

**EUROPEAN NETWORK OF
OMBUDSPERSONS FOR CHILDREN
(ENOC)**

**REPORT OF THE
11TH ANNUAL MEETING**

BARCELONA, 19 - 21 SEPTEMBER 2007

**ENOC Annual Meeting
Barcelona, 19-21 September 2007**

Introduction

The 11th ENOC Annual Meeting took place in Barcelona between the 19th and 21st of September 2007 and was hosted by the Office of the Catalan Ombudsman (*Síndic de Greuges de Catalunya*). There were 88 participants at the meeting, of which 55 members of the network from 23 offices, 28 observers and 5 invited speakers.

Rafael Ribó, the Catalan Ombudsman, opened the meeting and welcomed ENOC members and observers to Barcelona. He provided a taste of what Barcelona and Catalunya are historically and showed the commitment of his office towards Children's Rights. He argued his support to his Deputy, Xavier Bonal, and his team, for their professional work and their important lines of action.

ENOC update on activities undertaken during the year

George Moschos, Deputy Ombudsman for Children's Rights of Greece and ENOC Chairman, informed about the main activities developed during his mandate as a chairman. He mentioned the celebration of 10 years of ENOC since its creation in Norway in 1997. ENOC was created, after the initiative of our Norwegian colleague Trond Waage. 10 years later, ENOC is a strong European Network, with 27 members, recognised and respected by the Council of Europe, the European Union, the UN Committee on the Rights of the Child and many other international organisations. Together with these organisations, ENOC join efforts to make sure that every country in Europe has an independent human rights institution acting for the protection and promotion of children's rights, with a specific mandate given by parliamentary law. ENOC is now registered with French authorities in Strasbourg.

The chairman also referred to the saddest event of the year. ENOC family was shocked with the announcement that Peter Clarke, Commissioner for Children of Wales, passed away in January 2007. This is the second dearest colleague that we lose within the last 2 years, after the death of Nigel Williams from Northern Ireland in March 2006. Peter was a very extinguished, dedicated and talented person, the first Commissioner for Children in UK, a pioneer in his work and a real children's champion. He gave us excellent examples of work in listening to children and in passionately defending their rights at community as well as at institutional level. His memory will stay strong not only in Wales but also among our Network members with whom he shared common dreams and concerns.

Regarding the specific activities developed during his mandate, George Moschos informed about the following questions:

- After Athens Annual meeting the network had a very high expectation that the European Union would be soon able to fund ENOC, so that ENOC could get personnel for the office and organise a number of seminars, communications and other activities. Unfortunately, the reassurance of Mr. Trousson, from the European Commission, that

ENOC would be exceptionally funded directly by the DAPHNE programme of the E.C., could not be realised, as the European Council rejected the initial decision of the European Parliament. So, ENOC was told to wait for the open call for proposals of DAPHNE III programme, in order to apply for funding.

- For the first time in ENOC history ENOC had a **5 member Bureau** elected last year, including a Secretary and a Treasurer. The members of the Bureau were dedicated to collaborate and to promote Network issues. The Bureau met once in Strasbourg in January 2007 and communicated all year through, to co-ordinate efforts and to have ENOC voice heard at E.U. level as well as at the Council of Europe and in other international events.
- The issue of securing EU funding for ENOC is still open. The Bureau took a decision to employ an **independent expert** as soon as the call for proposals for the new Daphne programme was announced, to prepare an application and to investigate other possible funding resources, such as the EC programme for Fundamental Rights.
- Regarding the availability of an **office** for ENOC at the **Council of Europe premises**, the Chairman received a letter by Maud de Boer, Deputy Secretary of the Council of Europe, in which she now confirms, after a long period of uncertainty, that we can use a particular space as an office in the building of the Council of Europe.
- During this year, with the help of our good advisor, Peter Newell, the Bureau examined 8 re-**applications** by members and a new application by the Finnish Ombudsman for Children. So ENOC has now **14** members who have gone through examination of their membership application, in the light of the new statutes. Later in our meeting we will have the chance to discuss in more detail about this procedure, but at this moment I would like to address our warmest thanks to Peter Newell, who is consistently helping us, and advising us whether applications meet the criteria set in ENOC Statutes, but also in many other occasions, with his valuable advice. ENOC Bureau expects that in future we find an arrangement regarding the provision of his services to ENOC through a paid contract.
- During the year some efforts have been made to improve the **ENOC website** that is now hosted by CRIN. The chairman thanks Veronica Yates, who has been putting a lot of efforts to make the site more useful and widely used by members.

Some other events and activities that took place during the year:

- In January ENOC sent to the Committee on the Rights of the Child the Position Statement on Juvenile Justice (adopted in 2003), and expressed the hope that the Committee, while drafting its latest General Comment on Juvenile Justice, would take into account ENOC's concern regarding the tendency of some countries to lower rather than raise the age of criminal responsibility of juveniles.

- In April 3 members of Bureau and 2 more ENOC members participated in a Hearing at the European Parliament on the New E.U. Strategy on the Rights of the Child.
- In May George Moschos participated as invited expert and speaker in the Standing Conference of European Ministers of Education, that organised the Council of Europe together with the Turkish government in Istanbul and made a presentation on "Children's Rights in an Educational Perspective".
- In June many ENOC members participated in the first European Forum on the Rights of the Child that took place in Berlin, organised by the German E.U. Presidency in collaboration with the European Commission. The chairman took part in a high level round table discussion on the general principles and aspirations of the Forum. During the same event many ENOC members participated in the working group on the content and the way of operation of the Forum. A month later, Ankie Vandekerckhove, ENOC Secretary, participated in an expert's group meeting that took place in Brussels, to prepare the next Forum meeting and to discuss procedures and content of meetings.
- In July 2007 the chairman was invited and participated as speaker in the conference in San Rossore, organised by UNICEF on "A new global vision for women and children" and in particular in the round table on tackling child poverty.
- In September 2007 the Council of Europe organised an important international conference on "International Justice for children". The chairman was invited to be one of the speakers, on the role of ombudspersons to implement international standards and decision on children's rights.
- During the year an important part of ENOC's work was dedicated to the promotion of our past position statement on **Unaccompanied Children**, that was sent to the European Parliament and promoted to national governments by many members, and to the preparation of the new Statement on "**Children with Disabilities**". A working group was set up and met once in Brussels.

George Moschos addressed a very special "thank you" to the co-ordinator of the working group, and secretary of our Network, Ankie Vandekerckhove. Ankie has been chairperson of ENOC in the past. However, she accepted to serve the Network from the position of the Secretary. Ankie is in her last year in office in Belgium, where she has done a magnificent work. ENOC expects to find some way to use her extremely useful experiences, knowledge and abilities.

- After proposal by, Reidar Hjermann, ENOC also produced another Statement during the summer, on “**The Implementation of the UN Study on Violence Against Children Recommendations**”. This Statement has been available to members in order to use it in the communications with their governments, preparing for the UN General Assembly of October.

Decisions taken at the Barcelona Annual Meeting 19-21st September 2007

- Emily Logan (Ireland) was elected as **Chairperson** for the year 2008-2009. The next annual meeting is to be organised in Ireland / Dublin. Suggested dates, 3-5 September 2008, will be discussed at Bureau level. Maria Battle (Wales) was elected as next Secretary. She will undertake her duties as soon as Ankie Vandekerckhove finishes her term as Commissioner for Children in Flanders / Belgium. It was agreed that current Treasurer and Deputy Treasurer will continue to hold their posts.
- No objection was raised for the acceptance of **applications** by the Bureau of Sweden, Lithuania, Denmark, Finland, Ireland, Northern Ireland, Wales, Spain/Madrid, Russia/Moscow. These institutions are now considered to be full members. It is important to keep in mind that **all institutions that have not yet re-applied should do that before September 2008, as it was already decided in past general assembly.**
- All institutions that have not paid their **annual fees** yet, should do this by December 2007. If they cannot do that, fully or partly, they should send a letter to the Chairman explaining the reasons. Members are expected also to pay their fees for next year from January 2008 and preferably before March 2008.
- ENOC will **accept the offer of the Council of Europe** to use a specific **office** in its premises. The office will be furnished by the Council and only communication expenses are expected to be paid by ENOC. A letter will be addressed by the Chairperson to the Deputy Secretary General Ms De Boer, explaining that at the moment we are unable to recruit personnel but we would like to have the office furnished, start operating it with voluntary staff and as soon as we receive some funding (either through E.U. or from other resources) we will try to have ENOC paid staff in Strasbourg.
- The amount collected from ENOC **membership fees** (so far 10.500 Euros) **will be spent** to pay for the operation of website with CRIN, to hire an independent expert who will prepare applications for E.U. funding, to buy necessary equipment for the new office in Strasbourg and to support financially the office of the Chairperson (at SINDIC) for administrative work of the Network. The above amounts will be finalised by internal decisions at Bureau level.
- The independent expert for the E.U. **applications** will be identified by Bureau members' contacts. If any other member has a suggestion for a person to do the job, they should contact members of the Bureau.

- The Bureau will also seek collaboration with a European organisation, in order to participate in the call for tenders of the European Union Agency for Fundamental Rights for **research** on the implementation of children's rights in Europe.
- ENOC website should be further used by members, as CRIN reports high numbers of users of it. Every ENOC member is expected to write a text of about 300-400 words that will serve as "**members profile**" and will be uploaded in Member's page. Texts should be sent to the Secretary as well as directly to Veronica Yates, who will be responsible for uploading them.
- A number of themes were proposed for the next year's annual meeting, including: bullying; abandoned children; migrant children; urbanization and children's rights (Norwegian presentation). Ireland suggested ENOC should focus in particular on participation of children in relation to these issues. In addition, it was suggested that ENOC should also consider what the EU Forum will decide to focus on, and possibly adopt that theme. The Bureau will make the final decision about the choice of the **main theme** for next annual meeting.
- The ENOC Bureau noted that if ENOC members are going to events and meetings where they may be perceived as "representing" the Network, they should inform the Bureau in advance, and also provide report afterwards.
- ENOC will prepare for the **UN Special Session for Children**, that will take place in New York in December. Members are free to participate with their governments' delegation, but are advised to be clearly registered as independent institutions for children's rights. ENOC will prepare its own text of intervention. The Bureau will try to prepare this text by the beginning of November, so that it is circulated and discussed among members. UNICEF INNOCENTI has offered to host a meeting of (up to 10) ENOC members in Florence, in order to elaborate this document.
- The new ENOC **Statement on Children with disabilities** will be soon finalised by the working group that produced it, following comments of members during the discussion in Barcelona (co-ordinator Ankie Vandekerckhove). All ENOC members will prepare communication and media activities, to present the Statement to the general public at national level. These activities will take place during **the first week of December**. George Moschos has undertaken to co-ordinate and circulate information about events taking place in various ENOC members' states.
- A new **Working Group** will be formed on "**International Justice and Children's Ombudsmen**". In fact it will attempt to map out current practices and to produce guidelines on the ways in which a Children's Ombudsman can use international justice mechanisms and to assist children in accessing them. Members who have already expressed their interest to participate in the Working Group are: Maria Battle (co-

ordinator of working group), Ankie Vandekerckhove, Carmen Gonzalez Madrid, Alexei Golovan. If more members wish to be involved, they should get in touch with the co-ordinator.

- Another **Working Group** that may be formed later during the year is the one connected with the tasks of the “**European Forum on the Rights of the Child**”. In fact ENOC has not been yet invited to undertake a particular responsibility regarding this Forum, but following the participation of George Moschos and Ankie Vandekerckhove in earlier meetings, it is expected that ENOC will contribute towards setting the principles and guidelines for the representation of children at EU level meetings. In any case, representation in European Forum activities will be decided at Bureau level and members will be informed and consulted on relevant issues.
- **Next meeting of the Bureau** will be planned to take place at the end of January in **Strasbourg**, hopefully in combination with a **daily seminar** on the operation and the human rights mechanisms of the Council of Europe, to be attended by any interested ENOC member.
- Elda Moreno, from the Council of Europe, invited ENOC members to support the new **CoE campaign against Corporal Punishment**, to be launched in December. ENOC members are invited to welcome the initiative, to disseminate the material and to be available for the media.
- Marta Santos Pais, from **Innocenti UNICEF** and George Moschos invited all members to contribute to the IRC Survey on *Ombuds for Children*. Members are kindly asked to answer the questionnaire once the IRC team will contact us. This research project will provide us very interesting results about how our institutions work.
- The General Assembly of ENOC agreed that it could be listed as supporting the proposal that an **Optional Protocol** should be drafted and adopted to allow for a complaints procedure under the Convention on the Rights of the Child; Peter will inform the Committee on the Rights of the Child of ENOC’s support when he meets with the Committee on September 27 to discuss the proposal, which has been initiated by a number of international NGOs. The process of developing a new Optional Protocol is a lengthy one; states which have ratified the CRC need to propose at the Human Rights Council the establishment of a Working Group to draft an Optional Protocol; eventually the proposal is put to the UN General Assembly for approval. Gaining the support of the Committee on the Rights of the Child is obviously important in the process.

ANNEXES



ENOC ANNUAL MEETING

19-21 September 2007, Barcelona

10th Anniversary of the European Network of
Ombudsmen for Children (ENOC)

PROGRAMME

Programme: ENOC Annual Meeting, Barcelona 19-21 September 2007

Tuesday 18th

20.30 Arrival of participants
 Reception at the *Hotel Oriente*

Wednesday 19th

9.30-11.00 Opening session

Chair: *Xavier Bonal*

- Welcome address: *Rafael Ribó*, Síndic de Greuges (the Catalan Ombudsman).
- Welcome to new members of ENOC, *George Moschos*
- ENOC update on activities undertaken during the year, *George Moschos*
- Introduction to the programme, *Xavier Bonal*
- Country updates, *Xavier Bonal*

11.00-11.30 Coffee Break

11.30-13.30 Chair: *Reidar Hjermann*

Good practice presentation by members

(France, Georgia, Greece, Lithuania, Poland ; 15 minutes each + discussion)

13.30-15.00 Lunch Break

15.00-16.00 Discussion in 4 working groups on national operational issues,
considering good practices of ombudswork for and with children.

- 1) Forms of cooperation with NGOs on Children's Rights *(English)*
- 2) Following up Ombudsman's recommendations to the Parliament *(English)*
- 3) Using the media as a tool for disseminating our work *(Catalan, French, English, Russian, Spanish)*
- 4) Acting as a catalyst for mobilizing public institutions and agencies: statements, protocols *(English)*

16.00-16.30 Coffee Break

16.30-17.15 Chair: *Maria Battle*

Feedback from the working groups and discussion

17.15 – 18.15 Chair: *Lena Nyberg*

Good practice presentations by members

(Denmark, Vojvodina; 15 minutes each + discussion)

21.00 Dinner provided by the Catalan Ombudsman

Thursday 20th

9.00-10.15 Chair: *Xavier Bonal*

"A World Fit for Children: targets achieved after five years",
Marta Santos Pais, Innocenti Research Centre UNICEF

10.15-10.45 Coffee Break

10.45-13.00 Chair: *Ankie Vandekerckhove*

Presentation of Statement on Children's Rights with Disabilities: Discussion and adoption.

13.00-14.00 Lunch Break

14.00-15.00 Chair: *Kathleen Marshall*

"The CRC observations regarding children with disabilities"
Brent Parfitt, member of the CRC

15.00-16.30 Chair: *Tone Dolcic*

Conference Main Theme presentations by countries

(*Croatia, Ireland, Madrid, Scotland, Wales*, 15 minutes each + discussion)

Friday 21st

9.00-10.30 Chair: *Rafael Ribó*

"The right to education of disabled children"
Invited speaker: *Vernor Muñoz*, UN Rapporteur for the Right to Education

10.30-11.00

"Council of Europe activities regarding the Rights of Children"
Elda Moreno, Principal Administrator and manager of the Programme "Building a Europe for and with children"

11.00-11.30 Chair: *Emily Logan*

"Reporting to the Committee on the Rights of the Child: progress towards the role of Ombudsman institutions", *Nevena Vuckovic-Sahovic*, member of the CRC

13.30-14.00 Reception at the Catalan Parliament

14.00-15.00 Lunch Break

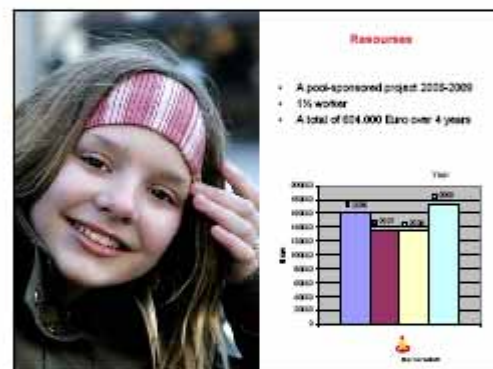
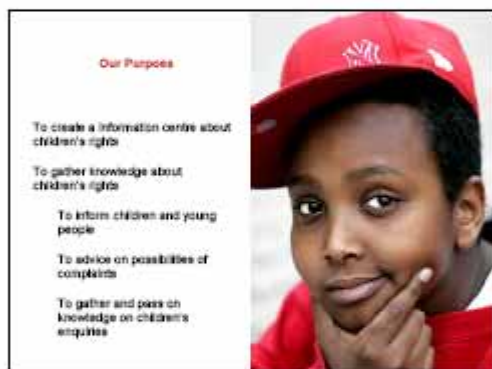
15.00-17.00 Election of ENOC Bureau members for 2007-2008 and chairperson for 2008-2009. Further ENOC Business. First meeting of the European Forum on the Rights of the Child. Feeding and updating the website. Discussion on ENOC activities during the year. Main theme for the next conference.

