

Regional Discussion on Children's Rights and Alternative Care

Council of Europe's Contribution to the UNCRC Day of General Discussion 2021



1 June 2021

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Steering Committee for the Rights of the Child ([CDENF](#))

Regional Discussion on Children's Rights and Alternative Care

Council of Europe's Contribution to the UNCRC Day of General Discussion 2021

*Organised under the auspices of the
Hungarian Chairmanship of the Committee of Ministers*

When and where?

When: Tuesday, 1 June 2021 09:30-17:00 hrs (CET)

KUDO online platform: <https://vmeeting.coe.int/k8/241117521301/join>
(Please copy this link over to Google Chrome)

Working languages: English and French

Organised by: CDENF Secretariat

Any question to: children@coe.int

Background and Aim of the Regional Discussion

All children should live in a supportive, protective and caring environment that helps them develop their full potential. When a child's own family is unable, even with support, to provide adequate care for the child, the state is responsible for ensuring appropriate alternative care. An estimated 1.5 million children in the Council of Europe member states live in some form of alternative care. Children living in alternative care may be more at risk of having their human rights violated. If they are isolated from their families and communities, they may lack suitable care for their individual needs, suffer from unstable relationships and be at higher risk of falling victims to violence and abuse. Some groups of children, such as children with disabilities, as well as Roma and Traveller children, are at a particularly high risk of being placed in alternative care. Children that come into conflict with the law are also often placed in care institutions where they are deprived of their liberty.

The UN Committee on the Rights of the Child (UNCRC) is organising a [Day of General Discussion \(DGD\)](#) on the theme of "Children's Rights and Alternative Care" on 16-17 September 2021. The overall purpose of this day is to examine broadly the current situation regarding alternative care in its complexity, identify and discuss particular areas of concern with regard to the unnecessary separation of children from their families, and appropriate ways to respond to family and child separation in cases where it is unavoidable. The UNCRC encourages inputs to, and engagement with, the DGD at local, national and regional levels, in particular, in the form of local, national and regional discussions in the run-up to the DGD itself.

Within the framework of its mandate, including the task to ensure co-operation and synergies with relevant UN bodies, notably the UNCRC, the CDENF decided to contribute to the DGD in the form of a Regional Discussion on relevant themes identified in view of feeding into the DGD itself. Furthermore, the proceedings of this event will feed into the CDENF's ongoing work on the strategic objective of protecting the rights of children in the care system and supporting states in finding alternative, more home-like environments for children, and into the related work of its subordinate body, the Committee of experts on the rights and best interests of the child in parental separation and in care proceedings ([CJ/ENF-ISE](#)), which has been entrusted with the task of developing guidance on protecting the best interests of the child in care proceedings.

The main aims of the event are to identify human rights challenges arising in different alternative care-settings and to encourage an exchange between CDENF Delegations, Observers and other relevant stakeholders on how best to address some of the main challenges states are facing, taking into account examples of good practices and relevant standards, including the United Nations Convention on the Rights of the Child, the European Convention on Human Rights, the Convention on the Protection of Children against Child Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and more specific instruments, such as the Council of Europe Recommendation Rec(2006)19 on policy to support positive parenting, Rec(2011)12 on Children's rights and social services friendly to children and families, and Rec(2005)5 on the rights of children living in residential institutions.

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| 9:30 | Opening session Chair: Maria-Andriani KOSTOPOULOU, Chairperson of the CDENF |
| | Elda MORENO, Head of the Council of Europe Children’s Rights and Sport Values Department Dr István KOVÁCS Deputy Secretary of State for International and EU Affairs on behalf of the Hungarian Presidency |
| 10.00 | I. Setting the scene: Safeguarding the rights of children in relation to all alternative care settings |
| 10.00 | Prevention of family separation and Children’s right to protection in all forms of alternative care settings: Guidance from the UNCRC Bragi GUÐBRANDSSON, Member of the UNCRC |
| 10.20 | The case-law of the European Court of Human Rights relevant to the protection the rights of the child in relation to alternative care settings Ksenija TURKOVIĆ, Vice President of the ECHR |
| 10:40 | The work of the Committee of Experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE) on the consideration of the best interests of the child when assessing the necessity of alternative care placements Seamus CARROLL, Chair of the CJ/ENF-ISE |
| 11:00 | Coffee break |
| 11:10 | II. Putting an end to abuse within different alternative care-settings and learning from past abuses |
| 11:10 | Responding to past abuses – obstacles and opportunities for restorative justice Maeve O’ROURKE, Lecturer in Human Rights, National University of Ireland, Galway |
| 11:30 | Case Studies Ukraine: Naira AVETISYAN, Chief of Child Protection section, Unicef Ukraine Portugal: Rita MENDES, Director of the Childcare Department of Casa Pia |
| 12:10 | Open plenary exchange between Delegations and stakeholders |

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| 12:30 | Lunch break |
| 14:00 | III. Supporting children with challenging behaviours: Family- and community-based programmes with the aim of avoiding family separation |
| 14:00 | Children with challenging behaviour in alternative care: a problem or a myth? Dainius PŪRAS, former UN Special Rapporteur on the right to health and former CRC Committee member |
| 14:20 | Case Studies Norway: National Centre for Child Behavioural Development Dagfinn MØRKRID THØGERSEN, Clinical Director of Youth Program Development and Knut TARALDSEN, Psychology specialist and Senior Advisor Iceland: Family support program Margrét SIGMARSDÓTTIR, Specialist in clinical child psychology |
| 14:40 | Open plenary exchange between Delegations and stakeholders |
| 15:00 | IV. Children sent in formal alternative care settings across borders |
| 15:00 | Responsibility of the sending and the receiving State for safeguarding the rights of the Child Gérardine GOH ESCOLAR, First Secretary at the Permanent Bureau of the Hague Conference on Private International Law |
| 15:20 | Case Studies Switzerland: Unifying cantonal practices Joëlle SCHICKEL, Co-Head of Private International Law Unit, Federal Office of Justice Ireland: Albert O'DONOGHUE, Principal Officer of the EU and International Unit |
| 16:00 | Open plenary exchange between Delegations and stakeholders |
| 16:30 | Concluding remarks |
| | George NIKOLAIDIS, former Chair and member of the Lanzarote Committee Regína JENSDÓTTIR, Head of the Children's Rights Division and Council of Europe Coordinator for the Rights of the Child |
| 17:00 | End of Conference |

Useful resources:

- [United Nations Convention on the Rights of the Child](#)
- [United Nations Guidelines for the Alternative Care of Children](#)
- [European Convention on Human Rights](#)
- [Children and alternative care](#), Council of Europe dedicated webpage
- [Convention on the Protection of Children against Child Sexual Exploitation and Sexual Abuse](#) (Lanzarote Convention)
- Council of Europe [Recommendation Rec\(2005\)5](#) on the rights of children living in residential institutions
- Council of Europe [Recommendation Rec\(2006\)19](#) on policy to support positive parenting
- Council of Europe [Recommendation CM/Rec\(2010\)2](#) on deinstitutionalisation and community living of children with disabilities
- Council of Europe [Recommendation Rec\(2011\)12](#) on children's rights and social services friendly to children and families
- [Children and young people in care – Discover your rights!](#), a Council of Europe booklet addressed to children and young people in alternative care
- [Securing Children's rights – A guide for professionals working in alternative care](#), provides guidance and tools for professionals that work with children in care