

Newsletter

Update on ENOC Activities

ENOC Bureau meeting, December 2010, Brussels

The Bureau met on 9 December 2010 in Brussels, Belgium.

Ms. Patricia Lewsley (ENOC Chair), Mr. Hugues Feltesse (representative of Ms. Dominique Versini), Mr. Marek Michalak (ENOC Vice-Chair), Mr. George Moschos (ENOC Secretary), Ms. Agnieszka Rolska, and Ms. Polina Atanasova (ENOC Secretariat) attended the meeting. The main item of discussion was the 2011 work programme as well as the definition of the scope of the 2011 priority topic: the respect of the rights of children and young people in institutional care (excluding those in prisons stricto sensu and those with mental health problems living in specialized institutions).

The Bureau agreed to commission a survey on the issue to Ms. Ankie Vandekerckhove, expert advisor. A questionnaire is under preparation and will be circulated to the members later in February.

During the meeting, the Bureau suggested that ENOC members that have a particularly relevant experience or interest on the topic form a Task Force and work together with the expert to produce more tangible results.

In this sense, those of the ENOC members that would like to join this initiative are kindly invited to express their interest by emailing the ENOC Secretariat.

The ENOC Chair, Patricia Lewsley, interviewed by the Istituto degli Innocenti

The interview focused essentially on questions concerning the rules and standards governing ENOC but also the role played by ENOC at European level including the ENOC's level of involvement in the EU Strategy on children's rights and its expectations from the adoption of a new EC Communication for an enhanced EU Strategy on the Rights of the Child. This short interview of 7 questions aimed to support the diffusion of useful information which affects children's life, but generally speaking the diffusion of relevant researches, studies, and activities which are run for or directly by children and adolescents.

The journal is addressed, free of charge, to a number of professional sectors such as Italian social workers, politicians, policy makers, teachers, professionals, magistrates, but also to scholars, students, children's rights associations etc.

Patricia Lewsley was questioned on the ENOC standards and how they do apply in reality and on the criteria of independence of ENOC members. She insisted on the serious commitment of ENOC to work with independent Ombudspersons for children able to "challenge" effectively their respective governments on the respect of the rights of the child as an added value to other institutions.

This interview also shed light on the common concern of the ENOC members to bring children's voice at the highest levels as testified by the creation of ENYA. The ENOC Chair insisted on the fact that ENOC is depicted as a "catalyst" in developing good practice and showing innovative ways of enhancing the participation of young people at all levels and especially at supra-national level.

The interview was published in the Italian journal "Cittadini in crescita" (Growing up citizens) that the Istituto degli Innocenti publishes as national agency running the activities of the Italian Governmental Documentation and Analysis Centre on Childhood and Adolescence (www.minori.it).



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Reminder of ENOC members' commitments: Payment of the Annual Membership fee (for 2011)

As you all know, the strength and effectiveness of our Network depends on its members' participation and contributions.

We would first like to remind those of you that have not afforded yet their membership fee for 2010 to do so ASAP.

*Concerning the **membership fee for 2011**, you are kindly requested to proceed to the payment at your earliest convenience. Invoices will be sent to each member individually at very short notice.*

Thank you in advance for your kind cooperation!

Lobbying for the New Optional Protocol to the UN Convention on the Rights of the Child

The negotiations on the new Optional Protocol (OP) will continue in February 2010, in Geneva while the December session has seen a lot of opposition. The chairperson of the Open-Ended Working Group has revised the draft of the OP. He kept in the provision on the collective communications procedure, and with a broader scope - "recurring violations affecting multiple individuals".

However, allowing collective procedures is now an "optional" provision, therefore, it is necessary for the States when they ratify the OP, or later, to indicate in a declaration that they accept the competence of the Committee on the Rights of the Child to consider collective comments (see Art. 7 of revised draft). This new provision is worrying for children's rights lobbyists therefore there is a need to convince the states to argue that it should be part of the OP, not optional, because of the special difficulties for children in pursuing remedies...