19.30 Visit to the *Fundació Joan Miró* (museum devoted to this Catalan artist)

20.30 Dinner provided by the Catalan Ombudsman

GOOD PRACTICE PRESENTATIONS

DENMARK



Target Group of Website

Children and young people between 10 and 15 years




Content on Website



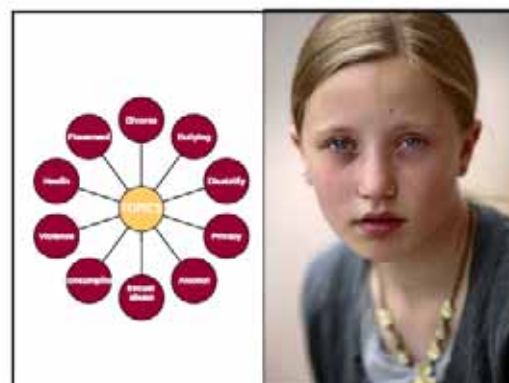
Experience

Flamenco, Quilts, Games

FAQ

ways of counseling
how to complain
national laws
conversion on the
rights of the trans
mail and figures

Information



Interactive Films



- Chaos at home – family life
- They think I can't do anything – disability
- It's more than just teasing – bullying
- When adults talk – violence
- My mom's prying – privacy
- It's my workplace, too – working after school



Participation



Target groups

- Local politicians
- Local officials
- Practitioners

Material for inspiration

- Written
- Internet

Positive experiences when including children in the planning and work of the municipalities.



GEORGIA

The Year of Practice: problems, priorities, policy

The Child's Rights Centre
Office of the Public Defender
Georgia

Lack of Fundamental Legislation on the Child

- UN Committee recommendation - draft and adopt a comprehensive children's rights act
- Children's Rights are regulated in accordance with 8 different legislative acts
- PD Recommendation – "New law shall be adopted in order for harmonization with international standards"

Amendments in the Criminal Code of Georgia

- Amendment - reduction of the age of criminal responsibility from the age of 14 to 12
- The UNICEF consultant, Carolyn Hamilton: "The lowering of the age of criminal responsibility would raise some very fundamental issues for Georgia"
- PD Appeal to the Parliament – "The government does not offer an alternative"

ISPA Survey on VAC

- Centre in cooperation with GPPA and ISPA has initiated the research on VAC
- Aim - investigation of existence of policy on VAC in Georgian schools and how much this policy needs to be improved

DEINSTITUTIONALIZATION

Committee Recommendation –
implementation of the National Plan of
Action

- *Governmental Commission*
- "Programme on Alternative Forms of Care for Orphans and Children Deprived of Parental Care in Residential Institutions"

Problems

- *Number of children is big*
- *Reorganization needs better management - time, social workers*
- *Conditions at institutions for children with disabilities are disturbing:*



COE and UNICEF

April-October, 2007, the project "Our View"

- Summer Camp
- Children Drawing Exhibition

Idea

- Integration
- Civil education
- Evolving the creativity





POLAND

The Ombudsman for Children's Social Campaign

"Love, Don't Abuse, Help"



The Aim of the Campaign

- The Campaign begins at preserving the abuse of the youngest, marginalized, and defenseless infants and little children and O-3. An important part of the campaign is to protect children from the abuse of parents, as well as to protect children from child abuse and neglect. Abuse needs to be fostered Child Manner. Aggression towards the youngest child is in increasing every year, and the people do not pay attention to this. Child abuse and neglect are becoming increasingly irreparable and brutal.
- Among the groups the Campaign is especially targeted at are:
 - mothers, postpartum, parental psychiatric, mentalization,
 - mothers, fearful, victims of sexual institutions for the family and
 - mothers, victims of sexual abuse, mothers who are victims of violence and psychiatric. People in these environments should be
- first to react to any symptoms of domestic violence. These groups
- are the most vulnerable to violence with procedures for dealing with the abuse of small children.

Abuse of the Youngest Ones

- Any deliberate or intentional action by an adult person, an institution, the society or the state that adversely affects the child's health, physical or psychological development.
- Child abuse is
 - **Physical abuse** - actions that cause injuries in a child, e.g. intentional bruise, scratches, burns, etc.
 - **Psychological abuse** - actions that involve exposing a child to a hostile, threatening, humiliating, or otherwise psychologically abusive environment, which significantly limit the possibilities for the child's normal development, including but not limited to:
 - severe verbal abuse
 - sexual abuse
 - severely the effects of child abuse on fully and young years and end the adult life.
 - **Sexual abuse** - any behaviour by an adult person that leads to sexual harassment or the exposure of a child's sexual areas includes: exhibitionist behaviour, sexual abuse, incest, child prostitution, child pornography, child sexual exploitation, etc.
 - **Neglect** - failure to satisfy a child's basic needs, both physical and mental.

Terrifying Data

- [illegible]

Solutions Proposed by the Polish Ombudsman for Children

In order to prevent the abuse of small children, Polish Ombudsmen for Children, Eva Nowicka proposes the following solutions:

- Changing the principles for partnerships and partnerships' vision to include the needs of children and young people, to establish national policies, to provide a holistic, health vision, paediatrician as a general practitioner. A proper education of each victim will increase the frequency of treatment with oral children and their family or caring environment.
- Providing training that includes the Revised Child Symbolic of the World, which makes them aware of the legal and moral obligation to report child abuse.



- Making it a responsibility of medical personnel to report any suspected case of the National Child Syndrome to the relevant law enforcement bodies.
- Developing clear, short report forms for each suspected case in two languages, which will be attached to the child's medical record, and the other one would be kept to the recipient in a sealed, signed envelope. The form could contain the following information: Name, Address, Date of birth, Date of onset of symptoms, contact details, etc. Following this, following 31 October 2017, the Chairman for Children will send forward a motion to the Youth Minister with proposed implementations based on relevant legislative action.
- Redefining the routine checkups of small children (aged 5, 4, 0) by a wide analysis or general practitioners at the local level according to the new clinical checkups. The new clinical checkups will be implemented. These checkups make it possible to spot the child's neurological development and to assess the parental care or the lack of it.
- Organizing regular, informative and sensitive social campaigns in the region by both the government and NACM in preventing child abuse.

A Reliable Expert Partner

Dr Joanna Ciełucha-Kuszyk,
President of the Mederi Foundation:

The Mederi (Latin for help, prevent, treat) Foundation is a pro bono organization that groups healthcare professionals around family abuse issues. That is why the Foundation has become the Expert Partner of the Campaign. The main premise is to reach medical facilities and raise awareness of violence against the youngest children that arrive at paediatric clinics for vaccination and checkups. Another premise is to make people aware that neglect is also a form of child abuse. Defining standards for dealing with suspected cases of child abuse is also of utmost importance.



Posters



Billboards All Across Poland



24-hour, Public and Toll-free Hotline

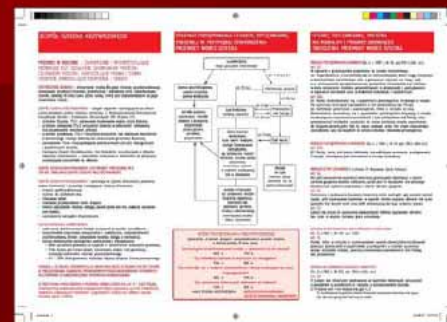
The hotline was open from 1 July to 17 August 2007.

The Campaign's focus was the abuse of children up to age 3.

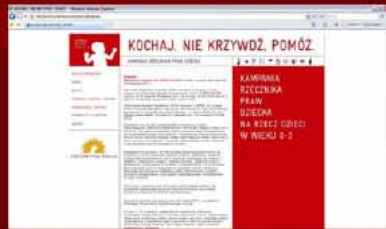
76 surveys were conducted, where 9 pertained to the same case, i.e. the caller called again for additional information. 76-9=67 surveys, where:

- * 7 surveys pertained to adults, so they were ignored in the statistical analysis, because they did not take into account the Campaign's focus and were beyond the Ombudsman's for Children scope of activity
- * 11 surveys pertained to children (of various age) but they were not related to abuse (the focus of the campaign was not taken into account). The issues were e.g. a child's illness, drug addiction, alimony, requests for information about the campaign, foster families, the enforcement of a divorced parent right to contact his/her child.
- * 30 surveys pertained to the abuse of children over age 3.
- * 18 surveys pertained to the abuse of children up to age 3 (i.e. surveys that matched the Campaign focus on the issue and children's age).

Leaflets



The Campaign Web Page



- 90 thousand page visits from the Campaign launch to 10 September 2007

The Campaign Ambassador

European volleyball champion, Dagnia Świątek:

I want to convince all mothers that to love a child and protect it with tender care doesn't mean giving up a job, taking the responsibility for raising our future and our future not happening with our children.

Childlessness is at the source of many ills, especially family problems. As parents and adults, we have to think for our children's future, not just for the present. We're all in this together!

So, if you suspect that a child is abused in your neighborhood, don't pretend it is none of your business. Don't turn away – say yes, something is not as it should be. The eyes of a child never lie!

Simple – Love! Don't abuse! Help!

Dagnia Świątek

Dagnia Świątek was born in Gdynia, but raised in Jastrzębie. She started to play volleyball at the age of 10. In 2000, she won the championship and became the first Polish woman to win the European Cup with her team, the Polish national team. With the Polish national team, she won the European Championship in 2000 and 2002. She was named the best player of the 2000 Championship. In 2006, she played her career. On 1 March 2007 at 3:42, she had a baby son.



GREECE

Campaign for the elimination of physical violence and corporal punishment in Greek primary schools



Don't hit the children!

Lawfulness of corporal punishment in Greece

- Corporal punishment is prohibited in day care centres and nurseries, primary and secondary schools and residential institutions
- Corporal punishment has been recently prohibited in the family by Article 4 of the Law 3500/2006, on the Combating of Domestic Violence (in force from 24 January 2007)

Law 3500/2006 states:

"Physical violence against children as a disciplinary measure in the context of their upbringing brings the consequences of Article 1532 of the Civil Code."

(Article 1532 of the Civil Code provides for various consequences for abuse of parental authority, the most serious being the removal of parental authority by the courts)

Progress towards prohibition

- 2002 the Committee on the Rights of the Child recommends that the Greek government "prohibit all forms of violence against children, including corporal punishment, by law in all contexts"
- 2004 an informal group of experts is established, including the Ombudsman, to promote the abolition of corporal punishment of children in Greece
- 2005 a Public Statement by the Ombudsman requests that the government change the law so as to prohibit corporal punishment of children within the family
the Minister of Justice forms a Committee to prepare a new Draft Law on Domestic Violence. The Ombudsman is invited to participate and to introduce proposals
- 2006 the Greek Parliament votes to add article 4 of Law 3500/2006 on the Combating of Intra-family (domestic) Violence
the Ombudsman notes publicly that the wording of Article 4 of the new law is not to his complete satisfaction since it uses the more general term "physical violence" instead of "corporal punishment". However, the explanatory report issued to Parliament by the Ministers responsible for the introduction of the bill makes an explicit reference to the term "corporal punishment".

The Greek Ombudsman believes that

- the abolition of corporal punishment by law has an important **educational role** so as to change public opinion rather than persecute parents or child care professionals
- the law must be followed by the strengthening of the **social and judicial services** for child protection
- the law forms the basis and must be followed by education and awareness **campaigns** to inform teachers, parents, medical and law enforcement personnel, children and the public opinion generally about the harm of violence, including corporal punishment, and about alternative, non-violent, forms of educating children

The Ombudsman for Children's Rights

promotes and raises awareness about children's rights through printed material, a special telephone line, an interactive website

- visits schools, care or penal institutions, services etc. in order to discuss with children and adults about children's rights and listen to their views. In this context he cooperates with schools in order to spread the message against corporal punishment
- created and coordinates the **Greek Network for the Promotion and Combating of Corporal Punishment of Children**

The Greek Network for the Prevention and Combating of Corporal Punishment of Children



- founding members: Ministries, government organisations for youth and adults, public and private institutions, NGOs and the Ombudsman for Children, who coordinates
- is open and has accepted as associate members public or private institutions and organisations who adopt its principles
- among its activities so far are:
 - seminars for professionals and parents
 - a day-conference about the abolition of corporal punishment
 - a special website
 - a poster against corporal punishment that was displayed on different means of public transport, hospitals, public health and social services for children and families all over the country
 - a TV spot that was broadcast for free in all Greek TV channels



Campaign for the elimination of corporal violence in the 35th Public Primary School of Athens

Objectives

- inform, sensitize and mobilize pupils, teachers and parents about corporal violence
- produce material which could be used for spreading the message against corporal punishment
- evaluate the project and use the material produced as a good practice for other schools throughout Greece in cooperation with the Ministry of Education

Procedure

- contact with a teacher who had done previous creative work with children
- the Ombudsman visited the school, discussed children's rights, article 12 and violence against children with the pupils and proposed to them to further elaborate and work on this subject in order to produce material
- the Ombudsman informed the Ministry of Education about this initiative

Teaching methodology

"from group to community"

- **brainstorming** during the meeting with the Ombudsman
- **writing and painting workshops** in order to develop ideas
- the pupils wrote a **text** about one of the issues and painted their ideas
- the **students' council** of the class wrote a text about children's rights and violence
- the Children's Ombudsman designed a **leaflet** which contained:
 - the text by the students' council
 - the words and drawings of the children
 - a text by the teacher
 - some words by the Ombudsman and the parents' association
 - the poster against corporal punishment





Children's words

"When parents hit their children I think they ought to feel bad because the child might not have done something wrong. This should stop because children will have bad memories in the future of what has happened to them in the past"

"Parents do well to hit the children. Because the child might do something wrong and that's why they hit them. Afterwards parents have second thoughts about hitting the child and they ask for forgiveness"

Children's words

"Sometimes parents hit children for something they have done. But some times they hit them for no reason"

"It's not your fault that your parents fight with each other. If you live in a family where one of the parents is aggressive towards the other, it's too easy to think it's your fault and to think that your behaviour can change things. Very often the children in a family think: "If I am more obedient, if I am a better student, if I clean my room, if I respect my parents maybe they will stop fighting so bad". Unfortunately it's not like that. No matter how hard you try, you will not solve the problem, because the problem is not you"



- the leaflet and all the children's drawings were printed and a day was chosen to spread the message around the school
- the student council went into all the school classrooms and presented collectively the message of their campaign, gave out the leaflet to all the pupils encouraging them to give it to their parents.





Coming soon...

