

International Seminar Community of Practice

Children's Rights: Empowering Parents

Mairéad McCafferty
Chief Executive

LIFESTART
15 June 2016



Overview

1. NICCY Role & Remit
2. UN Convention on the Rights of the Child [UNCRC]
3. The Rights Based Approach: Empowering Parents
4. Concluding Observations & Recommendations 2016
5. NI Programme for Government
6. The Children's Services Co-operation Act &
7. The Children's & Young People's Strategy

NICCY's Role & Remit

Legislation:

'The Commissioner for Children and Young People (Northern Ireland) Order (2003)'. Our work is based on / to have regard to the UNCRC.

Mission

'To safeguard and promote the rights and best interests of children and young people'

[Art' 6 (1)]

Vision

'A society in NI where all Children and Young people flourish, are valued and their views are respected.'

NICCY Statutory Duties & Powers

Article 7 (2003 Order) outlines the duties of the Commissioner to:

- Promote an awareness and understanding of the rights and best interests of children and young persons;
- Keep under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children and young persons;
- Keep under review the adequacy and effectiveness of services provided for children and young persons by relevant authorities;
- Advise government and relevant authorities on matters concerning the rights or best interests of children and young persons;
- Communicate effectively with children and young persons and their parents and raise awareness of the function and location of the Commissioner and how they can contact her;
- Seek the views of children and young persons in exercising her functions;
- Make the services of the Commissioner available to children and young people in their local area.

NICCY Statutory Duties & Powers

Articles 8-15 outline the Commissioner's general powers to:

- Undertake, commission or provide financial or other assistance for, research or educational activities concerning the rights or best interests of children and young persons or the exercise of her functions;
- Issue guidance in relation to any matter concerning the rights or best interests of children or young persons;
- Conduct investigations as she considers necessary or expedient to meet her duties listed above;
- Compile information, provide advice and publish any matter (including research, educational activities, investigations and advice) concerning the rights and best interests of children and young persons;
- Make representations or recommendations to any body or person relating to the rights and best interests of children and young persons;
- Assist with complaints to relevant authorities;
- Bring, intervene in or assist in legal proceedings.

UN Convention on the Rights of the Child [UNCRC]

‘The most complete statement of children's rights ever produced and the most widely-ratified international human rights treaty in history setting out the civil, political, economic, social and cultural rights of every child.

NICCY's - 8 Objectives 2014-'17 Corporate Plan

Desired outcomes for Children and Young People: UNCRC principles 2, 3, 6 & 12 underpin all our work.

- Government will meet its obligations to undertake all the appropriate legislative, administrative and other measures for the implementation of the UNCRC (Article 4).
- Breaches or violations of children and young people's rights will be identified, challenged and resolution sought/achieved using the most appropriate of the range of legal powers vested in the Commissioner (NICCY Order 2003 / All relevant CRC articles).
- Key stakeholders will have an increased awareness of children and young people's rights, the UNCRC and the functions of the Commissioner (Articles 17, 42).
- All children and young people will enjoy a high quality education which develops their personality, talents and abilities to the full. (Articles 28, 29).
- All children and young people will enjoy the best possible health and will be protected from all forms of violence, abuse, neglect or mistreatment. (Articles 19, 24, 34).
- All Children and young people in conflict with the law will be treated with dignity and their rights respected. (Article 40).
- All Children and young people who are vulnerable due to poverty, family background, age, disability or other reasons will not experience discrimination, but enjoy their rights on an equal basis to other children (Article 2, 23).
- NICCY utilises Organisational resources – Human and Financial - effectively and efficiently to maximise overall Corporate Performance and Impact in pursuit of the rights and best Interests of children and young people (NICCY Order 2003 / Relevant Articles CRC).

The Rights Based Approach: Empowering Parents

‘The Convention sees the child as a subject.

(not an object of charity ... given support, not as a matter of right, but because people have felt pity for them. This is one of the attitudes that the Convention challenges’).

S/he has the right to schooling, health care and an adequate standard of living, as well as to be heard and have his or her views respected. This goes as much for the cute toddler as for the problematic teenager.’

