

Newsletter

Update on ENOC Activities

Upcoming ENOC Annual Conference: useful hotel related information

As you may have noticed, hotel related information has been sent to all ENOC members a few days ago. The 2011 Annual Conference will take place in the **Westin Warsaw Hotel**. For your convenience and since special rates for ENOC participants are offered by the same hotel, you are kindly invited to book your stay **before 31st of May 2011**, using the reservation form sent to you earlier, and following the instructions for booking at special rates. Please don't forget that special rates apply only if you use the password "**ENOC ANNUAL MEETING 2011**".

VERY IMPORTANT: availability of rooms and/or of preferential room rates is NOT guaranteed after the deadline of **31st May 2011**.

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

The rights of children as EU citizens highly protected by the Court of Justice of the European Union

An astonishing and unprecedented decision was delivered on 8 March 2011 by the Court of Justice of the EU in the **Zambrano** case. The CJUE went as far as to allow two Colombian nationals (third country nationals), who are the parents of children who are EU nationals, to live and work in Belgium, so that their children (who have Belgian nationality) would not be deprived of their fundamental rights as EU citizens. http://curia.europa.eu/jcms/jcms/j_6/

II. Peer to Peer Thematic workshop on "The role of National Human Rights Structures in the Protection and Promotion of the Rights of Children in Care" Tallinn, 6-7 April 2011

The 2nd Peer to Peer workshop, supported by the joint Council of Europe-European Commission Programme that promotes NHRIs, and organized with the help of Estonia's Chancellor of Justice office, was centered on the placement of children in care. A number of ENOC member institutions, recognized experts, and representatives of international organizations and NHRIs took part in the Seminar. The ENOC Chair, Ms. Patricia Lewsley made a contribution on her behalf, calling for a greater continuity of care, an improved transition support when care experienced young people become adults and for a central place to be given to children's participation in care planning. A representative from Lithuania's Ombudsman for Children Office presented the current situation of children in the care system in Lithuania while a representative of Malta's Children's Commissioner Office explained the situation regarding the after-care of children in out-of-home care in Malta. The workshop will give rise to a debriefing paper to keep track of successful and less successful practices and approaches that will have been scrutinized by the participants.

A better protection of children's rights in adoption procedures must be guaranteed, said Thomas Hammarberg

The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, released an Issue Paper on *the human rights perspective of adoption of children*. In this paper, he recommends the **effective subsidiarity** of intercountry adoption to appropriate domestic solutions.

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ENOC questionnaire on children in institutional care

*This is to kindly remind those of you that have not sent yet the completed questionnaire on children in institutional care to do so as soon as possible, preferably by **Mid-May**.*

We would be grateful if you could email your contributions to the ENOC Secretariat and to Ankie under ankievdk@yahoo.com, and even more if you could send hard copies of your replies to the following address:

**Ankie Vandekerckhove
De Conincksgoed 34, 9881
Bellem, Belgium**

**MANY THANKS IN ADVANCE
FOR YOUR KIND
COOPERATION!**

Council of Europe draft recommendation on participation of children and young people: possibility to send comments

The Council of Europe Ad hoc Group in charge of drafting a recommendation on participation of children & young people under the age of 18 is looking for the views and comments of ombudspersons for children and other experts on the text of the draft recommendation.

In this context, those of you who would be interested to provide the Council of Europe with extended expertise and experience may send written comments on the text of the recommendation:

www.coe.int/t/dg3/children/Source/Participation-ONG_en.doc

Comments should be sent before 8th of June 2011 to childparticipation@coe.int.

Access to education for all migrant children, including those in an irregular situation

“My position on the rights of minor migrants in an irregular situation is that states must guarantee their right to a quality education, irrespective of the legal status of the children or the status of their parents or legal guardians”, wrote the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, in a letter he sent to the Minister of National Education of the Republic of Turkey.

<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1776937>

He also calls for the adoption of a particularly vigilant approach during and following emergency situations to prevent potential abuses and violations of international obligations on the matter.

Above all, the whole process of adoption should be guided by the principle of identifying, and acting in, **the best interests of the child**.