In collaboration with the Ministry of Education the leaflet will be sent out to other schools in order to serve as model of good practice so as to activate pupils and teachers against violence to children

VOJVODINA

The Work of Provincial Ombudsman of Vojvodina With Schoolchildren In Vojvodina

September 2007

Petar Tadić, ODO

Contents

- Right to Rights, project in elementary schools
- Right to Rights – Peer to Peer Education, project in secondary schools
- School Mediation, project in secondary schools
- Establishing an informal network of Ombud-institutions for children in SE Europe
- Other related activities

September 2007

Petar Tadić, ODO

Right to Rights, elementary schools (1)

- First step: Pilot project in 12 elementary schools, 4th and 7th grade (age 10 and 13) – 2004/05
- Aims: - training teachers of Civic Education and Pupils' support service to do workshops on particular topics
 - educating children on HRs and mechanisms and institutions for their protection
- 4 workshops in schools (topics: HRs in general, Convention and main children's rights, tolerance, minority rights, HRs institutions...)
- Test at the beginning and re-test at the end, better results at the re-test (4th grade)
- Grounds for adjusting the program

September 2007

Petar Tadić, ODO

Right to Rights /Elementary schools

- 2nd phase (2005/06) – all elementary schools in Vojvodina (344) – 4th grade
- Accreditation by the Ministry of Education and Sports of Serbia, support by the Provincial Secretariat for Education, Save the Children UK and Centre for the rights of the child (cca 70%) + PO's budget (cca 30%)
- Trainings for "class teachers", and pupils and parents services in schools (psychologists and educational specialists) – 340 individuals trained - led 6 workshops with pupils in the second half of the schoolyear
- Rise of number of kids who addressed support services in schools for HRs related issues
- Paintings and literary works on HRs issues, best were awarded and displayed in an exhibition after the project

September 2007

Petar Tadić, ODO

Right to Rights – Peer to Peer Education (secondary schools)

- All secondary schools in Vojvodina (117)
- Partnership and support - Helsinki Committee for HRs in Serbia (Novi Sad office), Vojvodina network
- Trainings for students in 2nd and 3rd grade - 468 students (4 in each school) trained in 21 groups
- Trainees performed 2 workshops each in schools with other students
- Topics, adjusted to age: HRs (general, and rights of the child), Mechanisms of HRs protection (incl. Ombudsman), Antimilitarism, Identities, Minority rights, Discrimination and tolerance

September 2007

Petar Tadić, ODO

School Mediation (secondary schools) (1)

- Part of the PO's project "O. as mediator" (one of the target groups) / Partners: Nansen Dialogue Centre, supported by the Norwegian gov't
- 2/3 of PO staff trained in mediation (NDC), trainers in the project (+ GTZ)
- Group of 20 secondary school students in 1 school in Sombor (2nd and 3rd grade) trained in mediation – 3 modules, 11 days of training – endorsed by the school authorities

September 2007

Petar Tadić, ODO

School Mediation (secondary schools) (2)

- Students started to mediate in conflicts among students at the end of 2006/07, and are continuing in 2006/07
- Mediators on duty wear insignia (badges, caps, T-shirts planned)
- One more group of 20 will be trained in 2007/08
- Connected with the local Social Welfare Centre which administers the local Mediation Centre
- Potential community mediators afterwards

September 2007

Petar Tedić, SDO

Establishing an informal network of Ombud-institutions for children in SE Europe (1)

- Partnership with Save the Children Norway, office for SEE in Sarajevo / planned for 3 years
- Aim: connecting institutions in the region in the area of children's rights protection; exchange of knowledge and experiences; discussion on certain issues and particular cases; cooperation
- 1 conference and 2 working meetings a year
- An internet forum established
- A collection of presentations and discussions from each conference to be printed

September 2007

Petar Tedić, SDO

Establishing an informal network of Ombud-institutions for children in SE Europe (2)

- 1st regional conference held in Novi Sad, Serbia, Oct 2006 (former YU, 9 institutions)
- 2nd will be held in Podgorica, Montenegro, Oct 2007 (Greek and Albanian Ombudsman joining, Hungarian ombudsman invited as guest - 12 instit.)
- 2 working meetings on particular topics held so far in Novi Sad:
 - 1 - Healthy life styles/ healthy diet in schools), April 2007
 - 2 - Violence among children, June 2007
- (topics proposed and decided upon by participants)

September 2007

Petar Tedić, SDO

Other related activities

- Monitoring the institutions for care about children (without parental care, safe house for children – victims of violence in Novi Sad...)
- Open Door Day for children (visits of individual schools/classes to PO; some schools each year)
- Life Without Violence - project to combat domestic violence (including violence towards and abuse of children)
- PO organized several exhibitions of children's paintings or essays on children's rights
- Visits to social welfare centers in municipalities in Vojvodina

September 2007

Petar Tedić, SDO

NORTHERN IRELAND

Introduction

This paper examines the role the Commissioner for Children and Young People in Northern Ireland has had in working with and for children and young people, in its first 3 years of existence since 2003; a period where Northern Ireland has been in transition from conflict to peace.

It describes the background to the creation of the office of the Commissioner, the role and functions of the legislation and how this is mirrored in the structure and functions of the office. It identifies the role and value placed on evidence in the strategic objectives and priorities of the office of the Commissioner and how research, and service reviews which utilise research techniques, have influenced the work and priorities of the office.

It describes, by way of case examples, how the three key functional areas of the office of the Commissioner have delivered on the organisation's strategic objectives and priorities and seeks, by way of example, to evaluate, where possible, the impact and outcome for children and young people. Throughout, a focus on Children's Rights, with specific reference to the Northern Ireland conflict, is reflected in this analysis.

Background

In 2001 the First Minister and Deputy First Minister of the Executive of the then Northern Ireland Assembly announced their plans to create an independent Commissioner for children and young people. The then First Minister stated *"if there is one area on which there is common ground amongst all parties in the assembly, it is surely our common desire for a better, more secure future for all our children"*¹. The then Deputy First Minister articulated the view that the Commissioner would be regarded as a champion for children's rights and would give a voice to children and young people, especially to those children and young people who were often marginalised and ignored.

It is important to set the context of 30 years of violence in Northern Ireland : 557 young people under the age of 20 have been killed and it is estimated that 32% of young people aged 14-18 years of age have witnessed someone being killed or seriously injured. While the impact of the conflict on Northern Ireland's children and young people has not yet been fully identified or acknowledged, it is recognised that in addition to young people being killed or injured in the conflict, more than a generation of young people have been exposed, both directly and indirectly, to pervasive sectarian prejudice, violence, conflict and hostility (Muldoon et al., 2000). Yet, despite almost a decade of research examining a range of issues to have emerged from thirty years of violence, the long term psychological effects of the conflict on the lives and identities of children and young people has yet to be fully understood and documented.

One of the most pressing issues to emerge from the research undertaken by Queen's University for the Northern Ireland Commissioner for children and young people in 2004 concerned the lack of recognition of, and research on, the 'emotional effects of the conflict' and the related issue of 'generational hand-down of trauma'. In the research by Kilkelly et al (2004), community workers in the most economically disadvantaged communities in Northern Ireland were highly critical of the cycle of deprivation which continued to trap the children of those who grew up during the worst years of the conflict. According to these community workers, the same issues relating to poor education attainment and employment prospects, mental health, drug/alcohol abuse and depressed social aspirations amounted to another form of *'transgenerational trauma ... children actually learning the symptoms of trauma'* (Kilkelly et al 2004).

Against the backdrop of violence, the importance of protecting, caring for, and educating children appeared to get lost. Years of lack of investment in public children's services, has had

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its impact. The development of legislation and the the first children's commissioner has therefore sent a powerful message from local politicians that time had come to improve the lives of children and young people living in Northern Ireland.

In 2002, the Committee on the Rights of the Child² welcomed plans to establish an independent human rights institution for children in Northern Ireland and recommended that the institution;

- have a broad mandate and appropriate powers and resources in accordance with the Paris Principles to monitor, protect and promote all the rights of the Convention and for all children;
- be easily accessible to children;
- be able to determine its own agenda;
- be empowered to investigate violations of children's rights in a child-sensitive manner and to ensure that children have an effective remedy for violations of their rights;
- have formal advisory functions with the relevant legislative bodies and establish formal links, including co-operation, with other similar bodies;
- have adequate resources and appropriate staff ;
- involve children and children's organisations effectively in their establishment and activities.”³

These recommendations are based on General Comment No. 2 (2002) of the UN Committee on the Rights of the Child (UNCRC) on 'The role of independent national human rights institutions in the promotion and protection of the rights of the child',⁴ which in turn applies the Paris Principles on National Human Rights Institutions to children's human rights institutions for children (HRIC).

Following consultation with the public and civil society across Northern Ireland, on the 27th of February 2003 the Commissioner for Children and Young People (Northern Ireland) Order received Royal Assent. On October 1st of that year Nigel Williams took up post as Northern Ireland's first Commissioner for Children and Young People. The office of the Northern Ireland Commissioner for children and young people (the NICCY office) came about following the significant constitutional agreement reached between the major political parties in Northern Ireland and approved by referendum in both Northern Ireland and the Republic of Ireland, known as the Good Friday Agreement.

In the text of the agreement a commitment was made on behalf of both the UK and Irish governments to establish Human Rights Institutions in both the Republic of Ireland and Northern Ireland. As such it is argued that NICCY is a 'post-conflict' institution and all matters dealt with by the NICCY office since its inception in late 2003 could be seen as post-conflict or at least as having taken place in the transition period from conflict to peace.

Indeed the legislation setting up NICCY received cross-party support in both Northern Ireland's first Assembly. Whilst the legislation to bring about the office of the Commissioner for children and young people in Northern Ireland began its legislative journey in Northern Ireland's first Assembly, by the time the legislation received Royal Assent the Assembly had been suspended and governance in Northern Ireland had returned to 'direct-rule' from ministers appointed by the Westminster Parliament.

In keeping with the concluding observations of the Committee on the Rights of the Child cited above the consultation to establish the Office of the Commissioner for Children and Young People and Nigel William's appointment both meaningfully involved children and young people in decision-making processes.

² UNCRC, GC No 5: 8.

³ The UNCRC, in its Concluding Observations on the United Kingdom's State Report of 2002 (CRC/C/15/Add.188), §§16-17.

⁴ CRC/GC/2002/2.

The NICCY Legislation

The Commissioner for Children and Young people (Northern Ireland) Order 2003 (the NICCY Order) defines the principal aim of the Commissioner;

“to safeguard and promote the rights and best interests of children and young people “.

The NICCY Order determines that the Commissioner’s paramount interest shall be the rights and best interests of the child or young person. In exercising any of the functions of the NICCY Order the Commissioner;

“shall have regard to the importance of the role of parents in the upbringing and development of their children

And;

any relevant provisions of the United Nations Convention on the Rights of the Child (the UNCRC)”.

This emphasis on the rights of children and young people and of the relevant provisions of the UNCRC clearly demonstrate the legislators’ intent to focus the Office of the Commissioner for children and young people as a Human Rights Institute for Children. This intent was actively interpreted by the first Commissioner, Mr. Nigel Williams.

Children and young people are defined in the legislation as those under the age of eighteen years except for those who are or have been in the care of social services or who had a disability for whom the relevant age is twenty-one years.

The NICCY Order places upon the Commissioner a number of duties, including the promotion of children’s rights and the duties to;

“keep under review the adequacy and effectiveness of the law and practice relating to children and young people

and

...of services provided by relevant authorities to children and young people”.

The NICCY Order further sets out a detailed range of general and specific powers and residuary clauses relating to the principal aim of the legislation noted above. These three main functions have been described in Kilkelly et al 2004:as:

- *Promoting Children’s Rights – the Commissioner will be guided by the UN Convention on the Rights of the Child.*
- *Complaints and legal action – the Commissioner can deal with individual complaints from children and young people or their parents/guardians about any government service that impacts on children and young people for whom he has a responsibility. Where appropriate, the Commissioner can initiate legal proceedings on behalf of a child or young person if a general principle is at stake.*
- *Research and inquiries – the Commissioner has the power to undertake general inquiries where he believes children’s rights are being violated. This may be an informal inquiry or more formal inquiry with the powers of the High Court to summon witnesses, obtain documents and enter premises. He can also respond to requests from Assembly and Parliament to look at issues and is required to review the ways those providing services for children listen to complaints and take account of children’s views.*

Structure and corporate status of NICCY

The structure of the organisation follows the dictum; '**form follows function**' and NICCY comprises four teams centred on the key duties and requirements of the NICCY Order. NICCY has a small staff complement of 29 including 4 secondees with support from 7 administrative and support staff. The teams are:

- Communication and Participation
- Research, Service Review and Policy
- Legal and Complaints
- Corporate Services (relating to governance and other corporate matters)

The office of the Commissioner for children and young people is established as a Non-Departmental Public Body (NDPB) and the Commissioner has the status of "Corporation Sole" meaning the powers and duties of the legislation creating the office are vested solely in the office bearer i.e. he is not supported by a board or council. However the legislation does allow the Commissioner to delegate his powers and responsibilities although this process is hedged around by several administrative caveats. This creates an issue of compliance with the international standards used by the United Nations Committee on the Rights of the Child on the role, composition, status and functions of a National Human Rights Institute (NHRI) known as the Paris Principles. Dickson B 2006 in a review of the NICCY legislation commissioned by the office comments:

Strictly speaking the institution should be headed by a collectivity of persons, but everyone now accepts that organisations headed by individuals can qualify as Paris Principles compliant NHRIs provided that the plurality of society is somehow reflected in the work of the organisation"

Research

On October 1st 2003 Northern Ireland's first Commissioner for Children and Young People announced his intention to base the work of his office on evidence and where this was not available to use his office to undertake such research or otherwise inquire into the relevant issue.

In particular Nigel Williams announced plans to commence a major study into the rights and welfare of children and young people in Northern Ireland in order to establish:

- whether there are particular issues or fields of activity where children's rights are being ignored or underplayed
- whether there are parts of Northern Ireland where children are especially undervalued or underserved
- how Northern Ireland compares on issues [of rights, best interests and welfare] with both the rest of the UK and elsewhere

Nigel William's belief in the need for a solid evidence base for the work of the NICCY office was in part determined by a strong value on objective evidence and by the requirement that NICCY produce a three year strategy by which the NICCY office would focus its resources to meet the requirements of the NICCY legislation.

This decision was to have a very significant, long term effect on the work and priorities of the office of the Commissioner in succeeding years. The study was undertaken by a team from the Queen's University, Belfast (QUB) and broadly followed the headings of the CRC, namely;

- *General measures of implementation*
- *Family life and alternative care*
- *Health, wealth and material deprivation*
- *Education*

- *Leisure, play, recreation and culture and the arts*
- *Youth justice and policing*

The research identified a very substantial body of evidence across “*all aspects of children’s lives*” Kilkelly et al 2004. In all **54 discrete areas** were identified where children and young people’s rights were being ignored or underplayed. The researchers stated “*while the objective of the research project was to identify where violations [of children’s rights] are most serious, or where promotion is needed most, the scope of the project has resulted in a far greater list of problems and issues than it is reasonable to expect NICCY to tackle in a single strategy*”. Kilkelly et al 2004.

In addition to the wide range of discrete areas where children’s rights were being ignored or underplayed the QUB research team identified nine significant cross-cutting themes, identifiable from their research with a wide range of children, young people and professionals, namely:

- *The legacy of the violent conflict*
- *Poverty*
- *The impact of the experience in the care and justice system*
- *Children in the Traveller Community*
- *Children with Disabilities*
- *Civil Rights and freedoms*
- *Resources*
- *Training and awareness of Rights*
- *Listening to children and making their voices count*

NICCY’s Corporate Plan 2005 -2008

Following a widespread consultation involving children and young people and a wide range of stakeholders NICCY produced its first Corporate Plan setting out the priorities it set for the period 2005 to 2008. NICCY had consulted on 14 priority areas, based on the QUB research, its experiences as an organisation in its early years and on the issues identified by the CRC in their concluding observations report in 2002⁵. Following the consultation NICCY began work on 15 priority areas, an additional priority having been added following the consultation. These priority areas are set out below;

Priority Areas for Action				
Implementation and Civil Liberties⁶				
<ul style="list-style-type: none"> • Having your say • Knowing Your Rights • Implementation of the UNCRC 				
Education	Play and leisure	Health, material well-being and environment	Family life and alternative care	Youth Justice
Special educational needs	Facilities for leisure for all children and young people and the development of a Play strategy	Children and Young People with mental health issues and suicidal tendencies	Safeguarding children and young people ⁷	Children, Young People and Crime
Bullying		Poverty	Physical Punishment	Children, Young People and the troubles
Road safety & School		Children and Young People with disabilities		

⁵ The UNCRC, in its Concluding Observations on the United Kingdom’s State Report of 2002 (CRC/C/15/Add.188), §§16-17.

⁶ These are underpinning priorities derived from the duties in our legislation which are central to everything we do.

transport		Children and young people and Risk-taking behaviour		
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The role the QUB research into Children's Rights in Northern Ireland played in establishing the working priorities of the NICCY office cannot be underplayed. In deciding on which areas of work on which to consult the public in Northern Ireland to agree its Corporate Plan 2005-2008, the newly formed NICCY Senior Management Team⁸ agreed, as a fundamental value of the organisation, to:

Base our work on objective evidence and research.

Nigel Williams, in his foreword to the 2005 – 2008 corporate plan commenting on the QUB research stated:

This invaluable work provided the basis for us to decide on our priorities and where we should focus resources to achieve a positive outcome for children and young people. We will continue to use and update this most valuable resource to provide evidence for what we do.

Thus the role of research and solid evidence became a core activity of the organisation. In its early meetings, the newly formed British – Irish network of Children's Commissioners and Ombudsmen for Children and young people (BINOCC) identified Northern Ireland's approach as best practice [basing its priorities on comprehensive research into Children's Rights].

⁷ Including Children and Young People who are in contact with Social Services

⁸ The Senior Management Team comprised; the Commissioner, the Chief Executive, the Head of Communications and Participation, the Head of Legal and Complaints and the Head of Research, Service Review and Policy.

Communicating with and involving children and young people

The CRC in its General Comment No. 5 (2003) regarding the general measures of implementation of the Convention on the Rights of the Child stated with regard to Article 12: the child's right to express his or her views freely in "all matters affecting the child", those views being given due weight;

This principle, which highlights the role of the child as an active participant in the promotion, protection and monitoring of his or her rights.....But appearing to "listen" to children is relatively unchallenging; giving due weight to their views requires real change. Listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children's rights

Kilkelly, U 2004 states that:

There is no other single issue that is so commonly and widely identified by children and young people and the adults who work with and for them. Put simply.....by far the most pressing issue to emerge was having limited influence on the decisions that affected their lives.

One of the first actions initiated by the NICCY office was the creation of 'Youth Panel' (YP) – this body with its own constitution and remit acts in an advisory capacity to the Commissioner and his office. This YP has been involved in many of the aspects of the operation of the NICCY office. All staff recruited to the office were recruited in a process which fully involved members of YP (or it's pre-cursor for the initial appointments of the Senior Team).

YP members have participated in planning, research, recruitment, ethics, governance and a wide range of communication processes ranging from involvement in drawing up age appropriate materials to use in various campaigns, direct involvement in media (t.v. press, radio and other media) interviews to direct involvement with a range of Ministers both during the period of direct rule and since the restoration of the assembly.

