- equal access to economic resources/full and productive employment/livelihoods
- social security when necessary
- promote social cohesion
- support involved and positive/caring parenting
- provision of child care

# Prevention of Separation and Gatekeeping

Provide information, services and support to children with disabilities and their families - preventing concealment, abandonment, neglect, discrimination and segregation

Calls for special attention for migrant children, trafficked children, street associated children, children in detention - receive appropriate protection and assistance

# Prevention of Separation and Gatekeeping

Summary - ensure children are not being accepted into your alternative care programmes unless rigorous, multi-sector, participatory assessment to determine **necessity** - best interests/ protection concerns-

Children **should not be accepted** if they are safe living with their family - may need additional support – access to services. (Poverty does not automatically equate to neglect)

# Suitability Principle

# Suitability and Continuum of Quality Alternative care

Children receive the most 'suitable' (appropriate) care for their needs - child centred caring environment - focusses on optimum outcomes - secures positive results and sustainable solutions for children including their social, physical and emotional development and well-being



# Suitability and Continuum of Quality Alternative care

Provide range of quality alternative care options - within the wider family, and, failing that, **within the community** in a family setting, bearing in mind the best interests of the child - for emergency, short-term and if necessary long-term care



# Continuum of Suitable Alternative Care

Strengthen regulation, including registration + licensing + oversight/accountability mechanisms + regular monitoring/assessment of quality of care in **all settings**

Decisions of individual care regularly reviewed / quality of care and circumstances of child and family (Care Plans)

Protect the rights of children in alternative care - swift accountability for human rights violations - protection from all forms of violence/abuse in all care settings

Establish and develop safe, child-friendly, confidential/accessible/ effective reporting mechanisms

# Indicators of Suitable Alternative Care

- Small ratio of carers to children that best facilitates personal response to children's individual needs and circumstances – caring manner that allows for strong, caring/trusting relationships - protection



- Siblings are not separated



# Indicators of Suitable Alternative Care

- Children are not isolated - live amongst/actively engage with the community - able to interact freely/included in community activities
- Environment focusses on needs of children rather than strict regime concentrates on needs of staff/carers
- Prioritises child's relationships with family - facilitates continuity of these relationships unless harmful to a child



# Indicators of Suitable Alternative Care

- Respect for children's customs and values - unless these place them at harm
- Children's full and meaningful participation in decisions that affect their life
- Access to specialist services, especially health, psychosocial support, special education needs, legal procedures etc.

# Deinstitutionalisation

‘Progressively replacing institutionalization with quality alternative care, including, inter alia, **family and community-based care**’

# Family Reunification

*Recognizes* that many children living without parental care have families - at least one parent alive and/or relatives, - encourages actions to achieve **family reunification** - unless not in the best interests of the child

Every effort - directed to children **swift return**— inter-sectoral support

Return regularly reviewed – possible once causes of removal have been resolved - has best interests of the child as primary consideration and based on comprehensive assessment

# Ageing Out of Care

Ensure those leaving alternative care receive appropriate support

Preparing for transition to independent living, including support in gaining access to employment, education, training, housing and psychological support, social inclusion



Support rehabilitation with their families where that is in their best interest, and gaining access to after-care services consistent with the Guidelines for the Alternative Care of Children

# Adoption

All necessary measures are taken to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child

Support the national development of adoption services well-resourced - that take into account (also relevant for foster care):

- recruitment of adoptive parents
- legal process
- training
- matching, participation of children (and child's family if applicable)
- monitoring and support if required

# Capable Workforce and Training

Adequate and systematic training - encouraging States to take the Guidelines for the Alternative Care of Children into account for professional groups working with and for children including:

- specialized judges
- law enforcement officials
- lawyers
- social workers
- doctors
- care professionals
- health professionals
- teachers

# Participation

States should respect, protect and promote the right of girls and boys to express themselves freely, and their right to be heard, to ensure that their views are given due weight, in accordance with their age and maturity, in all matters affecting them



# Who is Responsible?

We all are - inter-sectoral responsibility

- Families
- Communities
- States
- UN bodies
- Donors – multi-lateral/bi-lateral/ NGOs/ individuals
- National and international NGOs/CBOs
- Faith-based organisations
- Private enterprises
- Volunteers

# Group Work

Please discuss and answer the following questions:

1. Which is the most important principle outlined in the UN Resolution - the 'necessity' principle or the 'suitability' principle - and why?
2. Which service provider do you think is the most important for the implementation of the UN resolution?

THANK YOU