The full text of the issue paper is available under:
https://wcd.coe.int/wcd/ViewDoc.jsp?id=1780157&Site=CommDH&BackColorIntranet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679#P145_1666

The Parliamentary Assembly of the Council of Europe determined to act to protect the rights of the child

First, in the resolution and recommendation concerning “**combating poverty**” the Assembly expressed concern about the necessity of taking urgent action to implement specific transversal measures aimed particularly at protecting the rights of children.

http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11313
http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11312

On the topic of **diabetes**, the Assembly called on member states to take urgent action to protect children and young people from the onset and the consequences of obesity and type 2 diabetes. The Assembly invited them to consider the prevention of obesity from the perspective of the rights of children and young people to health and a healthy environment in the framework of the United Nations Convention on the Rights of the Child, which calls on states parties to recognise the right of children to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11318
http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11320

In the resolution and recommendation on “**Education against violence at school**”, the Assembly welcomed the establishment by several governments of programmes to combat such violence. It also welcomed the work in this field by the European Network of Ombudspersons for Children. The Assembly however reminded that further efforts are required to reduce violence at school. It insisted on the necessity of preventive action and support to victims, keeping in mind that violent children are most likely to be themselves victims.

http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11319
http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11317

About **unaccompanied migrant children** the Assembly also approved a resolution and a recommendation. It has called on Council of Europe governments to adopt guiding principles for treating unaccompanied children arriving at their borders. The parliamentarians said that such children should never be refused entry, deported or held in detention, and should receive special assistance commensurate with their age, including a guardian and foster care if necessary, until a durable solution can be found for them.

http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11329
http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11331

UN Committee on the Rights of the Child adopted General Comment n° 13 on “Article 19”: The right of the child to freedom from all forms of violence”

Because the extent and the intensity of violence against children is alarming, the Committee on the Rights of the Child decided to issue a general comment on article 19 of the Convention on the Rights of the Child.

The present general comment builds on the existing guidance provided by the Committee in its review of States parties’ reports and the respective concluding observations, the recommendations of two days of general discussion on violence against children, held in 2000 and 2001, general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and references in other general comments to the topic of violence.

In General Comment n° 13, the Committee insists on the need to see the child as a rights holder and not as an “object” in need of assistance. It also emphasizes the central position of families to protect children against violence and on the fact that an adult’s judgment of a child’s best interests cannot override the obligation to respect all the child’s rights under the Convention.

http://www.crin.org/docs/CRC.C.GC.13_en_AUV-1.pdf

UNICEF published a new report on child discipline within the home

The report showed that even though the use of non-violent discipline is widespread, three of four surveyed children experience some form of violent discipline. Almost three fourths of children experienced psychological aggression, and about half experienced physical punishment. The report also showed that even though most caregivers do not consider physical punishment necessary in childrearing, many nevertheless use it. However, beliefs still influence everyday discipline since, in most of the countries; households are more likely to use violent physical discipline if the primary caregiver believes in the need for physical punishment.

Furthermore, the report explained that in almost every country there were no significant links between violent discipline and socio-demographic characteristics.

It concluded that “given that a considerable majority of mothers and primary caregivers in most countries already reject physical punishment in theory, if not in practice, a comprehensive strategy is needed to prevent and address violence against children.” http://www.crin.org/docs/FileManager/report_Disipl_FIN.pdf

The second annual report of the Special Representative of the Secretary-General on Violence against Children

The report of the Special Representative of the Secretary-General welcomes the fact that more and more attention is paid to violence against children across the world, however it notes that violence continues to impact on the lives of millions of children. The report emphasizes on several challenges. The focus is made on the necessity of a safe and accessible counseling, complaint and reporting mechanisms for children’s protection from violence. The Special Representative gives special attention to the development in each State of a national comprehensive strategy to prevent and respond to all forms of violence; to the introduction of an explicit legal ban on all forms of violence against children, in all settings; and to the promotion of a national system of data collection, analysis and dissemination, and a research agenda on violence against children. The report should not be seen as an end in itself, but more like a first step towards many other debates about violence against children.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-54.pdf>

Update on member institutions’ activities

After a five years term as an Ombudsperson for children, Dominique Versini issued a report on the state of the rights of the child in France.

Despite the large number of recommendations, some of which taken into account, that have been addressed to the French Government on various occasions and situations during the 5 years activity of Dominique Versini, she reported of a serious lack of follow up of some of the most important issues that touch upon children’s rights. Among those, she mentioned a few, insisting on reforms in the juvenile justice system and migrant children where the Government continues to strengthen its restrictive, from a child rights perspective, policy. Finally, she expressed concerns about the new place assigned to the Ombudsman for children who, within the new institutional structure, will be only a collaborator of the Rights Defender, and to whom children will have a limited access.

Scotland’s Commissioner for Children and Young People published a report on the extent and nature of child trafficking in Scotland

This report was the first made in Scotland to try to quantify the scale of the problem. At least 80 children had been trafficked into Scotland in 18 months without a single person being convicted for the crimes. The Commissioner explains that that numbers only represent the “tip of the iceberg” since many more children may remain unidentified.

The report states that the focus is often on sexual exploitation while those children may also face, among others, forced labour, benefit fraud and domestic servitude. It adds that, since child trafficking has often been considered an issue of migration control, those who have been trafficked have been regarded as part of the problem rather than as victims of human rights violations.