Following the above, ENOC members that follow the issue and lobby for the inclusion of unconditional collective communications provision are encouraged to reiterate their position before their respective governments and to try to convince them on the added value of having such an innovative and protective procedure in the new OP.

The revised proposal for a draft optional protocol prepared by the Chairperson-Rapporteur of the Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure is available under: <http://www2.ohchr.org/english/bodies/hrcouncil/OEWG/docs/A-HRC-WG-7-2-4.pdf>

ENOC at the official launching of the Council of Europe Campaign to stop sexual violence against children

Combating sexual violence against children through specific legal instruments and comprehensive awareness-raising actions are two of the strategic objectives of the programme "Building a Europe for and with children". On 29 and 30 November the programme launched in Rome, Italy, the campaign to stop sexual violence against children.

The main goals of the campaign are to: achieve further signature, ratification and implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Lanzarote Convention and to equip children, their families/carers and societies at large with knowledge and tools to prevent and report sexual violence against children, thereby raising awareness of its extent. The Convention contains all the measures needed to prevent sexual violence, to protect children and to prosecute the abusers.

The conference brought together those who have experience, expertise and can help to prevent children from abuse and ensure the response to that abuse is effective but also child and family-friendly. Documenting the positive developments that have taken place, and focusing on full implementation of the standards that have been set to protect children from sexual abuse as a child's right and the work in these areas must now take on renewed urgency.

The ENOC representative, Mr. Marek Michalak (ENOC Vice-Chair) recalled, in the key note speech he delivered, that any form of sexual violence against children (sexual exploitation, pornography, etc.) has a massively destructive impact on children's physical and psychological development. He then underlined the role Ombudspersons for children play in preventing, protecting and supporting actions. Mr. Michalak also invited once again the CoE Member States to support the adoption of an Optional Protocol to the UN Convention on the Rights of the Child which aims to create an individual and collective complaints procedure thus creating a new and efficient remedy for breaches of children's rights including for victims of sexual violence or exploitation and/or other forms of sexual abuse.

Further information on the campaign: http://www.coe.int/t/DG3/children/1in5/default_en.asp

Update on International and European activities in the children's rights field

EU Fundamental Rights Agency published on the occasion of the FRC on "Ensuring a justice & protection for all children" two child rights related reports

The first report, entitled "*Separated, Asylum-seeking Children in European Union Member States*" presents the conclusions of interviews done by the FRA with more than 300 separated, asylum-seeking children (claiming international protection from persecution) and the adults responsible for their care. The interviews took place in 12 EU Member States - Austria, Belgium, Cyprus, France, Hungary, Italy, Malta, the Netherlands, Poland, Spain, Sweden and the United Kingdom (UK). One of the conclusions is that the fundamental rights of these children are frequently violated. Separated, asylum-seeking children, who are under State care, often live in accommodation that is unsuitable for them - including in detention, even if they have not committed a crime. They are frequently unable to access quality medical care and education or training opportunities. Many separated asylum-seeking children do not understand the legal procedures they are going through, and their views are rarely taken into consideration.

The second report entitled "*Developing indicators for the protection, respect and promotion of the rights of the child in the European Union*" is based on the will of the FRA, working together with governments of the EU Member States, to develop indicators in order to measure to what extent the rights of the child are respected, protected and fulfilled in the European Union.

The FRA presented its 2 new reports at the Fundamental Rights Conference 2010 in Brussels. For more information: http://www.fra.europa.eu/fraWebsite/news_and_events/infocus10_0712_en.htm

Council of Europe Commissioner for Human Rights warns: "Austerity budgets will cause further child poverty" (Human Rights Comment)

While combating poverty was the major EU slogan for 2010, there are current trends among the states to present austerity budgets which will inevitably push more people into destitution, underlined Commissioner Hammarberg in the recently published human rights comment. He recalled that child poverty was a widespread phenomenon even before the economic crisis-in Europe also and whose origins are multiples (income level, parental unemployment, health and safety, educational well-being, family situation and the risk of violence)... An action plan against child poverty should be a political priority. This includes the development of general welfare systems and the allocation to the maximum extent of all available resources to children and their rights, not the contrary. The full text of the comment is available under: http://commissioner.cws.coe.int/tiki-view_blog_post.php?postId=110

Eurochild launched its campaign website "End Child Poverty Now!"

