

Capacity Building Training Session on the Rights of the Child_07/06/2017

European Parliament, Brussels



KEY POINTS DISCUSSED AND MAIN LESSONS LEARNED¹

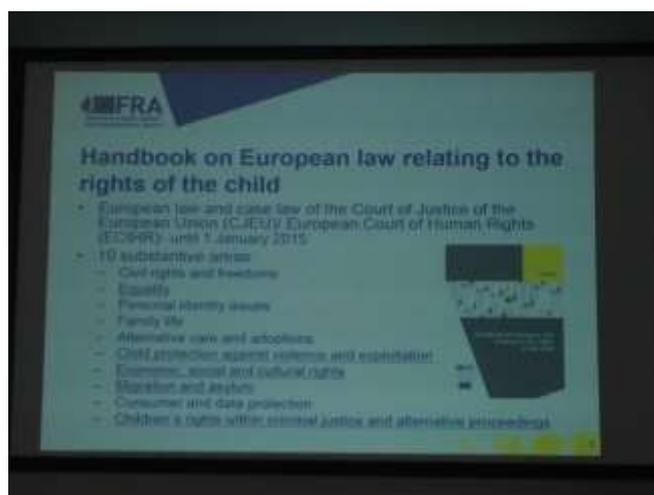
1. General learnings on Child's Rights Perspective

- UN and EU laws: A wide range of EU laws guarantee the child's rights perspective approach on the issues that affect them. However the United Nations Convention on the Rights of the Child (UN_CRC) ratified by all EU Member's States and the European Union Charter on Human Rights (EUCHR Chart – Specifically on in its Article 24) may be the strongest reference law frames to promote, protect and fulfill children's rights.

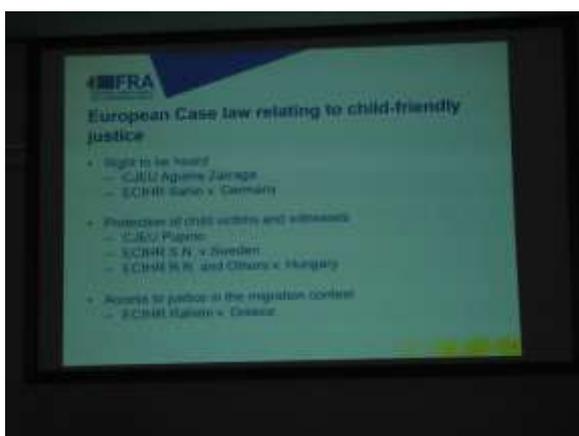


¹ From workshops 1: Children on the context of migration and 2: Access to Justice

Key Document: [Handbook on European law relating to the rights of the child](#)



- EU Jurisprudence: Aside, an important work has been done on EU Jurisprudence from the European Court of Human Rights (ECtHR), that gives multiple examples of the potential of rights perspective when law is applied to particular cases (european case law)

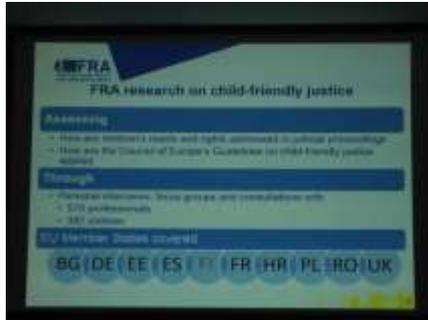


- 24/24 & 7/7 phone number support: Still, a big work is needed to be done among EU_MS to enhance rights perspective, using EU_laws as the main reasons to prevent children's rights violations and to promote child's participation. A diverse range of professionals must be trained on specific children's right issues and on children-friendly interventions. And children themselves must be better informed of their rights.



