

Workshop 7

Living in a society which respects their rights



The outcome

‘living in a society which respects their rights’

(Section 1 (2)(b) of the Children’s Services Co-operation Act (NI) 2015)

Relevant provisions of UNCRC

General measures:

Art 4: ‘States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States parties shall undertake such measures to the maximum extent of their available resources...’

Relevant provisions of UNCRC

General measures:

Art 42: 'States parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike

Art 44: *Reporting to UNCommRC ...* 'States parties shall make their reports widely available to the public in their own countries

Relevant provisions of UNCRC

General principles:

Article 2: Principle of non-discrimination

Article 3: Best interests of the child as a primary consideration in all actions concerning children

Article 6: Right to life, survival and development

Article 12: the child's right to express their views on matters affecting them, and for these views to be given due weight

General Comments

GC2: National HR Institutions for children

GC5: General measures of implementation

GC12: Right of the child to be heard.

Main areas:

1. Incorporation of UNCRC into legislation
2. National Action Plan for children
3. Coordination within government
4. Knowledge, awareness and training
5. Data collection and indicators
6. Budgeting for children
7. Cooperation with civil society
8. Independent HRI for children
9. Periodic examination by UN Comm RC
10. Participation of children

1. Incorporation of UNCRC into legislation

GC5: 'states parties need to ensure, by all appropriate means, that the provisions of the Convention are given legal effect within their domestic legal systems'...

'for rights to have meaning, effective remedies must be available to redress violations' ...

COs 2008: 'recommends that the State party continue to take measures to bring its legislation into line with the Convention.'

2. National Action Plan for children

GC5: It should:

- Be built on the framework of the Convention
- Take account of the concluding observations on the periodic reports
- Relate to the situation of all children
- Be developed through meaningful consultation, including with children – requiring child sensitive materials and processes
- Identify and give priority to marginalised and disadvantaged children and young people
- Be endorsed at the highest level of government, to provide authority

2. National Action Plan for children

GC5: It should (cont):

- Be linked to national planning and budgeting
- Not be ‘simply a list of good intentions’, but set real and achievable targets in relation to the full range of rights for children
- Be adequately resourced
- Be widely disseminated throughout Government and to the public, including children.
- Include arrangements for monitoring and continuous review, for regular updating and for periodic reports to parliament and to the public.

2. National Action Plan for children

COs 2008:

'State Party (should) adopt comprehensive plans of action for the implementation of the Convention in all parts of the State party... ensure adequate budget allocations and follow-up and evaluation mechanisms for the full implementation of the plans of action to regularly assess progress achieved and identify possible deficiencies, These plans should pay special attention to children belonging to the most vulnerable groups.'

3. Coordination within government

GC5: ‘coordination among central government departments, among different provinces and regions, between central and other levels of government and between Government and civil society.

Not prescriptive – a specific department or unit close to the heart of government (eg Cabinet office).

COs 2008: ‘ensure effective coordination of the implementation of the Convention throughout the state party, including locally, especially where local authorities have significant powers to determine their priorities and allocate budgets ... ensuring that each of the jurisdictions has a well resourced and functioning coordinating body ..’

4. Knowledge, awareness and training

GC5: ‘obligation to develop training and capacity building for all those involved in the implementation process .. And for all those working with and for children.

‘The purpose is to emphasise the child as a holder of human rights, to increase knowledge and understanding of the Convention and to encourage active respect for all its provisions.’

COs 2008: ‘further strengthen efforts to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike (..) including the Convention in the statutory national curriculum, and this it ensure that its principles and values are integrated into the structures and practice of all schools. (...) adequate and systematic training of all professional groups working for and with children

5. Data collection and indicators

GC5: ‘Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realisation of rights, is an essential part of implementation’ ... ‘qualitative as well as quantitative’.

‘..in many cases, only children themselves are in a position to indicate whether their rights are being fully recognised and realised. Interviewing children and using children as researchers...’

6. Budgeting for children

GC5: ‘no state can tell whether it is fulfilling children’s economic, social and cultural rights “to the maximum extent of ...available resources” as it is required to do under article 4, unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly.’

(New GC on public expenditure on children)

COs 2008: ‘allocate the maximum extent of available resources for the implementation of children’s rights ... special focus on eradicating poverty ... Child rights impact assessment should be regularly conducted to evaluate how the allocation of budget is proportionate to the realisation of policy developments and the implementation of legislation.’

7. Cooperation with civil society

GC5: ‘need to engage all sectors of society, including children themselves (in implementation)’... Parents, children, NGOs, media, professionals, communities

COs 2008: ‘encourage the action and systematic involvement of civil society, including NGOs and associations of children, in the promotion and implementation of children’s rights, including their participation in the planning stage of policies and cooperation projects, as well as in the follow up to the concluding observations of the Committee and in the preparation of the next periodic report.’

8. Independent HRI for children

GC2: 'The role of national human rights institutions is to monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights... It is essential that institutions remain entirely free to set their own agenda and determine their own activities.'

COs 2008: 'All four established Commissioners (should) be independent, in compliance with the Paris Principles and mandated, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights....should be equipped with the necessary human and financial resources in order to carry out their mandate...'

9. Periodic examination by UNCommRC

GC5: ‘The reporting process provides a unique form of international accountability for how states treat children and their rights. But unless reports are disseminated and constructively debated at the national level, the process is unlikely to have substantial impact on children’s lives.’

COs 2008: *‘recommends that the periodic reports ... written replies ... and related recommendations (concluding observations) be made widely available .. in order to generate debate and awareness of the Convention, its implementation and monitoring.’*

10. Participation of children

Article 12:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

10. Participation of children

GC12: The right of the child to be heard

- Considered in the interpretation and implementation of all other rights
- Distinction between the right to be heard of an individual child and the right to be heard as applied to a group of children

COs 2008: *'Promote, facilitate and implement ... within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child ... support forums for children's participation ... collaborate with civil society organisations to increasing opportunities for children's meaningful participation, including in the media*

Workshop questions

1. What are the issues affecting children generally that should be addressed under this outcome?
2. Are there specific issues affecting particular groups of children?
3. Where are the gaps in our knowledge?
4. What do children and young people think about this issue?
5. Who needs to be involved in addressing this outcome?
6. What other work is currently being taken forward in relation to this outcome?
7. Is it possible to focus down on a few initial priority areas for this outcome?

Main areas:

1. Incorporation of UNCRC into legislation
2. National Action Plan for children
3. Coordination within government
4. Knowledge, awareness and training re UNCRC
5. Data collection and analysis
6. Budgeting for children
7. Cooperation with civil society
8. Independent HRI for children
9. Participation of children
10. Best interests of children