

FCO Strategy on Child Rights

1. Introduction

The FCO has identified the rights of the child as a key human rights theme to prioritise. Children are a particularly vulnerable group in society, sometimes finding it difficult to make their voices heard. We believe work to ensure provision of full human rights to children and implementation of such provisions is extremely important.

The aim of this strategy is to support and encourage governments and other actors to promote and protect the rights of the child in accordance with international law.

In particular the FCO will seek to promote the implementation of the United Nations Convention on the Rights of the Child ('CRC') and other relevant international legal instruments.

Children, particularly the girl child, have multiple and overlapping vulnerabilities. In addition to implementation of international standards for all children at all times, recognising children as rights holders, and their role as advocates of child rights, is also important. If we can convince governments to recognise and then enforce child rights we will reduce general levels of vulnerability and prevent children from falling into specialist categories of high risk.

This paper sets out our key goals over the next three years in the area of child rights, and how we will use the various tools available to achieve them. It is intended as an overarching guide for our work. This strategy should be seen as a baseline for priority action. Other actions on child rights, depending on specific country situations, should also be developed locally.

2. The International and regional context

Key instruments for the protection and promotion of children's rights include:

- UN Convention on the Rights of the Child (CRC)
- Optional Protocol to the CRC on the Involvement of Children in Armed Conflicts
- Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Pornography
- ILO Convention 182 on the Worst Forms of Child Labour
- ILO Convention 138 on the Minimum Age for Admission to Employment
- The African Charter on the Rights and Welfare of the Child (ACRWC)
- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

- The American Convention on Human Rights (ACHR).

2.1 There are also a number of international mechanisms and other tools available to promote implementation of these instruments, including:

- each state's Periodic Reporting to the UN Committee on the Rights of the Child, on their implementation of the CRC
- periodic reporting to the ILO Committee of Experts and Committee on Application of Standards.
- representations and complaints under articles 24 & 26 of the ILO Constitution
- periodic reporting and communications to the African Committee of Experts on the Rights and Welfare of the Child.
- petitions to the European and Inter-American Courts of Human Rights
- UN special procedures, including the work of the Special Rapporteurs and others, eg the Independent Expert's 2006 report on Violence against Children (www.ohchr.org/english/bodies/crc/study.htm)
- Reporting and Monitoring mechanism of UN Security Council Resolution 1612
- EU guidelines on Children affected by Armed Conflict (http://ec.europa.eu/external_relations/human_rights/child/caafguidelines.pdf)
- EU Communication on the Rights of the Child.

These instruments and mechanisms represent an extensive range of protections and rights for children, including the inherent right to life, the right to be heard, the right to education and healthcare, the right to protection from violence and discrimination on any grounds, the right to have a nationality and to know and be cared for by their parents. The complete text of the UN Convention on the Rights of the Child can be viewed at www.ohchr.org/english/law/crc.htm

3. Strategic objectives

The primary strategic objective of this strategy is:

- i. encouraging universal ratification, and
- ii. promoting implementation of international instruments relevant to children.

The second strategic objective is to take action on specific issues of violence against children, namely worst forms of child labour, children in conflict with the law and children affected by armed conflict.

In light of the tools available to us, the FCO is well placed to contribute to these strategic objectives through the use of diplomatic and other mechanisms.

4. Ratification and implementation

We believe we should concentrate our efforts on those areas where we can have maximum impact. This means first and foremost trying to ensure that every country has signed and ratified the international and regional instruments relevant to children. Implementation of international instruments, such as CRC, requires that States parties undertake a range of appropriate legislative, administrative and other measures.¹

Goal: To promote universal ratification and implementation of the key international conventions.

Target countries: Open, with specific attention on India, Zimbabwe, Burma, Iraq, Occupied Palestinian Territories, Afghanistan, Philippines, Kenya, Sri Lanka, Brazil, Central America, Colombia, Cambodia, Chad, DRC, Serbia, Tajikistan United States

Specific actions:

Targeted national lobbying campaigns by our network of posts overseas, including;

- promotion of child rights issues at relevant international forum and through international regional guidelines
- encouraging ratification of the relevant international and regional instruments
- supporting and promoting engagement with the reporting process to the Committee on the Rights of the Child and other relevant human rights committees
- encourage partner governments to implement recommendations of the reports from relevant committees
- encouraging the establishment of national ombudsmen, or other similar human rights mechanisms, for children; promoting experience sharing about development of best practices between countries
- encourage co-operative working with OGDs and NGOs in country to identify common issues
- strategic use of child focused funding, including through GOF projects
- raising specific child rights issues such as the worst forms of child labour, involvement of children in armed conflict and violence against children.