- Data and Research: The vast range of studies, data and findings and publications that EU Fundamental Rights Agency displayed along the training session, shows the importance of:

1) collecting evidence that shows that many children's rights are not guaranteed



2) complete evidence with concrete recommendations on which actions can be done at EU level and/or EU_Member States level (FRA_opinions) examples:



- The child's right to be heard (UN CRC Article 12): The guarantee of the child's rights to be heard and to participate needs to develop child-friendly frames of action. It is particularly critical in access to justice and the juvenile system. A great work has been done from FRA, involving professional and children's perspective as well as from IOJJ



2. Specific learnings on Child's focus:

- From FRA 2017 annual Report it can be affirmed that in present times fundamental rights surveillance should focus on:

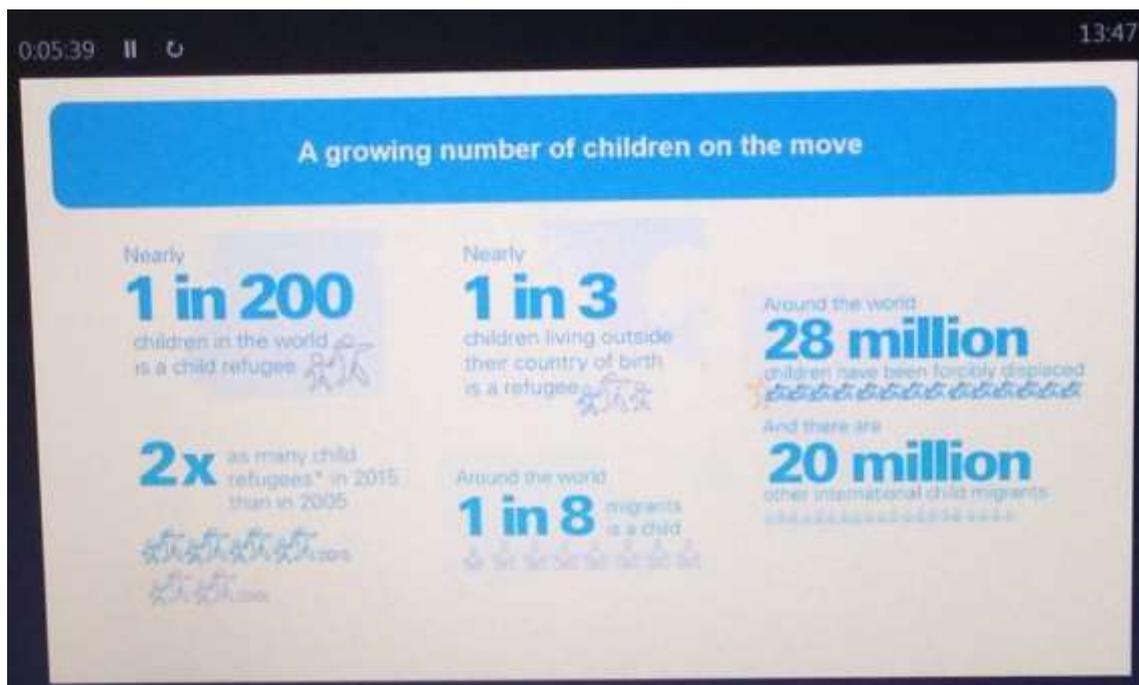
1. **Children in the context of migration and asylum-seeking**
2. **Children in the context of poverty**
3. **Children of minority groups that suffer from different types of discrimination. Specifically: disabled children, Roma Children and LGBTBI**

-On those areas, besides FRA's reports, external speakers have been invited to display their projects, data and recommendations

❖ Children in the context of migration and asylum-seeking

Main learnings on this issue:

Data: (UNICEF) Despite there's a growing number of children on the move, there's is much we don't know. Children on the move remain invisibles in the figures and in the investments.



Growing awareness: The awareness grows on the need to focus on children. Discussions on children and the need to prevent them to be separated from their families have raised. Before, there was only an interest on disappeared children.

*Recommended publication: [A child is a child](#) (UNICEF)

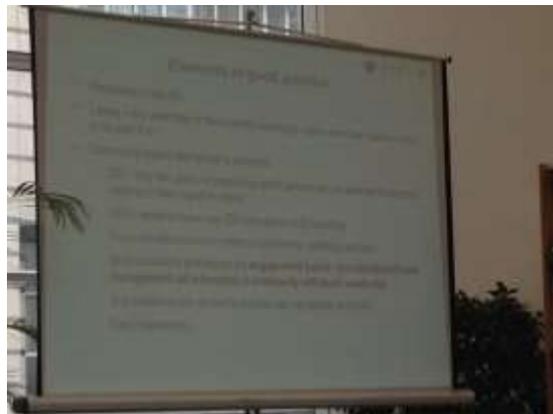
Common agreement on the limit of detention: (PICUM)

PICUM has led an important research on the impact of detention on children's health. The main conclusion is that detention is not necessary and it's always a right's violation. That's why detention should be the last resort, and not the widespread practice as it is at present.

