

Introductory Workshop

14th September 2020

Human Rights Treaties

- ▶ Legally binding treaties negotiated and adopted by States
- ▶ Obligations undertaken voluntarily by States
- ▶ Once ratified/acceded to, treaty obligations are not optional: legally binding obligations
- ▶ Obligations entail a threefold responsibility to:
 - ▶ **Respect** (Refrain from violating a right...)
 - ▶ **Protect** (Prevent violations of a right...)
 - ▶ **Fulfil** (Take measures to ensure the realization of a right...)

Convention on the Rights of the Child

- International treaty drafted by UN Member States
- Adopted by the UN General Assembly in 1989
- Entered into force in 1990
- Currently has 196 States Parties
 - Ratified by all UN Member States except the USA
 - Extended to Jersey in 2014
- Three Optional Protocols added later
 - Separate legal instruments to complement CRC, which need to be ratified separately

Optional Protocols to the CRC

Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)

- ▶ Addresses issue of age of recruitment into armed forces and groups
- ▶ Ratified by 168 States

Optional Protocol on Sale of Children, Child Prostitution & Child Pornography (OPSC)

- ▶ Sets out requirements to end sale of children, child prostitution & child pornography
- ▶ Ratified by 176 States

Optional Protocol on a Communications Procedure (OPIC)

- ▶ Sets out no new rights, procedural mechanism
- ▶ Enables the Committee to receive and review allegations of violations of the CRC or OPs, and conduct enquiries into allegations of grave and systematic violations of children's rights in countries that have ratified
- ▶ Ratified by 45 States

The UNCRC

- ▶ The UNCRC has a range of rights protections, with 54 articles and over 40 substantive rights
- ▶ These encompass rights to education, health, play, an identity, an adequate standard of living and the duty on states to support families in securing these rights
- ▶ The rights are interdependent and inter-related
- ▶ There are also 4 rights which have emerged as the 'general principles' they help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children.

General Principles

1. Non-discrimination (article 2)
2. Best interest of the child (article 3)
3. Right to life survival and development (article 6)
4. Right to be heard (article 12)

What does the CRC mean for Jersey?

- ▶ Now that Jersey has signed up to the CRC, the government has the duty to 'respect' and 'ensure' all rights set forth in the Convention to each child within their jurisdiction. (Article 2)
- ▶ They must undertake "all appropriate legislative, administrative and other measures" for the implementation of the rights recognised in the CRC. (Article 4)
- ▶ The CRC also states, the government shall undertake such measures to implement that economic, social and cultural rights e.g. right to adequate standard of living to the maximum extent of their available resources. (Article 4)

Article 4 - Measure of Implementation

- ▶ There is no set way that the CRC has to be implemented. For some countries, once the State has signed a Treaty it is automatically a part of the law.
- ▶ In Jersey, it is not part of the domestic law, and more action would have to be taken e.g. the Human Rights (Jersey) Law brought in protections from the European Convention on Human Rights
- ▶ The Government of Jersey consulted on a Due Regard model, bringing in a duty to have due regard to the rights in the Convention
- ▶ In Scotland, there is a law going through the Scottish Parliament to bring in the text of the Convention and its protections into Scots law.
- ▶ The UN Committee on the Rights of the Child has developed certain implementation standards.

Translating the CRC commitments into practice

1. Legislation must be compatible with the CRC
2. Develop process of assessing impact of laws/policies
3. Developing a national strategy for children
4. Ensuring adequate resources allocations
5. Permanent mechanisms in government for monitoring and evaluation
6. Training, education & capacity building
7. Cooperation/coordination with civil society
8. Appropriate indicators and sufficient data collection
9. Statutory independent children's rights institutions

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Questions?

The Committee on the Rights of the Child



Monitor the implementation of the CRC



Highest authority for interpreting the CRC



18 independent experts who are elected for four year terms by States Parties.



