

ENOC

European Network of Ombudspersons for Children



ENOC Annual Conference

Strasbourg, 7th -9th October 2010

« Listening to children and involving them in the promotion and the implementation of their rights »



“Listening to children and involving them in the promotion and implementation of their rights”

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“Listening to children and involving them in the promotion and implementation of their rights”

1. Keynote speeches

1.1. Welcome

Ms. Dominique Versini, ENOC Chair

Ms. Dominique Versini, ENOC Chair, reminded the main objective of this year's annual meeting which is:

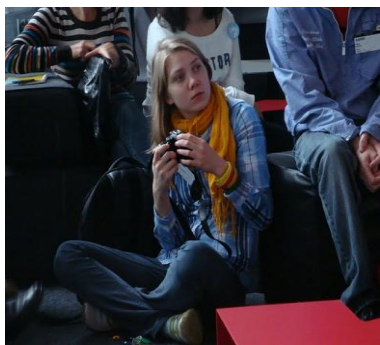
- To encourage **children to play an active role in the protection and the promotion of their Human Rights**
- To **strengthen our Democracies.**

Those objectives are echoed in the title of the annual meeting.

Indeed the particular importance of the 2010 annual conference has to be found in children and young people's participation in the promotion and the implementation of their rights.

ENOC member institutions committed themselves to make this objective possible at all levels of the society.

Yet, many Ombudspersons for children have expressed their will to set up a new space for children in the society and to insist on children's recognition as rights' owners, by giving them a chance to express their views through consultative committees.



Ms Dominique Versini emphasized on the new dimension ENOC has taken up since the 2009 annual meeting and which requires a direct participation of children and young people in ENOC's work through the creation of ENYA, ENOC Network of Young Advisors. ENYA is composed of children and young people working together with Ombudspersons for children on common recommendations that will be addressed to the highest authorities at national, European and international level. Among the main interested authorities are those of the European Union and particularly the European Commission, which is about to pass a new communication for an enhanced European strategy on the right of the child.

Ms. Versini pursued by welcoming officially the three new members of ENOC: the Ombudsman institution of Serbia represented by Ms. Tamara Luksic-Orlandic (full member), and the Ombudsperson for Children of the Serbian Republic of Bosnia and Herzegovina (full member), represented by Ms. Nada Grahovac. A new associate member, Mr. Pavel Astakhov, Ombudsman for Children under the President of the Russian Federation, was also welcomed.

Ms Versini warmly thanked the team of the European Youth Centre and the Director of the Centre, Ms. Tina MULCAHY for their kind hospitality.

1.2. Supporting a strategic approach to children's rights

Ms. Dominique Versini thanked on behalf of ENOC Ms. Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, and Ms. Regina Jensdottir, Head of the CoE Program "Building a Europe For and With the Children" for their presence and for their constant support to ENOC and its members.

She also expressed her gratitude for the large number of invitations addressed to ENOC to participate in different conferences and events organized by the Council of Europe but also for the support expressed by Council of Europe authorities to individual ENOC members when issues of common concerns are raised, such as on: unaccompanied minors, Roma children, and prison conditions.

Address by Ms. Maud de-Boer-Buquicchio, Deputy Secretary General of the Council of Europe

- The development of legal standards

Re-stating ENOC's close collaboration with the CoE¹ Program "Building a Europe for and with the Children", the Deputy Secretary General highlighted the positive results of a similar collaboration with the CoE standard-setting department. In this context, a consultation of children has been organized with the strong support and assistance provided by ENOC members where a large number of children and young people had the opportunity to express their views and opinions on the theme of Child-Friendly Justice. Four key elements have been identified by children themselves on the issue:

- 1- The need for family involvement when faced with the justice system
- 2- Mistrust of authority
- 3- The need for children to be treated with respect
- 4- The importance to be listened to

This consultation has had a clear impact on the draft guidelines on child friendly justice which are expected to be adopted by the Committee of Ministers in mid November.

Inspired by this initiative, the Council of Europe is planning to continue to involve children in different projects such as:

- 1- Child friendly health services
- 2- Child friendly social services
- 3- The development of the program on guidelines on child and youth participation

- The importance of getting the standards right and getting them known

Ms. Maud de Boer-Buquicchio presented another important CoE initiative in the children's rights field: the launching of a paneuropean campaign to stop sexual violence against children. The launching event is scheduled to take place on 29-30th of November in Rome and aims to find strategies for the implementation of the first international instrument tackling all forms of sexual violence against children including abuses within the family environment: the Convention on the Protection of Children against Sexual Exploitation and Abuse.

The Convention entered in force on the 1st of July this year and has been signed by 33 member states but only 9 have ratified it. Given the rather low number of ratifications by the CoE member states, the Deputy Secretary General called on Ombudspersons for children to

¹ For the Council of Europe, we will use the abbreviation « CoE »

support and to promote at their national level the Convention and to push Governments for its ratification. A national campaign should take into account the respective circumstances in different countries and involve all relevant actors at different levels. Child participation initiatives, as presented by the successful “Expert Group on Incest” of the Norwegian Ombudsman for Children Mr. Reidar Hjermann, should be integrated in such campaigns against sexual violence.

- The respect of the standards

While the European Court of Human Rights’ monitoring role is already known, the Deputy Secretary General questioned the effective use of other efficient monitoring mechanisms such as the European Committee on the Prevention of torture, the European Committee on Social Rights, or GRETA, the European group of experts on trafficking in human beings.

She further reminded that “achieving an effective protection of children’s rights is a huge challenge that cannot be put on the shoulders of one single institution”. Ensuring their rights calls for a strategic approach and a close collaboration between the CoE Human Rights Commissioner, the Parliamentary Assembly, the Court, and Ombudspersons for children.

In conclusion, Ms Boer-Buquicchio thanked ENOC for its support, congratulated its members for the work done yet and encouraged them to continue to closely collaborate with the CoE on issues of common concern.

1.3. The current stage of the European Strategy on the Rights of the Child-The E.U. programme on fundamental rights

Ms. Dominique Versini thanked on behalf of ENOC Mr. Alexander Romanovic for representing Mr. Aurel Ciobanu-Dordea, Director, Fundamental Rights and Union Citizenship, DG Justice, European Commission, unable to attend the conference at the (very) last moment and for the constant support given by the EU Commission to ENOC and its members.

Address by Mr. Alexander Romanovic on behalf of Mr. Aurel Ciobanu-Dordea, Director, Fundamental Rights and Union Citizenship, DG Justice, European Commission.