They have made an interesting video on this issue: [A tale of two children](#)



It was interesting to notice the general accord among all invited organizations on the issue of child's detention. All agreed in that detention should be the last resort, and always exchanged by alternative measures:



“Most successful alternative measures are Community-based, providing tailored management of situations, were the basic needs of the child are met”

Agenda for action: 6 priority areas :(UNICEF)

1. Child protection: the moment they arrive: guardians + identify + trained professionals that attend them (no necessarily the Police...)
2. Detention is harmful and no effective to stop migration
3. Keep families together, that's fundamental right of families and children
4. stay in school or reach the school

5. Address the causes where they have place: child marriage, trafficking, violence
6. Climate change, hunger

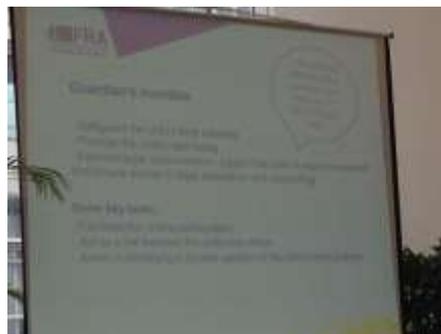
Misusing tools:

Of special interest was Missing Children Europe’s speaker (Federica Toscano) alerting on the risk at misusing mechanisms that have been first settled to protect children (data given to social services on the purpose to protect children) but that, in the present context of forced migration are at risk to be used to violate their rights (Shenghen Information System or EURODAC system) if they fall in hands of authorities that follow different purposes (i.e. police at borders).



Federica Toscano

The concept of Guardianship: (FRA) was also of big potential. It shows the very consequence of applying rights perspective: every child deserves a trained professional to accompany, translate, adapt, inform, hear within the appropriate conditions, protect and keep him/her safe whether a child crosses any type of difficulty.



❖ Access to Justice

Main learnings on this issue: In my opinion the work of FRA on this issue is of great value: Besides the theme of access to justice, their work (evidence based) has focused on a very crucial aspect of children fundamental rights: the right to be heard (UN_CRC, article 12)

The starting point of their research was the premise: “Access to justice is the prerequisite for children to fully enjoy their rights”.



FRA Speaker was: Astrid Podsiadlowski, Head of Sector Rights of the Child

The main learnings on this issue are mentioned on **pages 9 to 11** of this report regarding the need to standardize practices when dealing with children, the need to prepare the the child hearing in advance, concrete measures to guarantee/assess the hearing is child-friendly and the need of a point/support person when dealing with justice processes.

WHAT MAY I APPLY IN THE FUTURE IN THE FRAME OF THE INSTITUT INFANCIA I ADOLESCENCIA DE BARCELONA?

1. Better knowledge of EU frame and laws relating to children's rights

See "General learnings on Child's Rights Perspective" on [page 1](#) of this report.

Awareness of the potential of sharing EU law cases, as a way to promote, protect and fulfill children's rights: see examples on [page 2](#) of this report.

2. Sharing knowledge

First of all I wanted to point out that as Institut Infància i Adolescència de Barcelona is a public consortium attached to the Ajuntament de Barcelona, which means that its main goal of **generating knowledge on children and local policies** from the right's perspective, is narrowly attached to the goal of **sharing this knowledge and Institute recommendations to a wide diversity of municipality's areas and working groups**, as we think it's the best strategy to:

- Grow awareness on the need to focus on children, from the right's perspective. Many thing must be done by law prescription and not by the willingness of the authorities
- Nurture their views and policies sharing evidence on child's living conditions in the city of Barcelona. Research, data and information is a key starting point
- Pointing challenges and giving recommendations on how to apply specific measures that would better citizens under 18 years lives.

