

PANDA Training Toolkit

Part 1 - Legal frameworks



This document is part of the European Erasmus+KA Project, "Participation and Collaboration for Action", acronym PANDA, code 2020-1-BE02-KA202-074818. The project involves 4 European Universities: Artevelde University of Applied Sciences (Belgium), Norwegian University of Science and Technology (Norway), Queen's University Belfast (Northern Ireland) and Universidad Complutense de Madrid (Spain). It also involves 4 organisations: Growing Up (Belgium); Trondheim Kommune/Link (Norway); Voice of Young People in Care, VOYPIC, (Northern Ireland) and Fundación Secretariado Gitano, FSG (Spain).

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General Introduction

The training toolkit has been designed as part of the Erasmus+ PANDA project. It comprises four component parts as follows:

- Part One focuses on the law, UNCRC, General Comments
- Part Two focuses on challenges and opportunities
- Part Three focuses on social/group participation
- Part Four focuses on methods

Each part can be delivered as a stand-alone training exercise or delivered sequentially. The training toolkit complements the web-based resources designed as part of the Erasmus+ project. Facilitators and participants are strongly advised to engage with these alongside the toolkit.

1 Commencing part 1: legal frameworks

The facilitator invites participants to say who they are, where their work and one talent they have.

2 Group rules

The facilitator invites participants to identify some group rules by which the group will operate, and which could include:

- what is said in the group stays in the group
- ensuring space for all to contribute
- valuing the contributions of everyone whether they are agreed with
- giving constructive feedback only.

3 Aims and objectives of the training session

The facilitator outlines the aims and objectives of the training session. This element of the training toolkit focuses on children's rights as defined in the UNCRC and aims to:

- Improve the knowledge of professionals regarding the UNCRC and supporting UN General Comments
- Increase the confidence and skills of professionals to apply the provisions of the UNCRC to all aspects of daily practice
- Impress on professionals the importance of reflecting on their attitudes, biases and assumptions towards children and childhood
- Inspire professionals to become involved in organisational and structural systems that seek to become children's rights centered in policies and practice.

Section A: Getting engaged in children's rights

Exercise A1

Purpose of exercise:

The purpose of the following exercises is for participants to explore how a commitment to human rights means a commitment to equality and vice versa and to consider these issues through the lens of the situations of other people. The exercise aims to demonstrate how choices or a lack of them form a pattern in society.

See also [International Legal frameworks](#) and briefs on regional legislations in the 4 countries: [Belgium](#), [Northern Ireland](#), [Norway](#), [Spain](#)

Instructions:

- Everyone finds a space that they are comfortable in with no distractions.
- The facilitator reads out statements from the [Universal Declaration of Human Rights](#) as follows:

All human beings are born free and equal in dignity and rights (article 1)

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty (article 2)

- The facilitator invites group members to think of a child they have worked with.
- With this child in mind, the facilitator invites the participants to form a line standing next to each other.
- Still with this child in mind, the facilitator invites the participants to listen to the following statements and move forwards for each statement that applies to the child. The statements are as follows:
 - I can buy new clothes when I need/want them.
 - I have not experienced discrimination because of my religion.

- My house can be heated enough when it is cold.
 - I can play outdoors when I want.
 - I have not been bullied because of my disability.
 - I can get access to extra tutoring to help me in my education.
 - I have not experienced discrimination because of my colour.
 - I can get medical help when I need it.
 - My views are sought in my school and I am listened to.
 - I have not experienced discrimination because of my culture.
 - I am not frightened to talk about my sexuality.
 - My views are sought in my family and I am listened to.
- By the end of the exercise, individuals should find that they are moving ahead at different rates (thus the exercise is a visual representation of differing access to basic rights).
 - The facilitator invites participants to give some feedback on the exercise around the following questions:
 - What did it feel like to be stepping forwards?
 - What did it feel like to be unable to step forwards?
 - At what point did group members begin to notice the differences in the rates of moving forwards?
 - The facilitator ends the exercise by underlining the importance of the [UNCRC](#) in children's lives that if applied, helps promote and safeguard equality of opportunity.

Exercise A2

Purpose of exercise:

The purpose of this exercise is for the group to establish a common group understanding about the importance and relevance of children's rights.