Mr. Romanovic presented the new priority areas set up by the European Commission in the child rights field starting with the New Communication for an enhanced EU Strategy on the Rights of the Child that is tentatively scheduled to be adopted in March 2011. The new Communication will thus include the following new areas:

1. Ensuring the respect of the EU Charter of Fundamental Rights (now legally binding with the Lisbon Treaty)
2. Respecting and following all the principles and the guidelines of the UN CRC
3. Supporting and cooperating with the member States to protect and promote the Rights of the Child.

Mr. Romanovic enumerated the four priority issues of this Strategy:

- **Child friendly justice**
- **Child poverty**
- **Combating violence against children**
- **The situation of the most vulnerable children including children in institutional care and in detention**

In preparation of the new Communication, the European Commission consulted different external partners including children via a public consultation that took place in the summer of 2010.

This consultation covered a variety of areas of expertise, topics and sources. Among those sources (citizens, public authorities, ENOC and Ombudspersons for children individually...), were included around 170 children from different social and economic backgrounds. Children have insisted on the recognition of their right to participation in a variety of areas such as schools, education, jobs, and families as during an undergoing separation or a divorce.

One of the main conclusions following the above consultation is the lack of available statistics and the gaps existing in data collections. That is why it is necessary to raise awareness on children's rights and "to engage with children, more and better".

On that purpose, he answered a question on an eventual overlap between the Council of Europe and the European Commission, saying that they should engage more in knowing each other's work on child rights issues. While Mr. Romanovic recognized that the topics are the same, they are different organizations, tools and methods at disposal, that is why more than an overlap, the work of the two organizations must be seen as complementary and the collaboration between them must be strengthened.

And last but not least, Mr. Romanovic invited once again ENOC and its member institutions to provide support to the European Commission on the following issues:

- To provide children with the opportunity to give their opinions on matters that affect them.
- To take a look at the Europe wide consultation on children issues that was published on the website of DG Communication and also on the website of DG Justice.

Mr. Romanovic reiterated one more time how much the European Commission values the partnership and the cooperation with ENOC and Ombudspersons for Children offices. This partnership was extremely important in the preparation of the Communication, but it will be even more important in its implementation where the European Union is really relying on ENOC's support, "because for us, this is still a learning process, this is something we do not have an experience with and this is where it is with you that the expertise and the experience will come up and we hope we can develop concrete actions in this area".

1.4. General Comment N°12 on children's rights to be heard and to participate

Address by Mr. Jean Zermatten, Vice Chair of the UN Committee on the Rights of the Child

After having reminded the particularity of the UN Convention on the Rights of the Child of 1989 that enshrines the protection and the promotion of children's rights, Mr. Zermatten referred to four guiding principles: non-discrimination (Article 2), the best interests of the child (Article 3), the Right to life, survival and development (Article 6) and the respect of the views of the child (Article 12).

According to him, the Convention and its guiding principles will inaugurate a complete change in the relations between children and adults.



Mr. Zermatten concentrated his intervention on a combined analysis of article 3 and 12 of the Convention on the Rights of the Child

- **Article 12** contains the principle of the right of the child to express his opinion. Talking about child participation conveys the idea that children have the capacity to play an active role in the society. On that purpose, the child must be informed of its rights, express freely its opinion and be heard by the judges of his country if he/she wishes so.

Acknowledging that every and each situation is particular and different, the Vice Chair of the UN Committee on the Rights of the Child reminded that, the Convention recognizes that the level of a child's participation in decisions must be appropriate to the child's level of maturity. Children's ability to form and express their opinions develops with the age.

To be sure that the rights of the child are being respected, five steps need to be followed: the right of the child to be appropriately informed, the collection of the child's opinion, the determination of the capacity of the child to express his own point of view, the decision and the "feedback" on the importance of the child's opinion in the final decision.

- **Article 3** exposes the principle of the best interests of the child. The respect of this principle must be the first consideration when making decisions that may affect children. All adults should do what is best for the child. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers. The States must implement all the mechanisms to control the respect of this expectation

One of the main conclusions following the above analysis is that the principles of participation (article 12: right to freedom of expression and inclusive participation in all matters that concern directly or indirectly children) and of the best interests of the child (article 3), have too often been presented as incompatible, while according to Mr. Zermatten, these two principles are not only not contradictory but they complement each other and the one should be interpreted in the light of the other and vice versa. This "tandem" is necessary as article 12 combined with article 3 plays a key role in the determination of the best interests of the child based on child participation.

In conclusion, with the adoption of the UN Convention on the Rights of the Child in early 90s and with the progressive implementation of the rights enshrined in the Convention, children acquired a real legal status and became right owners as much as adults are.

The role of the UN Committee on the Rights of the Child in combating threats faced by Children's Ombuds institutions

Mr. Zermatten is deeply concerned by the current situation faced by the Ombudsperson for Children in France which may influence other countries and threaten other Ombudsperson for children offices within Europe.

On that issue the position of the Committee is clear: the Committee has always defended and supported independent national mechanisms for human rights and also for the defense of children's rights.

Reminding that it is an essential step forward for the implementation of the Convention on the Rights of the Child, he referred to sanctions, in terms of recommendations, addressed to countries that do not have such mechanisms for the defense of children's rights.

The Committee, through its Vice Chair, recognized to ENOC the right to be heard when threats are being faced by Children's Ombuds institutions.

1.5. The implementation of the recommendations of the UN Study on Violence

Address by the UN SG Special Representative on Violence against Children, Ms. Marta Santos Pais².

Ms. Marta Santos Pais started her intervention by expressing the pleasure she has always had to collaborate with ENOC whose commitment, creative agenda and influential voice in favor of the rights of the child have always been a source of inspiration in her everyday work.

The institutional cooperation is critical

Ms. Santos Pais welcomed the close collaboration developed over the years with ENOC and reminded that collaboration with ICRI is a priority for her work as SRSG on Violence against Children. On some occasions the contribution from ENOC is “vital” such as during the Expert Consultation on Child sensitive Counseling, Reporting and Complaint mechanism on Violence against Children.

According to Ms. Santos Pais the main sources of the ENOC efficiency have to be found in its independence, its experience as expert institution on child’s rights, its availability and accessibility to all children with respect for the confidentiality and the safety of their concerns and grievances but also the convey of effective remedy for breaches of their rights.

She further welcomed the place given to the issue of violence against children at the annual meeting reminding that, quote, “Ombudspersons for children are essential to promote a culture of respect for children’s rights in each country”. Thus they play a key role in raising awareness in order to influence laws, policies, and public debate.

Child participation is essential to achieve change

Ms. Santos Pais reaffirmed her faith in the efficiency and the necessity of a close partnership with children and young people presenting this as a “cornerstone” of her agenda.

She highlighted the 4 main advantages of children’s participation:

1. It is a gain concerning the understanding of child issues such as violence, the prevention of such problems and the monitoring of the impact of the solutions implemented;
2. It helps to widen the outreach of advocacy and awareness raising initiatives;
3. It empowers children and provides confidence and trust;
4. It helps every professional and institution on child issues to feel pressed with children’s impatience and determination.