Therefore, what we first may apply from the capacity building session is to share the main contents, key publications and recommendations with the social affairs area in the municipality of Barcelona.

3. Signal the interest of municipalities of looking at EU's work on children's rights and the EU interest in sharing its data and recommendations to the local level.

The second aspect to point at is to show the interest of connecting EU frame with municipal frame as in the end, knowing that municipalities are limited by their given competencies, a lot of concepts*, recommendations*, publications*, data* can be applied in the local context.

On the other way around, I raised myself the question to the session's forum, that EU may take more interest in inviting municipalities in their forums and working groups, as the local level has a great potential in applying measures and recommendations. The Intergroup on Children's Rights European Parliament Emilio Puccio noted at some stage the importance of municipalities representation (Barcelona and Timisoara in that case, invited by Eurocities Network)

4. Exploring the potential of some concepts for child's rights fulfillment

The concept of Guardianship: with a concrete definition of it's mandate, tasks and principles for children deprived of parental care.



The need to standardize practices: the rise of concrete measures and guidelines on how the child is informed of his/her rights, heard and protected. If it is true that those measures have been concreted around the access to justice, **most of them are of value in other child's local attention contexts**. Moreover some of them apply to **professional behavior**, which is 100% locally relevant. Moreover professional training is not a financial issue, so much relevant at a local level.



The hearing must be prepared in advanced:



The slide features the FRA logo in the top left corner. The title is "The right of the child to be heard". Below the title, the text reads "Children should be prepared for the hearing. This includes:". A bulleted list follows, detailing various preparatory steps and safeguards.

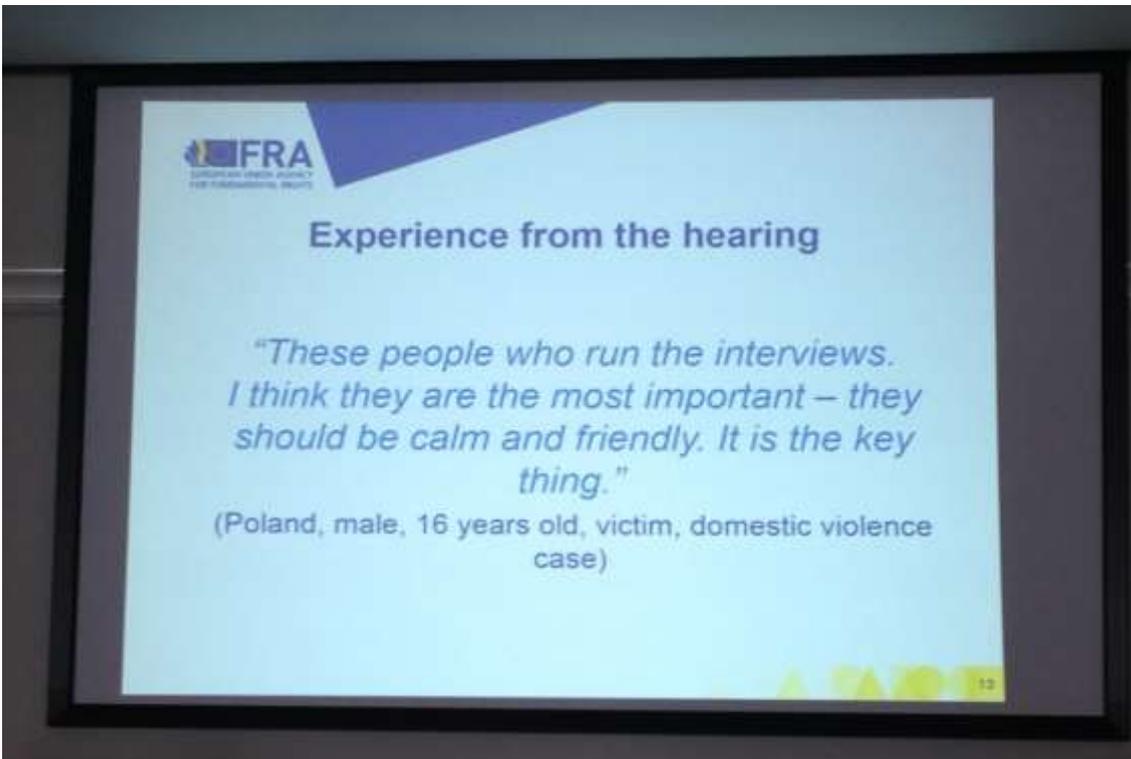
FRA
CHILDREN'S RIGHTS
FOR A BETTER WORLD

