

UNIT 4.1

Collaboration with parents as innovative approach

Legal framework of
working with the parents

Convention on the Rights of the Child (CRC)

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49.

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The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation.

It sets out the civil, political, economic, social, health and cultural rights of children.

It provides a legal and moral framework for all the organisations working for the protection and the care of the children.

Principles and guidelines for a collaboration between RYCWs and parents may be identified in the following articles, that may be grouped in four different categories with reference to the main topic of the articles.

1. RESPONSIBILITIES, RIGHTS AND DUTIES OF THE PARENTS

Art. 3.2

States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the **rights and duties of his or her parents**, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

Art. 5

States 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 recognised in the present Convention.

Art. 14.2

States Parties shall respect the **rights and duties of the parents** and, when applicable, legal guardians, **to provide direction to the child** in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

Article 18.1

States Parties shall use their best efforts to ensure recognition of the principle that **both parents have common responsibilities for the upbringing and development of the child**. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

Art. 18.2

*For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render **appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities** and shall ensure the development of institutions, facilities and services for the care of children.*

2. RELATIONS, DIRECT CONTACT WITH THE PARENTS AND FAMILY REUNIFICATION

Art. 9.3

*States Parties shall respect the right of the child who is separated from one or both parents to **maintain personal relations and direct contact with both parents on a regular basis**, except if it is contrary to the child's best interests.*

Art. 9.4

*Where [...] separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, **provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child**. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned*

Art. 10.1

*[...] applications by a child or his or her parents to enter or leave a State Party for the purpose of **family reunification** shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.*

Art. 10.2

*A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end [...] States Parties shall respect the **right of the child and his or her parents to leave any country**, including their own, and to enter their own country. [...]*

3. REFUGEE AND UNACCOMPAINED MINORS

Art. 22.2

*[...] States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organisations or nongovernmental organisations co-operating with the United Nations to protect and assist such a child and **to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family.** [...]*

4. DISABLED CHILDREN

Art. 23.2

*States Parties recognise the right of the disabled child to **special care** and shall **encourage and ensure the extension**, subject to available resources, **to the eligible child and those responsible for his or her care**, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.*

Art. 23.3

*Recognising the special needs of a disabled child, assistance extended [...] shall be provided **free of charge**, whenever possible, taking into account the financial resources of the parents or others caring for the child [...]*

Reflection:

How does your country accomplish the goals set in each aforementioned article of the CRC, specifically to ensure the collaboration between RYCWs and parents in the care of children?

Further reading:

United Kingdom: Please follow the link below:

<https://www.publications.parliament.uk/pa/jt201415/jtselect/jtrights/144/144.pdf>

Austrian context: please follow the link below:

https://www.sozialministerium.at/cms/site/attachments/5/2/8/CH3434/CMS1450780318640/un_disability_rights_convention_first_report_austria.pdf and download the info sheet at this link:
https://wiggio.com/#tpl=folderlist_2879034 (DE only)

Italian context reading: please follow the link below:

http://www.gruppocrc.net/IMG/pdf/Italy_ngowg_report_GRUPPO_CRC_EN_-2.pdf and visit the website:
<http://www.gruppocrc.net/>



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Romanian context: Please follow the link below:

https://www.unicef.org/about/annualreport/files/Romania_2015_COAR.pdf and here

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806db83b>

Greek context: Please follow the link below:

<https://www.loc.gov/law/help/child-rights/greece.php#ImplementationofInternationalRightsoftheChild>

and

http://www.mfa.gr/images/docs/pagkosmia_zitimata/2i_3i_ekthesi_en.pdf

Thank you for your attention!



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Österreichische Agentur

