

2009 Annual Conference
Paris, 23 – 25 September 2009
Cité internationale Universitaire¹

THE BEST INTERESTS OF THE CHILD

Provisional programme

Context and challenges

- Following the 12th Annual Conference on the theme “Towards Implementation of the UN Convention on the Rights of the Child”, the Bureau of ENOC has decided to dedicate its 13th Annual Conference to “The Best Interests of the Child”;
- As an organisation gathering independent children’s rights institutions across Europe, ENOC is in a position to promote the children’s rights, as well as to inform governments, parliaments and especially the children that they work with of their rights. By serving as a forum for exchange of information, capacity-building and professional support, ENOC provides added European value, and can be considered as a key player in the development, promotion and implementation of policies to enhance the rights of children;
- If the Convention on the Rights of the Child (CRC) refers to the best interests of the child as both a core principle and a right (“the best interests of the child shall be a primary consideration”) to be taken into account in all actions concerning him/her and decisions adopted by legislative bodies or administrative authorities (article 3(1), it fails to provide any methodology for this principle to be put into practice;
- The UN Committee on the Rights of the Child has taken the principle one step further, defining the best interests of the child as a ‘general principle’ guiding the interpretation of the entire Convention, and progressively transforming the principle of the best interest of the child to be understood as a procedural requirement;
- In this context, Ombudspersons for Children in Europe are strongly called upon to assist policy and decision-makers by conceptualising the consistency of the best interest of the child and by supporting them to carry out assessments of the impact of their action on the child’s rights, in order to put into practice the principle of the best interest of the child;
- Since many of the ENOC member institutions actively promote and implement the participation of young people in deciding priorities and programmes, ENOC is therefore also in a strong position to act as a vehicle to contribute to the promotion of the best interest of the child with the active participation of children themselves.

¹ Maison Internationale, 17 boulevard Jourdan 75014 PARIS http://www.ciup.fr/maison_internationale.htm

➤ **Aims of the conference**

- Mutual learning: supporting the exchange of good practice between Ombudspersons across Europe.
- Channelling the experience and expertise of Ombudspersons for Children, and through them, children's voices in European states as well as into EU policy-making where the best interest of the child is concerned.
- Strengthening the collective knowledge of ENOC members leading to the drafting of a vision of the "Best interest of the Child" shared by all the Ombudspersons for Children in Europe.
- Promoting the role of Ombudspersons for Children as a tool towards a better implementation of the UN Convention on the Rights of the Child in Europe namely the best interest of the child as both a core principle and a primary consideration to be taken into account in all decisions adopted by legislative bodies or administrative authorities (article 3(1)).

➤ **Format**

- Plenary session presentations will involve:
 - International references and recommendations (CRC and other UN bodies...);
 - European references, tools and recommendations (Council of Europe, Council of Europe Commissioner for Human Rights, European Court of Human rights, European Union Agency for Fundamental Rights, European Parliament, European Commission...);
 - National mechanisms (presentation by Ombudspersons' offices of 2 or 3 good practices and other actions selected by the Bureau in the fields identified);
 - Incorporation of the best interest of the child in Constitution and domestic law;
- Workshops sessions will be based on presentations by Ombudspersons' offices focused on best practices, strategies, key research, ideas, models and campaigns that might be replicated by ENOC members in other countries in order to promote the best interest of the child.

➤ **Objectives**

- To prioritise a comprehensive approach in order to both involve the Ombudspersons in Europe as well as European representatives of the treaty based bodies, international experts and observers on themes they are most concerned with in the sphere of the best interest of the child;
- To gather ENOC members' contributions on the central theme of the best interest of the child in a range of sensitive and challenging situations, which persistently represent serious institutional and environmental factors in the insufficient respect of children's fundamental rights;
- To facilitate the dissemination of information and guidance from European and international organisations (particularly the European Commission, Council of Europe, Council of Europe Commissioner for Human Rights, European Court of Human Rights, European Union Agency for Fundamental Rights, European Parliament, ...);
- To involve as many ENOC members as possible in active participation throughout the programme.

Day 1 Wednesday 23rd September 2009

8.30 – 9.00 Registration of participants

9.00 – 10.00 Opening session

Chair: Emily Logan, Ombudsman for Children, Ireland, Chair of ENOC

(Translations available in English, Spanish, Russian and French)

9.00 – 9.20 **Welcome by Dominique Versini, Ombudsperson for Children, “Défenseure des enfants”, France**

9.20 – 10.00 **ENOC annual review of activities:** *Emily Logan*

10.00 – 11.00 **Brief summary of updates on activities² from ENOC members** (2 minutes presentations)

11.00 – 11.30 Coffee break

11.30 – 11.45 The best interest of the Child in Europe, the reality on the occasion of the celebration of the 20th anniversary of the UN Convention on the Rights of the Child.