SRSG agenda

While Ms. Santos Pais reiterated her sustain to ENOC and asked to be aware of the outcomes of the meeting, she insisted in reminding the quality of the Council of Europe Policy Guidelines on Integrated Strategies for the Protection of Children from Violence.

It is an “an excellent tool” that will influence significant changes in different fields of the rights of the child such as the creation or the improvement of legislations combating violence against children, the collection of visible data, and the building of zero tolerance societies toward violence.

² The UN SRSG on Violence against Children intervened through a video message

In conclusion, the guidelines should influence the creation of national agenda for the prevention, protection and response to violence against children aimed at the creation of effective societies respectful of the rights of the child.

1.6. Innocenti Research Centre, UNICEF

Address by Ms Vanessa Sedletzki, Child Rights Officer

Ms Sedletzki briefly presented the Centre and its work. The IRC was established in 1988 to strengthen the research capacity of the United Nations Children's Fund (UNICEF) and to support its advocacy for children worldwide.



Centre's primary objectives concern the improvement of the international understanding of issues related to children's rights, the promotion of economic policies that advance the cause of children, and the promotion of a full implementation of the United Nations Convention on the Rights of the Child in industrialized and developing countries.

The close partnership with ENOC was welcomed, more particularly on the worldwide study on Ombudspersons for children in all the regions of the world.

This study is being finalized and will be published in 2011. More than only international standards, this study also focuses on institutions all over the world and describes their different functioning. The aim is to show that there is not only a European pattern for the application of the Convention on the Rights of the Child but also a universal model. The authenticity of these institutions (ICRIs) will be highlighted but also the difficulties they face and the added value they represent at European and international level.

Ms Sedletzki briefly exposed the new developments surrounding Child rights institutions over the world: a specialized section on children's rights in the Ombudsman institution has been created in Pakistan; Nepal has expressed the will to create such institution and Morocco has established a complaints mechanism.

Then, a parallel was drawn between ENOC preoccupations and the Centre's research studies on:

- Sexual exploitation of children through the use of new technologies
- Adoption issues
- Migration
- Child poverty and social and economic policy responses, including in industrialized countries

Ms Sedletzki concluded by inviting ENOC to keep collaborating with UNICEF IRC on the determination of the 2011-2012 agenda as they are currently updating data concerning child issues. In the same vein, Innocenti Research Centre would welcome any idea shared by ENOC on a burning issue involving children and that needs to be searched for and addressed.

1.7. Presentation of the Council of Europe Guidelines on Child Friendly Justice

Address by Ms. Ankie Vandeckerckhove, Expert Advisor to the Council of Europe

Ms. Ankie Vandeckerckhove introduced the guidelines presenting the different stages the CoE went through before finalise and submit them for adoption by the Committee of Ministers.

The Action Plan adopted at the Warsaw Summit of the Council of Europe (2005) launched the transversal Programme “Building a Europe For and With Children”. This programme has been providing steady guidelines to how standards for children can be improved. Activities of the Directorate of standard-setting are carried out in close co-operation with this Programme.

The 28th Conference of European Ministers of Justice, which took place in Lanzarote in October 2007, paved a constructive way forward with the adoption by the Ministers of Justice of Resolution No 2 on child-friendly justice. Further to this Resolution, the Committee of Ministers entrusted the European Committee on Legal Co-operation (CDCJ), the European Committee on Crime Problems (CDPC), the Steering Committee for Human Rights (CDDH) as well as the European Commission for the efficiency of justice (CEPEJ) in co-operation with other competent bodies of the Council of Europe, with the task of preparing **European Guidelines on Child-Friendly Justice** (GL CFJ)

The draft child friendly justice GL was inspired by different sources:

- Reference to several binding legal instruments (no repetition of existing norms)
- Reference to ECHR case law
- Reference to several recommendations and initiatives
- Need to enforce the status of children and young people in proceedings that affect or involve them

Thanks to those references was defined a child friendly justice as a justice in which all children’s rights are implemented at the highest possible level, considering the child’s level of maturity and understanding and the circumstances surrounding each individual case. A child is everyone under 18.

The CoE guidelines on child friendly justice are based on five fundamental principles:

- Participation
- Best interests
- Dignity
- Protection from discrimination
- Rule of law

Those principles were set on purpose as the objective of the Group of specialists was to produce comprehensive Guidelines on child-friendly justice, which would assist member states in ensuring that children have favorable access to justice.

A number of Guidelines give priority to the following measures: necessity to impart information to children in accordance with their age and level of maturity, in a language that they understand, on decisions that affect them, on their rights in judicial or non judicial procedures, and on details of the accusation if they are subject to; the necessity to guarantee access to effective remedies to exercise their rights or to respond to a violation of their rights; to ensure a full protection of children in case of dissemination of personal information or data that identify them; a full respect of children’s rights to be heard by a judge in cases that concern them directly; availability of independent and free of charge council or a representative; every judicial or extra judicial decision that concern children and especially

those where children's views and opinions have been sought, need to be motivated and explained to them in a child friendly manner; the number and the time of duration of interviews to which children may be subjected to should be kept limited; waiting and audience rooms should be arranged in a way to receive children and to create a friendly and not an intimidating environment; the execution without delay of judgments and other decisions that affect children directly or indirectly; and others...

The guidelines should contribute to enhance the treatment of the child in all circumstances where he or she is, for whatever reason, likely to be brought into contact with civil, administrative or criminal justice. To that aim, the guidelines cover the place and voice of the child at all stages of, judicial as well as extrajudicial, procedures and promote the rights of information, representation and participation of children. As a concrete tool, the guidelines should present good practices and propose practical solutions to remedy eventual lacunae.

The drafting of the guidelines required children and young people to be listened. On that purpose, a paneuropean consultation has been organized and around 30 partners throughout Europe have contributed so far. It was carried out with the generous financial support of the Government of Finland.

The methodology was based on a questionnaire sent to hundreds of children and young people throughout Europe to find out their views. Ankie Vandekerckhove reminded the support of NGOs and ENOC but also the critical contribution of Ursula Kilkelly, an expert who has been commissioned by the CoE to analyze children's responses to the questionnaire. Over 3700 replies were received and have been taken into account in the drafting of the new guidelines on child-friendly justice.

Some of the partners went further and met the children and young people in their different surroundings. Their aim was to hear what children and young people think about justice in all its forms as well as to encourage those involved in the justice system to work towards its improvement for the benefit of children and young people. Then, these partners reported back voicing the views of children and making recommendations to update the draft guidelines.

