

WORKSHOP: ANNIVERSARY TRIFECTA

30th anniversary of the CRC + 10th anniversary of the UN Guidelines on the Alternative Care of Children¹ + 5th anniversary of Optional Protocol on the CRC on a communications procedure²

Room XXII, 15h30 – 17h45 (Part I: UN Guidelines, Part II: OPIC)
18 November 2019, Palais des Nations

Part I: UN Guidelines

Background UN Guidelines on the Alternative Care of Children

2019 is a special year for children with the 30th anniversary of the CRC and 10th anniversary of the UN Guidelines. Children in alternative care have double reasons for celebrations. Whilst much headway has been made to support the millions of children that directly benefit from the UN Guidelines' protections - preventing their unnecessary separation and providing suitable quality care - further progress is needed.

Poverty remains rife so that many children face daily obstacles in accessing basic services such as education, health and social services. Children continue to be unnecessarily deprived of their families related to social exclusion, stigma and discrimination among other things. These separation risk factors are even more acute for specific groups of children, including but not limited to those affected by emergency situations and children with disabilities. For example UNICEF notes that "in addition to medical, rehabilitation and other direct expenses, families also face opportunity costs, as parents and family members must often give up or limit their employment in order to care for children with disabilities."³ Such unnecessary separation likewise is more imminent when coupled with factors, including inadequate social protection measures, limited social service workforce, lack of robust data collection and restricted budget allocation – further progress is needed.

Moreover despite all efforts, children may enter in alternative care and in such cases, the UN Guidelines remind States of their obligations to provide quality alternative care options for children. Noting the unanimous agreement about benefits of family based care and the regrettable over-reliance on large scale residential care, there is a need to end child institutionalisation in all placements. Further progress is needed.

Importantly, children must be provided the genuine opportunity to become fundamental agents in care reforms. It is not only children's experiences we can learn from, but their actual viewpoint and vision for a better alternative care system – further progress is needed.

Methodology

A number of international organisations and independent experts will work together with children, governments, civil society and faith based actors etc. to identify a number of short presentations/videos to present a key message as part of five themes. At the end of the presentations/brief videos there will be a question directed at the audience. Children and young people will be able to provide their input through presentations/videos or be part of moderating. There will be flip charts in the room for the five themes where the different responses from the audience will be noted. The idea will be that the ideas will feed into possible recommendations that can feed into the discussions on the third day, 20 November 2019 and eventually help with the preparation of the CRC Committee's Day of General Discussion on Children without parental care in 2020.

¹ Organised by International Social Service with ATD 4th World, Better Care Network, Save the Children, SOS Children's Villages International, and independent experts notably, Nigel Cantwell, Chrissie Gale and Maria Herczog

² Organised by Child Rights Connect with XXX

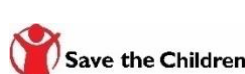
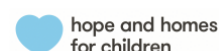
³ <https://www.unicef.org/pacificislands/UNI138269.pdf>

Objectives of the workshop

- Highlight areas for celebration and where progress has been made for children and their families
- Pinpoint where further progress is needed and should be prioritized
- Identify opportunities for synergies to build on progress and respond to ongoing shortfalls

Interactive presentations (2-3 minutes presentation with an open question at the end)

Theme 1: Recognize and prioritize the role of families		
Moderator Mia Dambach	A message from young mothers about keeping children out of care - UK	Amanda Button, ATD Fourth World
	Preventing and responding to child abandonment in hospitals- Learning from Angkor Hospital for Children social workers- Cambodia (video)	BCN
Theme 2: Protect children without parental care and ensure high-quality, appropriate alternative care		
Moderator Mia Dambach	Working with children with disabilities to set up foster carers - Burkina Faso	Marie Jenny, ISS
	Supporting informal kinship carers - Colombia (video prepared by young people)	Taller de Vida, Family for Every Child
Theme 3: Transitioning from institutional care		
	Care reforms underway - Paraguay- tbc (video back up)	Alejandra Rodriguez, Enfoque Ninez, Family for Every Child
Moderator Mia Dambach	Engaging residential care providers in transitioning – Kenya (video)	Child in Family Focus Kenya/ BCN
	From care leaver to orphanage director to transforming children's care- Anu's story- India (video)	Vanitashray
Theme 4: Ensure adequate financial and human resources, Improve data collection and regular reporting		
Moderator Mia Dambach	Childnomics - international	Maria Herczog, Eurochild
	Measuring progress in implementation of the Guidelines- Costa Rica's use of the Tracking Progress Tool (video)	SOS Children's Villages, Costa Rica
Theme 5: Ensure full participation of children without parental or family care		
Moderator Yevheniia Yershova	Role of young people in pushing reforms for de-institutionalisation and the difficulties of doing so in armed conflict situations – Ukraine	Yevheniia Yershova, SOS Children's Villages
	Careleaver's experience - Turkey	Bayram TUNÇBİLEK, Hayat Sende Derneği
	What do children want from workers – based on MOOC alternative care	Chrissie Gale, International child protection consultant
Summary and moving forward: Nigel Cantwell, International Child Protection Consultant		



