

# Newsletter

## Update on ENOC Activities

**“The respect of the rights of children living in institutional care” on the top of the agenda of the 15<sup>th</sup> ENOC Annual Conference**

The 2011 ENOC Annual Conference took place on September 14<sup>th</sup>-16<sup>th</sup> in Warsaw, Poland. ENOC member institutions have been surveyed in 2011 on the situation of children and young people living in institutional care in their respective countries in order to detect the main barriers and difficulties that exist all around Europe and which prevents those particular group of children to enjoy the same rights as those living outside the institutional context. The outcomes of the survey have been presented by Ms Ankie Vandekerckhove, ENOC expert advisor. Given the complexity of the issue, it has been decided that the issue will be further looked at a working group which will propose a position paper on the topic next year.

ENOC had the honour to welcome representatives from different European and International organizations, such as the European Commission, Council of Europe, and Committee on the Rights of the Child, but also Poland’s Minister of Justice and the Minister of Education.

Representatives of the ENYA board presented Four Action Plans based on the work they have delivered back in July in Belfast. And last but not least, ENOC elected its new Bureau. The new members that have been elected are Ms. Leda Koursoumba (Cyprus)-upcoming Chair (for 2012-2013), Ms. Edita Ziobiene-Treasurer, and Mr. Bernard de Vos- Secretary.

The General Assembly decided that the issue on which ENOC as a Network will be working throughout the year of 2012 will be children in the justice system. A Working Group lead by Ms Leda Koursoumba will work on defining the scope of the work before further initiatives are launched.

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

**EU Seminar on “Handling of Citizens’ Petitions & Complaints on Fundamental Rights”**

On October 6<sup>th</sup>, a joint EC-EP’s Petitions Committee Seminar on “**Handling of Citizens’ Petitions & Complaints on Fundamental Rights**” took place in Brussels, Belgium. The Seminar aimed to gather together institutions that have the power to handle complaints on fundamental rights in EU Member States. The latter had the opportunity to share good practices and for EU institutions to assess how often “*people knock on the wrong door*” when they are seeking redress for a violation of fundamental rights.

**The Council of Europe Deputy Secretary-General Maud de Boer-Buquicchio addressed the UNICEF Executive Board in New York**

On September 13<sup>th</sup>, the Council of Europe Deputy Secretary-General Maud de Boer-Buquicchio addressed the UNICEF Executive Board in New York, presenting the Council of Europe’s Program “**Building a Europe for and with Children**”, and the organization’s efforts to promote policies that protect children’s rights, in particular, the rights of vulnerable children. The CoE Deputy Secretary-General added that “*The Council of Europe can help UNICEF achieve its mission through global advocacy and actions on the ground*”. The UNICEF Regional Director, Mr Steven Allen praised the CoE new Strategy on the Rights of the Child for 2012-2015 which will facilitate UNICEF’s work.



### Inside this issue

Update on ENOC activities	1
Update on European & International Activities in the CR field	1-3
Update on ENOC member institutions’ Activities	4
Upcoming events	4

### Reminder

Dear ENOC members,

Following decisions made at the last General Assembly meeting in Warsaw, you are kindly invited to send **by end of October** your interests for participation in:

- ✓ WG on children in institutions
- ✓ WG on justice administration
- ✓ WG on ENYA
- ✓ WG on new ways to present the annual updates

### CRC 58<sup>th</sup> session

The 58th session of the CRC took place in Geneva from September 19th to October 7th, 2011. Reports on Iceland and Sweden’s compliance with the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) were examined. The CRC launched two guides to help NGOs accompanying children in reporting to the Committee. They are available on: [http://www.crin.org/docs/NGO%20Guide%20With%20Children%20For%20Children%20\\_%20web.pdf](http://www.crin.org/docs/NGO%20Guide%20With%20Children%20For%20Children%20_%20web.pdf) & [http://www.crin.org/docs/My%20pocket%20guide%20to%20CRC%20reporting\\_WEB%20%20COLOUR.pdf](http://www.crin.org/docs/My%20pocket%20guide%20to%20CRC%20reporting_WEB%20%20COLOUR.pdf)

## **“Improving access to Education for Asylum-seeker, Refugee Children and Adolescents in Central Europe”**

The UNHCR Regional Representation in Central Europe (RRCE) published in July 2011 its newly released report on the Regional Research and Conference, carried out mid this year, on improving the access to education in Central Europe for its populations of concern, in particular children and young people. The report on “Improving access to Education for Asylum-seeker, Refugee Children and Adolescents in Central Europe”, whose aim was to assess the situation of those children, reveals huge gaps and violations of children’s rights, which would be one of the future priorities of the UNHCR in this region. The report is available on <http://www.unhcr-centraleurope.org/pdf/what-we-do/caring-for-vulnerable-groups/education-of-refugee-children/improving-access-to-education.html>.