Instructions:

- The facilitator invites people to get into pairs to engage in a 3-minute written exercise to complete the following: My statement on children's rights is.....
- The facilitator then asks participants to read out their statements and adds the key words to a white board/flip chart/chat function.
- The facilitator collects the key words and writes a collective statement about children's rights.

Section B: What gets in the way of engaging in children's rights

Exercise B1

Purpose of exercise:

The purpose of this exercise is for participants to think about barriers (at the levels of the individual, the team, the organisation and wider society) that hinder engagement with children's rights?

Instructions:

The facilitator invites participants to draw a series of concentric circles (see below) and to list factors under each.



The facilitator can highlight the following:

- Me – Factors could include lack of knowledge, skills and values that reflect organisational cultural norms and that prioritise other aspects of working with children
- Team – Team culture is not 'pro children's rights'
- Organisation – Lack of policies and practice guidelines that specifically mention children's rights. Lack of mention of children's rights on forms used for casefiles and in work with children.
- Regional and national context – ambivalent/ambiguous views and approaches.

Exercise B2

Purpose of exercise:

The purpose of this exercise is for participants to reflect not only on strengths and weaknesses in their organisational, regional, and national context but opportunities too.

Instructions:

The facilitator invites participants to complete a SWOT analysis



Section C: What is the UNCRC, where does it come from, why is it important and what are its provisions?

Exercise C1

Purpose of exercise:

The purpose of this exercise is for participants to gain knowledge about the UNCRC, its origins, its provisions, and its implementation.

Instructions:

Participants are to view/read the transcripts of these YouTube short videos (none is longer than 2 minutes):

- [What is the UNCRC and where does it come from?](#)
- [Who is who in the UN and the Committee on the Rights of the Child](#)
- [What does the UNCRC say?](#)
- [How is the UNCRC made real?](#)

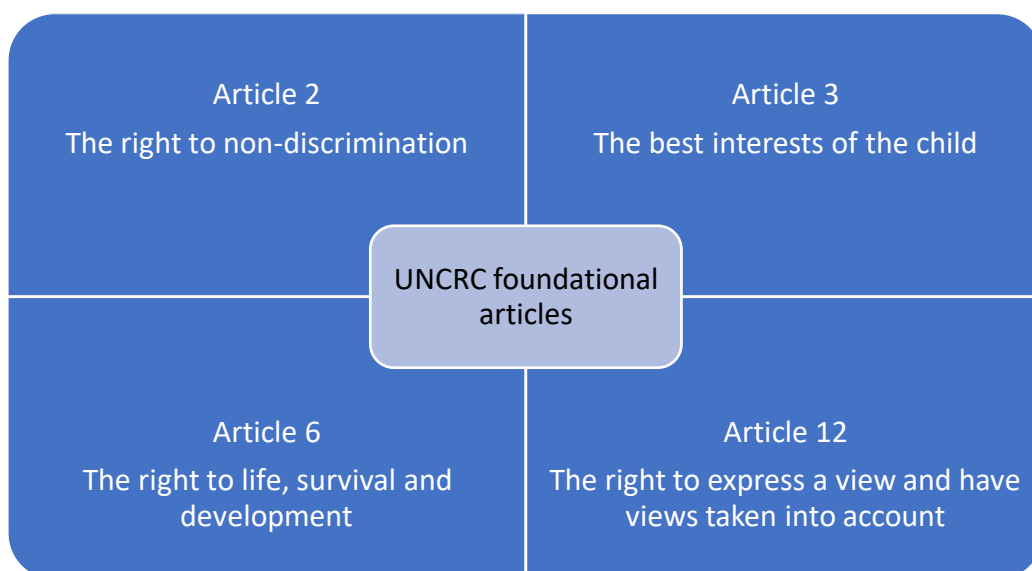
Exercise C2

Purpose of exercise:

The purpose of this exercise is for participants to ensure they have access to UNCRC articles and relevant UN General Comments.

Instructions:

- The facilitator should provide participants with a printout of/access to the UNCRC articles and [UN General Comments](#) (see Appendix Two and related web link)
- The facilitator should invite participants to consider the 4 interrelated, foundational UNCRC articles; articles 2, 3, 6, 12.