In the framework of the European Year 2010 against Poverty and Social Exclusion, Eurochild aimed to gather 100,000 signatures and the petition has already been handed over to a number of EU high personalities (EC, EP). Eurochild's Secretary General, Jana Hainsworth stressed with concern the growing figures of child poverty that may jeopardize the Europe of tomorrow. Children are also warmly welcome to sustain the campaign as their voices must also be heard. <http://www.endchildpoverty.eu>

ENOC published two recent reports

Different type of information (agenda, presentations, list of participants, etc.) related to the ENOC 2010 Annual Conference and the full report are available on the ENOC website under:

http://www.crin.org/docs/File/Manager/enoc/ENOC_2010_AC_report.pdf

The Malta report on the *“Role and Mandate of children’s ombudspersons in Europe”* is available on the ENOC website under:

http://www.crin.org/docs/ENO_C%20Malta%20report%20final.pdf

Relevant case-law of the ECtHR and other CoE mechanisms for the protection of children’s rights

A compilation of relevant case-law (summaries) in the child rights field delivered by the European Court of Human Rights has been prepared with the kind help of the ENOC intern and posted on the ENOC website under:

<http://crin.org/enoc/resources/infodetail.asp?id=23879>

Relevant compiled information about other Council of Europe mechanisms for the protection of children’s rights is under preparation and will be published very soon.

“Equal education for Roma children should be guaranteed”, says Commissioner Hammarberg

Declaring that “there has been virtually no change on the ground in the Czech Republic since the European Court of Human Rights found three years ago that the country had discriminated against Roma children by educating them in schools for children with mental disabilities”, the Commissioner called for concrete actions including a clear change of direction from the Czech authorities toward Roma people. Concrete measures must be implemented and sustained in accordance with Council of Europe standards on recording racist incidents and responding to racist offenses such as sterilizations without consent or the presence of anti-Gypsyism in Czech society including in political debate”. The full text of the article is available under: http://www.coe.int/t/commissioner/news/2010/101122czechrepublic_EN.asp

Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education was adopted in 2010

The Ministers for Foreign Affairs and representatives of the 47 Council of Europe member states adopted Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education. The Charter - which was developed over a period of several years with wide consultations and is non-binding - will be an important reference point for all of Europe and will be used as a basis for the Council of Europe’s future work in this field in the coming years.

Further information:

http://www.coe.int/t/dg4/education/edc/Links/charter_adopted_en.asp#TopOfPage

Council of Europe hearing on the draft Recommendation on the rights and legal status of children and parental responsibilities

The Council of Europe is currently working on a draft recommendation on the rights and legal status of children and parental responsibilities. In this context, a special hearing was organized in December 2010, in Strasbourg with the aim to consult different external partners on possible ways to explore for the organisation of a meaningful and effective consultation of children on the issues contained in the draft recommendation. The hearing also aimed to ensure the contribution of interested stakeholders in the consultation process of children which is planned to be carried out in the Spring of 2011 and the results of which will be taken into account in the final stage of the drafting of the recommendation. For further information on the issue:

<http://www.coe.int/t/dghl/standardsetting/family/Documents%20for%20Hearing%2017%20OD/WORKING%20DOCUMENTS%20for%20hearing.asp>

Election of the members of the Committee on the Rights of the Child to replace those whose terms are due to expire on 28 February 2011

On 21 December 2010, States parties to the Convention on the Rights of the Child (CRC) attended their 13th Meeting at the United Nations in New York to elect nine members of the Committee on the Rights of the Child.