*Thomas Hammarburg
November 2009*

The Rights Based Approach: Empowering Parents

- Empowering
- Accountability
- Non-discrimination and equality
- Participation
- Progressive realisation

The UNCRC and Parents

Preamble section of the UNCRC that provides the context to the rights contained in the Convention, reflects that of the UDHR, with additional statement:

‘Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding...’

The UNCRC and Parents

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

Art 5.

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

The UNCRC and Parents

Article 7

(1.) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

So it is clear from even this brief review of the UNCRC that the Convention recognises the important role of parents - and more broadly families and carers - in providing for children, and supporting them in raising their children.

UN Committee Examination of State Parties

UK State Party examination 23 & 24 May 2016

Concluding Observations & Recommendations

[Adopted by UN Committee [CRC] on 3 June 2016]

Published on 9 June 2016

Concluding Observations & Recommendations

UN Committee [CRC] 2016

Concluding Observations and Recommendations range from the

- General Measures of Implementation of the Convention*;
- General Principles 2,3,6, & 12;

across the various clusters of rights i.e.

- Civil rights and freedoms;
- Violence against children;
- Disability, basic health and welfare;
- Education, leisure and cultural activities;
- Special protection measures;
- Family environment and alternative care; (ratifications / cooperation).

***Rec: That the UK State Party bring domestic legislation, at the national and devolved levels as well as in the Overseas Territories and the Crown Dependencies, in line with the Convention in order to ensure that the principles and provisions of the Convention are directly applicable and justiciable under domestic law’.**

The Children's Services Co-operation Act (2015)

- Outline purpose: improving the wellbeing of C&YP
- Defines well-being:
 - (a) physical and mental health;
 - (b) the enjoyment of play and leisure;
 - (c) learning and achievement;
 - (d) living in safety and with stability;
 - (e) economic and environmental well-being;
 - (f) the making by them of a positive contribution to society;
 - (g) living in a society which respects their rights;
 - (h) living in a society in which equality of opportunity and good relations are promoted between persons who share a relevant characteristic and persons who do not share that characteristic.

The Children's Services Co-operation Act CSCA

Requires:

- that, when determining the meaning of 'well-being', regard is given to relevant provisions of UNCRC;
- every children's authority to co-operate with other children's authorities and with children's services providers to contribute to the well-being of children;

The Children's & Young People's Strategy

The CSCA requires:

- publication of the **Children and Young Person's Strategy**

[i.e. the 'NI Executive Action Plan for C&YP' (GC no. 5)]

- outlining:

- actions to improve well-being of C&YP;
- monitoring and reporting on progress; and
- provides for the pooling of funds and sharing of staff, goods, services, accommodation or other resources.

NI Programme for Government [PfG 2016 - '21]

- Currently out for consultation 27 May 2016 – 22 July 2016
 - Outcomes based accountability focus
 - Includes:
 - 14 Outcomes
 - 42 Indicators
 - Action Plans to be developed by September 2016
 - Executive and Assembly approval processes - December 2016
- * Needs to articulate / reference the Children's and Young People's Strategy.**

NICCY's Work

- It is vital that parents are involved in the development and implementation of the children's strategy.
- The UNCRC is based on the understanding that parents are absolutely central to ensuring that children's rights are realised.
- NICCY will continue working with / gaining input from children and young people and parents to make sure that this new Executive meets its obligations to children and young people in Northern Ireland.

Current & Further Action:

- Advising Government on the CYP Strategy (CE is a member of the CYPS Project Board) – the Executive 'Action Plan' for Children [- GC No. 5] – and its obligations to deliver;
- Advising Government to include the CYPS within the PfG;
- Promoting 'rights based outcomes' as fundamental to making the difference necessary in the lives of our Children and Young People;
- Monitoring & challenging Govt and keeping under review the adequacy and effectiveness of law, practice and services – again in line with NICCY's legislative remit.

Children's Rights & Parents

“Parenting is the toughest job on earth as you are responsible for the physical, emotional & mental development of another human being.”

Remember: Accessing rights on behalf of your children is something you do every day!

Children's Rights & Parents

“There is no trust more sacred than the one (we) hold with (all) our children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace.”

Kofi Annan

7th UN Secretary-General

2001 Nobel Peace Prize Winner

2003 Sakharov Prize for Freedom of Thought



**Northern Ireland Commissioner
for Children and Young People**