In conclusion, it was vital to the effectiveness of the Guidelines on Child Friendly Justice that children were consulted about their experiences and their views. This ambitious project demonstrates the value of genuine consultation of children on issues that affect them. It illustrates how such a process can be used to strengthen children's rights standards in the Council of Europe (and possibly elsewhere).

2. Workshop Sessions and common Ombuds-Young People session

Ombudspersons for children on one side and participating young people (35) and their Co-coordinators (16) on the other side split into four groups to discuss four priority topics (violence, education, health and internet & the use of new technologies) on which they had the opportunity to exchange views, opinions and experience all over the year through ENYA's e-forum. Then Ombudspersons for children and young people held a common session where their findings but also proposals have been presented to each other and commonly discussed. The common Ombuds-young people session was chaired by Mr. George Moschos (Deputy Ombudsman for Children's Rights, Greece) and Ms. Emily Logan

(Ombudsman for Children, Ireland). CoE Commissioner for Human Rights, Thomas Hammarberg, opened the session and participated in the debates.

2.1. The value of listening to children

Address by Mr. Thomas Hammarberg, Council of Europe Commissioner for human rights.



This common Ombudspersons for children-Young Advisors session was opened by Mr. Thomas Hammarberg, Council of Europe Commissioner for Human Rights while the session was moderated by Mr. George Moschos (ENOC Secretary and Deputy Ombudsman for Children of Greece) and Ms. Emily Logan (Ombudsman for Children of Ireland).

In his opening speech, Mr. Hammarberg underlined that very often children/young people are considered as of secondary importance to issues that concern them directly. He pursued that child participation in matters of concern for them is very limited, especially for those children who are willing to express their opinions and who would wish to see that their views are taken seriously.

He then gave two concrete samples where, sadly, children are at the heart of the problematic but where it is extremely difficult for them to be “heard”:

- the sphere of justice
- the sphere of school.

The Commissioner also talked about the political sphere: the existing local councils and children’s parliaments proved of not being efficient and their functioning and capacity limited.

As very often raised before, Mr. Hammarberg drew once again attention on the situation of migrant children. The voice of migrant children is never sought and the decisions concerning those “invisible” children are taken without having even heard them before.

In conclusion, Commissioner Hammarberg encouraged Ombudspersons for Children to pay a special attention to the voice of those that had never the chance to express their views, the “invisible” children.”

A common Ombuds-young people session is a first within ENOC. Children and young people have not only been invited to participate at the annual meeting but a special consultation framework has been set up within ENOC back in February 2010 when ENYA has been launched. Their physical participation in the annual meeting is the achievement of their efforts throughout the year and a unique opportunity to have a face to face contact with 33 Ombudspersons for children from all over Europe. Indeed, young persons were given the possibility to interact with their ombudspersons. Both sides presented their comments and proposals to each other and then reacted and discussed. The four topics presented before (education, violence, health and new technologies) were further discussed in details. Last but not least, thanks to this double side work, Ombudspersons and young children/persons will agree on common recommendations.



2.2. Violence

Young advisors 'reports and proposals

One of the first and main findings on the topic of violence is that same kind of difficulties appears and is being faced in Europe. Children and Young People shared their concerns on the issue of violence in different circumstances:

- In the family environment-domestic violence is a widespread phenomenon. According to the young advisors, to a large extent the problem is linked to a lack of information, and to the particularity of the private sphere as being untouchable. **Pedagogical awareness raising programs on domestic violence should be implemented within the families.**
- In the school environment: at school children face two kinds of violence: 1) Intimidation practices and 2) bullying encouraged by the school staff's passivity. In response to those phenomenon young advisors 'proposals concern **the implementation of mediation services** but also **psychological and pedagogic support in order to prevent the phenomenon**. Thus, a special training for teachers on children's rights should be organized on the basis of the UN Convention on the Rights of the Child so that children and young people could be properly instructed about their rights and obligations.
- In the media: the media broadcasts violent images without taking care of the age of the audience. The media should be more careful and violent messages should be broadcasted only in accordance with the age and level of maturity of the audience to which are addressed.

Generally speaking, combating violence supposes the organization of activities which develop children and young people's self-confidence and well-being. It is also proposed that a 24hours hotline run by professionals should be set up in order to provide any kind of assistance that children and/or young people facing violence might need.

Ombudspersons for children reports and proposals

On their turn, Ombudspersons for children shared the following main concerns:

The primary concern is the one linked to the lack of judicial protection for children who face violence. While knowing that corporal punishment is not globally prohibited, they insisted in implementing a **zero tolerance awareness raising campaign on that issue**. The collection of reliable data is also an expectation.

Secondly, to be able to implement an effective campaign, there must be a **training of professionals on this issue**. Children should also be aware of their rights and of the places of interaction with professionals. Thus, they must be part of a "global process" of cooperation between all relevant actors concerned by the fight against violence.

Common recommendations on the fight against violence will be elaborated on the basis of the workshop reports and proposals of both the young advisors and the Ombudspersons for children.



2.3. Health

Young advisors 'reports and proposals

When talking about health, the young advisors immediately referred to the issue of mental health of young people under pressure (in school, in the family, pressure from peers...). Thus, children feel they have not access to an adequate support as there is a lack of

professionals in their everyday life environment and they cannot afford a private psychologist. Young people are complaining that they don't have an individual access to any kind of health services without the consent of their parents or without being accompanied by their parents.

They recommend educational programs to train teachers on mental health issues. Then, parents should be given the opportunity to understand this matter as well as young people should be more oriented and supported.

Ombudspersons for children reports and proposals

On the subject of health, the “waiting list” problem has been invoked as the essential of the problem of accessibility to health services. Thus, children are victims of a stigmatization through medical diagnostic as only being a tool for social security advantages. As a matter of consequence, in many cases, only serious health problems are taken into account

The Ombudspersons for children advocacy would insist on the need to implement **a general education on the issues of health**. They also underlined their responsibility in catching the politicians' attention on the **specific needs of children on health issues** (sexuality, mental health and the fight against addictive practices). Lobbying is essential.

Common recommendations on health will be elaborated on the basis of the workshop reports and proposals of both the young advisors and the Ombudspersons for children.



2.4. Education

Young advisors 'reports and proposals

The issue of education is the one on which young advisors were the most enthusiastic to contribute and to share their concerns.

First point, there is a need for change in the teachers' working methods. Thus, their professional education should be updated every five or seven year.

Second point, teachers should be more open-minded and need to include in their programs a variety of themes such as children's rights, religion, philosophy, art...

Third proposal, while school is seen as a very hierarchic place with no possibility of dialogue between pupils and teachers, but also between peers, some kind of “school democracy” should be created in order to develop new relations based on complicity and on exchange. Thus, the governments should support the development of exchange programs to allow pupils from different cultures and backgrounds to get to know better each others.

