



**Proposal for the UN Committee on the Rights of the
Child's Day of General Discussion 2020**

**Parents / families
and the realization of children rights**

Submitted by Make Mothers Matter

Make Mothers Matter (MMM) - <https://www.makemothersmatter.org> - an international NGO created in 1947, advocates for the recognition and support of mothers as changemakers for a better world. MMM asserts the importance and universality of the economic, social and cultural role played by mothers, based on their skills and responsibilities as children's primary educators – along with fathers. Our advocacy work addresses 4 main areas: education, the economy, health and peace. MMM is very concerned about children's rights and has participated in the drafting of both the 1959 declaration of the rights of the child and the Convention. MMM has no political or religious affiliations, and thus transparently voices the concerns of mothers at the international level with permanent MMM representatives at the United Nations (General Consultative Status), UNESCO and the European Union.

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1. Rationale

Families can be the setting for grave human rights violations, ranging from neglect to violence and abuse, and include harmful traditional practices such as Female Genital mutilation. The abuse can go as far as murder, e.g. through so-called "honour" killings.

However, legitimate concerns over such human rights violations have led to the enactment of often-questionable laws, with some governmental child protection services becoming overzealous. The result is an increasing number of wrongful confiscations of children from innocent parents in a number of western countries.

In the UK for example, a 2016 television documentary aired on French TV (France 5 Channel), *Les enfants volés d'Angleterre*¹, shows the violent methods social services use against parents only suspected of mistreatment – i.e. without any evidence. In addition, the Law allows poverty to be the sole justification for removing a child from their parents, which is a clear violation of the right of the child to live in a family environment.²

In the UK or USA, even newborns are being taken from mothers purely on the basis of future risk of harm, which can be subjective.

¹ See a description on <https://www.telerama.fr/television/les-enfants-voles-d-angleterre-une-saisissante-enquete-a-suivre-sur-france-5,149897.php> (in French)

The documentary can still be watched on <https://www.youtube.com/watch?v=5uKlkeWWHsM>

² <https://www.theguardian.com/society/2016/apr/15/rise-in-referrals-social-services-trauma-families-child-protection>

The children whom the system intends to protect can thus be unnecessarily deprived of their family environment, and end-up in institutionalized or foster care, or are rapidly put on the adoption market. And parents unfairly deprived of their children are left with no rights and no means to get them back.

On several occasions, the Committee on the Right of the Child has expressed in its concluding observations, concerns at the high number of children in alternative care, and at the frequent removal of children from their families as a first resort in cases of neglect or financial hardship - e.g. in the case of Canada³ and the UK⁴.

Most parents only want the best for their children. And families, in all their forms and diversity, remain the fundamental group units of society. They should be “the natural environment for the growth and wellbeing of all its members and particularly children”.

Instead of removing children from their parents, States should address the root causes that can lead parents to neglect, violence or abuse: lack of education, harmful traditions, poverty and social exclusion, are the real drivers of child mistreatment. Instead of being punished by the removal of their children from their custody, at-risk parents should be better supported both financially and through counseling. They should also be better educated and informed, especially on the importance of a nurturing environment and positive parenting for their children.

Parents (or legal guardians) / families have been relatively absent from the discussions on children rights. It is time to reassert their role as the primary educators of their children and examine ways to prevent separation of children from their families, and how these can instead be best supported and empowered for the realization of children rights.

2. Scope

While the Convention on the Rights of the Child (CRC) does not explicitly recognize the right of parents to care for their children, several articles recognize their responsibilities – and call on States Parties to respect and support these responsibilities. The CRC also asserts the right of a child to be brought up by their parents, and it recognizes that the ideal setting for a child to grow up in is within a “family environment that provides an atmosphere of happiness, love and understanding”.

The following 2 articles are particularly relevant.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both

³ CRC/C/CAN/CO/3-4

⁴ CRC/C/GBR/CO/5

parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

The *Guideline for the alternative care of children* also clearly states in paragraph 3:

The family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members. The State should ensure that families have access to forms of support in the caregiving role.

3. Key outcomes

A day of general discussion on *Parents/families and the realization of children rights* could include both a discussion about child protection policies and an exchange of best practices on how governments can best support parents and families in all their forms in order to ensure a healthy and nurturing family environment for children.

It could also be an opportunity to promote, on the occasion of its 10th anniversary, the *Guidelines for the alternative care of children*, which were adopted by the UN General Assembly in 2010 (A/RES/64/142).

A possible follow-up action could be the elaboration of a General Comment on Supporting parents/families for the realization of children rights.

4. Key experts, institutions or consultants who could assist in the process

No contacts were made at this time, but potential Child Protection experts could include (non exhaustive list):

- Dr Lauren Devine, Barrister and associate professor of Law at the University of the West of England, Bristol and project lead for the Economic and Social Research Council transformative funded project Rethinking Child Protection Strategy⁵
- Connie Reguli, Family and criminal law attorney based in Tennessee, USA; Founder of the Family Forward Project, an advocacy group in the USA for reform of their child protection laws⁶

⁵ See Dr Levine's list of publications on <https://drlaurendevine.com/publications/>

⁶ <https://www.sundayguardianlive.com/lifestyle/breaking-families-name-child-protection>

5. Child Participation:

Children victims – or adults who as a child were wrongly taken away from their family - could offer testimonials of their experience.

6. Suggested format

To be discussed.

6. Information on budget available, including possible sources of funding

To be discussed.