- The facilitator invites the group to discuss the implications of these. The facilitator needs to highlight the following points:
 - These articles are interrelated and inextricably linked and therefore children's participation rights draw on these 4 articles (and other related articles) together.
 - Article 2 means that we must start from the fact that no matter what the age and background of the child, they have a right to non-discrimination and that this applies to their article 12 rights.
 - This means that all children regardless of age have a right to express views and have these taken into account.
 - This is fundamental. For example, it is not possible for professionals to determine best interests' decisions (article 3) without professionals seeking the views of children and taking these into account (article 12). Articles 3 and 12 are complimentary.

- Article 6 highlights that enabling children to access their participation rights can contribute to their health, survival, and development.
 - Children’s participation rights are given effect through articles 2, 3, 5, 6, 12 and 13.
- The facilitator invites participants to consider UNCRC articles 5 and 13. What do they mean?
- The facilitator should end this section by inviting participants to consider a case they are/have been involved in and how these articles, which relate to participation rights, might be applied.

Section D: The UNCRC applied in practice: case study

Exercise D1

Purpose of exercise:

The purpose of the following exercise is for participants to apply [CRC articles 2, 3, 5, 6, 9, 12, 13](#) to case studies and to consider how advice contained in the UN General Comments could assist them and their organisations.

Instructions:

- The facilitator divides the group into 3's and asks them to consider how and in what ways the articles could be applied to the case study and what articles can be used to challenge adult decision making [the case study can be found in Appendix One].
- The facilitator brings the group together and explores feedback.

Exercise D2

Purpose of exercise:

To provide practical tips to professionals that might help as they apply the UNCRC articles in practice.

Instructions:

- The facilitator draws attention to the UN General Comments. These provide detailed guidance on the implementation of the UNCRC articles [relevant, helpful excerpts can be found in Appendix Two].
- Specifically, regarding the participation rights of children and in particular young children, the following apply:
 - [General comment no. 5 \(2003\): General measures of implementation of the Convention on the Rights of the Child.](#)
 - [General comment No. 7 \(2005\): Implementing Child Rights in Early Childhood](#)
 - [General comment No. 12 \(2009\): The right of the child to be heard](#)
- The facilitator draws attention to the template letter in Appendix Three and to other relevant local, regional resources.

Ending the session

The facilitator asks the group to reflect on:

- One new thing they have learned.
- One new thing they will do differently in practice.
- One new thing they will ask their team, organisation to consider in terms of policy/practice changes.

Appendix One: Case Study

Child separated from family

Adele is a 5-year-old female child removed from her family due to neglect. Her first language is Polish. Her mother's whereabouts is unknown. Adele has repeatedly said that she wants to see her father (she calls him 'tata'), and her maternal grandmother ('babka'). She cries at night calling out for them and has named 2 soft toys after them. Social workers held a meeting in which they decided that contact with these family members was not in Adele's best interests. It appears that the social worker has written in the meeting form that 'this child is too young to express a view'. In reviewing this decision and considering Adele's rights under the UNCRC what factors in the decision-making process do you need to consider and what articles might apply?

Appendix Two: Excerpts from UN General Comments

Un General Comment No. 5 (2003, p. 4)

Article 2: the obligation of States to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind. This non-discrimination obligation requires States actively to identify individual children and groups of children the recognition and realization of whose rights may demand special measures. For example, the Committee highlights, in particular, the need for data collection to be disaggregated to enable discrimination or potential discrimination to be identified. Addressing discrimination may require changes in legislation, administration and resource allocation, as well as educational measures to change attitudes. It should be emphasized that the application of the non-discrimination principle of equal access to rights does not mean identical treatment. A general comment by the Human Rights Committee has underlined the importance of taking special measures in order to diminish or eliminate conditions that cause discrimination.

UN General Comment No. 7 (2005, p. 6-7)

11. Right to non-discrimination. Article 2 ensures rights to every child, without discrimination of any kind. The Committee urges States parties to identify the implications of this principle for realizing rights in early childhood:

(a) Article 2 means that young children in general must not be discriminated against on any grounds, for example where laws fail to offer equal protection against violence for all children, including young children. Young children are especially at risk of discrimination because they are relatively powerless and depend on others for the realization of their rights;

14. Respect for the views and feelings of the young child. Article 12 states that the child has a right to express his or her views freely in all matters affecting the child, and to have them taken into account. This right reinforces the status of the young child as an active participant in the promotion, protection and monitoring of their rights. Respect for the young child's

agency - as a participant in family, community and society - is frequently overlooked, or rejected as inappropriate on the grounds of age and immaturity. In many countries and regions, traditional beliefs have emphasized young children's need for training and socialization.