¹ Examples of implementation obligations include: review of legislation for conformity with international standards, including appropriate enforcement measures; development of procedures to ensure meaningful child participation; mainstreaming and coordination of child rights across all government departments, including through appropriate budget allocation; knowledge and capacity building among key stakeholders; widespread dissemination of child rights across relevant stakeholders; mechanisms for the monitoring of child rights – eg establishment of Children’s Ombudsmen; collection and analysis of data.

5. Children in conflict with the law

Children in conflict with the law, both inside and outside the formal justice system, suffer multiple rights violations. Children are most vulnerable to abuse and maltreatment in the criminal justice system when they are detained on arrest, during investigation, while awaiting trial and as sentence. For the majority of children and young people, a more effective and cost effective response to offending is to work with them and their families in the community to address their offending behaviour.

Girls make up a smaller percentage of children in conflict with the law than boys. However their needs are rarely met. They are more frequently held with adults due to lack of facilities and they are highly vulnerable to sexual abuse whilst in detention.

Responding to children in conflict with the law in ways that protect them from violence is also key. This requires laws, policies and initiatives that divert children away from the formal justice system and wherever possible reintegrate them back into their communities.

Children often come into conflict with the law; in particular those who are forced onto the streets, forced into child prostitution, trafficking and the worst forms of child labour or through a breakdown in the family environment. Children are often incarcerated for activities for which they should actually be treated as the victim.

Goal: To promote the international law and rules concerning children in conflict with the law into national policy and law
Target countries: Brazil, Colombia, Afghanistan, Occupied Palestine Territories, Zimbabwe, Central America, DRC, Tajikistan
Specific activities: <ul style="list-style-type: none">• reform of legislation which criminalises children for offences which are not punishable as an adult (status offences) and for activities for which they should be considered as a victim (eg prostitution)• encourage national governments to put in place strong and independent systems of oversight, monitoring and public scrutiny for the juvenile justice system• improve working practice of criminal justice officials and agencies through training programmes, manuals, and sharing of good practices.• promote the development and use of community alternatives to deprivation of liberty, in order to reduce the institutionalisation of under-18s and develop a more effective response to juvenile offending.

6. Worst forms of child labour

With 2007 marking the bi-centenary of the abolition of the transatlantic slave trade, this gives us added scope to make particular progress on this issue as

part of our commemorative actions. Worst forms of child labour include all forms of slavery, such as trafficking of children, debt bondage, child prostitution, children in armed conflict and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. ILO convention 182, building on ILO Convention 138 (minimum age) defines the worst forms of child labour and provides for governments, social partners and civil society to work together to identify their own worst forms of child labour, and for their eradication. The ILO has called for the abolition of all worst forms of child labour by 2016.

<p>Goal: To promote ratification and implementation of ILO Conventions 138 and 182</p>
<p>Target countries: India, Philippines, Kenya, Sri Lanka, DRC, Pakistan, Afghanistan, Brazil and Colombia</p>
<p>Specific activities:</p> <ul style="list-style-type: none"> • promote ratification and implementation of ILO convention 182 and other relevant international standards, including ILO 138, 19 and 105, the Supplementary Convention on Slavery and the Palermo Protocol and promote the transposition of international standards on child labour into national legislation • urge national governments to address gaps and lack of coherence in policy and legislation (including policies related to education, social protection, labour inspection, poverty reduction, fundamental rights at work and child labour) and the lack of co-ordination between departments in the implementation of existing child labour policies • draw attention to the worst forms of child labour and call for their immediate abolition • provide accurate data on WFCL • work with ILO IPEC International Programme on the Elimination of Child Labour to support national governments to ensure that National Plans of Action and appropriate time bound measures to prevent and tackle the worst forms of child labour are put in place • encourage and support systematic consultations with workers' and employers' organisations as required by ILO 182 and 144 • support the role of grass roots and civil society organisations under implementation of ILO 182 • support the appointment and effective functioning of a UN Special Rapporteur on slavery;