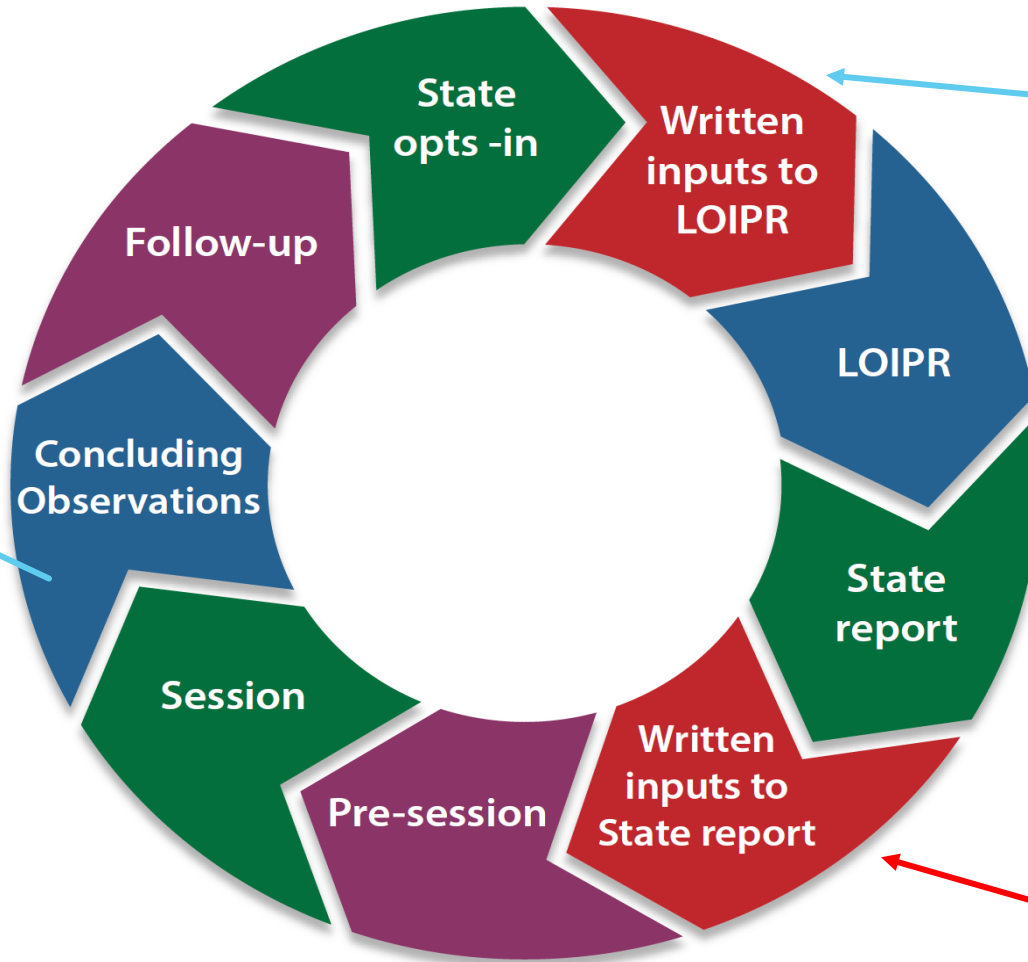
Meet 3 times a year for 4 weeks

Monitoring Implementation

- ▶ The Committee review the implementation of the UNCRC through a reporting cycle which lasts about 5 years
- ▶ During each cycle, States submit written information to the Committee on how they meet children's rights obligations in their countries. This information is included in the State report.
- ▶ The first stage of the cycle is the List of Issues Prior to Reporting (LOIPR). The Commissioner is submitting a report on key issues in Jersey, which is capped at 10,000 words.
- ▶ Based on the inputs they receive, the Committee will then come up with a List of Issues Prior to Reporting, meaning that they ask the State to report on a number of areas. The State then has to report back on these areas within around 12 months.

The Simplified Reporting Cycle

The Committee's report on progress achieved, the Committee's main concerns and recommendation to improve implementation of the CRC



Emerging trends and key issues and suggested questions for the list of issues (LOIPR). Short and less detailed. 10,000 words

- Commenting on the State Report and any updates since LOIPR submission.
- This is the more comprehensive alternative report.
- 20,000 words

Image – Child Rights Connect

Key Dates

- ▶ 1st November 2020 – report on the List of Issues Prior to Reporting due
- ▶ February 2021 - The LOIPR will be sent to GOJ by the UNCRC Committee
- ▶ 15 February 2022 - GOJ must respond to list of issues (LOIPR) in a state party report max 21,200 words
- ▶ 1st April 2022 - Children's Commissioner and civil society can provide a report commenting on Govt response to the LOIPR, and provide an alternative view.
- ▶ May 2022 – pre-session with the UN Committee
- ▶ May 2022 – Jersey elections
- ▶ September 2022 – session with GOJ and Committee
- ▶ October 2022 – concluding observations published

List of Issues

- ▶ We can submit up to 30 questions to the Committee to inform what they ask the government
- ▶ These can be on a range of areas, including education, rest and leisure; basic health and welfare; violence against children; family environment and alternative care; general measures of implementation; civil rights and freedoms; special protection measures and general principles.
- ▶ We are holding a number of workshops throughout this week to hear different views on key issues and emerging trends in education, health, alternative care, poverty, protection from violence and play, rest and leisure.