Last but not least, the young advisors also raised child protection issue. They highlighted the need for a professional “team” (a nurse, a psychologist and a social worker) that each school should have in its premises.

Ombudspersons for children reports and proposals

Three main recommendations came out from the workshop on education:

1. Young people should know who they can refer to when they are facing a dispute or any other problem
2. Some sort of a complaints mechanism should be established at school
3. Schools should be more democratic and teach to the pupils their rights

Common recommendations on education will be elaborated on the basis of the workshop reports and proposals of both the young advisors and the Ombudspersons for children.



2.5. Internet

Young advisors 'reports and proposals'

While young advisors underlined the numerous advantages of the use of new technologies (meet people, share experiences and cultures, knowledge), they reminded that they are also many unknown dangers:

- Addiction
- Cyber-bullying
- The lack of protection of private data

Their proposals are based on the idea that new technologies are dangerous when people do not know how to use them; therefore, a training for pupils on how to use without risk the new technologies and their traps would enable children to protect themselves. Thus, the implementation of an internet passport would be necessary to fight against fake identities.

Ombudspersons for children reports and proposals

The main concerns of Ombudspersons for children concern the **protection of children** when using new technologies. On that point an agreement was found on the necessity to train young people but also teachers and parents on the positive and negative effects of new technologies so that they know how to protect themselves. Even if new technologies seem to be unreal, the danger is real.

Generally speaking, people should be more aware of the impact of those technologies. Awareness-raising campaigns should be implemented through:

- Warning advices should be added to internet portals
- Links to a permanent website displaying abuses
- Manuals on how to protect personal data...

Last but not least, a code of conduct for internet editors and providers should be elaborated.

Common recommendations on internet and the use of new technologies and children's rights will be elaborated on the basis of the workshop reports and proposals of both the young advisors and the Ombudspersons for children.

3. ENOC business

3.1. ENOC annual activities' report (period September 2009-October 2010)

Presented by the ENOC Chair, Ms. Dominique Versini

Ms Dominique Versini presented a summary of the activities and objectives that have been performed during her Presidency of ENOC. She thus presented the following important points of the annual 2010 work programme.

The 2010 activities focused on four main objectives:

1. Direct involvement of young people in ENOC's activities by the establishment of a Network of Young Advisors « ENYA »
2. As a result of the first objective, the 2nd one tends to the elaboration of common ombuds-young people recommendations on four principal topics of concern: Violence, Health, Education, New technologies and children's rights
3. The definition of the specific role of Ombudspersons for children in Europe
4. The strengthening of the partnership with the UN Committee of the Rights of the Child, the Council of Europe and the European Commission

1. The success of the ENOC Network of Young Advisors "ENYA"

The first and most challenging objective, 20 years after the adoption of the Convention on the Rights of the Child that refers to child participation, was the creation this year of ENYA. This project made, for a first time at ENOC level, possible for children to participate and give their views and recommendations on matters that affect them and that they have had the opportunity to present to us during this Annual Meeting.

ENYA's principal objectives are:

- The active involvement of young people and children in ENOC's work
- Make sure that children and young people are given the opportunity to be heard at a European level

The purpose of this active participation is based on the core idea that children and young people, as fundamental rights owners and experts of their everyday life and environment, should be offered the possibility to contribute to ENOC's work. For the first time at ENOC's history, they have been invited to share their experiences, grievances and recommendations at a level that exceeds their national boundaries.

The realization of this experience would not have been possible without the involvement of a few key actors in the project: the youth advisory panels' members and their coordinators, who

- ensured a unique and permanent link between ENOC and the young advisors
- encouraged young people to take active part in ENYA exchanges
- provided an essential role in setting up and moderating the forum



Thus, ENYA would not have been implemented if 16 independent child rights institutions had not answered positively to the call for participation launched by in early 2010. The participating ENOC members are: Azerbaijan, Belgium, Cyprus, Croatia, Spain (autonomous communities of Catalonia and Madrid), Finland, France, Greece, UK (Northern Ireland), Lithuania, Malta, Moldova, Norway, Serbian Republic of Bosnia Herzegovina, Slovakia and their teams. Any other members are free to join ENYA at any time over the next year.

Concretely ENYA has been launched first through an electronic forum exclusively dedicated to exchanges between young people, and to discussions and information sharing between coordinators.

Thus, over 2010 two meetings for ENYA Coordinators have been organized:

- February 2010 in Paris where the objectives and the methodology to be followed by ENYA participants have been set up and defined. It led to the draft of a code of conduct that has been agreed upon by all the young participants at the e-forum and also to an operational and practical guidance for moderators/ coordinators;
- In Malta, June 2010: after the e-forum has been launched in early April 2010, this meeting aimed to collect from the ENYA Coordinators/Moderators their first impressions, to share views on the strong and weak points of the e-forum and to agree on a common way forward the ENOC autumn annual meeting where ENYA is also participating.

In conclusion, Dominique Versini reminded that it belongs to all the ENOC members to join efforts in order to continue to ensure the sustainability of ENYA and young people's meaningful and efficient participation.

2. To build up common recommendations for Ombudspersons for children and young people

Following the successful launching of ENYA, the second big challenge for ENOC was the involvement of the young people in the Annual Conference on «Listening to children and involving them in the promotion and implementation of their rights».

In this context, the 16 delegations of young advisors from 15 countries (35 young advisors and 16 ENYA Coordinators participate in the annual meeting) and the 33 Ombudspersons for children are working on elaborating recommendations on the four priority areas of violence, health, education and internet. The main idea remains the adoption of common Ombuds-young people recommendations that Ombudspersons for children will promote at their own operational level but also at European and international level.

3. ENOC Seminar in Malta and a study on the specificity of the role of Ombudspersons for children in Europe

Under the lead of the ENOC Chair and the ENOC Bureau, a study comparing the different models of ICRIs in Europe, analyzing the specific role of ENOC member institutions and the main problems hindering independence and implementation of activities has been commissioned to ENOC's expert advisor, Peter Newell, who is warmly thanked for his precious work.

Following a questionnaire submitted to all ENOC member institutions and the replies provided by, 37 recommendations have been elaborated to address different institutional and practical issues. Among those recommendations, five practical issues were adopted while the rest of the recommendations, more institutional, have been entrusted to a Task Force in charge of reviewing and assessing them before they could be joined to ENOC Statutes and Standards for ICRIs.

4. A close partnership with International and European organizations: the European Commission, the Council of Europe and the Committee on the Rights of the Child

While reminding that ENOC has developed privileged partnership with many international and European institutions, Ms. Versini insisted on the necessity to keep on extending and strengthening cooperation initiatives with other institutions and organizations dealing with children's rights in Europe.

