

ENOC STATEMENT TO MARK 20TH ANNIVERSARY OF THE ADOPTION OF THE CRC NOVEMBER 20 2009

The 20th anniversary of the adoption by the UN General Assembly of the Convention on the Rights of the Child (CRC) should be cause for celebration. But, as independent institutions established by legislation in 29 countries across Europe to safeguard children's rights, our celebration is tempered with deep concerns.

The CRC is the most ratified of the core international human rights instruments – by all European states and by 193 states globally. Yet in reality, the rights - both civil and political and economic and social - of millions of children across Europe remain unrealised. Governments regularly affirm their commitment to the CRC, take part in the five-yearly reporting process to the Committee on the Rights of the Child and receive detailed recommendations from the Committee. But – too often – many of the recommendations are ignored.

There appears little understanding in government that the CRC is a legal instrument, imposing detailed legal obligations on States. It is not a wish-list for children. States cannot pick and choose the rights they find easy to fulfil and ignore the rest.

It is not enough for our Governments to mark this anniversary by re-stating their commitments to the Convention and to children. We urge every state to carry out an urgent review – in collaboration with our institutions, children's rights NGOs and children themselves – on the status of the CRC in national law and whether children have real remedies for breaches of their rights.

ENOC is deeply concerned that the CRC is the only core international human rights instrument which lacks a communications procedure to enable children to have complaints of violations of their rights reviewed by the Committee on the Rights of the Child. A Working Group of the Human Rights Council will be meeting in Geneva in December to consider developing such a procedure: ENOC urges States to move quickly to start drafting the necessary Optional Protocol: children should not have to wait any longer for this essential tool for the safeguarding of their rights.

States should commission research with children to determine whether they (and those working with and for them) know their rights. Under the Convention, States undertake to make the CRC widely known “by appropriate and active means, to adults and children alike” (article 42).

Children, given their developmental status and vulnerability, tend to suffer disproportionately from **poverty**: we fear that the current global recession, caused by adults, is impacting most seriously on children. We urge states to closely monitor the effects on children and formulate – if they do not have one – a strategy to eliminate child poverty, including identifiable targets for periodic assessment.

There are worrying signs, in a number of states across Europe, of a growth in **intolerance, racism and homophobia**. Again, the impact on children is intensified, scarring their development. We have found **asylum-seeking children** in particular to be suffering unlawful detention and wholly inappropriate treatment in breach of their rights.

In responding to concerns about **juvenile crime**, including violent crime, state authorities too often react with unconstructive punitive measures, including increased use of prisons, rather than focussing on ameliorating the causes of crime and on rehabilitation. States should consider introducing or increasing use of alternatives to detention and age-appropriate programmes for children in conflict with the law.

Children – including babies and very young children - are far more often victims than perpetrators of violence. Despite the Council of Europe's welcome campaign to achieve a complete ban on all **corporal punishment** across its 47 member states and the 2009 deadline for a universal ban set by the UN Study on violence against children three years ago, hitting and humiliating children as a form of punishment remains common in most European states and lawful in almost half. ENOC urges those States which have not yet done so to enact legislation explicitly banning all corporal punishment.

ENOC welcomes the establishment of new ombudsperson for children offices in a number of European states. But we are very concerned that some governments, far from supporting existing institutions to fulfil their role effectively for children, are imposing cuts and/or reducing independence. And it is deeply shocking that in this CRC anniversary year any government should contemplate closing well-established institutions.

At its September annual meeting held in Paris, the Network resolved to give priority attention over the next three years to meaningful child participation, violence against children, child trafficking, child poverty and the protection of children from the threats posed by new technologies and by the Internet.

The **European Network of Ombudspersons for Children (ENOC)** is a not-for-profit association of independent children's rights institutions (ICRIs). Its aims are:

- to encourage the fullest possible implementation of the Convention on the Rights of the child,
- to support collective lobbying for children's rights,
- to share information, approaches and strategies; and
- to promote the development of effective independent offices for children.

ENOC was established at a meeting in Trondheim, Norway in 1997, when an initial group of 10 institutions met, together with UNICEF. By 2009, the Network has grown to include **37 institutions** in **29 countries**. Membership is limited to institutions in the 47 member states of the Council of Europe.