

Childhood and the right to protection

الطفولة والحق في الحماية

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Abstract

ملخص

All children, without discrimination of any kind, have the right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, mistreatment or exploitation¹. This protection of children in danger or at risk of being in danger has today become one of the essential missions of our modern and democratic societies. Children can be our children or our grandchildren, and both generations need comprehensive care, whether they are in danger or not. So that the research does not become complicated, I will concentrate my intervention on the grandchildren, that is to say the future generations. How can we leave them a healthy and clean environment, free from pollution and greenhouse gases “GHG” and therefore from diseases such as epidemics, and establish justice between generations?

Keywords:children, protection, rights, generations, vulnerable, justice

جميع الأطفال، دون تمييز من أي نوع، يتمتعون بالحق في الحماية من جميع أشكال العنف الجسدي أو العقلي، أو الإصابة أو سوء المعاملة، أو الإهمال أو المعاملة المنظوية على إهمال، أو سوء المعاملة أو الاستغلال. إن حماية الأطفال المعرضين للخطر أو المعرضين للخطر التعرض للخطر أصبحت اليوم إحدى المهام الأساسية لمجتمعاتنا الحالية والديمقراطية. يمكن للأطفال أن يكونوا أطفالنا أو أحفادنا، وكل الأجيال بحاجة إلى رعاية شاملة، سواء كانوا في خطر أم لا. حتى لا يعتقد البحث، سأركز مداخلتي على الأحفاد، أي الأجيال القادمة. كيف يمكننا أن نترك لهم بيئة صحية ونظيفة، خالية من التلوث والغازات الدفيئة “GHG” وبالتالي من الأمراض مثل الأوبئة، ونحقق العدالة بين الأجيال؟.

الكلمات المفتاحية: الأطفال، الحماية، الحقوق، الأجيال، الضعفاء، العدالة

1. INTRODUCTION

We belong to a human society where rights must reign, and each individual receives their rights and takes into consideration their duties. This is part of a more general evolution of the law linked to the legal protection of so-called vulnerable people. The rules established pursue two objectives: the satisfaction of the general interest by combating all economic or social exclusion of children, secondly the protection of the individual rights and freedoms of each member of the family, in the present and the future.

Our intervention focuses on all aspects of the protection of children in their present and future lives. How can we leave them a healthy and clean environment, free from pollution and greenhouse gases “GHG” and therefore from diseases such as epidemics, and establish justice between generations?

2. What is child protection?

The protection of children is necessary in their lives because of the problems often encountered. The main reasons for protection include: Health problems, conflict, extreme violence, child marriage, early pregnancy, malnutrition, education deprivation and child labour.

Child protection aims to guarantee that the fundamental needs of the child are taken into account, to support their physical, emotional, intellectual and social development and to preserve their security, morality and education while respecting their rights.

She understands:

- Preventive actions for the child and their parents;
- Identification and treatment of situations of danger or risk of danger for the child;
- Administrative decisions (financial aid, educational assistance at home, young adult contract, family or institutional care) and judicial decisions

(placement order, etc.) taken for their protection ¹(<https://www.vie-publique.fr/eclairage/18716-protection-de-lenfance>).

3. The protection rights of children

Children have a significant number of laws aimed at protection: these rights are enshrined in the International Convention on the Rights of the Child adopted by the UN on November 20, 1989.

- Right to equality
- Right to have an identity
- Right to live with family.
- Right to health
- Right to education and leisure.
- Privacy rights.
- Right to justice adapted to their age.

4. The challenges of child protection

Child protection is an area in which the evolution of law and practices with regard to people in vulnerable situations is revealed par excellence. And, by better responding to the needs of its people in fact leads the right to take into account dimensions linked to the social, economic and emotional aspects which make up the child protection is an area in which the evolution of law and practices with regard to people in vulnerable situations is revealed par excellence. And, by better responding to the needs of its people in fact leads the right to take into account dimensions linked to the social, economic and emotional aspects which make up the life of the individual. According to this analysis, the child who lives the life of childhood becomes the most vulnerable and precarious in the society which represents the society starting with the parents. Following the path of the philosopher Rousseau “*we believe that the society for the benefit of which the individual has alienated a part of*

¹ <https://www.vie-publique.fr/eclairage/18716-protection-de-lenfance-comment-mieux-defendre-linteret-de-lenfant#qu'est-ce-que-la-protection-de-lenfance>. Consulted on 23/05/2024

*his freedom must in exchange provide him with a flawless organization*² (<https://www.vie-publique.fr/eclairage/18716-protection-de-lenfance>).

