



IDE News n°28 September 2013

EDITORIAL

“GENERAL COMMENTS” OF THE CRC

The **Committee on the Rights of the Child**, alongside its core business of monitoring the implementation of Children’s Rights, throughout the 193 State Parties to the Convention, and the publication of its concluding observations for these States (jurisprudence of the Committee), provides advice (guidance) for States through General Comments (GC).

In February 2013, during its 62nd session, the Committee accomplished a considerable amount of work, thanks to a weekend retreat in Saillon-les-Bains and the very strong support of our Institute. This resulted in the adoption of **four new General Comments**, which are:

- GC 14 The right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)
- GC 15 The right of the child to the enjoyment of the highest attainable standard of health (art. 24)
- GC 16 on State obligations regarding the impact of the business sector on children’s rights
- GC 17 The right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)*

This event is very important because it allows the Committee to provide the States as well as the international community with the Committee’s interpretation of three articles of the CRC. Furthermore, it also draws attention to the States’ obligations to regulate the various business activities within their economies for greater respect for the rights of the child.

In these four GC’s, there is one that is long overdue and eagerly awaited by States, by NGOs and by many professionals working with and for children: the **GC No. 14** on "The right of the child to have his or her best interests taken as a primary consideration."

The Committee worked on this document for over three years and it was submitted in several versions to the plenary Committee, prior to its final acceptance and publishing. It has benefited from the critical eye of experts, the group of NGOs as well as UNICEF. This document adopted, without copying completely, the

structure of its counterpart, General Comment No. 12 on art. 12 (The right of the child to be heard). This is not the place to comment on GC 14, but it seems noteworthy to mention that the Committee considers art 3. para 1 of the CRC to be a right: that which recognizes the child’s right to have his or her best interests taken as a primary consideration.

The Committee provides a triple definition of this concept where it is at the same time a substantive right granted to every child or to children; a principle of legal interpretation for when a decision must be made; and a procedural rule which requires each decision maker to question the impact of any proposed solution on the child or children.

This commentary also highlights the importance of case-by-case consideration or individualization, as this principle becomes the main criteria for the decision: one must assess each situation for what it is in reality and not in an abstract way, according a preestablished stencil or systematic automation. The Committee abstained from presenting many examples specifically because they can lead to careless decisions which are contrary to this right of the child. There is no doubt that GC 14 will meet great interest amongst the readers of the *IDE News*.

Jean Zermatten

Water has flowed under the bridge since the last *IDE Newsletter* and many projects have been realized in the three work areas of the IDE which are  **training of professionals**,  **awareness** and efforts around the  **network**. Do not forget to register in time and to spread the word!

2013 SEMINAR: SEX TOURISM

The flagship event of the IDE awareness efforts is approaching! The **2013 International Seminar in Sion** will be held from the 15th to 18th of October with the theme: "*Sex tourism involving children: prevention, protection, prohibition and care for victims.*" Organized in collaboration with the **UER Tourism Studies** at the IUKB, the **Swiss Foundation for the Protection of Children / ECPAT Switzerland** and the **Swiss Centre of Expertise in Human Rights (SCHR)**, this seminar will gather experts and people in the field to review the issue of a global crime. Recommendations will be issued to the States, tourism businesses and all other actors in a position to influence this destructive and expanding phenomenon.

The registrations are still open until the 5th of October. You can find the **program**, the **registration form** and accompanying documentation («**forum**») in the **IDE website**.

COLLOQUIUM EQUALITY

The supranational and national legal and regulatory context is clear. Girls and boys should have equal educational conditions and all forms of gender discrimination should be eliminated (equal

opportunities). In collaboration with the [University Institute of Kurt Bösch \(IUKB\)](#) and the [second Observatory](#), the IDE will therefore address socialization and differentiated education that are widely present, during an interdisciplinary exchange day (conference). This will take place on the 1st of October at the IUKB carrying the title: *"The doll of Timothy and the truck of Lison: differentiated socialization, an obstacle for the teaching of equality?"* This conference will focus on the entry into the institutional world of early childhood, the beginnings of the education system.

Following the conference, the linguist Stephanie Pahud will hold a public lecture entitled *"Gender stereotypes die hard ..."* (5 p.m.).

The [program](#) is on our website and registrations can be made at zikreta.ukic@childsrightrg.org.

DAY OF REFLEXION ON NOVEMBER 20TH

"The Protection of Children, will it stop at the borders?" The anniversary of the Convention on the Rights of the Child, November 20th, will be the occasion of the year for a day of reflexion, organized by the Geneva branch of the IDE and the [Swiss Foundation of the International Social Service](#). It will discuss children who need protection beyond borders, either because their parents are not alive, or not both in Switzerland, or because there was an adoption, or because they have been the subject of an international child abduction, etc. This day will focus on practical examples and sources of concern from professionals working in the field, to encourage the various stakeholders to collaborate in the search for solutions that respect children. Registration until November 13th. [Registration form and program](#) online.

SCHR

The study on the *"Implementation of Human Rights in Switzerland"* of the Swiss Centre of Expertise in Human Rights (SCHR) is gradually published in various volumes. In July, the volume *"State of play in the policies around childhood and youth"*, authored by the cluster [Children and Youth Politics](#) was published [online](#).