7. Children in armed conflict

It is estimated that at any one time more than 300,000 children are fighting in armed conflicts throughout the world. Children associated with armed groups and children who are not actively involved in armed conflict are vulnerable in conflict and post conflict scenarios, including to rape and abuse. In 2003 the EU produced a set of specific guidelines on Children in Armed Conflict to guide its work in this area (attached). In 2005 The UN Security Council passed a resolution (UNSCR 1612) which called on the Secretary General to implement a monitoring and reporting mechanism on the situation of children affected by armed conflict. It also repeats calls on the parties concerned to develop and implement action plans to stop the practice of recruiting and using child soldiers.

Goal: To revise our existing strategy on Children and Armed Conflict, incorporating recommendations of the evaluation of the EU guidelines on CAAC undertaken in 2005 – The nature of this goal means that work under this priority will be primarily for London to take forward

Target countries: Sri Lanka; DRC, Occupied Palestinian Territories, Iraq, Afghanistan

Specific activities:

- ensure the CAAC strategy takes follow up work on UNSCR 1612 into account, including the particular angle of DDR;
- identify the key countries where we will target this strategy, in line with the priority countries identified within EU guidelines and UNSCR 1612;
- work with DFID and other partners to identify where they might be able to help promote the strategy;
- consider strategic use of GCPP funding to promote projects aimed at addressing systemic problems.

8. Tools Available

The key tools available to us are:

- **our network of posts overseas:** to conduct diplomatic lobbying exercises, to monitor local developments, to inform further work in highlighted areas for development and progress

- **international organisations:** we will use our influence in such organisations (eg UN) to lobby and keep child rights discussions on the agenda
- **mainstreaming child rights into desk and post activities in third countries, including dialogues:** we will encourage geographical desks to incorporate child rights into bilateral discussions/ dialogues. We will ensure all posts are aware of the priorities identified in this strategy, and encourage them to proactively tackle particular issues in their country. We will provide expertise and support where necessary
- **OGDs:** close co-operation and consultation with OGDs to further child rights in the highlighted themes
- **Child Rights Panel:** close work with the panel, comprising NGOs and experts in the field of child rights, to discuss and continuously develop this strategy. Their expertise and on the ground knowledge experiences will be a basis for our decisions on how to implement and promote child rights
- **GOF Human Rights Programme:** the HR programme has included child rights as a particular focus for project funding. Whilst we have identified priority countries for GOF funding of projects on child rights in the financial year 2007-2008, please note that the GOF strategy may be subject to change in future years depending on available resources and other priorities
- **other GOF programme strands:** other strands of GOF funding may cut across our thematic issues and therefore offer alternative funding routes - eg Global Conflict Prevention Pool, Engaging with the Islamic World.

We will also work closely with NGOs and International Organisations such as UNICEF, ILO and IPEC to add value where possible. Child rights are a cross cutting theme across Whitehall. FCO will lead in promoting child rights in foreign policy and endeavour to work with OGDs, and in particular with DFID, in doing so.

9. Further advice

Further advice on advancing child rights policies can be obtained from Victoria Challacombe, Child Rights Desk Officer (HRDGG), and from HRDGG pages on FCONet. In addition many NGOs specialise in child rights. If you'd like more advice on a particular issue, HRDGG would be happy to put you in touch with the relevant panel member.

10. Longer term

Depending on progress in the above areas, we will try to extend our activities to address other aspects of child rights and related issues. We will look at opportunities to mainstream child rights into other aspects of human rights policy and address multiple vulnerabilities which prevent children from realisation of their rights. Of particular relevance to addressing issues of child rights will be promoting human rights generally and specifically women's rights – including looking at areas where the treatment of women has negative repercussions for the situation of children. We will continue to consult our

partners, particularly in the Child Rights panel, to assess the scope for taking this work forward.

HRDGG (August 2007)