The Youth Panel is regarded by the NICCY office as a core element of the governance of the office on an equal footing with our ethics and Audit and Risk committees. This process has been an evolutionary one whereby the organisation began by involving the YP in relatively minor operational aspects of the work of the office to a more central role as both advisors on a range of operational and strategic issues and as a valuable resource to the office as ambassadors for our work and as actors in many of the major projects undertaken by the NICCY office.

There is an underlying tension in the involvement of the YP in our work where we seek with the YP to ensure their participation is meaningful and beneficial to the participants and in balance with the other responsibilities on the office, for example in our accountability for the expenditure of public funds. This process has evolved and will, no doubt, evolve yet further as the organisation matures and its place in civil society in Northern Ireland becomes more firmly rooted. The YP has been formally evaluated twice and the findings of both external reviews of our work have influenced the development of the YP.

Whilst the rationale for the development of the YP was to ensure we partially met the requirements of the Paris Principles cited at ³ above a key factor was to demonstrate to the public sector in Northern Ireland the advantages of involving children and young people fully in decision-making and to live to the values inherently expressed in Article 12 of the UNCRC. In doing so we have sought to ensure that the YP is a representative group of young people with membership from all sections of the community here in Northern Ireland and with a variety of experiences which has helped shape their lives and our organisation knowledge e.g. the

involvement of young people with a disability or who have had experience of the looked after care process in Northern Ireland.

The work of the Communications and Participation Team

In support of the principal aim of the Commissioner for Children and Young people (Northern Ireland) Order 2000 NICCY has a clear remit to ensure the full participation of children and young people, not only in the work of the NICCY office but to promote this concept with other public authorities. The Commissioner for Children and Young people (Northern Ireland) Order 2003 also requires the office of the Commissioner to ensure that we effectively communicate with children and young people, informing them of our work, duties and powers to assist them, in a manner which they can understand.

In pursuit of these two requirements the Commissioner set in place a team with specific responsibilities for them. Another key function of this team is the support of the NICCY Youth Panel. This is a body of children and young people from the age of 12 to 21 which acts as a reference group for the NICCY office. This group is constituted in such a way as it acts as a key part of the governance of the NICCY office. All its members are self selected and they represent the diversity of children and young people across Northern Ireland.

Since NICCY was created the participation team has concentrated on raising the profile of children's rights and children's awareness of their rights. This has been done with placing participation officers in four regional offices across Northern Ireland and concentrating on developing children's rights training materials and methodologies and delivering these training sessions in schools, youth venues and any area where children and young people meet. To date NICCY has trained more than 11,000 children and young people in their rights. A major focus has been seeking opportunities to meet and train children and young people who are often termed as hard to reach, because of their circumstances – poverty, disempowerment, incarceration etc. This team has sought new ways of undertaking this work and in developing ways of ensuring children and young people are aware of their rights and the concept, particularly of the duties on public authorities under Article 12 of the UNCRC and Equality legislation in Northern Ireland, that children and young people must both have a say about decisions affecting their lives and for their views to be listened to.

Case Examples

In early 2007 the Commissioner was approached by a resident of a republican area of high deprivation in West Belfast. The resident sought the intervention of the Commissioner in trying to improve inadequate play and leisure facilities for a small group of children and young people in order to counter a significant level of anti-social behaviour. However on examination this was also a complex issue of paramilitary intimidation and community conflict. One result of this conflict was the murder of a young man in the area and the resulting familial feud.

After examination NICCY discovered significant intimidation and violence of children and young people in the area and a lack of effective intervention by various public authorities, especially the Police Service of Northern Ireland (PSNI). NICCY intervened with the various public authorities, government departments and community representatives seeking a co-ordinated problem-solving approach to the issues presented. It is important to note that these issues became apparent before Sinn Féin and the republican movement signalled its support for the PSNI and it was clear that community representatives did not accept the PSNI's role in seeking to tackle this issue in either the criminal justice or child protection systems. Whilst this created an additional barrier for NICCY's work on seeking to address the problem on a policy and practice level, it was reported to us that it more fundamentally signalled an issue of the control exercised by paramilitary organisations and those associated with them with regard to access to services in the area. This also created a very serious perception and belief amongst the children and young people in the excluded group in this community that they were worth less than peers in the included group, were going to be considered as trouble-makers by public authorities if they came to their attention and that their situation was hopeless.

However whilst this high level policy and practice approach was underway NICCY also worked directly with this group of children and young people involved both informing them of their rights and their need to respect the rights of others. However it became apparent very quickly in our work with this group that there had been a very significant level of emotional abuse suffered by these children and young people. In turn this abuse and their sense of hopelessness contributed to the significant level of anti-social behaviour. The main focus of this intervention was to give the children and young people involved an opportunity to vent their feelings and give their views to the Commissioner. This in turn gave the Commissioner the opportunity to pass the authentic voice of this group of children to the decision-makers at policy level. Participation Officers also were able to secure greater access to the statutory and community based youth services and were able to hand over the support of this group to the statutory duty holder in this area.

Evaluation

NICCY's role in this issue was significantly limited by the powers of the office (specifically over the role of the PSNI) and by the contested nature of the conflict at ground-level. It was very clear that the children and young people involved were both victims, and perpetrators, of the abuse, violence and anti-social behaviour experienced in this community. The rights of the children were being compromised in a number of significant areas but NICCY's role in promoting these rights, with the relevant authorities involved, was diminished due to the inability of these bodies, and NICCY, to ensure there was acceptance at ground-level.

This issue was directly linked to the legacy of the conflict which had been particularly manifest in this community.

The work of the Research, Policy and Service Review Team

The role of research in the work of the R, P & SR team is central to both the working methodology of the team and to their role in providing advice and evidence to the organisation as a whole. A key value of the team is to ensure that the advice and evidence presented is ***rights-based and child focussed***.

The following case examples seek to demonstrate what NICCY has done in this functional area of its work in order to safeguard the rights and best interests of children and young people. At the outset of this paper I highlighted the underinvestment in children's services throughout the 30 years of conflict. This has been felt across the range of services for children and young people, and as this case example shows, it has been felt acutely in the area of children who have special needs.

Case Example 1 - Speech and Language Therapy (SaLT)

As can be seen from Section ? above, NICCY has a role to act as Ombudsman for children and young people. From the inception of the organisation in 2003 NICCY received complaints from parents and children about the scarcity of speech and language therapy services for who require additional support for their education and/or for children and young people with a disability.

The CRC provides a very clear commitment and young people with a disability that they have a right to help to maximise their development (Article 6) and that children and young people with a physical disability or learning difficulties have the right to special care, education and training, designed to help them to achieve the greatest possible self-reliance and to lead a full and active life in society.

The number of such complaints began to reach a critical mass (in 2004 they represented almost 46% of all the complaints we had received to date) so NICCY decided that there was little point in seeking to resolve the difficulties of the children and young people on an individual level and that a more comprehensive review of this service was needed.

At that time NICCY undertook a scoping exercise to identify the availability of relevant research and concluded that whilst there was plenty of evidence to indicate how important speech and language therapy was to the child development (see for example Gascoigne, M (2006:) RCSLT) there was no hard evidence on the availability of the service across Northern Ireland.

NICCY was also aware of growing evidence of the link between children and young people who had Speech, Language and Communication needs (SLCN), the prevalence of Attention Deficit Hyper-activity Disorder (ADHD) and anti-social behaviour and youth offending⁹. There was also clear evidence of the increased impact of both poverty and the conflict on the types of behaviours associated with ADHD and SLCN.

NICCY was also heavily influenced in its decision to undertake a service review into SaLT by the 2004 QUB report into Child Rights in Northern Ireland which stated "Various agencies working with children and young people who have learning difficulties identified problems in the levels of provision of....speech and language therapy." In addition the research indicated a general concern that there were ..."variations in the types and level of provision in various education and library boards."

In 2004 NICCY therefore initiated an internally managed review of how children and young people were able to access speech and language therapy services. The review sought to highlight waiting times for assessment, therapy, and review, the objectives of which are included at appendix i.

⁹ BRYAN, K., 2004. Preliminary study of the prevalence of speech and language difficulties in young offenders. *International Journal of Language & Communication Disorders* [online], **39** (3), pp. 391-400

The findings from the 2004/05 project revealed that significant numbers of children and young people across Northern Ireland in need of speech and language therapy were unable to access adequate levels of appropriately timed service provision.

The review revealed clear inequity across HSS Trusts in relation to waiting times for both speech and language therapy assessment and initial therapy appointments. The waiting times experienced by children and young people requiring SLT varied considerably depending on where they lived; so in effect children and young people's access to SLT services was determined by a postcode lottery system. The existence of lengthy waiting times was of particular concern to NICCY, given that delays in assessment and provision run contrary to the effective operation of preventative health care and equality provision.

The resultant report sought to advise government, in keeping with its duties under Article 7 of the Commissioner for Children and Young People (Northern Ireland) Order 2003 and produced 6 key recommendations, outlined below:

- 1. The Secretary of State for Northern Ireland should ensure that children's right to speech and language therapy is accepted and prioritised by relevant Government Departments and Commissioners and Providers of Service.**
- 2. The Ministers for Health and Education should make this right a reality by ensuring that policy, planning and service commissioning at a strategic level is strengthened to allow a child centred approach to be developed which meets children's speech, language, communication and swallowing needs.**
- 3. The Ministers for Health and Education should set up a regional Task Force consisting of Government Officials and Commissioners/ Providers of Services, Health and Social Services Boards/Trusts, Education and Library Boards, School Principals, Parents, Carers, Children/Young People and NGO representatives in order to identify, agree and develop an action plan. This group should consider the following actions:**
 - More in-depth, detailed research to identify the full extent of the relevant issues.**
 - A joined up child-centred strategy which incorporates policy; resources, including funding of service and workforce planning; models of delivery; skill mix and service improvement methods.**
- 4. The Task Force should agree maximum waiting times for assessment and follow-up intervention programmes; continuity of SLT programmes to meet the needs of the child and review and evaluation.**
- 5. Specific consideration should be given by the Task Force to SLT provision for school aged children being provided within the curriculum. A full evaluation of the benefits of the school service being funded and/or managed by the Education sector should be carried out.**
- 6. Speech and Language Therapy Managers should continue to audit and evaluate the services provided and ensure that good practice is shared.**

In the year following the publication of this report NICCY continued to receive a steady stream of complaints (85) concerning the inadequacy of SaLT services. One year on NICCY therefore decided, having taken advice from the Royal College of Speech and Language Therapists, to undertake a follow-up review.

The findings of this review were:

- The continued existence of a postcode lottery. Waiting times and service delivery are not uniformly satisfactory across all Trusts within Northern Ireland.
- The significant number of children and young people who require access to SLT services, particularly those who are presently awaiting assessment and/or therapy, both in the community and special schools.
- The inadequate provision of resources specifically targeted at SLT services for children and young people.
- The disparity between the increased volume of complaints received by NICCY and the reduced number of formal complaints recorded by Trusts.
- The overall lack of action at a strategic and or policy level as regards the concerns raised by NICCY, professionals in the field and parents/carers.

And the report concluded by stating that:

NICCY continues to be active, on behalf of many children, young people and parents, in bringing to the attention of Health and Education Boards and Trusts a range of issues with regards to the continual and routine failure to deliver appropriate speech and language services.

Under Articles 14 and 15 of the Commissioner for Children and Young People (Northern Ireland) Order 2003, the Office of the Commissioner has certain powers in relation to bringing legal proceedings concerning the rights or welfare of children or young people. NICCY is presently considering a number of circumstances in which legal interventions may prove

necessary with regards to the provision of speech and language services for children and young people.

In the aftermath of the publication of the follow-up report NICCY undertook an extensive process of advising Ministers and senior departmental officials in both the Departments of Health and Social Services and Education on the inadequacy and ineffectiveness of SaLT services for children and young people.

In addition NICCY provided the then new Minister for Children – Lord Rooker – with significant evidence for the need for investment across and between these two major spending departments on the issue of SaLT.

The new Children's Minister's remit, to ensure there was greater co-ordination services, policy and provision across government departments for children and young people, was a timely development. NICCY also sought to influence the Secretary of State's special advisor on the pressing need for additional investment in this and other areas of need for children and young people. A significant part of this influencing process was the presentation of the clear findings of the NICCY research and service review into the provision of SaLT.

In March 2006 the Secretary of State announced a significant package of funding (£61.7m) for children and young people including more than £6.67m on children and young people with special educational needs and disabilities.

NICCY continued to monitor this investment to ensure there was a sufficient focus on the provision of SaLT services for children and young people with a disability. However over the course of further discussions with departmental officials it became clear that one key group of children and young people who required SaLT services were not going to be impacted by this significant investment – those attending special schools.

Over the remaining months of 2006 NICCY continued to press government on the need for a substantial ring-fenced investment for this particularly vulnerable group of children and young people. In addition, NICCY obtained legal opinion from Queen's Counsel which indicated that there was a reasonable prospect of success in a group action judicial review of Government's failure to address the needs of these vulnerable children and young people for SaLT services. Following an intensive period of lobbying, including the threat of taking legal action, NICCY were successful in obtaining the agreement of the Office of the First Minister and Deputy First Minister and the Secretary of State's political advisor of the need for additional investment.

In December 2006 the Minister for Health and Social Services announced an additional £1.1m for the provision of SaLT services. Since that time NICCY have continued to monitor the out-working of the additional investment on the ground. Whilst there has undoubtedly been a significant improvement in the provision of SaLT services in clinical settings across Northern Ireland with a much more even picture in relation to provision and waiting times, there remains a significant gap in provision in special schools and NICCY is currently considering if it should once again commence legal action on behalf of these children and young people.

Evaluation of this case study

In deciding upon undertaking research into this area in 2004 NICCY took particular note of the findings of the background research it had sponsored into children's rights by Queen's University Belfast into how significantly it was reported that the rights of children and young people with a disability were often significantly ignored and that the day to day existence of these children and young people and their parents was a great struggle, especially when seeking access to appropriate services and facilities from the state.

In deciding upon how to act upon the critical mass of complaints it had received (other than pursuing them on an individual basis) NICCY used the QUB and other research, to inform its conclusion to undertake further research and service review into the significant gaps in information was required and that, in order to obtain a solid picture of service provision, NICCY would need to use its powers under Articles 8 (1) and (3), and if appropriate Article 16 of the Commissioner for Children and Young People (Northern Ireland) Order 2003.

In reaching this decision NICCY had taken careful note of the views of those clinicians and professionals charged with delivering the service, who were very critical of the relatively poor level of provision in Northern Ireland and who had pointed to the results of a service improvement project, sponsored by the DHSSPS in Northern Ireland which had demonstrated how to better deliver this service to children and young people. Information was taken from both clinical staff on the ground who had contacted NICCY about concerns over the level of service provision and from their representative body, the Royal College of Speech and Language Therapists.

However there was little to be learned from policy makers in Northern Ireland in this area of our work. There appeared to NICCY to be a significant level of disinterest in the area, a very poor appreciation of the impact gaps in service were having upon a child's right to development and independence as set out in Article 23 of the CRC and the needs of these children and young people were being poorly co-ordinated by DHSSPS and accorded a very low priority.

As the work progressed NICCY became aware that in order to overcome this significant stumbling block it must reach directly to the decision-makers in this process, and in particular the Ministers for Health and Social Services, Education and Children. It was only by doing this, in combination it must be recognised, with a raft of partners from both the statutory sector and Children's sector NGO's, that any effective change came about.

One key lesson for NICCY as an organisation in this case study has been the very slow pace of change, not only to changes in policy and the concomitant allocation of resources but to the implementation of the policy and the changes to practice and the delivery of services on the ground. Our work is far from complete in this respect with regard to this case study.

Case Example 2- Young People's Mental Health

The optimistic and widely held assumption that young people have shown impressive psychological resilience over the past 30 years in regards to surviving the troubles, should not preclude the possibility of problems emerging over time in wider society, in families and in young people's lives. This has recently been brought into very sharp focus by the high number of suicides among young men in North Belfast. The vicinity of north Belfast has one of the largest numbers of interface areas and has become associated with high levels of political tension, violence and socioeconomic deprivation. In her research on North Belfast where 20% of all deaths in the conflict have occurred, Leonard (2004: 7) notes that the *"area has experienced the mass movement of people, open street rioting, clashes with security forces, shootings and intimidation"*. The complexity of *"territory"* is such that the area *"contains around 24 interfaces"* and *"eight of the official Belfast peace lines"*. Asked about the positive aspects of life in the area the 14 year olds specified *"strong ties, family, friends and neighbours"*. But the *"amount of space devoted to highlighting positive aspects was insignificant"* when contrasted with the negative: the area's appearance; lack of amenities; availability of alcohol and drugs; joy-riding; paramilitaries; rioting. When Leonard asked these teenagers to draw maps of their local vicinity, she found that their knowledge of the locality was highly constrained by their immediate area – a finding also highlighted by Connolly and Neil (2004). When Leonard probed why this was the case she found that *"[f]ear of verbal and physical intimidation and violence impacted on the movements of both groups"* with places *"outside the children's immediate locality ... labelled as spaces of risk and fear"*. The levels of violence endured by children in and around their schools were extreme, including attacks on buses and vandalizing or torching teachers' cars. Children attended school behind locked gates monitored by security guards. They could not use playgrounds for fear of being stoned. Verbal abuse and spitting were everyday occurrences as they made their way home.