The reports ends with recommendations according to which the Scottish Government must work with the police and local authorities to ensure that the investigation of child trafficking has sufficient resources, as well as funding awareness raising training.

The full report is made available under: <http://tdh-childprotection.org/documents/scotland-a-safe-place-for-child-traffickers>

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New initiative of the European Parliament-Alliance for Children

The European Parliament has constituted a new ‘Alliance for Children’ in partnership with UNICEF and a group of NGOs.

The Alliance’s aim is to defend minors in internal and external policies, mainstreaming their rights in all the actions and programs of the EU. The group has the support of UNICEF which prepared a draft set of ‘Principles for Parliamentarians’ that members of the Alliance for Children will be asked to sign and adopt at the group’s next meeting. The principles commit parliamentarians to use the UN Convention on the Rights of the Child as a basis for their work.

<http://www.europarl.europa.eu/en/headlines/content/20110328STO16533/html/EP-alliance-to-protect-children-in-Europe-and-beyond>

The Council of Europe encourages you to “Wear your rights”

The Council of Europe recently launched a campaign called “wear your rights”. The mini-brochure “European Convention on Human Rights - Our rights, our freedoms” can be downloaded:

http://www.coe.int/AboutCoe/media/interface/publications/t-shirt_cedh_en.pdf

In the brochure, articles from the European Convention on Human Rights are presented as original t-shirt motifs. A T-shirt is a powerful and highly personal medium for publicly displaying our beliefs. Therefore, the Council of Europe has decided to make them available for wide distribution on a non-profit-making basis. They can be ordered directly on the site <http://www.wearyourrights.org>

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European Network of Ombudspersons for Children

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ENOC is supported by the
 European Commission



The Cypriot Commissioner for Children's Rights organized events to promote awareness raising and training on the "Rights and the Best Interests of Children in the Justice System"

At the initiative of Ms. Leda Koursoumba, Cyprus' Commissioner for Children, a Working Lunch and a Seminar with, as a main speaker Mr. Jean Zermatten, Vice - Chair of the U.N. Committee on the Rights of the Child, were held in Nicosia in order to raise awareness of the rights and interests of the child in the justice system.

The first event was attended by Ministers, Members of Parliament, the President and Members of the Supreme Court and Heads of Ministries and Departments having competence on issues related to children's rights. The second event was aimed at training professionals on issues relating to children's rights, in particular on three of the four guiding principles of the CRC: Participation, Best Interest and Non-Discrimination.

The report of the Ombudsman for Children's Office in Ireland to the UN Human Rights Council

The Ombudsman for Children's Office in Ireland has submitted a report to the UN Human Rights Council in advance of the Council's dialogue with Ireland later this year as part of the universal periodic review process (UPR). The report sets out a number of key concerns regarding children's rights in Ireland and recommendations for change. The full text of the report is made available under: <http://www.crin.org/enoc/resources/infodetail.asp?id=24548>

For a first time a training of young advisors has been organized by the Ombudsman for Children Office of Republic of Srpska

For a first time, the young advisors of the Ombudsman for Children have been gathered in Borje, Republic of Srpska. Young advisors have been active in all the workshops especially on the topic concerning their right to participation which, according to them, is often violated by adults.

They also discussed the codes and house rules at school and agreed that they will hold a workshop in their schools.

This gathering was important for the young people as well as for the Ombudsman for Children. Indeed, young advisors had the opportunity to exchange views and experiences as well as to develop new skills. As to the Ombudsman, this gathering was a way to get fresh information on what young people consider important for them. It was also a way to collect their suggestions on how their rights could be better protected & promoted.

The Ombudsman for Children Office of Republic of Srpska also created a new webpage "Children on the Internet" (www.djecanainternetu.org) and made a related brochure (www.djeca.rs.ba).

Upcoming Events

- ❖ **16 May 2011:** ENOC Bureau meeting, Brussels, Belgium
- ❖ **26-27 May 2011:** International Conference on "*Combating violence against children: from isolated actions to integrated strategies*" organized by the Council of Europe and the Ukrainian Chairmanship of the CoE Committee of Ministers, Kyiv, Ukraine
- ❖ **26 May 2011:** EU Conference on "Missing Children" open to Member States of the European Union, Brussels, Belgium
- ❖ **30-31 May 2011:** 3rd meeting/forum on public policy issues related to Internet Governance (IG) organized by EuroDIG, the Pan-European dialogue on internet governance, Belgrade, Serbia
- ❖ **7 June 2011:** 1st meeting of the ENOC working Group on the ENOC standards and statutes, Brussels, Belgium
- ❖ **20-21 June 2011:** 4th Meeting of the Council of Europe Ad hoc Group on Child and Youth Participation, European Youth Centre, Strasbourg, France

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).