Since the beginning of this year, three newsletters have appeared: the [first](#) dealt with the recommendations of the Universal Periodic Review (UPR), which the Council of Human Rights addressed to Switzerland in November 2012. Our theme focused on recommendations related to the access to education for migrant children (Paola Riva Gapany), the separation of children from adults in detention facilities (Jean Zermatten) and suicidal behaviour amongst the young (Philip D. Jaffé). In the [second](#) newsletter, the three new general observations of the Committee on the Rights of the Child were presented (Jean Zermatten) and protection strategies for LGBT/IQ children in Switzerland were analysed (Paola Riva Gapany / Philip D. Jaffé). The theme of the [last](#) newsletter was the general comment No. 14 from the

committee: the registration of children affected by intersexuality in the German marital status and the study plan 21 of the Swiss-German cantons.

The SCHR Newsletter is published four times per year and [registration](#) is free.

SOCIAL NETWORKS

The IDE is now on [Facebook](#) and [Twitter](#). Feel free to stay informed regularly and to interact with us through these channels. Your "likes" and shares are welcome!

TRAININGS ABROAD:

WEST AFRICA

SENEGAL

A second and a third training sessions in Juvenile Justice for judges, prosecutors, lawyers, police officers, prison officers and social workers, which was launched last year in Dakar, were held at the [National School of Administration and Magistracy \(ENAM\)](#) from [April 2nd to 27th](#) and July first to 5th. A new session is foreseen in December.



CHINA

With its partners the [China Welfare Institute](#) and the [Shanghai Academy of Social Sciences](#), in particular the [Institute of Youth and Juvenile Studies](#), the IDE organised from September 22nd to 26th a seminar dedicate to children's rights and early education, with the key speech of Mr Yang Yongming, ex-director of the Office of Shanghai Minor Protection Committee about: *"Child protection in Shanghai in the coming 10 years"*.

CZECH REPUBLIC

In the framework of a new collaboration project with the NGO [Cesko-britská](#), IDE's manager took part in a seminar in Brno from April 8th to 10th about the education of the groups of difficult children and the best interest of the child. IDE's director, Jean Zermatten, also met various child rights's actors in Praha on April 11th and 12th.

Several publications are in preparation, in the Czech Republic and in Switzerland: texts about school climate; best practices from Switzerland about education for disabled children; and about the best interest of the child (theory and practice).

A following seminar will take place in Brno from November 25th to 27th.

« IN HOUSE » TRAININGS

MCR

The sixth batch of the **Master of Advanced Studies in Children's Rights** began in February with 15 students.

DIPLOMA IN CHILD PROTECTION

The sixth batch of **Diploma in Child Protection** began on November 5th with 16 participants and will last until April 2014.

CERTIFICATES OF ADVANCED STUDIES (CAS)

The certificate for education professionals: **violence, classroom management and child's rights: intervention strategies** will be awarded for the first time to four participants on the 9th of October. Five of the students have extended their studies to complete their dissertations. On this occasion, you are warmly invited to a free public forum, open to all, organized with our partners the **IUKB** and **Education 21** during the graduation ceremony: "**Evolution of incidents in schools and the institutional and personal perspectives.**" A new batch has begun in July with thirteen new participants.

The Certificate **Child victims, Child witnesses: The Word of the Child in Justice** also continues. Seven certificates were awarded in January to participants of the 2012 batch and the third batch began on the 20th of September 2013.

NETWORK

ADEM

Entitled "*From separated child to young adult: what kind of challenge?*" the National Day of the Alliance for the rights of migrant children (**ADEM**) was held on the 26th of June 2013. The ADEM was founded in 2006, initially for children in the asylum procedure, and deals now also with children and young people who are separated, with or without legal status. This network of professionals and organisations active in the domain of

migrant childhood in Switzerland is coordinated by the **Swiss Foundation of the International Social Service** and the IDE.

The **Working Report** of this National Day is available.

SARAH OBERSON FOUNDATION

The 2013 annual evening of the **Sarah Oberson Foundation** will take place on November 13th at the Casino of Saxon, on the theme: "**From Lucy to Mary: from zero risk to the obligation of rehabilitation.**" Free admission. The **program** can be found online.

The foundation also commissioned the researcher Michele Poretti, for a review of the literature about the mourning of families affected by the disappearance of a child. The results of this research will be presented at a **conference** on the 30th of September at the IUKB. Free admission.

The Working Report of the 2012 annual evening "**Run Away: rite of passage or cry for help?**" is now available on the **foundations website**.

VEILLARD-CYBULSKI ASSOCIATION FUND

The association organised a **Forum** on the theme: care of juvenile offenders with mental health issues on February 7th 2013 in Lausanne. The **Working Report** is available online.

Reminder! The applications for the **Veillard-Cybulski Association Fund Prize** can be sent in until the end of October 2013. It will be awarded at the **IAYFJM Congress** in Brazil (25-29 March 2014).

We wish you all a beautiful fall!
The IDE team

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