The whole issue of young people's mental health has been a priority for NICCY since our inception in 2003. We have entered into a series of activities including research, policy influencing, and raising awareness.

Hope Conference.....

Message to the Minister.....

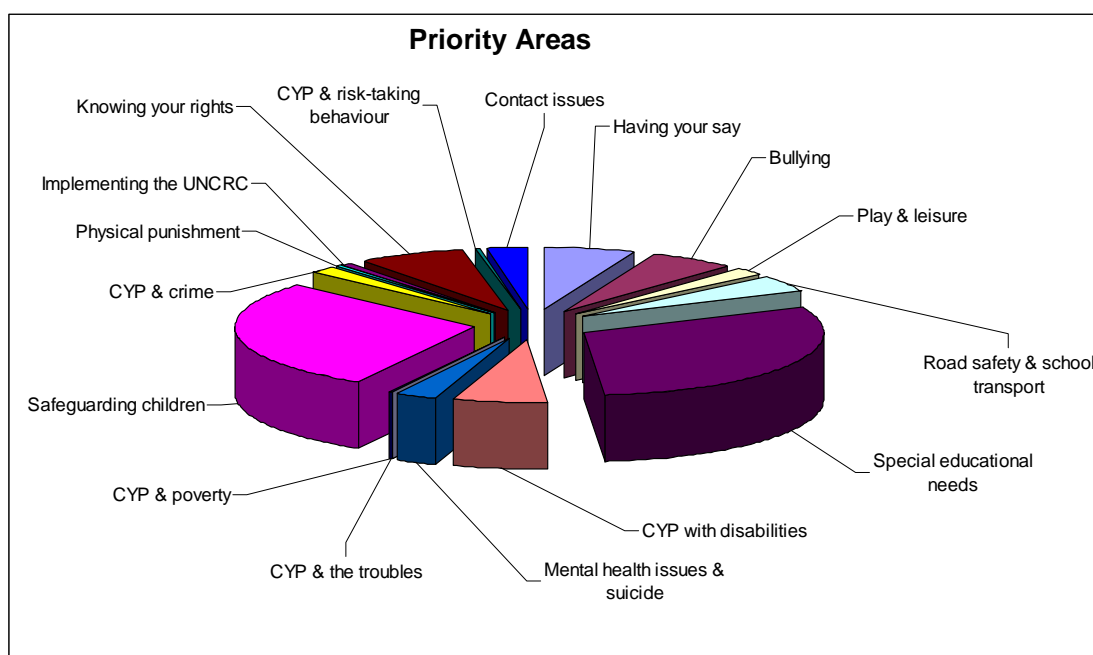
The work of the Legal and Complaints Team

NICCY has the power to assist children and young people who wish to make complaints to organisations deemed 'relevant authorities' in the public sector in Northern Ireland (Articles 11 & 12 of the Commissioner for Children and Young People (Northern Ireland) Order 2003).

These 'relevant authorities' cover a broad range of Government Departments, their non-departmental Public Bodies and arm's length agencies. This covers a broad spectrum of those powers and functions of the state devolved from the Westminster Government to the Executive and Assembly of Northern Ireland. NICCY has more limited power and remit over other non-devolved matters, such as justice and policing, although these authorities too come within NICCY's remit in a more limited way.

NICCY also has the power to initiate legal action on behalf of children and young people involving proceedings concerning the rights or welfare of children and young people.

The work of the Legal and Complaints Team (L&CT) has covered a very wide spectrum of complaint issue. The following pie chart demonstrates the range of these issues in the complaints received in the year to March 31st 2007. In terms of the overall number of complaints received over the three and a half years (>800) the proportion of complaints related directly to the 'troubles' has been minimal, in terms of numbers received, although the complaints often are associated with the most egregious breaches of children's rights.



In October and November 2004, in a series of meetings, the then Commissioner for Children and Young People, Nigel Williams, met young people who were trying to deal with the impact of paramilitary control in their areas. These young people were afraid to voice their concerns to the Commissioner for fear of reprisal and were very unsure about how the Commissioner for Children and Young People could help them.

The Commissioner and the senior management team of NICCY were equally unsure about what they could do. As a body set up, primarily, with powers to address the impact of the machinery of Government on children and young people NICCY was very concerned to ensure that we would, where possible, clearly set out our view of the significant harm being done to children and young people by paramilitaries and, where possible, to help individual children and young people who coming to our attention who were victims of paramilitary action.

We were clear that the evidence we had heard directly from these young people and the research we had considered; – Voices behind the Statistics – a participative piece of research

with young people from 11 schools in Northern Ireland looking at community identity and other issues undertaken jointly by the National Children's Bureau and the ARK project. Second; research by Dr Liam Kennedy of Queen's University on paramilitary beatings and; NICCY's own QUB research, all clearly pointed to the significant and egregious nature of the breaches of Children's Human Rights paramilitary control and actions presented.

In a keynote speech delivered to an event entitled; **Building Bridges: Healing Communities** through Early Childhood Education Working Forum, Nigel Williams made NICCY's position clear. He referred to a series of case examples taken from the research;

Behind these vicious assaults lie a continuing campaign of intimidation and vigilante rule in areas across Northern Ireland. There are differences between loyalist and republican paramilitaries in the way they exercise their power, but the outcome of fear and intimidation is the same. The terror they visit on children and young people is no different. In many areas it is these groups who are the local drug barons, who make young people addicted and then terrorise them when they can't pay for the drugs

NICCY used this opportunity, through the media, to widely publicise this stance. The Commissioner's view was in doing so we would be providing a voice for all of the children and young people affected by so-called punishment beatings by being able to humanise their stories in the media, to counter a prevailing trend evident at that time that many of the children and young people 'deserved' the treatment meted out and, by doing taking this public stance, encourage other children and young people to come forward to NICCY.

With regard to this second objective, in retrospect NICCY failed to reach many more children and young people if the number coming forward to NICCY for assistance was an indicator of the reach or impact of this message. Colleagues in both the statutory agencies and the Children's NGO sector welcomed NICCY's unambiguous stance on the issue but were clear that the blanket fear of reprisal and the hopelessness of many young people meant that few were prepared to come forward.

Throughout the course of the past three years NICCY has continued to receive a steady but proportionately small stream of referrals where the impact of paramilitary behaviour is a key element. The following three case examples are included to demonstrate the nature and type of these problems and the relative powerlessness of NICCY to deal with them in order to achieve a resolution for the children and young people involved. All of the information

Case Example 1

We were contacted by a local MP with regards to a young person in care. Mum had spoken with MP and advised that family believed that Social Services were not providing adequate care for their daughter who was in residential care. After several meetings with the Trust, discussions with MP and consultation with the young person, it was decided that an independent social worker would be brought in to conduct an informal review in respect of the adequacy of care provided by the Trust. This report made several recommendations with both the Trust and parents. The Trust fully embraced the recommendations and have implemented the actions required. Unfortunately parents have not engaged with Social Services and these recommendations have not been addressed. Young person during the investigation settled well and is now a parent herself. Social Services moved young person into own accommodation and she has successfully completed the move. After attending several LAC reviews young person has now been described as a wonderful mother who is extremely capable of looking after child, budgeting money and living independently. Young person turns 18 in November and Social Services have offered to provide any support or help that mum requires. Social Services commended young person for how she has turned her life around. Young person thanked us for our support and stated that she would keep in touch to let us know how things are going for both her and child.

Case Example 2

This case concerns a teenage boy who is deaf. He has “severe and complex emotional and behavioural problems”, and has been under the care of a consultant psychiatrist who travels from England each month to see him. The psychiatrist spoke to us about his concerns for this young person. He had been excluded from two educational placements, including (Loughshore.) He was not attending the AEP he was supposed to, which left him even more isolated and vulnerable than he already was, in the psychiatrist's opinion. He was said to be very vulnerable to being used and exploited by paramilitaries in his area, which in turn was said to make him feel worthwhile and important.

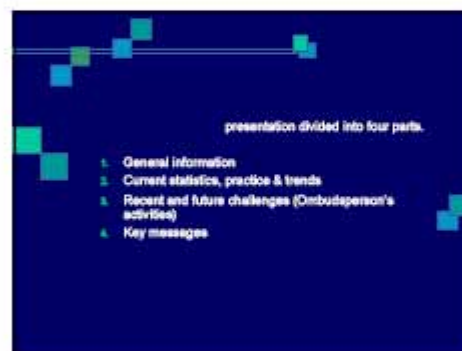
All involved wanted to get him back into a school setting, and away from the negative influences. He would only attend (Loughshore), nowhere else. Following meetings with the ELB it was agreed that he could attend (Loughshore) again, even though it was outside the Board's funding area. Everyone agreed that it was worth trying, reviewable every month, as a step to keeping him away from conflict and anti-social elements.

Case Example 3

Mum contacted us in relation to her 17-year-old son Christopher who she described as suicidal – he had made five attempts at suicide since July. Her main concern was that there were no adolescent psychiatric beds available for him. The consultant psychiatrist considered Christopher to be chronically suicidal. Christopher had one spell as an in-patient at the Mater Hospital in September but this was an adult facility and as such was not suitable. Telephone contact was made with the Social Worker, Consultant Psychiatrist and Official Solicitor and a meeting attended with various parties. A letter was sent to the Minister regarding Christopher specifically and the lack of adolescent facilities in general. With regards to Christopher, an update was obtained from his mum. He is ok and is still attending the clinic twice a week with outside support but there is still no in-patient bed. Mum is still in touch with the Official Solicitor and is happy for us to close the case. Mum will phone if she needs to in the future.

PRESENTATIONS MAIN THEME

CROATIA





21% of Croatian population
are children

2% children with disability = 18634
according to the Croatian Register of People with Disabilities

no reliable data !

Concluding observations: Croatia
(CRC/C/15/Add. 243 1)
subject of concern

The Committee is concerned about the lack of disaggregated statistical data and other information on the situation of children, especially those belonging to different ethnic groups and the most vulnerable groups, in particular with respect to girls, street children, disabled children, displaced, refugee and asylum-seeking children, children from minority groups and Roma children.

The Committee recommends that the State party take effective measures to ensure the availability of reliable data regarding persons under 18 years old, disaggregated by age, gender and ethnic origin, and to identify appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society, in order to evaluate progress achieved and the difficulties hampering the realization of children's rights.



THE CONSTITUTION OF
THE REPUBLIC OF CROATIA

Art. 14
Citizens of the Republic of Croatia shall enjoy all rights and freedoms regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other characteristics

Art. 63
Physically and mentally handicapped and socially neglected children shall have the right to special care, education and welfare.

Republic of Croatia is a CRC state party since 1991

International agreements are integral part of Croatian legal system and have legal strength above Law



all Articles of the Convention apply equally and without exception to disabled children

Children with Disabilities
do not have any "special" rights,
apart from rights universal and equal for all children

but


towards equal rights and truly non-discrimination
the state should assure for them to have ensured
different treatments which would meet their needs

The Republic of Croatia has good national policies for protection of rights of children with disabilities,



Insufficient realization of the stipulated measures as well as monitoring of implementation, so despite good policies there is often a disconnect in terms of implementation

Many laws consist of provisions which regulate protection of rights of children with disabilities, and there are also efforts to implement provisions of the CRC.



Insufficient support by secondary legislation (regulations, decisions, decrees, directives etc.) has negative impact on realization of provisions of law which are to protect the position of children with disability.

from our point of view still...
discrimination

direct


- disabled child treated in an inferior way
- dominance of 'medical model' – child defined by impairment

indirect

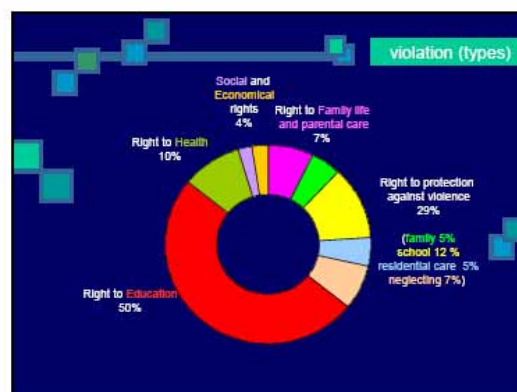
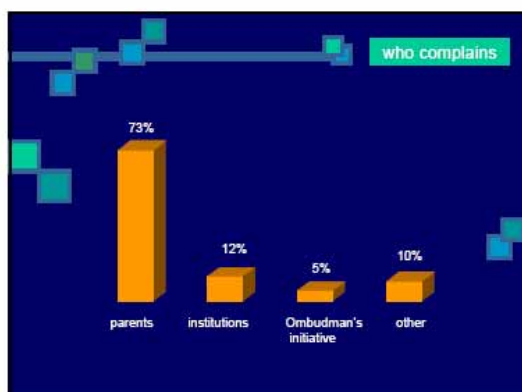
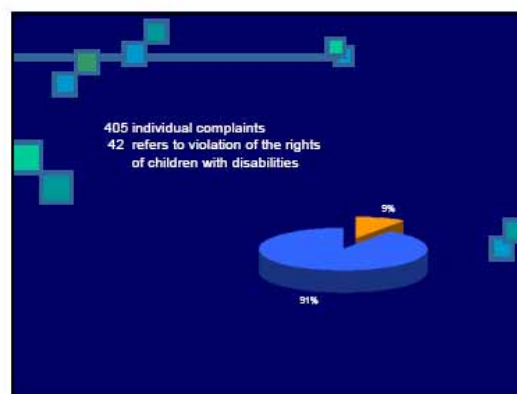
- absence of law or policy
- non-implementation of law/policy
- equal rights misunderstood to mean equal treatment

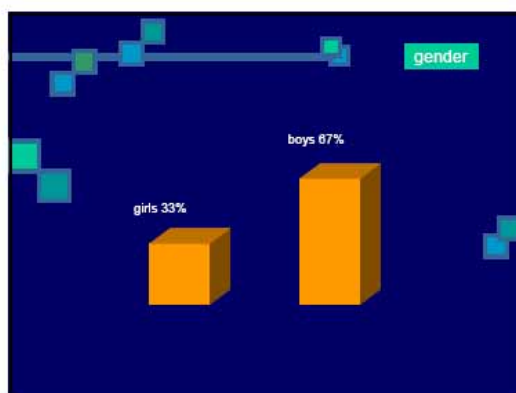
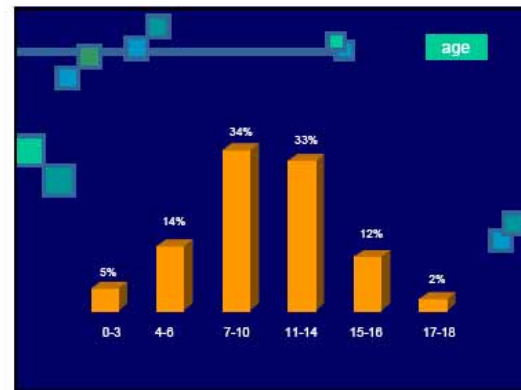
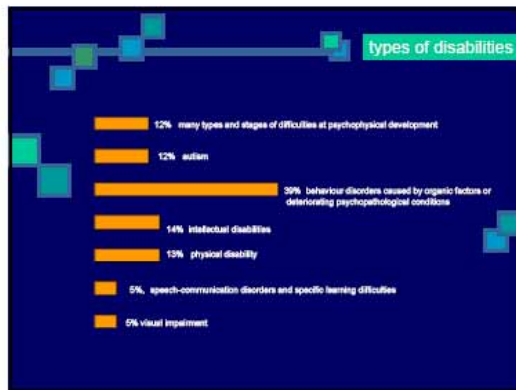
Current statistics,
practice & trends

Part 2



all statistics data in this snapshot refers to the complaints received by the Office of the Ombudsperson for Children in 2008.





practice

- different interpretation of the same regulations
- uneven regulations application
- incomplete regulations application

problem

- most parents of children with developmental difficulties are **not informed** about the rights and benefits they are entitled to
- are **lost through a welter of regulations** usually non applicable or serving only to fulfill form or are abused

(according to Croatian Union of Physically Disabled Persons Associations (CUPDPA) data, there are **over 270 legal acts** regulating problems of persons with disability in Croatia)

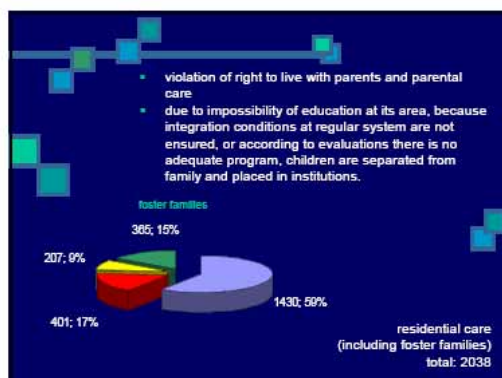
relate to the Right to Education practice

