



## IDE News n°29 December 2013

### EDITORIAL

#### MERRY CHRISTMAS!

The end of year is an opportune time for reflection, evaluation, celebration and family gatherings; the defenders of children's rights are no exception to these rituals. For this end of 2013, let us look back upon the issue of the child and the family.

*There is no doubt that the Convention has given due space, in its dispositions, to the family and to parents. This is visible in its **Preamble**, which states that: « Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,*

*Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding... »*

In addition, **art. 5** states that: « *State 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.* »

And let us not forget **art. 9**, which requires that the child not be separated from his/her parents, or **art. 18**, which recognizes the principle according to which the two parents share a common responsibility to bring up the child and guarantee his/her development. Other diverse dispositions refer to the family or to parents. The child, even as a rights-bearer, therefore remains utterly linked to his/her family, and we would be wrong to consider the child as an entirely separate and isolated being.

Nevertheless, despite these clear dispositions, one must admit that the family is an evolving unit: There have been very profound modifications brought to family forms and to the institution of marriage, which has gone from being sacred union (from the religious

and layman point of view) to a contract (invention of the term un-marriage). This completely alters the issue of parent-child relations. The traditional family is decomposing and recomposing, can be homosexual, is often mono-parental and even founded upon varied genetic ties of filiation (medically-assisted procreation) where parental projects are often not transparent. One would go as far as to ask whether the right to a child is an obstacle to the rights of the child!

In my opinion, there is a considerable challenge for the children's rights and tourism sector surrounding the issue of adoption, which is presently shifting towards a trend for "surrogate mothers". This type of practice brings up a number of questions: registering births, right to a name, to a nationality, the right to know one's origins, "free" consent of the birth-mother, follow-up for born children, the role of intermediaries, money invested...

While we are about to celebrate the Nativity in a large number of countries, we cannot ignore the issues which these new families raise, and the place of the child within these families. The Convention and the principle of the best interest of the child continue to offer a pertinent framework for reflection.

Happy holidays to all!

**Jean Zermatten**

2013 was a productive year for the International Children's Rights Institute (IDE) for all three of its fields of action, which are  **training professionals**,  **awareness raising** and working as a  **network**. A number of projects were launched, such as the implementation of a new communication strategy, and the Valais project **Etoile 2015**.

#### « IN HOUSE » TRAINING

Various "in house" training opportunities are presently underway: the sixth year of the **Master of Advanced Studies in Children's Rights**; the sixth year of the **Diploma in Child Protection**; the certificate for education professionals entitled **Violence, class management and children's rights: intervention strategies**; the certificate entitled **Child victims, Child witnesses: The testimony of children before the Court**.

#### PROGRAMS ABROAD

##### **SOUTH ASIA**

The project of setting up a training program in children's rights in Nepal as a starting point for South Asia, in partnership with **Kathmandu University** and the **Kurt Bösch University Institute (IUKB)** is oriented towards the module system. Mrs. Paola Riva Gapany went to Nepal from December 8 to 13 in order to present the project. Depending on the success of the first module, two other modules may follow, respectively on juvenile justice and on the right to health and education. In the future, these modules

may lead to a Certificate in Advanced Studies (CAS), or a Diploma in Advanced Studies (DAS), and even to a Master's degree.

## CHINA

China is offering training modules implemented in partnership with the [China Welfare Institute](#) and the [Academy of social sciences in Shanghai](#) (particularly by the [Institute of Youth and Juvenile Studies](#)). The report on the first module, which took place in September and which attracted approx. one hundred participants, is being elaborated. Our long term aim is also to turn this training into a CAS, DAS, or even a Master's degree.



A project on the taking into account of the recommendations of the UN Committee on the Rights of the Child is also in the works, and especially focuses on the Committee's recommendations concerning family planning and infanticide.

## WEST AFRICA

Sadly, we were not able to launch the Master's degree which was planned to take place in Burkina Faso for West Africa. Nevertheless, the considerable number of registered participants (110) proves the necessity of such a program, and material will be integrated into other training opportunities in the region. The IDE is presently especially intent on responding to regional needs for professional training.

### « A LA CARTE » TRAINING

## CZECH REPUBLIC

Within the framework of the successful partnership between the IDE and the Czech NGO [Česko-britská](#) (second project, the first was concluded in May of 2011), the IDE was in Brno from November 25 to 28 during the final module of the training session for teachers (theme: children's rights in general and education of vulnerable children such as Roma or disabled children). The final report on inclusive education in specialized schools and on the best interest of the child was presented to participants.



A third project, « Klokaneč » (Kangourou pouch) will commence in February 2014 with a visit of a Czech delegation, in collaboration with the [International Social Services](#). The project will be devoted to the care of abandoned children (problem due to hastened transition towards lesser institutionalization). A follow-up conference is planned in Czechia in May 2014.

## SÉNÉGAL

A fourth training session on Juvenile Justice for judges, lawyers, police officers, penitentiary agents and social workers was launched last year in Dakar, and took place on December 2-6 at the [National School of administration and Magistracy](#) (ENAM). Jean Zermatten, Michel Lachat and Philip D. Jaffé lead the module aimed training future trainers. The fifth module is planned to take place in April 2014 at the IDE, in Sion.

## ALGÉRIA

Mr. Michel Lachat was in Alger in order to implement a three-module training programme on Juvenile Justice aimed at judges who are trained but inexperienced. The training program is elaborated in collaboration with UNICEF Algeria and the [Superior School of Magistracy](#). It is a training session aimed at future trainers.