The right of the child to be heard

Children should be prepared for the hearing. This includes:

- Identification of specific needs
- Preparatory, child-friendly meetings and visits
- Information about location, timing, protective measures, who hears the child
- Trained professional hearing the child who uses
 - Language adapted to age and maturity
 - Appropriate questioning techniques
- Procedural safeguards in place

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The slide features the FRA logo in the top left corner. The title is "Experience from the hearing". Below the title, a quote is presented in italics, followed by the source information in parentheses.

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Experience from the hearing

"These people who run the interviews. I think they are the most important – they should be calm and friendly. It is the key thing."

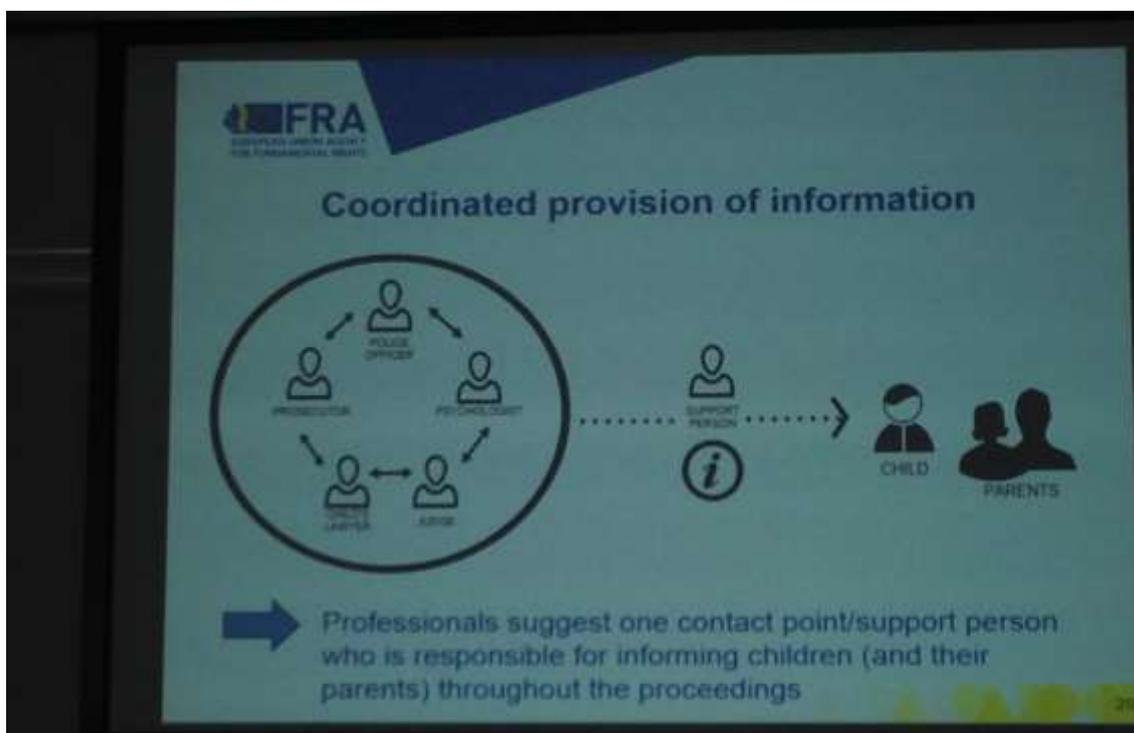
(Poland, male, 16 years old, victim, domestic violence case)

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Concrete measures to guarantee/assess the hearing is child-friendly:



A point/support person: responsible for informing children (I see here connections with the role of the guardianship)