Following the above, collaboration with the following organizations must be strengthened:

- The Direction of Justice, FRC of the European Commission on the future European Strategy on the Rights of the Child
- The Council of Europe Commissioner for Human Rights and Council of Europe Departments dealing with children's rights in one manner or another
- The Council of Europe Program « Building a Europe For and With children »

As for the weaknesses, two main weak points have been put forward: the fragility of ENOC in terms of financial and human resources.

The ENOC Chair concluded by expressing concerns as to the one year term of the ENOC Presidency. Ms Versini expressed the view that a one year term is not long enough to ensure an effective and efficient implementation of the work programme. She suggested that the term of the Chair is subject to renewal as the terms of the Secretary and of the Treasurer are. Of course, such a change would require the approval of ENOC members for the review of the relevant provision in the Statutes.

3.2. Country updates (These documents are available on the ENOC website)

3.3. Access to justice ENOC Working-Group

Address by Ms. Leda Koursoumba, Chair of the working-group

Ms. Leda Koursoumba, Chair of the ENOC Working Group on "Children's access to justice" reported on the work done over the year by the WG following the three meetings that took place respectively in Paris, in Malta and in Strasbourg. A new member of the working-group, the new Commissioner for children in Malta, Mrs. Helen D'Amato was also welcomed.

Leda Koursoumba presented the working-group views and positions on three main issues:

1. The Council of Europe (COE) mechanisms to fight against violations of children's rights and their accessibility to Ombudspersons for children

While stressing the numerous children's rights violations in many of the respective countries, the Chair of the WG underlined the governments' «impunity» despite the persistent domestic advocacy and the recommendations of the UN Committee on the Rights of the Child.

She pursued reminding that no ENOC member institution had used nor supported the use of any of the existing CoE monitoring mechanisms.

There are five CoE human rights mechanisms to address violations of children's rights; the main question is "how and when national Ombudspersons for children could use such mechanisms?"

- The ECHR³



³ European Court of Human Rights <http://www.echr.coe.int/echr/>

- The European Social Charter collective complaints mechanism⁴: national children's rights institutions cannot lodge collective complaints, but this may become possible through ENOC which is a registered and accredited organization expressing members' collective voice
- The European Committee for the Prevention of Torture (CPT⁵)
- The Parliamentary Assembly of the CoE (PACE⁶)
- The Group of Experts on Action against Trafficking in Human Beings (GRETA⁷)

On that purpose, Leda Koursoumba announced the creation of two handbooks and some other materials introducing the conditions for using these mechanisms. One will be for adults and the second one will be drafted in a child-friendly version.

2. The CoE Guidelines on child friendly justice⁸

Underlying the critical role of Ankie Vandekerckhove⁹ to get the child-friendly perspective through these guidelines, the Chair of the working-group informed ENOC members that the Guidelines will be circulated to the Network, accompanied by an advice on how the Guidelines can be used to improve national systems. A child-friendly version will also be elaborated.

3. The new Optional Protocol¹⁰ to the Convention on the Rights of the Child to provide a communications procedure

The working-group has undertaken an assessment to determine to what extent the CRC can be applied by national courts. In the light of the results, it was agreed that draft recommendations will be elaborated for ENOC and the individual member institutions, seeking to ensure that the CRC whether or not incorporated in national law can be applied and referred to by national courts.

Thus, reminding that ENOC has agreed to support the new optional Protocol to the CRC, Leda Koursoumba expressed her deep concern as to the setting up of a collective communications procedure. Indeed, she stressed the crucial role played by ENOC members to assist children to have effective access to justice at national and international level. Even if some national laws do not give such missions to the Ombudsperson for children or prevent to fully fulfill this task, it is necessary that those of the Ombuds for children offices that do not have such competencies lobby before their respective state authorities to review their functions. In the same vein, Ms. Koursoumba called on ENOC member institutions to lobby before their respective governments on two critical issues:

- To support the drafting of the OP to the CRC
- To support the inclusion of a collective complaints mechanism

Last but not least, if Ombudspersons for children want to have an effective mechanism for children "the time to action is now". ENOC members are encouraged to prepare formal letters based on what they will receive as a briefing note from the working group and to send them to their respective Foreign Ministries or other competent departments.

⁴ <http://www.coe.int/T/DGHL/Monitoring/SocialCharter/>

⁵ <http://www.cpt.coe.int/en/>

⁶ <http://assembly.coe.int/default.asp>

⁷ http://www.coe.int/t/dghl/monitoring/trafficking/default_EN.asp

⁸ http://www.coe.int/t/dghl/standardsetting/childjustice/default_en.asp

⁹ Ankie Vandekerckhove, scientific expert to the CoE Group of experts in charge of drafting European Guidelines on Child-Friendly Justice; Former Commissioner for Children of the Flemish Community, Belgium

¹⁰ Optional Protocol=OP

Ms Kouroumba concluded by re-affirming that she will be representing ENOC at the upcoming December meeting in Geneva of the Open-ended Working Group¹¹ in charge of drafting an OP to provide a communications procedure to the CRC. During this meeting, the draft OP prepared by the Chair¹² of the OEWG will be discussed article by article with different stakeholders.

3.4. Progress on drafting of the new Optional Protocol to provide a communications procedure to the CRC

Address by Peter Newell, ENOC Expert Adviser

Mr. Peter Newell, expert advisor presented the ongoing draft protocol prepared by Mr. Drahoslav Štefánek (Slovakia), Chairperson of the Open-ended Working Group for an optional protocol to the Convention on the Rights of the Child to provide a communications procedure.

The different steps for the adoption of the Optional Protocol were presented:

- November 2010: there will be an informal meeting of States in Geneva to discuss how best to settle the agenda for the formal session of the working-group (five days session);
- From the 6th to the 10th of December, the working-group session will be going through the draft article by article hearing States' proposals and objections and trying to reach consensus on each article of the Protocol. NGO's, Human Rights Institutions and ENOC can be involved through written submissions at any point.
- February 2011: a session that will finalize the text.
- June 2011: the text will be submitted to the Human Rights Council for approval; if it is accepted,
- Autumn 2011: the UN General Assembly will express views on the text that will enter into force, if it is approved, when 10 States will accept it.

The Optional Protocol could eventually enter in force in 2012. Until then, the draft, considered to be a good one based on other Human Rights instruments' procedures, will be available on both, the Office of the High Commissioner for Human Rights and the CRIN websites.

Peter Newell underlined the key strategic innovation which is contained in the draft article 3: the collective communications procedure. This would enable the UN Committee on the Rights of the Child to consider complaints which describe significant violations of the Convention without having to identify particular child victims or cases. This article refers to national human rights institutions, Ombudsman institutions as well as non-governmental institutions which have special UN Status as being accredited to submit communications to the Committee.

