

To the members of the Committee on the Rights of the Child

Office of the United Nations High Commissioner for Human Rights (OHCHR)

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nationalinstitutions@ohchr.org**Initiative from the EU Network of Family Group Conference to exercise children's rights by first seeking organized support from the children's social network**

The Convention on the Rights of the Child (1989) and the New Zealand Children, Young Persons and their Family Act (1989) are both thirty years old. This double anniversary makes this the right occasion to request your attention for this important topic.

The rights of children especially those who are temporarily or permanently unable to live with their parents, deserve further elaboration. Our many years of experience in working with children and families show that their expertise is of great value to the implementation of children's rights. This initiative aims for a strong improvement of the use of the strength of the family and friends network.

Network of practitioners with regards to Family Group Conferences (FGC)

We represent a professional network of organizations in seventeen European countries. We collaborate closely with children, families, Governmental Organization's (GO's), Non-governmental Organizations (NGO's), Institutions, Universities and Agencies. Together we are inspired by the 1989 New Zealand Children, Young Persons and Their Families Act. This Act focuses on the importance of maintaining and strengthening relationships between children, young people and their wider network of family and friends. FGC is the mechanism that gives expression to these goals. It is about mutual self-reliance and the right of citizens to remain in control of their own 'lifeworld', even in times of trouble when intervention in this 'lifeworld' is being considered by the State in order to protect children. In our daily work with thousands of FGC's in various countries and cultures we experienced the powerful strengths, expertise, willingness and ability of families to make a safe plan for their children in order to solve their troubles. Families are to be trusted to keep control over their lives in a safe way. This provides important support for the rights of children. We wish to see this crucial knowledge and experience reflected much more in the work of both the *Committee on the Rights of the Child* and National governments.

A child rights based family approach: An initiative for a mainstream practice

Parents have the primary responsibility for the upbringing of their children and the State should provide all possible support for them to be able to fulfil their obligations (CRC, art. 5). The States parties are required to ensure the care and protection of all children (CRC, art 3(2)). The Family Group Conference principles are designed to support this article: the States parties have the means to intervene and are required, based on national legislation and international treaties, to protect and care for all children (CRC, art 3(2)) and have, when children's rights are violated, the means to intervene in the lifeworld of families and children. FGC is exactly positioned in the middle of this front door of the child protection system: the (legal) right of the family to be the first to construe a safe and responsible plan. FGC is a powerful tool to support families in ensuring prevention, early/crisis intervention at local level (no matter what the problem is) poverty, disability, (domestic) violence, health, education, etc... Lifelong connections with significant people from the family and friends network have an importance that reaches far beyond the immediacy of the current problems. The practice of rights of children should start with and be embedded in the family. That's why families must have the right and possibility to take their responsibility, participate, make their own decisions and formulate a plan.

The *Committee on the Rights of the Child* has recommended several times to different countries that the State party implement community based programmes with a view on assisting the extended family in taking an active role, e.g. conference models. We would like to see that recommendation become a formal right for children and families as it is in the New Zealand legislation (CYPFA 1989).

Provide the family group with all the required information and the State can impose conditions on the family plan with regards to safety. The family group then gets to make the first move and the professional and/or magistrate, accepts every plan that is safe and sound and satisfies the imposed conditions. The accepted plan is guiding in the follow up after the FGC.

This experience is supported by a wealth of research *). Studies in different countries show the same consistent outcomes: children and their families feel heard, children and family stay connected, children have long term support from a family network even in cases of severe problems. The family and their network understand their essential role in decision making in their own lives. Families stay in control of their 'lifeworld'. Unseen and unexpected resources become available. Collaboration between families and care professionals improves. The family group experience their right of decision making and exercises their responsibilities which also is a role model for democracy starting at home. FGC becomes a vehicle of empowerment where spaces are created for active responsibility to displace predominantly passive statist responsibility (Braithwaite).

Additional criteria for the improvement of the implementation of children's rights

Our initiative for improvements in the implementation of children's rights is based on the experience that, in cases where governmental intervention in a child's life is near or has already occurred, the extended family network brings a unique expertise to the table.

It is for this reason that we urge the *Committee on the rights of the Child* to improve the antenna of Government Organisations (GO's) as well as Non-Governmental Organizations (NGO's). This antenna should then assess the threat of (governmental) intervention in children's lives according to the following criteria for the policies of GO's and NGO's:

GO's and NGO's:

1. Refrain from removal of responsibility and power of family to look after themselves; the right of the child start with first have their family group involved to construe a safe and responsible plan.
2. Mobilise and empower all possibilities and resources of family and friends in the decision-making process.
3. Do not allow service eligibility to be defined without reference to the wider family.
4. Implement community based programmes with a view on assisting the extended family in taking an active role.

We thank you for your attention. We are ready to provide you with any relevant information that is needed and we are happy to work with you with the goal of strengthening the rights of children and their family group.

Signed, the members of the EU FGC Network – <http://www.fgcnetwork.eu/en/home/>

Zwolle, The Netherlands, August 14, 2019

*) <http://www.ucdenver.edu/academics/colleges/medicalschooll/departments/pediatrics/subs/can/FGDM/Research/Documents/Research%20Annotated%20Bibliography%202012%20Printable%20Version.pdf>