



Introductory remarks “Growing with Children’s Rights: overcoming obstacles for a sustainable future”

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Good afternoon everyone. Thank you very much for remaining with us for this, the final substantive session of this important conference on Growing with Children’s Rights.

The conference had the aim to mark and review the progress in the implementation of the Council of Europe strategy and before I want to hand over to our speakers for this session I want to address some of the challenges that we face in creating sustainable children’s rights protection. I am conscious in making these remarks that this room is full of expertise, experience and commitment to children’s rights. Many of the points I make are not new to you – they are not necessarily even directed to you but they are, from my point of view, some of the main challenges I have come across in my work over the past 20 years – I began my PhD on children’s rights and the ECHR in 1994 – and over the last two days.

There has been much progress and in many parts of Europe children are safer, better educated and have better outcomes than before. Austerity and poverty continue to dominate children’s lives in many countries however and the impact on children and their families has been devastating in many cases. We cannot forget that even though there is no hierarchy of human rights for children, without fulfilment of their most basic rights – to an adequate standard of living, to housing, to healthcare – many children, especially of ethnic minorities, children with disabilities, children in care - will not be able to enjoy their other rights. We also know that there are strong links between these factors and other rights – like the child’s right to protection from harm. I know that Prof Nolan will address social and economic rights in her address this afternoon so I will not say anything further on this point.

The second issue that I want to address is more of a plea and that is, that we all continue to work with the entire Convention. It is my experience (borne out by a study completed with L Lundy for UNICEF UK on the implementation of the CRC in 2012) that the Convention is often reduced to a small number of important articles – namely article 2, 3 and 12 and perhaps 19 as the key ones. Despite the convention’s age (25), we have not embraced the whole Convention to engage with the Convention on a wide range of issues relevant to a whole range of different children, in their lived experiences – as a related point, I believe that we still shy away from taking a child rights approach to issues like adoption, surrogacy and assisted reproduction, children’s identity rights, children’s use of the internet (with our focus on criminalisation rather than its rights enhancing benefits) and issues of abortion and sexual health – our handling of all of these

challenging issues requires a meaningful, holistic child rights perspective and we need to work with the entire Convention in this regard. Incorporation of the whole Convention should be the goal, not a selection of provisions and principles that we or Governments might favour.

The third challenge I believe we have to face is the persistence of an ethos of paternalism towards children whereby decisions continue to be made about children by adults without children's involvement or perspectives. Emphasis on parents' rights continues to prevail across Europe and political and public discussion often focuses on the competing interests of the state (eg in immigration and criminal justice contexts), vested interests (like corporations) and indeed the rights of parents. Our speakers from OSCE and the Norwegian Ombudsman will address some of these issues in this session. We have to continue to assert children's entitlement to rights as human beings – that they are rights holders, and that the state is the duty bearer. Yes, the question of enforcement is complicated perhaps by issues of children's capacity to exercise their rights, and their need, sometimes, for protection, but that is a question of the 'how' we protect and promote children's rights, not whether children have them at all. We need to be careful not to assert as a constant mantra that children are vulnerable, that they need protection (not protection of their rights) without acknowledging that this is a partnership with children where we have a responsibility to support their capacity to exercise their own rights. Marta Santos Pais articulated this so eloquently in the context of violence against children yesterday. A related point – and one of the successes of the strategy – is the importance of mainstreaming children's rights work – from the many pieces of work I have had the opportunity to undertake with colleagues in Europe, including in the Council of Europe, I can testify to the value and importance of engaging not just with those who share our commitment to children's rights, but to others who do not share this priority, who have legitimate but different perspectives and who indeed who may oppose our views. It is absolutely imperative if we want to ensure sustainable protection of children's rights, that we all continue to have these conversations and debates, and that we work as closely as we can, not just with fellow children's rights advocates but with those with whom our conversations are not so comfortable. I wish you all bon courage in this important endeavour.

Finally, an issue on which I am most passionate and which cuts across all children's rights areas the question of enforcement and implementation of rights. First, to child friendly justice – we know from the CoE consultation with children and young people that children want decisions that are informed by their perspectives and experiences – they are entitled to this as a matter of human rights - and we know from various studies that these are also better decisions made in line with their rights. Stressing the role of child-friendly administrative decision making is one important way for us to take forward the children's rights strategy onto a more sustainable level. Judicial decision-making – in national courts as well as in the European court of human rights – that is compliant with the CRC and with the Council of Europe standards is key here.

Eleanor Roosevelt's spoke so eloquently about human rights when she stressed the importance of ensuring that human rights are protected in 'places close to home', in 'the small places' in the 'world of the individual'. As I make a plea for greater emphasis on implementation, enforcement and access to justice for children, it is important to remember where those 'small spaces' are for children and young people – my experience is that they are in decisions of parents and families, of teachers, doctors and youth workers, those who engage with children in their everyday lives, they are also in the decisions of administrative authorities and public servants who decide where to allocate resources, how to reform laws and how policies and procedures in education, health, justice and elsewhere – all of which have huge impact on children's lived experiences, their

everyday lives, in places close to home. And until we can be confident that children's rights are respected in these areas, our work will not be done.

Thank you.