## **“Undocumented migrant children in an irregular situation: a real cause for concern”**

On October 7<sup>th</sup>, the CoE Parliamentary Assembly adopted a draft recommendation on “Undocumented migrant children in an irregular situation: a real cause for concern” produced by the Committee on Migration, Refugees and Population whose Rapporteur was Mr Pedro AGRAMUNT FONT DE MORA. The deputies urged member states to harmonize their legislations concerning migrant children, asking them to put on the top of their immigration policies the best interests of the child instead of immigration restrictions. [http://assembly.coe.int/ASP/Doc/ATLis tingDetails\\_E.asp?ATID=11379](http://assembly.coe.int/ASP/Doc/ATLis tingDetails_E.asp?ATID=11379)

## **Thomas Hammarberg published a human rights comment on “Schools must stop spreading homophobic and transphobic messages”**

The CoE Commissioner for Human Rights, Mr. Thomas Hammarberg, published in September 2011 a comment on “Schools must stop spreading homophobic and transphobic messages”. In his comment Commissioner Hammarberg underlined his wish to place this matter in the core of the debates concerning children and bullying. In fact, young people suffer from sexual orientation or gender identity discrimination at school and in their everyday life. He has observed that even in primary schools, children use and repeat homophobic and transphobic remarks without even understanding what the words refer to. In some regions of Europe, homosexuality is still considered as a sickness and some school books still refer to homosexuality as abnormal sexual life. Several European states in collaboration with NGOs have taken initiatives to stop homophobic discrimination at school. “*There is a strong need to review curricula and teaching materials in all member states of the Council of Europe*” the Commissioner wrote. One important tool to be used by teachers to help them to protect children from bullying and fight against all forms of discrimination could be the Council of Europe training pack on violence reduction in schools. For the full text of the comment: [http://commissioner.cws.coe.int/tiki-view\\_blog\\_post.php?postId=181](http://commissioner.cws.coe.int/tiki-view_blog_post.php?postId=181)

## **The 9<sup>th</sup> Council of Europe Conference of Health Ministers: “Child-Friendly Health Care: Building a Healthy Future for and with Children”**

The Ministers responsible for health in the 47 member states of the Council of Europe, met at the 9<sup>th</sup> Council of Europe Conference of Health Ministers in Lisbon on 29 to 30 September 2011 on the invitation of the Portuguese Government, to discuss on “Child-Friendly Health Care: Building a Healthy Future for and with Children”. They recognized that “*healthy children are the future of Europe and the rights of every child to equitable access to health care which is appropriate, child-oriented and of good quality must be respected*”. The participation of children in healthcare decisions affecting them was declared essential to reach the best interest of the child. They reiterated their support to child-friendly healthcare and to the program “*Build a Europe for and with Children*”. The Final Declaration is available on <http://www.coel Lisbon2011.org/?lop=conteudo&op=e2ef524fbf3d9fe611d5a8e90fefdc9c&id=ec5decca5ed3d6b8079e2e7e7bacc9f2>.

## **Final Report on children’s consultation on the Council of Europe Child-friendly Healthcare Guidelines**

The Final Report of the children’s consultation on Child-friendly healthcare recommendation was presented at the 9<sup>th</sup> CoE Conference of Health Ministers in Lisbon at the end of September. Dr Ursula KILKELLY from the University College of Cork, Ireland, introduced the final conclusions collected in a report called: “**Child-friendly health care: the views and experiences of children and young people in Council of Europe member States**”. The CoE guidelines on child-friendly healthcare aim to provide the best healthcare systems for children all over Europe, in the respect of the UN CRC principles. Thanks to this consultation children and young people had been involved in the decision-making process, in accordance with article 12 of the UN CRC. The Final Report is available on ENOC website: [http://www.crin.org/docs/Child\\_Friendly\\_Healthcare\\_Final\\_Report\\_English\\_version\\_.pdf](http://www.crin.org/docs/Child_Friendly_Healthcare_Final_Report_English_version_.pdf).