They have been regarded as undeveloped, lacking even basic capacities for understanding, communicating and making choices. They have been powerless within their families, and often voiceless and invisible within society. The Committee wishes to emphasize that article 12 applies both to younger and to older children. As holders of rights, even the

youngest children are entitled to express their views, which should be “given due weight in accordance with the age and maturity of the child” (art. 12.1). Young children are acutely sensitive to their surroundings and very rapidly acquire understanding of the people, places and routines in their lives, along with awareness of their own unique identity. They make choices and communicate their feelings, ideas and wishes in numerous ways, long before they are able to communicate through the conventions of spoken or written language.

UN General Comment No. 12 (2009, p9)

- First, in its recommendations following the day of general discussion on implementing child rights in early childhood in 2004, the Committee underlined that the concept of the child as rights holder is “... anchored in the child’s daily life from the earliest stage”.⁵ Research shows that the child is able to form views from the youngest age, even when she or he may be unable to express them verbally.⁶ Consequently, full implementation of article 12 requires recognition of, and respect for, non-verbal forms of communication including play, body language, facial expressions, and drawing and painting, through which very young children demonstrate understanding, choices and preferences.
- Second, it is not necessary that the child has comprehensive knowledge of all aspects of the matter affecting her or him, but that she or he has sufficient understanding to be capable of appropriately forming her or his own views on the matter.
- Third, States parties are also under the obligation to ensure the implementation of this right for children experiencing difficulties in making their views heard. For instance, children with disabilities should be equipped with, and enabled to use, any mode of communication necessary to facilitate the expression of their views. Efforts must also be made to recognize the right to expression of views for minority, indigenous and migrant children and other children who do not speak the majority language.
- Lastly, States parties must be aware of the potential negative consequences of an inconsiderate practice of this right, particularly in cases involving very young children, or in instances where the child has been a victim of a criminal offence, sexual abuse, violence, or other forms of mistreatment. States parties must undertake all necessary measures to ensure that the right to be heard is exercised ensuring full protection of the child.

For further detail on all General Comments [see link here](#)

Appendix Three: Letter template

Date:

Dear (Name of Contact),

I am an advocate /social worker/support worker for (Child's name). I am writing to highlight our multiple concerns in relation to the child's involvement and participation in decisions being made about their care and protection.

(Child's name) should enjoy their rights as laid out in the [relevant local legislation] (e.g., Children (Northern Ireland) Order 1995) and the UNCRC without discrimination (Article 1 and 2 of the UNCRC). We are of the opinion that there have been multiple significant breaches of their rights, with those most pressing outlined below;

[Provide a list of rights that have been breached in both the local legislation and UNCRC ensuring to provide evidence under each breach (sometimes there will be similar rights in local legislation and UNCRC which can be put together before the description – see below for example]

EXAMPLE

The Children (Northern Ireland) Order 1995- Article 26 (2) - Before making any decision with respect to a child whom it is looking after, or proposing to look after, an authority shall, so far as is reasonably practicable, ascertain the wishes and feelings of the child.

UNCRC Article 12 (respect for the views of the child) - Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.

(Child's name) has not been afforded the opportunity to participate in relevant decisions and consequently their wishes and feelings have not been taken into consideration when decisions were made about their care and protection. This has left (child's name) feeling frustrated and disempowered.

The Children (Northern Ireland) Order 1995 Article 3 – The child’s welfare to be a paramount consideration.

UNCRC Article 3 – The interests of children and young people should be thought about at all levels of society, and that their rights should be respected by people in power.

It is our concern that decisions made are not being in the best interests of (young person’s name).
Decisions have been made, and continue to be made without considering the views, wishes and feelings of (child’s name)

Please acknowledge receipt of this letter via email (email address) once received. We would appreciate a timely response to this matter.

Kind Regards

(Sign name)

(Print name)

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