Thus, the expert expressed concerns as to the inclusion of such a provision in the OP and said: "to be realistic it is going to be extremely difficult to keep this possibility in the Optional Protocol. Yet, some States have already expressed their objections except Portugal".

On that purpose, he reminded that Ombudspersons for children's lobbying initiatives are critical for the inclusion of such an important and innovative provision. They are strongly

¹¹ ENOC submitted in November 2010 comments on the proposal for a draft OP to the CRC to provide a communications procedure <http://crin.org/enoc/resources/infodetail.asp?id=23575>

¹² Chairperson-Rapporteur of the Human Rights Council's Open-ended Working Group: Mr. Drahoslav Štefánek

encouraged to approach Ministries of Foreign Affairs or other relevant ministries, to seek their active support. Peter Newell asked to be informed by the ENOC members of their respective governments' responses and positions on that issue. Thus, he expressed hope that ENOC would agree that Ms. Leda Koursoumba represent ENOC at the upcoming December meeting of the OEWG in Geneva and that ENOC would agree to support collectively the inclusion of such a provision (collective communications procedure-article 3 of the draft protocol) in the Optional Protocol.

From the adoption or not of this innovative human rights mechanism will depend Ombudspersons for children's attitude toward children's rights violations:

- If the communications procedure is accepted, they should think about the elaboration and the implementation of trainings for the Institutions but also for the children themselves, about the use of this procedure.
- If not, they have an awareness-raising responsibility by asking the Committee to make inquiries to significant violations of the Convention.

Peter Newell concluded his intervention by re-calling the importance of the implication of the Network, as the expression of the collective voice of 37 member institutions, in this crucial initiative.

3.5. Discussions and brainstorming about 2011 annual conference and the ENYA project and forward-thinking on the 2011 annual conference's main topics and ENOC activities throughout the year.

First impressions on the ENYA project

Generally speaking, Ombudspersons for children recognized the innovative aspect of the project and congratulated all those that have been directly and actively involved in. Different opinions have been expressed as to more technical issues.

Young people's views and opinions on the general topic of "education" and in particular on the relationship teachers-pupils provoked reactions among the Ombudspersons for children. For instance, no agreement was reached on the idea raised by the young people of evaluating teachers. While in some countries as Finland, this practice is part of their culture, in some others, it seems to be unrealistic. Concerning young people's active participation on the topic of education, David Lallemand¹³ highlighted a very relevant point explaining that **"there is a unity of view among the children concerning education that does not exist among the adults.** Therefore, it is adults' role to understand what the current problems that touch the educational sphere are and what would be their solutions". On that purpose David Lallemand recalled that children are not here to give answers which is rather Ombudspersons' role! Children and young people are here to share the concerns they have to deal with in their everyday life.

¹³ Representative of the Délégué Général aux droits des enfants of the French Community in Belgium

On the topic of “health”, Tanja Opacak¹⁴, one out of the four ENYA Moderators on Health, expressed her feelings and gave young people’s feedback about the common Ombuds-young people session.

- Concerning the critics on the “representativeness”: Tanja reminded that participating children and young people have been selected by their peers to represent them and to be their spokespersons thus bringing their collective voice at ENOC and European level. There was neither intervention nor influence from adults as to the criteria of selection of those that are now participating in the Conference. Therefore, critics of a lack of representativeness seem to be unfounded.
- Concerning the recommendations: there has been a misunderstanding on the aim of young people’s work. Children consider that they have not had enough time to exchange face to face their views and opinions and to get responses to their questions before they could elaborate recommendations.

However she reminded that children and young people from the working group on “health” are very happy and satisfied with this unique experience.

More generally speaking, concerning ENYA and the child participation experience, Patricia Lewsley Northern Ireland Commissioner for Children and Young people, summed up in a very discerning way, the three core questions that must be answered to for the next similar experiences:

1. What did we do that was good?
2. What can we do that could be better?
3. What did not work?

As a first ambitious participative project, ENYA can be considered as a success as its main aim, “to bring the children to the centre”, was reached. Then, a feedback on this experience must be done from the Ombudspersons and the children in order to improve it in the future. The idea of separated meetings between the Ombudspersons and the children was raised. While some consider this proposal, other denounced marginalization of the children and considers it as a threat for the ENYA future.

What have we learnt from this first child participation experience?

1. First of all there is a strong need for guidelines for coordinators and children on the purpose of their work, its methodology and the results expected.
2. The number of thematic areas must be reduced to one or two real and valid ones in order to have more time for exchanges between Ombudspersons and Young advisors and to agree on common recommendations.
3. There should be more meetings between Ombudspersons and children/young persons, depending on the financial resources of ENOC. Dealing with financial resources reminds the generous offer of support for child participation from the Council of Europe representative.
4. Children should have more time to express their views and opinions and to exchange with their Ombudspersons.
5. There is a need for a feedback from this meeting to the children but also at national, European and international level.

Georges Moschos (ENOC Secretary) concluded on that issue summarizing the steps to be followed by ENOC and its members:

¹⁴ Tanja Opacak : special advisor to the Ombudsman for Children of Croatia. For the purposes of ENYA, she has been appointed ENYA Coordinator for Croatia and ENYA Moderator on health

In about three months time some proposals will be set and transmitted to relevant actors (CoE, EU, National Governments, Young advisors). While a research will be commissioned on the work yet done on the topic of children in institutional care, proposed as the 2011 priority topic, ENOC and its members should focus on improving ENOC's financial capacity, and on the way to improve the children's participation in its work over the next year.

Last but not least on the light of the evolutions of the network activities, more clarity and better coordination and communication has been asked for by a few members concerning the ENOC aims and objectives.



3.6. Presentation of two good practices/innovative projects

A “Right Blether”: address by Tam Baillie, Scotland’s Commissioner for Children and Young people



**a RIGHT
blether**
What's important to you?

The Office of the Scottish Commissioner for children and young people is currently running an innovative consultation project called “a Right Blether”. Katie Brown (Head of Participation Department) presented the entire “journey” they had to pass through to obtain children and adults’ active participation in order to set up Commissioner’s priorities and objectives for the next four years.

On that purpose the choice of the expression of “blether” conveys the idea of an energetic chat; indeed, blether is a Scottish word meaning chatter, often used to describe the chattering of children. A Right Blether is an exciting national consultation to make sure children and young people’s opinions about what is needed to improve and safeguard the quality of their lives are heard and acted upon by the people who make important decisions.

Throughout 2010, the Commissioner heard from, met and had ‘blether’ with adults and children. They were given a great opportunity to help shape the future of Scotland, to share their opinions and experiences, to say what’s important to them, and to help, Tam Baillie, to take action on what will help to ensure the effective respect of children and young people’s rights.

1. Adults’ participation in the “right blether”:

From January onwards the Commissioner met around 2500 adults.