- reported an unmet need
- they had not always been able to enroll at the school of their choice
- reasons for this included zoning restrictions:
 - the school was unwelcoming,
 - special services/equipment were not available,
 - financial reasons.

route to the Right to Education trends

- support to children with special educational needs - teaching assistant
- project of condition record of school architectural adaptation for integration of children with physical disabilities
- provided/facilitated transport of pupils

	mainstream settings		special schools	
	number	%	number	%
visual impairment	48	89	37	31
hearing impairment	48	82	68	37
speaking limitations, learning difficulties	2089	90	289	10
physical disabilities	160	70	118	30
intellectual disabilities	878	71	610	29
behaviour disorders caused by organic factor or deteriorating psychopathological conditions, psychological or psychiatric disorder	220	81	83	19
autism	0	0	30	100



Concluding observations: Croatia (CRC/C/15/Add. 243 1) subject of concern

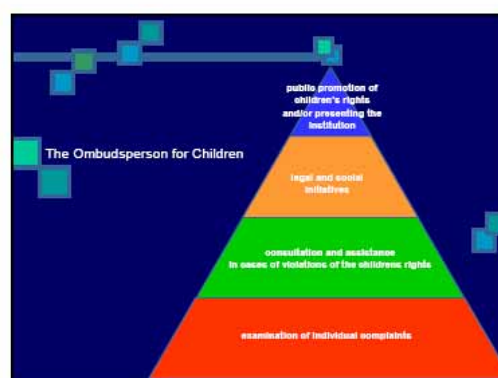
education, leisure and cultural activities

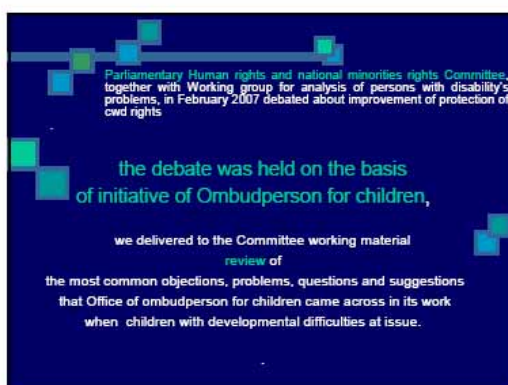
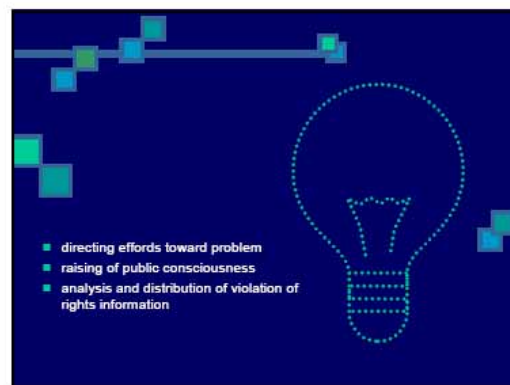
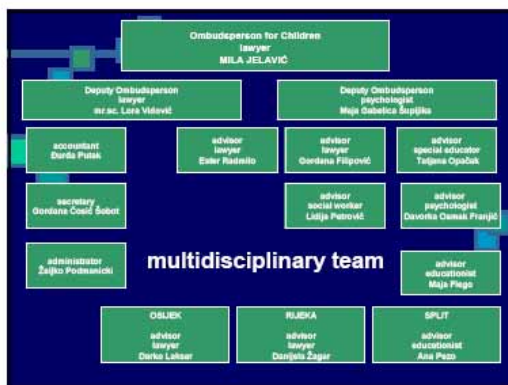
57. While noting the efforts made by the State party with regard to education, e.g. the 2001 Law on the Changes and Amendments of the Primary Education Law, it remains concerned the **different access to education of children** belonging to minority and the most vulnerable groups, including Roma children, children living in poverty, children **with disabilities** and foreign children, which hampers their full enjoyment of a system of education adequate to their values and identity. The Committee is also concerned that the education system and its organization remain very centralized and that human right to education is not included in the curricula. Finally, the Committee is concerned about the shift system of instruction and the poor equipment and school facilities in many parts of the country.

recommendation
 take the necessary measures to **integrate children with disabilities in the mainstream education system**, including vocational education, and in society;

Recent and future challenges
 (Ombudsperson's activities)

Part 3





conclusions / recommendations

1. The committee recommends to the Government of the Republic of Croatia to direct to parliamentary procedure Report on National strategy implementation for period of 2005 and 2006.
2. The committee recommends to the Government of the Republic of Croatia to, based on analysis of implementation of the National strategy unique policy for persons with disability from 2003 to 2006, prepare new national strategy for period of 2007 to 2015, taking into account suggestions and objections outlined on debate. ✓
3. The committee requests from the Government of the Republic of Croatia to define reasons for nonimplementation of Croatian persons with disability registry law and to take necessary actions to ensure its full implementation.
4. The committee recommends to the Government of the Republic of Croatia to consider a possibility to make a new parent law – nurse. ✓

conclusions / recommendations

5. The committee recommends to the Government of the Republic of Croatia to find a legal solution for introduction of institute of personal assistant, as well as teaching assistant.
6. The committee also recommends to the Government of the Republic of Croatia to obligate Ministry of health and social welfare to, in accordance with suggestions outlined on debate, to approach with amendments of:
 - Book of rules on suture and working methods of expertise bodies at the procedure of realization of rights from social welfare and other rights ruled by particular rules
 - Book of rules on orthopaedic and other aids. ✓
 - Book of rules on rights of parents of children with harder developmental difficulties to leave of absence or work on half time working hours due to child care

our ongoing objectives are

- to assess the quality of services provided within existing system.
- to assess the existing organizational structure
- provide recommendations for improvement in the future
- to insist on implementation of stipulated measures and laws

Key Messages

Part 4

act now!

turning rights into reality

- declarative level
- the core principles of the CRC are not sufficiently addressed when it comes to children with disabilities



enoc statement

it is clear that children with disabilities cannot be kept waiting for the inclusion and quality of life to which they have an unqualified right.



SCOTLAND



SCCYP **What young people said...**

- Loss of dignity, independence, control
- Failure to take account of individual preferences
- Lack of involvement in decision making
- Misuse of unsuitable equipment
- Sense of responsibility/feelings of guilt
- Unable to participate in leisure activities
- Relationship with carers
- "Rules over reality"

www.sccyp.org.uk

SCCYP **What parents said...**

- Children are not treated as individuals or as rights-holders
- Attitudes towards risk/fear of litigation
- Lack of information and training for parents
- Short-term planning
- Inaccessible buildings
- Failure of inclusion policies

www.sccyp.org.uk

SCCYP **Next Steps**

- Publish report on moving and handling
- Recommendations to Government, local authorities and others including:
 - Involvement of children and young people in risk assessments and decision making
 - Information for children and young people and parents about moving and handling
 - Definitive statements of the law and clear, accessible guidelines
 - Training for workers that is tailored to the needs of children and young people

www.sccyp.org.uk

SCCYP

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➤ www.sccyp.org.uk

www.sccyp.org.uk

IRELAND

ENOC Annual Conference, 2007
Ombudsman for Children's Office (OCO)
Ireland

Conference Theme:
 Supporting children with special needs


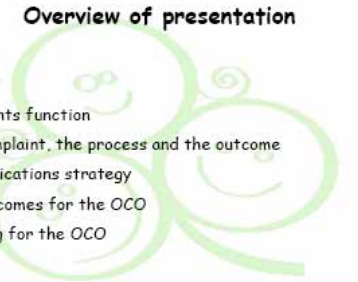
Presentation on the theme:
 Investigation into housing allocation for a child with a disability




www.oco.i

Overview of presentation

Context
 Complaints function
 The complaint, the process and the outcome
 Communications strategy
 Key outcomes for the OCO
 Learning for the OCO

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Context

OCO's Strategy 2007-2010

- Use our statutory investigative powers to secure accountability
- Achieve positive organisational and systemic change through our complaints procedure

OCO Experience

- informal resolution & capacity building






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Complaints function

Complaints made by a child or adult about a public body, school or hospital

Remit: the OCO can examine a complaint where:
 a child may have been adversely affected and the action may have involved maladministration



Powers: Compellability of information, documents, witnesses and things
 Confidentiality of information

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The complaint


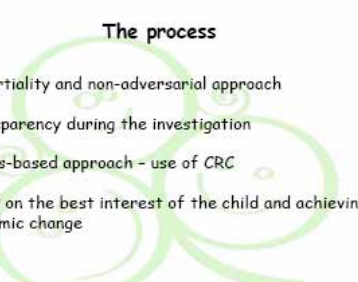
- Complaint made by mother of the child
- Inappropriate house allocated to the child - needs of disabled child not met
- No review of allocation for 5 years
- Prima facie adverse effect and maladministration
- OCO conducted examination

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The process

- Impartiality and non-adversarial approach
- Transparency during the investigation
- Rights-based approach - use of CRC
- Focus on the best interest of the child and achieving systemic change

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Outcome - local level

Finding: child adversely affected + maladministration

5 OCO recommendations welcomed and implemented

- A new house for the child and his mother
- Housing applications re: children with special needs to be reviewed weekly
- System for awarding medical priority modified to be more transparent and timely
- Council now looks at the broader needs (e.g. school) of the child when allocating houses
- Information provision currently being improved



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Outcome - national level

- Department of Environment and Local Government agreed to develop new allocation policy to take into account children with special needs
- Ongoing negotiation with all the County Council managers



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Communications Strategy

Publication of Statement on the investigation

- Timing
- Stakeholder management
- Tone
- Media management



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Key Outcomes for the OCO

- Solution found for the child
- Greater awareness of the role of the OCO in holding local authorities to account, including re. housing
- Enhance profile of OCO
- Enhanced standing vis a vis official bodies



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What has the OCO learned?

- First investigation - Setting the tone for future investigations
- Value of the joined up work across the OCO functions e.g. investigation and Comms teams
- Judicious sharing of information
- Confidence boost for OCO
- Importance of timeliness in all change processes
....and of a bit of luck!



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WALES



**Supporting Children with emotional and behavioural difficulties in Wales:
The use of exclusion from school.**

Presentation to ENOC 2007
Children's Commissioner for Wales


1



Emotional and behavioural difficulties (EBD)

- age inappropriate behaviour or that which seems otherwise socially inappropriate or strange
- signs of emotional turbulence (e.g. unusual tearfulness, withdrawal from social situations)
- difficulties in forming and maintaining positive relationships
- Behaviour which interferes with the learning of the pupil or their peers.

2



One young person's response....

"Oh good! It's dyslexia

– I thought I was just stupid!"


3



The role of the Welsh Assembly Government

- Gather examples of good practice
- Produce draft guidance
- Consult on proposed guidance
- Produce final statutory and non-statutory guidance
- Monitor compliance with guidance

4



The role of the Local Education Authority (LEA) in behaviour

- An effective LEA works with schools to **encourage** review of their behaviour policies and support practice across the whole school.
- It does this in a number of ways including through the work of **behaviour support services**, which support both individual pupils and wider school practice.

5



Other roles of the Local Education Authority (LEA)

- School transport
- School Admissions
- Student grants & financial support
- Assess Special Educational Needs
- Arrange alternative provision for excluded pupils.

6

The role of the school (Head teachers and Governing bodies)

- Special Educational Needs Coordinator (SENCO) and head teacher liaise with parents to monitor Special Educational Needs
- if necessary, ask the LEA to assess a child's special needs
- seek advice and support from LEA behavioural support team
- provide pastoral support schemes
- "have regard" to Welsh Assembly guidance



7

Guidance on the use of exclusion

Exclusion **must** be used **only**:

- in response to very serious incidents
- as a last resort and when all other options and methods of support have failed



8

Types of Exclusion

- Fixed term – a maximum of 45 days in any school year
- Permanent – the child is never allowed to return to that school
- Unofficial/illegal – the school asks parents to "keep the child at home".



9

Exclusion should not normally be used for:

- Children who have special educational needs
- Looked after children/children in the care of the state
- Children involved in minor drug related incidents



10

The effects of exclusion

- *"Permanently excluded pupils and children who for other reasons do not have a school place are therefore at risk of educational failure, leading to unemployability and long term dependency on benefits; in short from a whole range of vocational, cultural and social opportunities."* (OFSTED, 1995)



11

Children's Rights

- Article 3 of the United Nations Convention on the Rights of the Child and UK Children Act 1989
- in all decisions affecting children *"the best interests of the child shall be a primary consideration."*
- **How do schools help children by denying them services?**



12

Some good practice

- Temporary move to another school
- Managed moves where the school, LEA and the parents and child agree
- School-based counselling services to tackle the underlying causes of challenging behaviour.
- Work-based placements for young people who are not academic
- Early college opportunities for young people for whom school is not the best learning environment.

13

Article 28

States Parties recognize the right of the child to education

14

Supporting children with emotional and behavioural difficulties in Wales.

Note: In Wales, we have stopped using the term “Special Educational Needs” and now use “Additional Learning Needs”. Since about 1 child in 5 has some form of Additional Learning Need there is nothing “special” or unusual about it and it should form part of a school’s everyday teaching strategy.

We have, however, continued to use the term in this presentation for consistency within ENOC.

Emotional and behavioural difficulties (EBD)

EBD may become apparent in the following ways:

- age inappropriate behaviour or that which seems otherwise socially inappropriate or strange
- signs of emotional turbulence (e.g. unusual tearfulness, withdrawal from social situations)
- difficulties in forming and maintaining positive relationships
- behaviour which interferes with the learning of the pupil or their peers.

Challenging behaviour as a result of EBD may often be an indicator of unmet special educational needs. Although dyslexia is usually well recognized and provided for now, some years ago the first indications of a child having dyslexia were often a deterioration of behaviour through frustration and feelings of inadequacy.

“Oh good! It’s dyslexia – I thought I was just stupid!”

In some cases, challenging behaviour may be a result of problems in the home and, in extreme cases may be symptomatic of child abuse, substance misuse in parents, parental conflict

Failure to properly consider and assess the underlying causes of problem behaviour may well have very serious consequences for the child.

Existing institutional context and structures

The role of the Welsh Assembly Government

- To gather examples of good practice
- draft guidance
- consult on proposed guidance
- monitor compliance with guidance

Current guidance on special educational needs:

Special Educational Needs Code of Practice for Wales (2004)

http://new.wales.gov.uk/topics/educationandskills/publications/codes_of_practice/special_ed_cop_04?lang=en

Circular 47/2006: Inclusion and Pupil Support (2006)

<http://new.wales.gov.uk/docrepos/40382/4038232/403829/403829/932746/inclusion-pupil-support-mai2.pdf?lang=en>

The role of the Local Education Authority in behaviour

Wales is divided into 22 local authority areas in each of which there is a local education authority (LEA). This authority arranges school transport and school admissions. It provides grants for students attending university. **In most cases, it cannot tell schools what they should do.**

An effective LEA works with schools to **encourage** review of their behaviour policies and support practice across the whole school. It does this in a number of ways including through the work of behaviour support services, which **support** both individual pupils and wider school practice. In a number of areas, LEAs also manage school-based multi-disciplinary teams who **support** schools with high numbers of pupils with complex emotional and behavioural needs. These behavioural support teams will work with a child if the school requests

Until recently, LEAs controlled the budget for meeting the needs of children with the most severe educational needs. Many have recently delegated this funding to schools and therefore have even less influence over how schools meet the needs of their pupils.

However, it is still the duty of the LEA, through the Educational Psychologist to assess a child's educational needs and to set out the provision that will be made to meet these needs in a **Statement of Special Educational Needs**.

Only about 30% of children excluded from school return to mainstream schools. For the others, it is the duty of the LEA to provide alternative education but this alternative education is well known to be inferior.

However, when the LEA is informed by the school that a child has been excluded, they become aware that there are problems that the school have not been able to solve and that the child possibly has educational needs that have not been met. The LEA should then assess the child's needs.

The role of the School

Schools are run by head teachers who are managed by a Governing Body - members of the local community who are voluntary.

LEAs cannot tell them (schools or governors) what to do but they will respond to any requests from a school for assistance.

Head teachers and governing bodies must "have regard" to government guidance but, if they can provide a good explanation, they do not have to follow it as most SEN guidance is not statutory.

Within a school, one teacher is appointed as the Special Educational Needs Coordinator (SENCO) who will have received some limited training in Special Educational Needs. It is the

duty of this SENCO to decide whether a child needs formal assessment by the LEA and to advise teachers how to best work with the child.

Normally schools are able to provide support for children with a very wide range of SEN. Where this often breaks down is where children have emotional and behavioural difficulties and, as a result, exhibit challenging behaviour.

Challenging behaviour is not always recognized as having resulted from unmet SEN. Schools may often think that it is simply “bad behaviour” and something that is the responsibility of parents to deal with. They may respond to the behaviour by punishing the pupil (and also the parent) by excluding the pupil.

The use of exclusion

Only a head teacher can exclude a child from school. There are occasionally very good reasons for a head teacher to decide to exclude a child from the school where that child may be a risk to other children or to teachers. However, these occasions are extremely rare and cannot account for the year-by-year rise in the number of exclusions.