## TAJIKISTAN

A delegation of judges, prosecutors and Tajik lawyers will gather to follow courses on Juvenile Justice at the IDE in January.

## ST-RAPHAËL FOUNDATION

The [St-Raphaël Foundation](#) seeks to train its staff in children's rights. Mrs. Paola Riva Gapany will be responsible for leading this course, which will take place throughout two days in March, and two days in October 2014.

### AWARENESS-RAISING

## ETOILE PROJECT 2015

In 2015, the Valais canton will commemorate the **200 years** since its entry into the Helvetic Confederation. As an organization which is deeply rooted in Valais society, the International Children's Rights Institute (IDE) and the IUKB decided to celebrate this

anniversary by leading research entitled « Generations ».

The IDE and the IUKB's research on the evolution of the perception of children and their place in Valais society from 1815 to 2015 was selected as one of thirteen **“Star projects”** (in reference to the thirteen stars on the Valais flag) retained by the canton on the occasion of this celebration.

The 2015 World Day for Children's Rights and the May Colloquium (organized in collaboration with the IUKB) will be devoted to this theme.

### COMMUNICATION

In 2013, the IDE revised its communication strategy. A new graphic design was adopted and new presentation documents were produced on this model. In the beginning of 2014, the IDE will also inaugurate a new website, mainly focused on the presentation of IDE activities, and will no longer focus mainly on providing documents, as it had done in the past.

### SÉMINAR 2013 ON SEXUAL TOURISM

The **2013 International Seminar in Sion** took place from October 15 to 18 on the topic of sexual tourism implicating children, and was a huge success. Approximately one hundred participants examined, in an interdisciplinary manner, the factors which lead criminals (pathological or unconscious/occasional) and child victims (whose eventual consent is legally irrelevant) to participate in this form of exploitation.



The seminar allowed participants to explore diverse realities (Cambodia, Kenya, Madagascar, Dominican Republic, Brazil, Morocco). The issue of poverty was raised, being the root cause of perverse effects which remains difficult to combat/quantify since it mainly occurs in the informal sector.

According to the closing recommendations put forward by the participants at the end of the workshops, businesses in the tourism sector nevertheless have a role to play (ex. Implement mechanisms for reporting, encourage projects which generate substituting revenues, allocate funds to child victims and to research). They share their responsibility with States (which must take a stand against impunity and protect victims) and civil-society actors (who must strive to self-organize as a network).

The detailed content of all conferences will be **published** soon.

Next Seminar: « *New technologies and children's rights: the right to information vs the right to protection* », November 14 to 17, 2014!

### SYMPOSIUM ON EQUALITY



In collaboration with the **Kurt Bösch University Institute (IUKB)** and the **2<sup>nd</sup> Observatory**, the IDE looked into the issue of socialization and girl/boy differentiated education, which remains widespread. This was done during a **day of interdisciplinary sharing (symposium)** which took place on October 1 under the title: “Timothy's doll and Lison's truck: Differentiated socialization, an obstacle to equality?” The public conference given by the linguist Stéphanie Pahud, which took place within the framework of the symposium, attracted more than a hundred participants.

### NOVEMBER 20 DAY OF REFLECTION

The anniversary of the Convention on the Rights of the Child on November 20 was celebrated by a day of reflection organized by the Geneva office of the IDE and the **Swiss Foundation of International Social Services**. The theme was: **“Does child protection stop at borders?”** Among the discussed topics was the complexity of the challenges brought about by transnational practices which have become common, such as the hiring of surrogate mothers, international abduction of children, or other transnational family conflicts. This day of reflection highlighted case studies and the preoccupations of professionals who are active in the domain, and attracted more than one hundred participants.

### CSDH

On October 10, the IDE and the Head of the Swiss Centre of Competency for Human Rights (CSDH) organized a meeting for invited guests only, focusing on the issue of the Swiss ratification of the Additional Protocol to the Convention on the Rights of the Child, which establishes a communications procedure in the case of violations of children's rights (OPIC). 45 specialists, among which domestic and foreign experts, gathered in Bern in order to discuss this sensitive issue. A publication containing the concluding arguments from this event is planned.

On the occasion of International Human Rights Day on December 1, the CSDH organized a public event and debate in Neuchâtel, entitled: **“Security at the cost of human rights? Deportation of foreign criminals: what consideration for the family and the child’s best interest?”**

In the latest number of the CSDH newsletter, the thematic pole “Child and Youth Policy” (IDE-IUKB) discussed the **respect of the right of the child to be heard in Switzerland**, as well as the **broadening of visitation rights for divorced, foreign fathers by the Federal Court**.

The CSDH newsletter appears four times a year and **membership** is free.

## NETWORK

### SUPPORT GALA

The IDE will have the privilege of being the fourth beneficiary of the support event organized by the association from Monthey **“à deux mains”**. The event will take place on May 10 2014. Come one, come all!

### SARAH OBERSON FOUNDATION

The annual evening event 2013 of the **Sarah Oberson Foundation** took place on November 13 at the Saxon Casino, on the theme: **“From Lucie to Marie: from zero risk to the obligation of reinsertion”**. Read the editorial by Emmanuelle Granzotti, a speaker at the event.

### VEILLARD-CYBULSKI FUND ASSOCIATION

The annual forum of the Veillard-Cybulski Fund Association will take place on April 8 2014 from 1:30pm in the auditorium Charlotte Olivier at the CHUV, in Lausanne. The title of the conference and the list of speakers are not yet available. More information will be made available of the **IDE website**.

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*A very happy new year to all!*

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