

A Model Law on Child Protection
Committee on the Rights of the Child – Side Event
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Sandra, Julia, and I are here representing The Protection Project at The Johns Hopkins University School of Advanced International Studies and The International Centre for Missing and Exploited Children. And we are really honored to be presenting to you, distinguished members of the CRC Committee, a Model Law on the Protection of Children from Neglect, Abuse, Maltreatment, and Exploitation.

The idea behind the Model Law is very simple. We are giving effect to Article 4 of the Convention on the Rights of the Child which provides that “State parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present convention.”

And this is really the purpose of the Model Law. On the one hand, we are providing a model for countries that still do not have specific legislation on child protection; and our records show that there are at least 13 of them.

On the other hand, we are providing a model for countries that currently have a draft law on child protection; our records show that there are at least 23 countries that are in the process of adopting a law on child protection.

In addition, this Model Law also provides a guide for countries that have laws on child protection and are in the process of amending, changing, or improving their laws.

The Model Law is based on the four main principles of the CRC:

- The best interests of the child;
- The principle of non-discrimination;
- The right of the child to life and development; and
- The right of the child to express her/his views and for these views to be heard (the principle of participation);

However, the Model Law includes detailed substantial provisions covering various aspects of protecting children from exploitation.

Some of these provisions, we believe, are new and address current legal problems, such as our references to:

- 1) Corporate social responsibility;
- 2) Technology and the internet;
- 3) Exploitation of children in sports;
- 4) Protection of children who belong to minorities.

Keeping in mind that there is always supremacy of the CRC, we included article 5 to state:

The protection of children under this Law shall at a minimum guarantee the standard of protection provided by the Convention on the Rights of the Child and other international conventions ratified by this State. International law shall be used as a source of interpretation and application of this Law.

I will let Julia Braunmiller, our Director for Legal Affairs and the chair of the drafting committee, present the elements of the Model Law.

The law was based on a study of over 400 laws from more than 150 countries. Based on international legal standards and comparative legal analysis, we identified best practices in 68 countries and 130 domestic laws which we are citing as sources for the 65 provisions that we included in the Model Law. These 65 provisions cover the following eight chapters:

- 1) Principles and Definitions
- 2) Implementation and Application
- 3) Child Protection Measures
- 4) Protection of Children in the Family and Community
- 5) Protection of Children from Sexual Exploitation
- 6) Protection of Children from Economic Exploitation
- 7) Protection of Children in Situations of Emergency
- 8) Protection of Children in the Justice System

In drafting these provisions, we made an effort to address the following:

- We covered all forms of exploitation of children including forms that deserve more attention in current legislation, especially trafficking in children, harmful customary practices such as child marriage, exploitative labor and child labor;
- We emphasized the need for institutions that would be charged with the implementation and monitoring of the various measures suggested in the law.

Thank you, Julia.

In drafting the provisions that Julia referred to, we also kept in mind the concerns noted by your Committee on the status of child protection legislation. Consequently, our Model Law is designed to achieve these 10 goals outlined by the Committee in its Concluding Observations. Namely:

- 1) The need for the adoption of a comprehensive child protection law;
- 2) A review of existing legal provisions to ensure their consistency with the principles of the CRC;

- 3) The need for harmonizing the child protection laws with other related laws in the legal system;
- 4) The need to reconcile customary laws and practices with international child protection principles;
- 5) A review of the family codes to ensure that they are not discriminating against girls and negatively impacting children's rights;
- 6) The need for national courts to incorporate the principles of the international Convention on the Rights of the Child;
- 7) The need to establish interpretation of the existing child protection laws that are in full compliance with the CRC;
- 8) The need to allocate sufficient funds for the implementation of the child protection laws;
- 9) The need to develop a national action plan on child rights to ensure the implementation and monitoring of child protection laws;
- 10) The need for the establishment of an interagency task force, a committee, a commission, a foundation that is responsible for the implementation of the child protection law;

This Model Law was the result of a long process that started in 2009 – almost three years ago. I will let Sandra, Director of the research arm of the International Centre for Missing and Exploited Children, describe.

Together, The Protection Project and The International Centre for Missing and Exploited Children convened six expert working group meetings.

- 1) The first was held in Singapore to cover the Asia-Pacific region; 17 experts from 11 countries participated.
- 2) The second was in Alexandria, Egypt for the Middle East and North Africa; it included 36 experts from 10 countries.
- 3) The third was held in San Jose, Costa Rica, for Latin America and the Caribbean; it included 23 experts from 9 countries.
- 4) The fourth was held in Valencia, Spain, for Europe; with 24 experts from 10 countries.
- 5) The fifth was in Istanbul, Turkey; including 20 experts from 11 countries.

- 6) And the sixth and final working group was held in Alexandria, Virginia, for the U.S. and Canada, and included 16 experts.

All told, 129 experts representing 114 individual organizations, including regional bodies, government ministries, national child protection agencies, legal institutions, judicial bodies, civil society, and academic institutions, from 43 countries participated in this process.

We started with 45 provisions. We kept adding, changing, and updating, based upon the good suggestions, recommendations, and input of these experts to not only address relevant child protection issues in each region but also cultural and social sensitivity. Now, we have 65 provisions which we drafted in the English language. We also translated the Model Law, so that now it is available in five languages, Arabic, English, Farsi, Russian, and Spanish.

Thank you, Sandra, let me conclude.

With your help, I would like to take the Model Law to parliamentarians all over the world and present it as a guide either for adopting a new law, or reviewing existing laws, or amending specific provisions that require attention in light of recent developments in the area of child protection.