For Part II please read below

Part II: The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC)

The UN Committee on the Rights of the Child (Committee) has referred to the Guidelines on Alternative care in the inquiry it conducted under the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC) concerning Chile. Indeed, the Committee read the articles of the Convention in light of the Guidelines to analyse if grave and systematic violations were occurring in Chile concerning children under residential care. Further, in the [report](#) of the inquiry, published in June 2018, the Committee specified a set of concrete obligations for States in the context of residential care, incorporating the standards on alternative care for children, developed by the UN General Assembly.

What exactly is the inquiry procedure under the OPIC? What is the OPIC?

The OPIC sets out an individual and inter-states complaints procedure, as well as an inquiry procedure for child rights violations. It allows children from States parties to the Protocol to bring complaints about violations of their rights directly to the Committee. Inquiry requests can also be made for the Committee to investigate grave or systematic violations of children's rights.

The recognition that children have the right to appeal to an international mechanism specific to them is also the ultimate example of putting children's right-to-be-heard and participate into practice. In other words, through this new treaty, the international community has put children's rights on an equal footing with other human rights and allowed for more accountability of States.

The OPIC is, first and foremost, a unique tool that States should use to strengthen their legal systems for the protection of child rights. Positive examples of the progress possible thanks to the implementation of the OPIC already exists. However, the potential of the Protocol to trigger broader change in national legislation and systems for remedies can only be achieved if more States ratify it to make this mechanism accessible to children on a broader global scale, if this instrument is known and strategically used by both children and adults, and if States implement the Committee's Views and recommendations.

In April 2019, commemorating the 5th anniversary of the OPIC, Child Rights Connect⁴ together with the Office of the Special Representative of the Secretary-General on Violence Against Children as well as the UN Committee on the Rights of the Child and OHCHR, hosted a Roundtable Discussion in Geneva to discuss ratification experiences of the OPIC as well as the national implementation of this instrument. The Roundtable was attended by a wide range of stakeholders including many States, children's ombudsmen, the Inter-Parliamentary Union, members of civil society and Academia. The event's findings were rather revealing, and we've captured them in a concise [report](#). One of the major findings was the fact that the OPIC is largely unknown or misunderstood by many States, civil society and children themselves. This doesn't help in the ratification campaign of the instrument. So far 46 States have ratified it. This is 20% of the countries which have ratified the Convention on the Rights of the Child. Further, if the OPIC is unknown or not fully understood by children, this also makes the instrument less accessible to them.

⁴ Child Rights Connect has played a leading role in the drafting, adoption and supporting the ratification of OPIC. It led and coordinated the NGOs international campaign for drafting and adoption of the optional protocol, and in 2012 founded the Ratify OP3 CRC – the International Coalition for the OP3 CRC on a Communications Procedure- to mobilise the world to advocate for the ratification of this new treaty. The work of the Ratify OP3 CRC Coalition has now been integrated into the core work of Child Rights Connect and the Coalition has been dissolved.

What are the challenges with regards of OPIC ratification and national implementation? How can they be overcome?

Purpose of the presentation

On the occasion of the 5th anniversary of the entry into force of OPIC and the 30th anniversary of the UNCRC, Child Rights Connect, wishes to **reinforce States' commitments to OPIC**, to provide an overview of the instrument **highlighting opportunities for its strategic use by children human rights defenders**, as well as **increase the general understanding of the added value** that OPIC brings to the realisation of children's rights . The event will highlight that children's rights can only be realised if all of the child rights specific treaties (UNCRC and its three Optional Protocols) are ratified and implemented.

Proposed agenda

Moderated by Olivia Solari Yrigoyen, Legal Officer at Child Rights Connect

<ul style="list-style-type: none">• Opening remarks• A case for the ratification of the OPIC• Overview of the Inquiry procedure and Chile's case study• Overview of the Individual communications procedure and the CRC jurisprudence• Experiences and challenges in the ratification & national implementation of the OPIC	<ul style="list-style-type: none">• Igor Kucer - Minister Counsellor & Deputy Permanent Representative of the Permanent mission of Slovakia to the UN• Anna and Sena – Amnesty International UK Children's Human Rights Network• Orest Nowosad - Chief of the Groups in Focus Section of the Human Rights Council and Treaty Mechanism Division, OHCHR• Ann Skelton - member of the Committee on the Rights of the Child• Olivia Solari Yrigoyen - Legal Officer, Child Rights Connect
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