Guidance suggests that exclusion must be used only:

- in response to very serious incidents
- As a last resort and when all other options and methods of support have failed

Exclusion through formal processes can be of two types:

- Fixed term – a maximum of 45 days in any school year
- Permanent – the child is never allowed to return to that school

Guidance suggests that exclusion should **not** normally be used for:

- Children who have special educational needs
- Looked after children/children in the care of the state
- Children involved in minor drug related incidents

Yet there remains a considerably higher risk of exclusion for children in each of these groups as there is for Afro-Caribbean children.

Children who persistently exhibit challenging behaviour may well be excluded as a result of the cumulative effects of their behaviour rather than in response to very serious incidents.

For exclusions over 5 days there is the right of appeal. The Welsh Assembly Government is to be congratulated in extending this right of appeal to children rather than, as before, only the parents.

The Children's Commissioner for Wales has recently completed a report on the growing trend of “**unofficial exclusions**” where the school simply asks the parent to keep the child at home. This practice is not legal as it fails to trigger any of the responses to meet the needs of the child and, being unofficial, it gives no right of appeal. Very often, the LEA is unaware that this is happening.

The effects of exclusion

It is well recognised that exclusion causes long term problems both for children and society:

“Permanently excluded pupils and children who for other reasons do not have a school place are therefore at risk of educational failure, leading to unemployability and long term dependency on benefits; in short from a whole range of vocational, cultural and social opportunities.”
OFSTED, 1995 Pupil Referral Units – the first twelve inspections, London: HMSO.

The question therefore is “Why do schools continue to exclude children?”

It's clearly an easier option for head teachers:

Stirling (1992) suggests that from the school's perspective, the process of exclusion is a speedier and more predictable process than the implementation of the lengthier assessment procedures leading ultimately to a 'statement' of Special Educational Needs (which results in additional resources to help meet the pupil's needs) under the 1981 Education Act.

Schools, Education and Social Exclusion, Jo Sparkes

How does this affect children's rights?

Article 3 of the United Nations Convention on the Rights of the Child says that in all decisions affecting children "*the best interests of the child shall be a primary consideration.*" This is also reflected in the UK Children Act 1989

Knowing the probable long term effects of exclusion on children's lives it is difficult to see how a decision to exclude can possibly be in their best interests.

How do schools help children by denying them services?

It is difficult to see how it is in the long term interests of any society to produce citizens who are unemployable and have to rely on state benefits.

Some good practice

Despite the continued rise of the number of exclusions year-by-year there are some examples of good practice:

- Temporary move to another school rather than fixed term exclusion.
- Managed moves where the school, LEA and the parents and child agree to move the child to another school that may be better suited to their needs.
- School-based counselling services to work with the child to tackle the underlying causes of challenging behaviour.
- Work-based placements for young people who are not academic and would be better suited to vocational training.
- Early college opportunities for young people for whom school is not the best learning environment.

Hopefully this means that when these approaches become embedded in the education system as a whole there will be fewer exclusions and better compliance with the United Nations Convention on the Rights of the Child:

Article 28

States Parties recognize the right of the child to education

MADRID

Niños con necesidades especiales



Defensor del Menor
en la Comunidad de Madrid

Yana Hovav, La niña d'Orléans

Dimensiones

- Hay más de **200 millones de personas** en el Mundo que sufren algún tipo de discapacidad (mental, física o sensorial) (ONU 2006)
- En España la cifra es de **6,5 millones de personas**, un 2% de la población española, de los que aproximadamente 160.000 son menores (Instituto INE 2008)
- En la Comunidad de Madrid hay **14.000 niños y adolescentes** con discapacidades (Instituto General de Servicios Sociales, Concejalía de Salud, 2008)

Todos los discapacitados en menor en Comunidad de Madrid



- De ellos, **100.000 niños y adolescentes**, es decir, presentan más de un 74% de discapacidad y necesitan ayuda de tercera persona
- Alumnado con Necesidades Educativas Especiales en la Comunidad de Madrid: **1.807**

Marco normativo

Constitución Española

Artículo 15. Corresponde a los poderes públicos promover las condiciones para que la libertad y la igualdad del individuo y de los grupos en que se integra sean **reales y efectivos**, remover los obstáculos que impidan o dificulten su plenitud y facilitar la participación de todos los ciudadanos en la vida política, económica, cultural y social.

Artículo 49. Los poderes públicos realizarán una política de **protección, promoción, asistencia y integración** de los disminuidos físicos, sensoriales y psíquicos, a los que prestarán la **asistencia especializada** que requieran y los ampararán especialmente para el disfrute de los derechos otorgados a todos los ciudadanos.

Constitución sobre los Derechos del Niño

Artículo 18.1. Los Estados Partes reconocen que el niño mental o físicamente impedido deberá disfrutar de una **vida normal** y decente en condiciones que aseguren su **plena** (le permitan llegar a bastarse a sí mismo y faciliten la participación activa del niño en la comunidad).

Convención sobre los Derechos de las Personas con Discapacidad

Fue adoptada el 13 de diciembre de 2006 por la Asamblea General de Naciones Unidas. La Convención y su Protocolo facultativo están abiertos a la firma desde el 30 de marzo de 2007. En España, el Gobierno ha remitido recientemente los textos a las Cortes Generales para su debate y votación.

Marco normativo

Ley 13/1995, de 24 de mayo, de Integración Social de los Minusválidos, reconoce derechos y construye un amplio marco jurídico de protección que vincula a todos los Poderes Públicos, a las instituciones esencialmente relacionadas con los menores.

Ley 14/1994, de 1 de mayo, de Promoción de la Autonomía Personal y Atención a las personas en situación de Dependencia, regula la atención educativa de los menores con discapacidad y establece que se regirá por los principios de **normalización** y **seguridad** su **integración** y la **igualdad efectiva** en el acceso y la permanencia en el sistema educativo.

Otras Leyes relativas y relacionadas

- Ley 13/1995: Integración Social de los Minusválidos
- Ley 39/2006: Igualdad de Oportunidades
- Ley 39/2006: Promoción de la Autonomía Personal y Atención a las personas en situación de Dependencia
- Ley (C. Madrid) 6/1985: Garantías de los Derechos de la Infancia y la Adolescencia
- Ley (C. Madrid) 8/1985: Promoción de la Accesibilidad y Supresión de Barreras Arquitectónicas
- Ley (C. Madrid) 11/2003: Servicios Sociales

Actuaciones Defensor del Menor

I. Ley "Educación de los Niños con Discapacidad"

- Realizado en colaboración con la Federación de Asociaciones de Minusválidos Físicos y Orgánicos de la Comunidad de Madrid.
- Pretende contribuir a **resolver los dudas** que asientan normalmente a padres, educadores y profesionales y por supuesto a **niños con discapacidad**.
- Contiene una enumeración de los **derechos de los niños con discapacidad**, recordando su existencia y orientando a la sociedad hacia la plena integración social.

II. Investigación sobre "La atención educativa del alumnado con necesidades educativas especiales asociadas a discapacidad en la Comunidad de Madrid"

- Realizado por el Instituto de Evaluación y Asesoramiento Educativo.
- Publicado en **Estudios e Investigaciones del Defensor del Menor, 2003**.
- Disponible en http://www.defensordelmenor.org/pdf/Estudios_Investigaciones_2003.pdf

III. Estudio "Modelo de atención al alumnado con discapacidad"

- Análisis de las **quejas** presentadas por los ciudadanos al Defensor del Menor en relación con los derechos de los niños y adolescentes con discapacidades.

Guía "Derechos de los Niños con Discapacidad"

- Derecho a una **vivienda digna y adecuada** a las necesidades especiales de los niños con discapacidad.
- Derecho a **circular libremente** con la garantía de **transporte accesible**.
- Derecho de los padres a **recibir todas las informaciones** relativas a la discapacidad y bienestar del niño, siempre que el derecho del niño a mantener su intimidad no se vea afectado.
- Derecho a **recibir información adaptada** a su edad, su desarrollo mental, su estado afectivo y psicológico con respecto a su discapacidad, al tratamiento al que se le somete y las perspectivas positivas de ese tratamiento.
- Derecho del niño al **descanso** y al **esparcimiento**, al **juego** y a **actividades recreativas y culturales** propias de su edad, así como disponer de espacios para ello.
- Derecho de los padres o de la persona que los sustituye a **pedir la aplicación** de estos derechos en el caso de **niños inmigrantes con discapacidad**.
- Derecho del niño con discapacidad a la **protección de la salud** y a los servicios para el tratamiento de las enfermedades.

Derechos de los niños con discapacidad

Guía "Derechos de los Niños con Discapacidad"

- Derecho a la **detección y tratamiento precoz** de enfermedades congénitas, así como de las deficiencias psíquicas y físicas, teniendo en cuenta la ética, la tecnología y los recursos existentes en el sistema sanitario
- Derecho a la aplicación de las **técnicas y recursos de mejora y rehabilitación** de secuelas que hayan podido tener por causa de enfermedad adquirida, congénita o accidente. Esta rehabilitación comprenderá todos los aspectos físicos, psíquicos y sensoriales
- Derecho a acceder y utilizar los **servicios sociales** sin discriminación por motivos de discapacidad
- Derecho de las familias a recibir apoyo en la prestación de **cuidados personales** a sus miembros que por su discapacidad se encuentren en estado de dependencia
- Derecho de toda familia a percibir la **prestación por hijo a cargo** cuando existan menores con discapacidad en el seno familiar
- Derecho a recibir una **educación gratuita**, en condiciones de igualdad de oportunidades
- Derecho a recibir una **educación adaptada** a las necesidades personales desde el momento en que se detecte discapacidad

Derechos de los niños con discapacidad

Guía "Derechos de los Niños con Discapacidad"

- Derecho a recibir **atención educativa en caso de estar hospitalizado** o de convalecencia en el propio domicilio
- Derecho a participar en todas las **actividades escolares**
- Derecho de los padres a **elegir el centro escolar** entre aquellos que reúnan los recursos personales y materiales adecuados para garantizarles una atención educativa de calidad
- Derecho de los padres a colaborar en el proceso de **identificación de las necesidades** y en las actuaciones de **rehabilitación**
- Derecho a recibir **asesoramiento, formación y apoyo técnico** para acceso al **primer empleo**
- Derecho a que las Administraciones públicas **adecuen los espacios** en los que permanecen habitualmente los menores con discapacidad a sus necesidades para que puedan participar plenamente en la vida social
- Derecho a recibir la **ayuda técnica** precisa con el fin de favorecer el **desarrollo personal y social** del niño con discapacidad

Derechos de los niños con discapacidad

"La situación educativa del alumnado con necesidades educativas especiales asociadas a discapacidad en la Comunidad de Madrid"

Datos del estudio:

- Aplicación de cuestionarios

	Nº total de alumnos	Nº de centros
Centros ordinarios	30	30
Centros de Educación Especial	9	9
CEEP (Centro Especial de Educación Primaria)	18	18
EAT (Escuela de Atención Temprana)	11	11
CEEP (Centro Especial de Educación Primaria)	4	4

•Entrevistas: colectivos significativos (federaciones de padres, directores y orientadores...)

"La situación educativa del alumnado con necesidades educativas especiales asociadas a discapacidad en la Comunidad de Madrid"

La mayoría de los profesores y de las familias apoyan la integración de los menores y consideran que debe ampliarse y mejorarse

La mayoría del profesorado de educación secundaria manifiesta la necesidad de mejorar su formación para abordar la tarea educativa con estos menores

La respuesta de los maestros de primaria no es unánime cuando se les pregunta si consideran positivo que este alumnado permanezca más tiempo en el aula específica de educación especial, el 55% responde afirmativamente

También consideran como fórmula más adecuada que el apoyo pedagógico se realice fuera del aula ordinaria

Las dificultades mayores para la integración se encuentran en los centros de secundaria

La formación profesional de los alumnos con necesidades educativas especiales y principalmente la relación entre los centros docentes y el mundo laboral es uno de los aspectos a mejorar en la respuesta educativa y social a estos alumnos

"La situación educativa del alumnado con necesidades educativas especiales asociadas a discapacidad en la Comunidad de Madrid"

Lo expuesto anteriormente exige, entre otras muchas condiciones, promover la libertad de los centros para diseñar modelos organizativos innovadores siempre que sean inclusivos y apoyados desde las Administraciones, así como la puesta en práctica de políticas alternativas más decididas y exigentes de asignación de personal y de promoción de la innovación curricular y organizativa

Si bien se puede considerar que la integración del alumnado con necesidades educativas especiales ha sido positiva desde todos los puntos de vista, por el momento esa integración es sólo parcial

Se ha realizado una integración física pero debemos caminar hacia la normalización social y funcional, lo que supondría una superación de la integración y el paso hacia la inclusión

Casística discapacidad 1996-2006

Expedientes de queja y expedientes de oficio por años



Principales motivos de queja en los quejas:

- Información sobre recursos y ayudas dirigidas a favorecer la integración
- Prestación de ayuda y asistencia a domicilio
- Transporte de menores con discapacidad
- Sanciones a deficiencias económicas para hacer frente a los gastos derivados de la discapacidad
- Barreras arquitectónicas
- Disconformidad con la baremación y acreditación del grado de discapacidad

55% fue el EEE expedido en los menores con discapacidad

¿Qué les preocupa a los niños con discapacidad?

Recientemente se ha realizado una encuesta (Fundación Adecco, agosto 2007) titulada *¿Qué quieres ser de mayor?* a un total de 1.500 niños españoles, de edades comprendidas entre seis y 17 años, que ha dado voz a los niños con discapacidad.

Las aspiraciones profesionales de los menores con discapacidad se resumen en "encontrar la oportunidad de poder acceder a un **trabajo**" y no una profesión concreta como la mayoría de los niños y niñas sin discapacidad.

No desean ser futbolistas o profesoras, sino que **aspiran a un trabajo en el que puedan realizarse**.

Pero no sólo el futuro profesional es lo que más preocupa a los menores encuestados **les preocupa también el medio ambiente, la guerra y la pobreza**.

Hacia otras formas de integración :)

El pasado 31 de mayo se celebró en Madrid **el Día de la discapacidad** que tuvo lugar en la sede del ICEPAT (Centro Estatal de Autonomía Personal y Ayudas Técnicas) que contó con la colaboración de la Institución del Defensor del Menor.



PRESENTATIONS BY INTERNATIONAL ORGANISATIONS

IRC UNICEF

UNICEF
Innocenti Research Centre


ENOC Annual Meeting
19-21 September, Barcelona, Spain

**UNICEF IRC Survey on
Ombuds for Children**

Независимые институты по защите прав
ребенка
(уполномоченные по правам ребенка)

Vanessa Sedletzki

For every child
Health, Education, Equality, Protection
ADVANCE HUMANITY

unicef 

Why a research project on ombuds for children?

- There is international momentum around the issue.
- The CRC Committee has repeatedly called for the establishment of these institutions.
- The Convention on the Rights of the Child has given visibility to children's rights in policy-making.
- High demand for evidence-based guidance.
- UNICEF has been an active advocate of ombuds institutions for many years.
- UNICEF IRC Research on CRC General Measures of Implementation.

UNICEF
Innocenti Research Centre

3

The Process Final Products anticipated

- A global study on ombuds for children.
- A study on ombuds for children in Europe.
- Studies for other regions
- A platform for evidence-based policy advocacy.
- Support to CRC Committee in its role for CRC implementation.
- Research as capacity-building tool.
- Research as support to Ombuds' efforts in promoting change for children and further strengthening these institutions.

UNICEF
Innocenti Research Centre

5

The Process

- **Regional studies organized in 3 Phases**
 1. Survey shared with Ombuds for children
 2. Case-studies conducted in selected countries for in-depth analysis.
 3. Report issued.
- **Partnerships**
 - In each region, UNICEF IRC works in collaboration with key actors.
 - UNICEF assists in the collection of data at country level. UNICEF Regional Offices involved in the process.
 - The outgoing Chair of ENOC has provided key advice in the conceptualization of the research strategy and process.

UNICEF
Innocenti Research Centre

4

The Process Mapping Exercise

- A survey
 - Web version to be submitted directly online
 - Paper versions for separate and integrated institutions
 - Complementary information can be emailed (law establishing the ombuds, reports, good practices, etc).
- Based on the survey, information will be compiled in report.

UNICEF
Innocenti Research Centre

5

The Process Case studies

- Based on the mapping, about 3 to 5 countries will be selected for in-depth studies.
- The studies will:
 - Provide an analytical understanding of the functioning of the Ombuds;
 - Capture perspectives on work of Ombuds;
 - Involve consultations with wide range of actors.
- Case-studies will feed final study.
- Case-studies can also be published separately in order to be used as an advocacy tool at country and regional level.

UNICEF
Innocenti Research Centre

6

The Survey

- IRC would like to be in touch with you via e-mail with link to European study website.
- Website contains:
 - Information about this research initiative
 - Background documentation
 - And... very importantly... the link to the survey.
- Website will also feature information on progress and findings.
- Survey will start on 27 September and we would appreciate your feedback by 12 October.
- It takes 40 to 50 min to complete.
- Highlights from the survey website...