Message by Thomas Hammarberg, Council of Europe Commissioner for Human Rights

11.45 – 12.15 Assessment tools to measure the impact of policy and legislation reforms on the rights of children. Which practice in Europe? How to build a new policy and legislation reform process that will take into account the impact on the rights of children?

Margaret Wachenfeld, UNICEF Brussels Office, Senior Policy adviser, Office relations with EU institutions

12.15 – 12.45 **Discussion**

12.45 – 14.15 Lunch

14.15 – 16.00 Plenary session 2

National mechanisms promoting incorporation of the best interest of the child in domestic law, policies and the support from international tools

Chair: George Moschos, Deputy Ombudsman for Children’s Rights, Greece, Secretary of the ENOC Bureau

(Translations available in English, Spanish, Russian and French)

14.15 – 14.45 **Indicators to measure child rights across the EU:**

The report on ‘*Developing indicators for the protection, respect and promotion of the rights of the child in the European Union*’ issued by the European Union Agency for Fundamental Rights

Ms Anastasia Crickley, Chairperson of European Union Agency for Fundamental Rights

14.45 – 15.00 Discussion

² Updates on activities from ENOC members to be sent to the ENOC secretariat (Polina Atanasova [secretariat@ombudsnet.org]), by August 31st.

15.00 – 16.00 **For a better consideration of the best interest of the unaccompanied foreign minors**

15.00 – 15.20 The OCO's action-oriented participation project to support separated children.
Emily Logan, Ombudsman for Children in Ireland, Chair of ENOC and Leylah Mohammed, Project Liaison Officer, Ombudsman for Children's Office, Ireland

15.20 – 15.40 The controversy about age determination for asylum-seeking young people.
Professor Sir Al Aynsley-Green, Children Commissioner for England

15.40 – 16.00 Discussion

16.00 – 16.30 Coffee break

16.30 – 17.00 **Ensuring that the best interest of the child prevails in disputes over parental divorces and separation**

Key lessons learned from ENOC Survey on Children's rights and disputes over parental divorce and separation. *Peter Newell, international expert*

Principal lessons drawn from the SEE Children's Ombudspersons' Network Conference organised with ENOC in May 2009 at Dubrovnik on Children and disputed divorces and access for children to national, international and European justice
Mila Jelavic, Ombudsperson for Children, Croatia

17.00 – 18.00 **Using international justice and tools to assert the best interest of the child**

- 17.00 – 17.30 **Access for children to European and International Justice**

ENOC's study and working group

Peter Newell, international expert and Leda Koursoumba, Commissioner for Children's Rights for Cyprus chair of the working group

- 17.30 – 18.00 **ENOC's declaration projects**

o **ENOC draft declaration on Children in armed conflicts**

Presentation by Dominique Versini and discussion

o **ENOC first draft declaration on the "CRC, 20 years later"**

Presentation by Peter Newell and discussion

18.00 **Close of first day**

20.30 **Dinner at the panoramic restaurant "Le Ciel de Paris", Montparnasse tower**

Parallel Workshops 1**1. The best interest of the child through the family life, social life and today's society****1.1. Right to be heard and participate in decision making in the community life**9.00 – 10.15*Presentation of good practices*

- The voice of children having faced tough situations (such as domestic violence, sexual abuse, incest...)

Reidar Hjermand, Ombudsman for Children, Norway

- Giving young people a voice: the right of children to express views and opinions

Carmen Zammit, Commissioner for Children's Rights, Malta

- The project of Child Collaborators of the Public Defender of Human Rights – Children Ombudsmen in Slovak Republic (in schools, foster home, and other institutions taking care of Children)

*Lenka Bodnarova, Legal advisor for the Public Defender of Human Rights in Slovak Republic***1.2. The world through children and young people eyes**9.00 – 10.15

- “If children ruled the world...”