5. Protection of the child's community

The community provides activities and actions for the benefit of children, taking into account their fundamental needs such as physical, emotional, intellectual and social development and preserving their security, morality and education while respecting their rights. We cite among these community actions: - preventive actions in favor of the child and his parents (preventing dangerous risks) - the identification and treatment of situations of danger or risk of danger for the child, - administrative decisions (financial aid, educational assistance at home, young adult contract, family or institutional care) and judicial decisions (placement order, etc.) taken for their protection³. The actions mentioned above have a serious impact on the risks facing children throughout their lives.

6. The tools used by France

In France, many services are child welfare (ASE), authorized associative services and third-party volunteers implementing the legal protection of young people. And, a significant number of laws the law of March 14, 2016 relating to the protection of children supplemented that of 2007. It places the child at the center of the intervention. Better meet the child's basic needs. After the violence suffered by the children, and after a report which was published in November 2023, the government presented a new strategy to better protect children. According to a study by the Department of Research, Studies, Evaluation and Statistics (Drees) at the end of 2021, France had 377,000 measures to protect minors. And after a comparative study, it deduced that it marks an increase of 1.9 compared to what was observed in 2020. This phenomenon is mainly due to the increase in the number of

² <https://www.vie-publique.fr/eclairage/18716-protection-de-lenfance-comment-mieux-defendre-linteret-de-lenfant#>: Consulted on 23/05/2024

³ Ibid.

unaccompanied minors (UMAs) and the number of temporary receptions of young adults.

“For 54% of the measures, these were placements (reception) and, for 46%, educational actions (material and educational support for the minor and his family or the young adult). Departmental councils which have an important role in child protection policy spent 9.1 billion euro on child protection policy in 2021. This figure represents around 22% of their child protection expenditure, social assistance, which amounted to 40.9 billion euro according to a press release from the Drees. Placements, particularly in establishments, represent 81% of departmental expenses »⁴.

7. 2020-2022 Plan: what progress?

This plan contributed to:

Train and inform on violence against children and promote their rights. An educational directory of 136 actions and tools intended for children, parents and childcare professionals has been developed.

- **Increase the prevention of sexual violence** by systematizing its detection at school, during the three compulsory medical visits. The Independent Commission on Incest and Sexual Violence Against Children (Ciivise), established in March 2021, has the mission of collecting testimonies from people who have suffered such violence and making recommendations to improve the response of public authorities;
- **Encourage identification and reporting.** 145 children in danger pediatric reception units (Uaped) are deployed and 119 (Allô

⁴ <https://www.vie-publique.fr/eclairage/18716-protection-de-lenfance-comment-mieux-defendre-linteret-de-lenfant#:~:text=Consulted%20on%2004/07/2024>

childhood in danger) now includes a chat for minors and a form accessible to people with disabilities;

- **Better support victims.** They can follow a graduated care pathway. Five new centers specializing in the management of their psychotrauma have emerged, bringing the total number of centers to 15;
- **Support parents and raise awareness among civil society** by organizing a campaign each year to combat violence against children;
- **Equip and support professionals** by creating 10 departmental delegate positions in the territories experimenting with a departmental committee for child protection and by better training professionals in contact with children to identify and report violence suffered by them;
- **Promote research and the collection of data** on violence against children and improve the transmission of information between the cells for collecting and processing worrying information and the 119.
- **This interministerial committee for children plans new measures in favor of children in care:**
 - The creation of “protected schooling” to promote success and strengthen academic ambition.
 - Generalize the “protected schooling” system to improve their medical monitoring and access to early psychological care.
 - Double the budget dedicated to protected children with disabilities.
 - Deploy a “young adults” pack intended to help each young person reach the age of majority, particularly for financial support⁵.

8. The 2023-2027 Plan against violence against children

The Prime Minister, Élisabeth Borne, launched the third plan against violence against children on November 20, 2023, during the third Interministerial Committee for Children (CIE). This plan increases dedicated human and financial resources. In continuation of the previous plan, of which it takes stock, it includes 22 new actions⁶.

⁵ Ibid.

⁶ Ibid.

Conclusion

These laws were promulgated in order to preserve this vulnerable layer of society, represented by children, and to help their families lighten this heavy burden of responsibilities: food, health, studies and leisure. The aim of these precautions and the preservation of children is in the first place, to give everyone the rights due to them, in particular to the weak or vulnerable class. Second: Create a generation that is balanced in personality, active and capable of assuming its responsibilities.

5. Bibliography List:

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