

Can CRC guiding principles be wedded to restorative practices to make a happy marriage?



RESTORATIVE PRACTICES AND THE UMBRELLA PRINCIPLES OF THE CRC

- ▶ **Non-discrimination** –restorative practices are for every race, religion, colour, sex, language, political opinion, national, ethnic, social origin.
- ▶ **Best interests of the child**– restorative practices are in the best interests of the child.
- ▶ **Right to life, survival and development** – restorative practices further the child’s right to life, survival and development.
- ▶ **Right to be heard and have views taken into account** – restorative practices allow for the child’s voice to be heard.

CLASSIFICATION OF RIGHTS UNDER CRC

Survival and development rights–

- ▶ basic rights to life, survival and development;

- ▶ **Protection rights–**

 - right to be kept safe from harm;

- ▶ **Participation rights–**

 - right to be heard, have views taken into account.

SURVIVAL AND DEVELOPMENT RIGHTS

Right to life, survival, development:
rights to –

- ▶ parental guidance (art.5)
- ▶ survive and develop healthily (art 6)
- ▶ registration, name, nationality, care (art 7)
- ▶ preservation of identity (art. 8)
- ▶ not to be separated from parents (art 9)
- ▶ family reunification (art. 10)
- ▶ freedom of thought, conscience and religion (art.14)

SURVIVAL AND DEVELOPMENT RIGHTS

- ▶ to be brought up by parents, with State's assistance, when necessary (art. 18)
- ▶ to alternative care, if removed from family, consider background (art 20)
- ▶ Special protection, if refugees (art 22)
- ▶ Special care, support, if disabled (art 23)
- ▶ Health and health services (art. 24)
- ▶ Review and treatment in care (art. 25)
- ▶ Social security (art. 26)

SURVIVAL AND DEVELOPMENT RIGHTS

- ▶ adequate standard of living (art. 27)
- ▶ Education–highest possible level (art. 28)
- ▶ education to develop personality, talents, respect, values, for life in society (art. 29)
- ▶ minority or indigenous group: learn about and practise own culture, language, religion (art.30)
- ▶ leisure, recreation, cultural activities (art. 31)
- ▶ knowledge of rights to which entitled. (art. 42)

Can restorative practices facilitate the implementation of survival and development rights?

- ▶ Many of these rights concern family responsibility for child care, health, upbringing, education and well-being.
- ▶ **Using restorative practices, e.g. Family Group Conferences/ Family Group Decision Making, Circles, and restorative justice help children realize their survival and development rights.**

Family Group Conference (FGC)/ Family Group Decision Making (FGDM):

- ▶ a process that allows families to develop plans for care and protection for their children.
- ▶ One of its benefits is that it shares decision making between the child welfare agency and the family.

(Merkel-Holgun,2000)

The State assists in a restorative way—by doing things **WITH** families, rather than **TO** them or **FOR** them.