## **Discussions on “Child abuse images” and “violent and extreme pornography” at the autumn session of the Parliamentary Assembly of the Council of Europe**

The CoE Parliamentary Assembly session took place from October 3<sup>rd</sup> to October 7<sup>th</sup>, 2011 in Strasbourg, France. Rapporteur of the Social, Health and Family Affairs Committee Mr Agustín Conde Bajén (Spain, EPP/CD) presented on October 5<sup>th</sup> the Committee’s work on *Combating “child abuse images” through committed, transversal and internationally co-ordinated action*. The rapporteur stated that It is essential to consider as offences both consultation and production of this kind of images. Mr Conde Bajén claimed that this issue needs more political interest and more awareness-raising in general.

Legal action and global cooperation between states and international organizations must be undertaken. The report recommends that the European Union (UE) undertakes to produce guidelines to stop pornography websites using child images. Mr Mendes Bata spoke as rapporteur of the Committee on Equal Opportunities for Women and Men about the subject of “*violent and extreme pornography*”. The images available on Internet are more and more violent: “*there is a real danger of normalization of the violence, of sympathy of violent crimes and risks of imitation*”, he said. Ms Najat Maalla M'jid, United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, expressed her strong support to the CoE campaign “ONE in FIVE” and said that efforts must go further. She pursued by stating that New Technologies facilitate production of pornography, preserve identity and occur dynamic movements which alter the police work. Several international treaties have been signed and ratified but now it is essential to ensure their implementation. The World Rio Congress against sexual exploitation of children and adolescents in 2008 planned the implementation in 2013 of a monitoring body, which is very important step forward for the implementation process.

A large number of parliamentarians agreed that international cooperation to fight against the impunity of those criminals must be further strengthened. But some of them warned the Assembly about the risk of abuses and restrictions to the freedom of expression. The draft report, recommendation and resolution were adopted unanimously by the Parliamentary Assembly.

[http://assembly.coe.int/ASP/Doc/ATListingDetails\\_E.asp?ATID=11365](http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11365)

### Children’s rights discussed at the 18th regular session of the Human Rights Council

The 18th regular session of the Human Rights Council closed on 30 September, 2011. Children’s rights were discussed in a resolution on the “*administration of justice, in particular juvenile justice*” and in a debate concerning a resolution on the *death penalty*, which paid particular attention to young people. Children’s rights were also addressed in a number of discussions on *child slavery* and *children in armed conflict* for example. The resolution on “*Administration of Justice, in particular Juvenile Justice*” was adopted on September 29<sup>th</sup>. It states on the age of criminal responsibility, capital punishment and life imprisonment. The HRC made reference to the recommendations of the CRC to put the minimum age for criminal responsibility to 12 years old. HRC asked States to guarantee that capital punishment and life imprisonment without possible release would not be proclaimed for children under 18. The Council requested the Secretary-General on the death penalty to continue his work, reinforcing his research on death penalty for people under the age of 18 at the moment of the offence, pregnant women or persons with disabilities.

### Call for submissions for an OHCHR’s study on the rights of children working and/or living on the street

Last March, the UN Human Rights Council (UNHRC) adopted unanimously a resolution “**Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street**”. In addition, Article n°18 invites the Office of the United Nations High Commissioner for Human Rights to conduct a study on challenges and best practices on this issue. The OHCHR will produce the report in December 2011 in order to present it at the UNHRC’s 19<sup>th</sup> session. The resolution requests that the global study is conducted in close collaboration with all stakeholders “*including States, the United Nations Children’s Fund and other United Nations bodies and agencies, the Special Representative of the Secretary-General on violence against children, the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and other relevant special procedures mandate holders, regional organizations, civil society, national human rights institutions and children themselves*”.

A call for submissions of relevant information and other input related to the main issue is available on OHCHR’s website: [www.ohchr.org/EN/Issues/Children/Study/Pages/childrenonthestreet.aspx](http://www.ohchr.org/EN/Issues/Children/Study/Pages/childrenonthestreet.aspx)

*continues*

### Second annual report of the Special Representative of the UNSG on Violence against Children

The second annual report of the Special Representative of the Secretary-General on Violence against Children, Ms Marta Santos Pais, was submitted to the UN General Assembly in October. The report identifies areas to which the Special Representative will devote special attention such as the promotion of the universal ratification of the Optional Protocols to the CRC; consolidation of the regional governance structures on violence against children. Marta Santos Pais is also willing to pursue expert consultations on violence-related topics and to manage to conduct a global survey to assess progress and undertake further action. The report is available under: [http://www.crin.org/docs/SRS\\_G\\_Report\\_GA\\_2011\\_A-66-227.pdf](http://www.crin.org/docs/SRS_G_Report_GA_2011_A-66-227.pdf).

