

Why engaging on children's rights internationally matters at the local level: 2021 Days of General Discussion on Children's Rights and Alternative Care

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Abstract

With the forthcoming Days of General Discussion (DGD) on the Rights of the Child scheduled to take place in September 2021 to consider children's rights and alternative care, this article reflects on the opportunities provided by this initiative to engage with the UN Committee on the Rights of the Child as a global community. Looking at the role of the Committee and considering all the progress and achievement that has been possible since the 2005 Day of General Discussion, the article explains the purpose and ambition of the 2021 DGD, and makes the case for active participation and involvement in international policy and legal work in order to support the work at the local level, and in countries and communities around the world.

Keywords

Children's rights, human rights, UN Committee on the rights of the child, alternative care, quality care, prevention

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Introduction

The UN Nations Committee on the Rights of the Child — the body of eighteen independent child rights experts tasked with monitoring implementation of the Convention on the Rights of the Child (the CRC) and its 'Optional Protocols' by its State Parties — will hold 'Days of General Discussion' (DGD) in September 2021.

State Parties are all the countries that have signed and ratified the UN Convention on the Rights of the Child — currently the entire global community except from the United States — and have therefore made a commitment to protect and promote children's rights, for ALL children. This is a tremendous achievement, and one that requires ongoing commitment, dedication and perseverance from Governments at all levels, organisations working with and for children, and each and every one of us, if we really want all children, everywhere, to enjoy their rights.

The primary way in which the Committee carries out its monitoring role is through a process of reporting and dialogue with State Parties, which allows for assessing progress in each country and providing tailored recommendations. While Governments are the main interlocutors in this process, there is also scope for children and civil society organisations to contribute by providing information so that the Committee can gain a rounded understanding of the state of children's rights in any given country.

There are other tools and activities at the disposal of the Committee for the fulfilment of its role, which includes explaining the rights contained in the Convention and the Optional Protocols, and providing guidance on particular issues. This is exactly where the DGD fit — they are opportunities to foster a deeper understanding on specific issues or aspects of the CRC, and this year, the focus will be on Children's Rights and Alternative Care.

Originally scheduled to take place in September 2020 but postponed due to the COVID-19 pandemic, the DGD will be held online on 16th and 17th September

2021, over two half days, to enable participation from people and organisations from across the globe.

Why do we need to focus on the rights of children in alternative care?

The overall purpose of the DGD is to examine the current situation regarding alternative care worldwide, to identify and discuss particular areas of concern with regard to the unnecessary separation of children from their families, and to identify appropriate ways to respond to family and child separation in cases where it is unavoidable.

The specific objectives include acknowledging the harms that care can cause and the abuse of some children in care and exploring measures that can be taken to ensure prevention, intervention and access to justice, accountability and suitable reparation. Additionally, the DGD will provide an opportunity to explore efforts towards the development or strengthening of child protection and alternative care systems, grounded in a multi-sectoral approach; and encouraging rigorous research to identify the outcomes and impacts of alternative care provision in different settings, and follow-up mechanisms for children leaving care.

This will not be the first time that a DGD is dedicated to the rights of children who are in or at the edges of care. In 2005, the focus was on children without parental care, a topic that was chosen by the Committee because of growing concerns about the rights of children who were growing up without the primary protection of their parents or caregivers. These concerns were rooted in the large numbers of children across the world who were coming into care, the quality and conditions of alternative care provided, and the low priority afforded to responding appropriately to these children. All this had transpired through the Committee's monitoring work on the implementation of the Convention.

A lot of progress has happened in the intervening years, building on the outcomes of that DGD, when the Committee recommended the development and adoption of 'a set of international standards for the protection and alternative care of children without parental care' (Committee on the Rights of the Child,

2006). This was based on the written contributions that had been submitted in preparation for the DGD, and on the discussions that took place. The United Nations Guidelines for the Alternative Care of Children were developed and subsequently welcomed by the UN General Assembly, unanimously, in 2009. Their drafting, and development, was possible because of a concerted effort made by Governmental and Non-Governmental actors alike — and their implementation is also dependent on all relevant stakeholders working together. Several tools were created to promote awareness, understanding and use of these Guidelines: 'Moving Forward: Implementing the Guidelines for the Alternative Care of Children', a manual offering practical guidance as well as promising practice examples from across the world; 'Getting Care Right for All Children', a massive open online course (MOOC) aimed at policy makers, practitioners, and all those involved in providing services around children's care; 'Tracking Progress', an online tool to support those involved in strengthening care systems in measuring progress in the implementation of the Guidelines in their countries; and the 'Alternative Care in Emergencies Toolkit'.

The aspiration of the 2021 Days of General Discussion

In spite of all these developments, more remains to be done to ensure that all children without, or at risk of losing, parental care can have their rights respected and actively promoted. Child protection and care systems need strengthening, and forms of unsuitable alternative care must be phased out. This year, there is the intention to recognise the impact of the Covid-19 pandemic and lockdown measures that were adopted, to ensure we learn from experience and build better, and more resilient, systems of care. There is also an ambition to focus on addressing the needs and rights of children who are separated, unaccompanied, or without care; and to discuss access to justice and accountability for children, their families, and adults who grew up in care. Finally, there is the motivation to consider how to strengthen families and communities to avoid all unnecessary separation, how to deliver quality, appropriate care services and to transform systems towards family and community-based care.

The ambition of those working to prepare and organise the DGD is to make it a forward-looking and solutions-oriented one. And also, most important of all, to ensure that it is fully participatory, and a platform for all those with lived experience, or direct experience of working in child protection and alternative care systems, to participate and share information, from as many different regions and contexts as possible. This is what will allow us all to share and learn and consider solutions that can deliver the change that is needed. This commitment is already reflected in all the preparatory work.

The UN Committee on the Rights of the Child has received many submissions through its open call, and high numbers of children and young people have engaged through a global consultation. All of this information will be read and analysed, and will form the basis of the proceedings during the DGD itself. Active participation will continue to ensure that the focus is where it needs to be, and that DGD outcomes will help us, as a global community, to continue to make progress. As the 2005 Day of General Discussion demonstrates, this activity can lead to much learning and progress, and to the development of tools that can be used by Governments and authorities at all levels, and also by civil society, service providers, and NGOs. The work of international bodies can feel very remote for individuals, or those working at the local level. Ultimately, the aim is really to understand what happens at the grassroots, and to facilitate positive change and advances locally — wherever that may be. This can only happen if we all play our part. Indeed, international standards and guidance are useful in promoting positive change on the ground if relevant stakeholders know them and use them, for example, to develop and promote better services and systems, or to hold authorities to account. Though they are great accomplishments in themselves, it can be more helpful to think of them as tools that we can use to make progress on the ground, in our communities in countries all over the world.

So, let's engage, participate and share — so we can all move forward together.

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Miriana Giraldi is International Associate at CELCIS and has a background in European and international policy. She is interested in strengthening the evidence base to inform policy and practice.