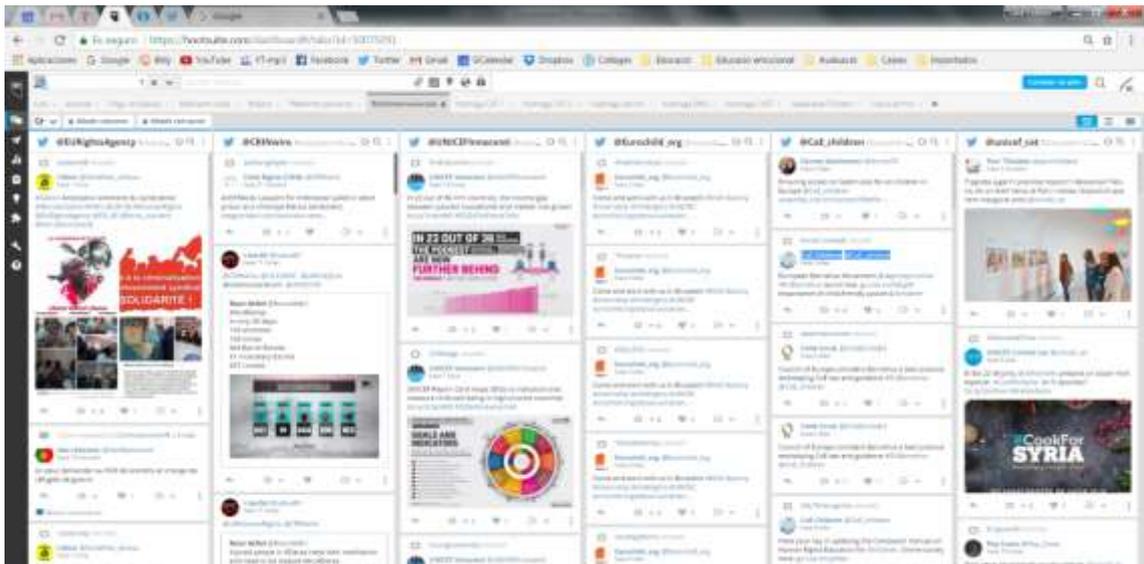
5. EU data bases, publications and recommendations

The capacity building session is the perfect context to know a wide range of accessible data sources: from surveys data, to publications and recommendations: [see page 3](#) of this report. Specially from the Fundamental Rights agency (FRA) but also from other NGOs with strong commitment with child's rights surveillance (PICUM, UNICEF, MissingChildrenEurope,..)

WAYS TO APPLY LESSONS LEARNED

The ways I shall apply lessons learned at Institut Infància i Adolescència de Barcelona:

- 1) I will present the report and the publications I brought with me with my Institute colleagues, in the next team meeting (we meet 1st Monday of every month to share our significant projects experiences)
- 2) I will write a post to publish it in our web's Blog on the Access to Justice Presentation (I offered various possibilities of post to my director and she estimated the Access to Justice one, was the most interesting for our audience. The post will be shared with the 4.750 newsletter's subscribers). For that post I have written Dr. Astrid Podsiadlowski, Head of the Rights of the Child at FRA, asking for the full presentation.
- 3) I will share with the Institute Head of Communication the possibility to select other resources I find interesting for our newsletter (i.e: PICUMS video on Child Detention, FRA's publications: [Handbook of European law relating to the rights of the child or Guardianship for Children](#))
- 4) We subscribed the Institut Infància I Adolescència de Barcelona the FRA's newsletter, in order to be able to better follow FRA's news and researches. We also selected FRA's twitter account as one of the favorites (together with Child Rights (CRIN)@CRINwire; UNICEF Innocenti@UNICEFInnocenti; Eurochild_org@Eurochild_org; CoE Children@CoE_children)



In the frame of the City Council of Barcelona:

- 1) I've send to the Social Rights Area the report and offered them the possibility to meet or present any of the report information/ideas. I had good feed-back both from Txema Castiella and Anna Rebés, members of the Social Rights Area of the Ajuntament de Barcelona.
- 2) I will contact again them when the "Access to Justice" post will be published, to insist on the possibilities of the FRA researches.
- 3) I have myself the chance to meet city council's working groups where I might find opportunities to share several of my learnings.