Child Protection in Europe: the Impact of the UN CRC and International Collaboration on Policy and Practice

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Outline

• *UN Convention on the Rights of the Child*, “descriptive” v.s “normative” nature

• *Impact on International Collaboration*, some examples from the Council of Europe:
  – Rights of Children in Residential Care
  – Parenting and non-violent upbringing
  – Protection against sexual abuse and exploitation

• Some Remarks on *Convergence/Divergence* in European Child Protection
The UN Convention on the Rights of the Child

• Not only *quantitatively* but also *qualitatively* different from earlier international agreement
• The twofold nature of the UN CRC
  – *The Descriptive*
  – *The Normative*
• *Culturally sensitive* and thus flexible within the limits of the basic principle of the “best interest of the child”
The Council of Europe

- CoE founded in 1949 in the aftermath of the World War II
- Mission: protecting human rights, pluralist democracy and the rule of law
- 47 Member states, rapid increase after the collapse of the bipolar system from the times of the “Cold War”
- “Building a Europe for and with Children”
The Council of Europe work on Children living in residential institutions

- No exact figures exists on the number of children living in residential institutions
- Estimates for central/eastern Europe vary from 700,000 (Unicef) to 1,200,000 (EC) children
- No substantial reduction of children living in residential institutions is taking place
- Correlation between out-of-home placement and family based services
- Different levels of institutional placement in Europe; three categories can be identified
Central- and Eastern Europe

- High level of institutionalization: 6 to 20 children per 1000
- Large institutions, up to few hundred children per unit
- High number of orphans and infants in institutional care
- Long duration of placement
- Quality of care often poor
- Poverty the most significant cause for placement
- Low level of alternative care
- Family support limited
South-Eastern Europe (incl. the Caucasus states)

- Low level of institutionalization: typically 1 to 3 children per 1000
- Large institutions, up to several hundred children
- High ratio of infants and orphans in care
- Long duration of placement
- Quality of care often poor
- Poverty and family breakdown significant cause for placement
- Low level of alternative care
- Family support undeveloped
Affluent States in Europe (esp. N.W. Europe)

- Varied level of institutionalization: less than 1 up to 7 per 1000
- Significant progress in de-institutionalization
- Small, family-type residential care is common
- Low rates of orphans and infant care
- Short-term placement common
- Quality of care often satisfactory or good
- Complex reasons for placement, conduct and substance abuse treatment a significant cause
- Generally a high level of alternative care, especially foster care
- Range of services for families
Council of Europe Rec(2005)5 on the

Rights of Children
living in residential institutions

• An attempt to “translate” the UN CRC into institutional setting
• A Recommendation – not a “Convention”
• The Structure of the Rec.:
  - Basic Principles
  - Specific rights
  - Guidelines and Quality Standards
Three Stages of the Evolution of Institutional Care:

– the specialization paradigm
– the normalization paradigm
– the paradigm of children’s rights
  (towards the end of residential care?)
The break down of the “Normative Family”

- Rise in divorce/separation rates and cohabitation
- Rising number of children born outside of marriage
- Increased lone parenthood
- Re-partnering, remarriages and more step-families
- Declining birthrates, smaller average sizes of families
- Two wage-earner families: the “adult worker model” v.s. the “male breadwinner model”
- Single person households
- Recognition of same-sex partnerships
- Disabled parents, ethnic minorities etc.
The “pessimistic” perspective

- Moral decline with harmful effects, esp. for children
  - Children damaged, socially, emotionally, by divorce
  - Lack of father figures
  - Vulnerability to inadequate parenting and poverty
- Family values of duty, fidelity and responsibility replaced by selfish individualism
  - Flight from commitment
  - Diversity of sexual lifestyles
- Induces general social instability
  - “Parenting deficit” – values of careerism and consumption
  - Crime, antisocial behavior, mental illness
F. Williams, Conflicting interpretation:
The “optimistic” perspective

• **Individualization not individualism**
  – Individuals shape their own biographies and identities
  – Way to sustain respect, happiness and mutual satisfaction

• **Democratization of both gender relations and the family**
  – The move away from traditional gender divisions to more equal relationships
  – Unlocks women’s dependency on men

• **Balancing autonomy with connectedness**
  – “Transformation of intimacy” or the quality of personal relationships
  – Partners come and go but the parent-child relationship prevails
The Historically Unique Task

• Jesper Juul, the Danish family therapist:

“Today’s parents are confronting a task that is historically unique. They literally have to reinvest the partnership between man and woman and also the leadership in relation to children and young people, all according to new set of values and goals that are equal dignity and genuiness to avoid violating the integrity of children and young people”. 
Council of Europe Rec(2006)19 on Positive Parenting

• Rethinking families in the light of greater diversity in living arrangements and family forms

• Policies to support families:
  – Public transfers to combat poverty
  – Work - family balance
  – Infrastructure of care provisions; etc

• Spirit of the Rec. focused on resources needed for successful parenting in terms of “community” of key partners: parents, children, local and national service providers and the state
CoE Rec.(2006)19 Positive Parenting

Key Messages to Parents

• An attempt to “translate” the UN CRC into the family setting:
  – **Nurture** - corresponds to the child’s need for emotional nourishment, love, warmth and security
  – **Structure** - refers to setting out standards of appropriate behaviour and role models provided by parents
  – **Recognition** – refers to each child’s need to be seen, heard and valued as a person
  – **Empowerment** – refers to the child’s sense of competence and personal control by enhancing the existing strength in the child
**CoE Convention (2007)**

*on the Protection of Children from Sexual Abuse and Sexual Exploitation*

- Opened to signature on the 25th October 2007
- A unique binding international instrument due to it’s comprehensive nature
- Definition and scope of criminal law includes:
  - Intra and extra familiar child sexual abuse
  - Child prostitution and pornography
  - Sexual corruption and solicitation of children for sexual purposes
- Monitoring mechanism
Social Awareness and Sexual Abuse

- Stage of Denial
- Stage of Admittance
- Stage of Social Recognition
Repetitive Interviews
Violation of the child’s interests

- Investigation often generates painful experiences for the child victim
Sexual Abuse and Interagency collaboration

UN CRC; Art. 3.1

“In all action concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”
Iceland: Children’s House

- Medical Exams and Evaluation
- Joint Investigative Interviews
- Victim Therapy
- Family Counselling/Support
- Education, Training and Research
- Networking Local/National
Opening of the first Children’s House in Sweden by Queen Silvia
The CoE Convention (2007)

European standards in protecting children against sexual abuse

- Child-friendly measures designed to protect child victims at all stages of criminal justice proceedings
- Professionally conducted investigative interviews
- Interdisciplinary approach to appropriate treatment services for the child victim and his/her family
- Intervention concerning perpetrators of child sexual abuse - risk assessment and therapeutic treatment of sex offenders, including special programs for young offenders
- Prevention measures such as concerning recruitment, training and awareness raising
The European Tradition of Child Protection Practices

- The “Child Rescue” Model (e.g. UK, Scotland, Ireland)
- The Model of “Family Support” (e.g. Belgium, Germany, Netherlands, France)
- The “Nordic” Model (the Scandinavian states)
- The “Institutionalisation” Model or “Lack of traditions” (e.g. central and eastern Europe)
Towards a Convergence in European Child Protection Practices?

- Future orientations: Toward a Child Rights based Model of Child Protection?
- Changes in traditional practices:
  - “Child Rescue” more supportive to families
  - “Family Support” more Child-focused
  - Full prohibition of corporal punishment 17 states
- Political/Professional dialogues foster new ideas and practices