### Ireland’s Ombudsman for children (OCO) launched a consultation with homeless children

The OCO announced that they are planning to seek the views of homeless children in order to understand their experiences of homelessness and in order to improve their living conditions and the services available for them. Emily Logan stated that: “*Homeless children are extremely vulnerable and generally live very chaotic lives (...) My Office understands that these children may find it difficult to seek support or find their way to this Office so we are asking professionals who these children know and trust to assist us in identifying and making contact with them*”. The Office has received a number of complaints made directly by or on behalf of young people who were homeless and/or accessing crisis intervention and out-of-hours services. [www.oco.ie](http://www.oco.ie)

## Update on member institutions' activities

### 4<sup>th</sup> Annual Report of Children's Commissioner for Wales

On October 5<sup>th</sup>, 2011, Mr Keith Towler published his fourth annual report and accounts as Children's Commissioner for Wales on the day the tenth anniversary of his office. His report aims to help the Welsh government to change policies in order to reduce inequalities between children/young people and to assess the real needs of young people. Furthermore, he said: *"I think it's quite timely for the new Welsh Government and service providers across the board to take stock of how we deliver public services for children and young people"*. A copy of the Annual Report & Accounts can be downloaded here: [www.childcomwales.org.uk](http://www.childcomwales.org.uk)

### Cyprus' Commissioner for children's rights submitted a report to the UN CRC

The Cypriot Commissioner for children's rights submitted at the end of September 2011 its first report to the UN CRC, concerning the 3<sup>rd</sup> and 4<sup>th</sup> Periodic Reports of the Government of Cyprus. It has been the first time that the Commissioner's Office submits an alternative report covering two periodic reviews since the Commissioner for Children's Rights Office has been set up only in 2007 after a recommendation in this sense of the Committee on the Rights of the Child.

The full report is available under: <http://www.childcom.org.cy/ccr/ccr.nsf/All/6D177D428BF1C6F3C225791B003446BF?Opendocument>

### "About your rights at school" a special report published by the Ombudsman for Children of the Republic of Srpska

In October, the Office of the Ombudsman for children of the Republic of Srpska published a special report called: *"About your rights at school"*. The Ombudsman's office conducted workshops, held in 2010, in 27 schools, in 21 municipalities and thus covered the whole country's territory. The Ombudsman for Children could notice that huge differences in terms of awareness but also in terms of protection of the rights of the child exist between the different schools visited and the different regions. The full report is available under: <http://www.djeca.rs.ba/uploaded/Special%20report-about%20your%20rights%20at%20your%20school.pdf>

## Upcoming Events

- ❖ **1-2 November 2011:** UN meeting on children living and/or working on the street in preparation for the OHCHR's report to the HRC, Geneva, Switzerland
- ❖ **20-21 November 2011:** Conference on the Council of Europe Strategy for the Rights of the Child 2012-2015, Monaco
- ❖ **23 November 2011:** 5<sup>th</sup> EU forum on the Rights of the Child, Brussels, Belgium
- ❖ **30 November-2 December 2011:** EUROCHILD 8<sup>th</sup> Annual Conference on *"Tackling child poverty through supporting and strengthening families"*. Registration & information: [www.eurochild.org](http://www.eurochild.org)

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](mailto:secretariat@ombudsnet.org) (Re: ENOC Newsletter).

OCTOBER 2011						
S	M	T	W	T	F	S
						1
2	3	4	4	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER 2011						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER 2011						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### European Network of Ombudspersons for Children

Council of Europe  
"Agora" Building  
Office n°B5 07V-B5 08V  
67075 Strasbourg Cedex  
Tel. +33 3 90 21 54 88

E-mail:  
[secretariat@ombudsnet.org](mailto:secretariat@ombudsnet.org)

Find us on the Web:  
[www.ombudsnet.org](http://www.ombudsnet.org)

ENOC is supported by the  
European Commission