The nine members elected will take their oath at the CRC 57th session to be held from 30 May to 17 June 2011 in Geneva. The list of the candidates is available under:

<http://www2.ohchr.org/english/bodies/crc/elections13th.htm>

For the first time in the CRC elections, the NGO Group and CRIN joined forces to interview the nominees for 2010 elections and provide them with the opportunity to talk about their experience in children’s rights; what they think they can contribute to the work of the Committee; what they consider to be the key issues in child rights; and their vision for the Committee.

The candidates were interviewed on a voluntary basis and all the posted interviews have been checked and approved by the relevant candidates.

UNESCO Education For All published its 2010 Global Monitoring Report

Entitled *“Reaching the marginalized”* this report argues that the economic crisis could create a lost generation of children whose life chances will have been irreparably damaged by a failure to protect their right to education. Education systems in many of the world’s poorest countries are now experiencing the aftermath of the global economic downturn.

The Report also examines who these children are and why they are being left behind, and looks at concrete solutions for making sure that no children are excluded from schooling.

The full text of the article is available under:

<http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>

Update on member institutions' activities

Dunford Review refers to ENOC and ENOC's criteria and standards for ICRI and recommends enhanced role for the Children's Commissioner for England

In 2010, the Government has commissioned an independent review of the Children's Commissioner Office for England carried out by Dr John Dunford. The conclusions drawn up in the report, and largely inspired by the ENOC standards and criteria for ICRI and the Paris principles, convinced the Minister of State for Children and Families Sarah Teather for a much stronger role of the Children's Commissioner. The Minister accepted that the functions and the mandate of the Commissioner need to be reinforced in order to fully comply with UN rules on independent human rights institutions and agreed that the Commissioner should be able to report directly to Parliament and have a strategic role in advising Government of the rights implications of new policies. In an extremely positive move, the Minister committed the Government to give 'due consideration' to the Convention on the Rights of the Child when making new policy and legislation. It is encouraging to note that ENOC membership criteria but also the scope of the mandates of ENOC full members have been referred to as a basis of comparison and inspiration. The independence of ENOC full member institutions was depicted as a goal to reach for the Children's Commissioner for England. Following the above, the Office of the Children's Commissioner for England will be undergoing significant changes in order to fit with the new objectives of independence, increased powers, and better visibility for children.

The Dunford report is available under:
<http://www.fairplayforchildren.org/pdf/1291680355.pdf>

Government statement on the Report:

<https://media.education.gov.uk/assets/files/pdf/w/written%20ministerial%20statement%20-%20occ.pdf>

Children's Commissioner for England welcomes the Government's Review into Ending the Detention of Children for Immigration Purposes

Commissioner's five years work on constant reporting on detention conditions of children for immigration purposes has reached positive results. Indeed, the closure of the family unit at Yar's Wood Immigration Removal Centre is good news for children and young people in England. Five years of reporting on the conditions in which children subject to immigration controls have been detained and the impact this has had on their welfare, documentary evidence, visits and face to face interviews with children showed the damaging impact detention has on children's mental and physical health. This closure is a first step that sheds light on the government new policy toward migrant children.

http://www.childrenscommissioner.gov.uk/content/press_release/content_395

Upcoming Events

- ❖ **22-23 February 2011:** EU Fundamental Rights Agency's (FRA's) Stakeholder's Meeting on "Applying FRA's Indicators: policy priorities for data collection", Vienna, Austria.
- ❖ **3-4 March 2011:** The national Competence Center's International Conference "I love. I do not hit. The whole Europe against child abuse", Warsaw, Poland.
- ❖ **4-6 April 2011:** SOS Children's Villages, with the support of various partners, is organising the international conference "Quality in alternative Care", Prague, Czech Republic.

ENOC is happy to welcome two new members: the Protector of Human Rights and Freedoms of Montenegro and the Human Rights Ombudsman of Bosnia and Herzegovina

The ENOC website needs your input to continue to grow. Send us information about new web resources, research or data related to Children's Rights. If you have any suggestions or if you would like to include any information or upcoming events in our newsletter please send the details to secretariat@ombudsnet.org (Re: ENOC Newsletter).

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