Adults, children's and young people's experience of rights: which world through children and young people's eye

*NICCY Youth panel members : Barry McCrory, Vishal Sridhar, Megan O'Kane***1.3. Juvenile Justice & physical restraint**9.00 – 10.15*Presentation of good practices*

(Translation available in English, Spanish, Russian and French)

Translation from Russian to English and French to English available

- Lithuania's experience in the reformation of Juvenile Justice

Rimante Salaseviciute, Ombudsman for Children of the Republic of Lithuania

- Recommendations and observations handed down by the French Ombudsman for children, over the government's reformation on Juvenile Justice

Carol Bizouarn, Legal advisor to the Ombudsman for Children, France

10.15– 10.45 Coffee break (except for workshop 2.1 that will begin at 11.30 and 2.3 at 11.15, because of the press conference that will be held between 10.15 and 11.30)

Parallel Workshops 2

2. The best interest of especially vulnerable children

2.1. Children with disabilities

11.30 – 13.00

Presentation of good practices

- Hearings of children with specific needs and victims of sexual abuse or ill-treatment by the Police
Marie-Anne Rodesch-Hengesh, President of the Ombuds-committee for the Right of Children, Luxembourg
- Project of the Hungarian Ombudsman on the re-enforcement of fundamental rights of children with disabilities
Agnes Lux, project coordinator for the Hungarian Ombudsman

2.2. Children living in residential institutions or in foster care families

10.45 – 13.00

Presentation of good practices

(Translation available in English, Spanish, Russian and French)

- The gathering of data on children in out of home care (living in residential institutions and foster care) including the perceptions of children themselves, of their carers and of social workers.
Carmen Zammit Commissioner for Children's Rights, Malta
- The report "Child protection of children in high risk situation": data collected; recommendations issued and future strategy of the Ombudsman to extent the results of the report.
Xavier Bonal, Deputy Ombudsman for Children's Rights, Catalonia
- Lithuania's experience in ensuring the well-being of children living in residential institutions and the principle of non-separation of siblings.
Rimante Salaseviciute, ombudsman for Children of the Republic of Lithuania
- Children's Right to participation in Out of Home Care in the process of making decisions which affect their lives. How do children and welfare officers understand this right; the use of existing good practices of other European countries.
Leda Koursoumba, Commissioner for Children's Rights, Cyprus
- Dilemmas on the best interest of especially vulnerable children living in residential institutions or in foster care families: children and de-institutionalisation; street children, child poverty; execution of fair court's decisions.
Maia Gedevanishvili, Chief specialist of the Child's Rights Center, Georgia

**2.3.
Children
whose
parents are
in prison**

11.15 – 13.00

Presentation of good practices

- Children assessment of the visiting facilities in the main prison in Oslo by children with a parent in prison and the exchange between them, and the prison authorities.

Reidar Hjermann, Ombudsman for Children, Norway

- “(In) visibility of children of imprisoned parents”: the inadequate conditions for children to form and maintain relationships with parents, the measures recommended by the Ombudsperson for Children.

Tanja Opacak, Advisor for the Ombudsman for Children, Republic of Croatia

- Lithuania’s experience dealing with the problem of the possibility of parental authority abuse by parents in prison

Audrone Bedorf, Advisor for the Ombudsman for Children, Republic of Lithuania

13.00 - 14.30 Lunch

Thoughts on ENOC’s priorities

(tbc)

(Translations available in English, Spanish, Russian and French)

14.30 - 15.00 Results of the ENOC members replies on the questionnaire on ENOC priorities for the next three years

15.00 - 16.30 3 parallel workshops on ENOC priorities

16.30 - 17.00 Coffee break

17.00 - 18.00 Feedback from Workshop Rapporteurs

18.00 Close of second day

19.00 **Reception at the French Senate, Luxembourg Palace**

Day 3 **Friday 25th September 2009**

9.15 - 13.00 **Final Session**

Chair: Dominique Versini, Ombudsperson for children, France, in-coming Chair of ENOC, “la Défenseure des enfants”

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9.15 - 10.15 **Feedback from workshops Rapporteurs for the morning of the 24th of September**

10.15 - 11.00 **What are the expectations of children and young people about the role of Europe regarding a better consideration of children rights and the best interests of the child?**

Discussion with a panel of youngsters from the “La Défenseure des enfants” Consultative Committee of Young People

11.00 - 11.30 Coffee break

11.30 – 11.50 **“Building a Europe for and with Children”**

Elda Moreno, Programme Manager, Council of Europe

11.50 - 12.20 **To protect and promote the fundamental children rights and the best interests of the child in Europe, a priority for the European Union**

Jacques Barrot, Vice President of the European Commission, Responsible for Justice, Freedom and Security

12.20 - 12.45 **Discussion**

12.45 – 13.00 **Close of Conference**

Conclusions by Dominique Versini

13.00 – 14.30 Lunch

ENOC Statutory General Assembly

(Translation available in English, Spanish, Russian and French)

14.30 – 15.30 ENOC Statutory General Assembly

(A draft of agenda will be send later on)