UNICEF
Innocenti Research Centre

A World Fit for Children: targets achieved after five years

Marta Santos Pais
UNICEF Innocenti Research Centre
20 September 2007

For every child
Health, Education, Equality, Protection
ADVANCE HUMANITY



2007: landmark year for children

- 18th anniversary CRC
- 5th anniversary entry into force two Optional Protocols
- 5th anniversary Special Session on Children
- General Assembly review UN Study on Violence against children
- 10 year review Machel Study Children armed conflict

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A world fit for children: Key goals

- Promoting healthy lives
- Providing quality education
- Protection against abuse, exploitation and violence
- Combating HIV and AIDS
- Mobilizing resources for children

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A World fit for Children: Key implementation measures

- Effective national legislation, policies and action plans and allocation of resources
- National bodies for the promotion and protection of children's rights, including independent ombudspersons for children
- National monitoring and evaluation systems to assess impact
- Widespread awareness and understanding of children's rights
- Follow-up and periodic review

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1. Promoting healthy lives

- Solid progress on child survival
- 2007: first year in modern times where number of children dying before their fifth birthday falls below 10 million (1990: 13 million)
- Reduction of 60% in measles deaths
- **Concern:** out of 147 developing countries, only 32 are on track, with highest rates of child mortality in Western Central Africa

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1. Promoting healthy lives

Looking ahead :

- 1) Immunization efforts
- 2) Good nutrition (including exclusive breastfeeding)
- 3) Insecticide treated bed-nets (malaria)
- 4) Strengthening health systems: affordable, high quality, available to all children

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2. Providing quality education

- Resources for education have been rising: representing 10 to 40 percent of government expenditure
- Secondary education for over 90% children in most regions
- **Concern:** 117 million children out of school, only 2/3 go to secondary level in Sub-Saharan Africa and gender disparity prevails

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2. Providing quality education

Looking ahead :

- 1) Improved access to schools
- 2) Better levels of learning and class size
- 3) Support to parents for infant care and pre-primary education
- 4) Child-friendly schools

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5) Child friendly schools

- 1) Training teachers
- 2) Promoting children's curiosity and capacity to learn
- 3) Providing safe learning environment
- 4) Encouraging participation of children
- 5) Including child rights in school curriculum and adapting to local situation
- 6) Promoting inclusion of marginalized children

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3. Protection against abuse, exploitation and violence:

- 1) Decreased numbers of child victims of conflict and exploitation
- 2) Campaigns for abandonment of FGM underway
- 3) Birth registration increased, including in war-affected countries
- 4) Participation of children in truth, justice and reconciliation activities
- 5) UN Violence Study as a catalyst for change: corporal punishment abolished in growing number of countries

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3. Protection against abuse, exploitation and violence:

- **Challenges:**
- 1) 48 million children each year missing from official birth registries
- 2) Millions of children victims of violence, including harmful practices

Looking ahead:

- 1) Addressing root causes of child violations,
- 2) Providing opportunities for children to realize their potential and break the inter-generational cycle of violence

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UN Study on Violence against Children: a strong catalyst

- 1) More than half countries worldwide have prohibited corporal punishment in schools and penal systems
- 2) Many countries review bills to address this issue
- 3) 18 countries have officially prohibited corporal punishment in all settings: in the home, in schools, in alternative care and in the judicial system

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Combating HIV and AIDS

Rate of infection due to mother-to-child transmission reduced to nearly 0 in developed countries

Challenges :

- In developing countries, less than 10% of pregnant women have access to services to prevent HIV
- Only 15% children with HIV receive therapy

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UNICEF IRC Study on the General Measures of Implementation:

Law reform

- 1) Incorporation of CRC into national legal framework of 2/3 of the 62 countries reviewed
- 2) CRC provisions and principles used to interpret national law and in support of judicial decisions

Looking ahead : Law enactment supported by good enforcement, awareness raising also for children, training of professionals and monitoring of the impact of legislation

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Coordination

- 1) Most countries have established national coordinating mechanisms e.g. inter-ministerial commission, child ministry
- 2) Horizontal and vertical coordination are given increasing attention

Challenges:

- insufficient involvement of relevant stakeholders e.g. finance and planning ministries, and civil society association
- lack of allocation of required resources

Looking ahead : multi-disciplinary and cross-sectoral cooperation, central and sub-national coordination, mobilization of necessary resources, engagement of civil society, including children

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Monitoring

- 1) Strengthened national data systems and household surveys
- 2) Broader range of indicators, including on emerging and sensitive areas
- 3) Household surveys, including with children

Challenges:

- monitoring for international purposes rather than to inform policy making for children
- monitoring reduced to a few sectors
- insufficient disaggregation of data

Looking ahead :

- Investing in monitoring as a national policy making tool
- Monitoring all areas relevant to children's rights
- Assessing impact on children with child involvement

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UNICEF IRC Study on Ombuds for Children

- Research started in 1989 when first Ombuds for children in Norway, Malfrid Grude Flekkoy at IRC published 'A Voice for Children'
- IRC published two digests on Ombuds for children in 1997 and 2001
- CRC general measures of implementation
- Current initiative promoted in Latin America and the Caribbean, in Europe and beyond

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UNICEF IRC Study on Ombuds for Children

Objectives of the Study:

- 1) Collect quantitative and documentary evidence on Ombuds work in every country of the region
- 2) Gain understanding on the impact of the work of Ombuds for children
- 3) Understand how global trends have influenced development of Ombuds for children
- 4) Enhance Ombuds' success in promoting children's rights

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COUNCIL OF EUROPE

BUILDING A EUROPE FOR AND WITH CHILDREN

The Council of Europe programme



► **Third Summit mandate**

1. Mainstreaming children's rights in all CoE policies
2. Coordinate all CoE activities concerning children

BUILDING A EUROPE FOR AND WITH CHILDREN

The Council of Europe programme

► **Council of Europe answer**

- Launching of the programme "Building a Europe for and with children"
 - promote children's rights
 - protect children from violence
- Establishment of a "Coordination unit"
- Establishment of a "Task Force"

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The Council of Europe programme

► **Approach**

Better use and combine 5 CoE tools

- Standard setting
- Monitoring
- Policy development
- Awareness raising, education, training
- Bilateral co-operation and technical assistance

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► **Standards**

- New Convention on the protection of children from sexual exploitation and sexual abuse
- Rules for institutions having minors in detention or subject to community sanctions
- Justice for Children

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International Justice for Children
Strasbourg, 17-18 Sept 2007

Aims: analyse existing international standards and mechanisms.

- identify strengths and weaknesses
- assess children's access
- propose measures to improve access

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International Justice for Children

Outcome:

- Excellent background papers and contributions
- Concrete proposals to improve children's access to international justice
- Concrete measures to improve access of children to national justice.
- Results to be presented to the Ministers of Justice in October. Possible elaboration of **European Guidelines for a childfriendly justice**

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- **Monitoring**
 - New decisions from the ECHR and the ESC
 - Commissioner for Human Rights: opinions and statements
- **Policy development**
 - Education of Roma children
 - Street children
 - National policy reviews

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- **Awareness and training**
 - Training manual to teach human rights to children (Compasito)
 - Training manual to reduce violence in schools
 - Publications on positive parenting
 - Publication on ECHR case law and children's rights
 - Publication on violence against children and CoE instruments

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- **Awareness and training**
 - On line compendium of ECHR case law related to children
 - On line game to show children how to use Internet safely
 - Campaign against corporal punishment of children

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- **Corporal Punishment Campaign**
 - **Why?**

To realise the right of all children across the 47 member States to a childhood free of corporal punishment and other forms of cruel or degrading punishment or treatment
 - **How?**

Promoting the abolishment of corporal punishment through:

 - 1- legal measures: a ban
 - 2- policy measures: positive parenting
 - 3- awareness raising: media campaign

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The Council of Europe programme

- **Corporal Punishment Campaign**
 - **With whom?**

Supportive and committed governments
Parliaments
Local authorities
NGOs
Professional networks
The media
 - **When?**

International launch in December- National launches according to context

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The Council of Europe programme

- **Corporal Punishment Campaign**
 - **How can ENOC and its members support the campaign?**
 - Welcoming the initiative
 - Disseminating the material
 - Organising or supporting the organisation of events
 - Taking initiatives (contacts with relevant actors)
 - Advising the Council of Europe (to make the campaign relevant for the country)
 - Being available for the media
 - Monitoring the impact

COMMITTEE ON THE RIGHTS OF THE CHILD

Reporting to the Committee on the Rights of the Child

Progress towards the role of Ombudsman institutions

The Convention on the Rights of the Child (CRC)

- Adopted 1989
- 193 States parties – Montenegro the latest

General measures of implementation

- Ratification and implementation of the CRC
- Status of the CRC
- Compliance of national legislation and the CRC
- NPA
- Coordination – Government level
- Effective measures of implementation
- **Monitoring of rights – State + Independent institutions**
- State budget and allocations for children
- Classified data and indicators
- Role and status of NGOs
- Dissemination, education and awareness raising
- International cooperation

CRC and NHRI

- Article 4 of the CRC
- General Comment No.2:

The role of independent national human rights institutions in the promotion and protection of the rights of the child

- General Comment No.5:

General measures of implementation of the Convention on the Rights of the Child

Mandate and power

- Separate ombudsman for children
- Constitution or law based – legal powers
- Legal and political powers
- Highly independent

Establishment process

- Consultative
- Participative
- Transparent
- Initiated and supported at the highest Government levels
- Well resourced



Resources

- Financed fairly from the State budget
- Human resources
- Technical



Pluralistic representation

- NGOs
- Universities
- Experts
- Social and professional organizations
- Trade unions
-



Providing remedies for breaches of children's rights

- Power to consider individual complaints
- To carry out investigations
- Make sure children have: Independent advice, consultancy and complaints procedures



Accessibility and participation

- Geographically
- Physically
- No discrimination – access to all
- Children should express their views
- Participate in all matters of their concern



Recommended activities

- See point 19. of the General Comment No. 2



Committee's cooperation with NHRI

- CRC approaches NHRIs
- Submissions
- Present during the pre-session briefings

Written submissions since 2005

- Australia
- Belgium
- Costa Rica
- Croatia
- Czech Republic
- France
- Guatemala
- Ireland
- Kenya
- Malaysia
- Mauritius
- Norway
- Slovakia
- Spain
- Sweden
- Venezuela

Presence in the pre-sessions since 2005

- Belgium
- Cech Republic
- France
- Ireland
- Kenya
- Mauritius

Contributions from children's ombudsman

- Croatia
- France
- Ireland
- Norway
- Sweden

Information from NHRI unit of the OHCHR

- Prior to each session with some information on the country specific institutions
- Furthermore, the CRC and the OHCHR involve NHRIs in the development of regional follow-up activities on CRC concluding observations

CRC's Concluding Observations

- Observations
- Recommendations
- Look into:
 - www.universalhumanrightsindex.com

ENOC STATEMENT ON CHILDREN WITH DISABILITIES

Statement on Children and Young People with Disabilities

“We must remember that children with disabilities are first and foremost children. They, like children, without disabilities, must have the right to be free from violence, they too have the right to be respected and protected. It is our legal responsibility to ensure that this happens.” (C. Mc Clain-Nhlapo, editorial board of the UN SG Study on Violence against children)

We, the members of the European Network of Ombudspersons for Children (ENOC), call upon our governments to ratify - without delay - the UN Convention on the Rights of Persons with Disabilities (UN, 13 December 2006) and its optional protocol and to do whatever necessary to fully implement it.

The Convention sets out a rights-based approach to children and young people with disabilities and complements the rights of the child set out in the UN Convention on the Rights of the Child.

The Convention sets out eight general principles, including “respect for the evolving capacities of children with disabilities and respect for the rights of children with disabilities to preserve their identities”. It calls on governments to initiate a cultural change, emphasising equality, inclusion and non-discrimination for children with disabilities.

In order to achieve this, we urge our governments – and other competent authorities - to proceed and invest in the following actions:

Awareness raising:

1. Provide general information to children and young people with disabilities, their peers and the general public on disability with a view to combating stereotypes and nurturing receptiveness to difference.
2. Familiarise public opinion about disability and promote positive images of children with disabilities, respect for children with disabilities and respect for their rights.
3. Disseminate information on the dangers of the use of alcohol, tobacco and certain drugs during pregnancy,

Participation:

1. Bearing in mind Article 12 of the Convention on the Rights of the Child, promote participation of children, really listen to children with disabilities and involve them in policy planning.
2. Recognise that children with disabilities are experts on their own living conditions; therefore structures must be set up to enable and encourage children and young people to share their experiences in a positive way and to fully participate in decisions about them as individuals and in policy and public life.
3. Facilitate full access for children and young people with disabilities to all cultural, leisure and sport activities, including disability-specific activities, and facilitate the exercise of choice by children and young people with regard to involvement in activities.

Inclusion:

1. Take all necessary measures to fully include children with disabilities in all aspects of life on an equal basis with other children so as to ensure the full realisation of their human rights and fundamental freedoms.

2. Invest, more specifically, in the promotion and the implementation of inclusive education and undertake measures to ensure an inclusive education system on all levels. Such investment must not be constrained on resource grounds. Evaluation systems that take into account diverse capacities should be developed and implemented.

Peer support:

1. Take measures within educational and leisure settings to meet the needs of children with disabilities to associate with children in similar life settings.

Care in residential or disability-specific centres and other settings:

1. Use care in residential or disability-specific centres only in the best interests of the child and never just because of a disability or financial considerations.
2. Invest in and guarantee the allocation of adequate numbers of staff with sufficient and continuous training within residential or disability-specific centres.
3. Treatment within residential or disability-specific centres must be compliant with human rights standards and kept under constant review, including periodic review of individual placements and treatment.
4. Adequate supports should be put in place to prepare older children and young people for transition to adult life and adult service provision.

Support for families and siblings:

1. Make available and facilitate access to respite periods for families of children with disabilities.
2. Make available specific, additional support including self-help and peer support groups to siblings of children with disabilities.

Abuse and violence:

1. Recognising the fact that children with disabilities, especially girls, are even more vulnerable to abuse and provide sufficient measures to prevent abuse, including initiatives to support positive parenting.
2. Allocate additional funding for the treatment of victims of abuse and violence.

Accessibility:

1. Actively promote full access to all aspects of life through inclusive participation in social life and the promotion of universal design in all public settings by all means including through legislation.
2. Ensure access for children with disabilities to: all public areas including schools, colleges, shopping areas; public transport; and play and leisure facilities.

Health:

1. Provide children with disabilities with the best possible health care, including early identification and intervention, as well as any adjusted aid and assistance needed for their specific disability.
2. Clearly prohibit forced sterilisation of and forced use of contraception by children with disabilities.

Strategic instruments:

1. Fully implement the Convention on the Rights of Persons with Disabilities and meet the obligations set out in Article 33 to establish focal points within Government, a coordination mechanism regarding implementation of the Convention and (Paris Principles compliant) independent mechanisms to monitor implementation of the Convention.
2. Complaints mechanisms, where not already in existence, should be established and access to independent advocates facilitated. Information campaigns to raise awareness of their existence and enhance their accessibility for children with disabilities are needed.

Appendix 1: resources

Salamanca Declaration and Framework of Action: Final Declaration of the UNESCO Conference organised in collaboration with the Spanish Ministry of Education in Salamanca, 7-10 June 1994; updates on the website: (English/French)

http://portal.unesco.org/education/en/ev.php-URL_ID=7560&URL_DO=DO_TOPIC...

The Standard Rules on the Equalisation of Opportunities for Persons with Disabilities

(French, English, Russian etc); Resolution of the General Assembly 20 December 1993

www.un.org/esa/socdev/enable/dissre00.htm

The Innocenti Digest on 'Promoting the Rights of Children with Disabilities'

<http://www.unicef-irc.org/publications/pdf/digest13-disability.pdf>

Athens Youth Declaration; Ministry of National Education and Religious Affairs of the Hellenic Republic, Athens, 17 May 2003

Inclusive Education in Europe: Website as a result of University collaboration under Erasmus programme (actually Socrates): www.uva.es/inclusion/index.htm

Integration in Europe: Provision for Pupils with Special Educational Needs.

Trends in 14 European Countries:

http://european-agency.org/publications/agency_publications/integration/main.htm

No one is to suffer disadvantages by being disabled; document issued by the German National Coalition, October 2000 (German/English)

The Convention on the Rights of Persons with Disabilities and its Optional Protocol

<http://www.un.org/esa/socdev/enable/conventioninfo.htm>

Council of Europe Disability Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015

http://www.coe.int/t/e/social_cohesion/soc%2Dsp/integration/02_council_of_europe_disability_action_plan/Council_of_Europe_Disability_Action_Plan.asp#TopOfPage

Madrid Declaration about Discrimination

http://www.disabilityworld.org/09-10_02/news/madrid.shtml

Appendix 2: Organisations

United Nations Enable

<http://www.un.org/disabilities/>

Inclusion International:

www.inclusion-international.org

European Disability Forum

www.edf-efph.org/

Disabled Peoples' International
<http://v1.dpi.org/lang-en/index>

Disability Rights Promotion International (D.R.P.I.)
<http://www.yorku.ca/drpi/>

Child Rights Information Network (CRIN)
<http://www.crin.org>

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