When meeting with different key partners Tam Baillie aimed to ensure that every professional or adult dealing with children would take up its own responsibility to support the work of the Commissioner and therefore, to support a better implementation of the Convention on the Rights of the child at national level.

In this context, Tam Baillie met with:

- Directors of Education and Senior Local Authority Officers from across Children’s Services over all Scotland’s 32 Local Authority areas
- Committed Stakeholders from Education, Social Care, Scottish Government, MSPs and Ministers, Local Authorities, Children’s Sector, Media
- Teachers, parents and any other professional working with children across different sectors

To reach the objectives of this innovative project and also to promote children's rights, the Commissioner's office created "Learning Resources". According to Tam Baillie, improving children's rights knowledge and affectivity requires the provision for didactic and entertaining material. People should "have fun" doing it.

The following "learning resources" were created:

- Resource Packs
- Curriculum guidance
- Creative games and activities
- Tri-Fold Leaflets (for adults)
- What Tam does postcard
- DVD (BSL signed & subtitles English and Gaelic)
- Posters and information for CYP
- Microsite Links and signage to services
- Blether Badges

The "Right Blether" website provides numerous links to workshops and creative extras from the Rights Resource Packs, designed especially for children and young people to help them learn about the United Nations Convention on the Rights of the Child (UNCRC) and the role of Tam Baillie, Scotland's Commissioner for Children and Young People. (<http://www.arightblether.co.uk/resources-and-guidance.html>).

The team of the SCCYP was very pleased to notice that their work has been successful. The objectives have been reached as they have obtained ministerial support and count 1120 signups from a variety of sectors at different levels including ministers, local authorities and the BBC Scotland.

2. Children and young persons' contribution to the "right blether"

The Commissioner has showed, through this experience, a strong will to involve children in this "right blether" and to make it as accessible as possible for them. On that purpose, all possible means were used to make children aware of the opportunity that was given to them. The national launch of the project was made possible using a variety of channels:

- The Scotland educational intranet for schools, the 'GLOW' Meet.
- Radio Waves covered the event with children interviewing Tam to create radio programme. Radio Waves is an international radio network for schools.

Once again, the objectives of the project were largely covered since around 800 children and young people participated using the cyber network.

Thus, to meet as many children as possible, the Commissioner travelled all around Scotland meeting children and young people through conferences, events, festival, but also children with particular stories in hospitals, prisons, streets in order to collect real expertise in relation to life experience and knowledge.

Children and young people were asked to stress on the positive and negative aspects of their life in Scotland aiming to identify the range of 'what the most important issues to children and young people across Scotland are'.

The vote took place in November 2010

- The Children's Parliament played a key role in this project
- The Scottish Youth Parliament generously allowed Commissioner to use their national 'Change the Picture' Manifesto consultation to inform the Blether Vote

Well upstream this vote, 22000 participants expressed their views, 70 key themes were identified, then a special group of 17 young people elected 12 “top questions” for the vote in November.

All children and young people of Scotland aged under 18 have the right to express their views on the 4 top issues the Commissioner will have to take forward on behalf of the children and young people giving place to a massive national wide consultation of children on matters that affect them carried out by the Scottish Commissioner for Children & Young People.

”Empowering children in alternative care to claim their rights” presented by Fredrik Malmberg, Ombudsman for Children, Sweden

Fredrik Malmberg presented the two contradictory opinions on the respect of children’s rights in security institutions. On the one hand, those locked institutions are described as unlawful places for children. On the other hand the Directorate general for the boarder institutions describes them as a perfect system. In face of this contradiction a specific expert group was set up to visit Swedish security institutions and exchange with the children on their living conditions.

Despite the strong resistance expressed by institutions’ authorities but thanks to strong means of pressure, the expert group was finally allowed to enter and interact with the children. Their views and recommendations on different issues have been summarized as follows:

1. The staff

- The institutions’ staff should listen to children, be accessible and nice
- They should support the children when they feel miserable
- They should read the Convention on the Rights of the Child
- They should be trained, have more experience with children and know better the rules

2. Isolation

- Instead of isolating children there should be some discussions and explanations

3. Security

- Entrance body search: while children understand the necessity of this practice for security reasons, they ask for a more respectful way to do it.
- An insecurity feeling prevails among the children; the origin of this feeling could be found in the fact that children placed for their own care and young delinquents are sharing the same premises

4. Participation

- The participation procedures are too long and sometimes children do not get the benefits from their complaint
- There is a need for feedback
- On health issues, children are not trusted

5. Friends

- According to the youngest children, there are too much differences of age within the institutions. The youngest are scared by older ones.

Based on the conclusions from the “ground visits”, the Ombudsman for children addressed recommendations to the government, which responded by adopting concrete positive measures.

Fredrik Malmberg requested the government to prohibit this wide-spread practice of isolation since such isolation procedures seem to be the most problematic and harmful for children and young people. Thus, it was considered that children should have independent representatives that they could contact when they feel their rights are violated. Last, but not least, the Ombudsman asked for a review of the legislation as it does not refer to the children’s rights.

The expected response from the government and other relevant actors is encouraging:

- Sweden was asked by the UN Committee to limit the use of isolation procedures in institutions
- The Government asked the National Board of the International Care to review the use of isolation and their working methods. The Government also promised to review its legislation
- The NBIC admitted serious mistakes and proposed to reduce of the time of isolation from 24h to 4h

On the light of this experience, the proposed topic for 2011 concerning the rights of children living in institutional care and detention became even more relevant.

3.7. General Assembly meeting (The minutes of the meeting are available for ENOC members upon request. Please, email the ENOC Secretariat)

Following General Assembly discussions, ENOC proceeded to the vote and to the election of the new Bureau. The new Bureau, which will be operating from October 2010 until the next General Assembly meeting, in September 2011, is composed as follows:

- Ms. Patricia Lewsley (Northern Ireland Commissioner for Children and Young People) has been elected Chair for the period 2010-2011
- Mr. Marek Michalak (Ombudsman for Children, Poland) has been elected Chair for the period 2011-2012, and current Vice-Chair
- Ms. Dominique Versini (Défenseure des Enfants, France), outgoing Chair and current Vice-Chair
- Ms. Maria Kaisa Aula (Ombudsman for Children, Finland) has been renewed as a Treasurer
- Mr. George Moschos (Deputy Ombudsman on Children’s Rights, Greece) has been renewed as a Secretary

In addition to that, the General assembly decided to put on the top of the ENOC 2011 agenda the topic of the **respect of the rights of children in institutional care**.



In this photo, from right to left:

Ms. Maria Kaisa Aula

Ms. Patricia Lewsley



In this photo, from right to left:

Ms. Patricia Lewsley,

Ms. Dominique Versini

Mr. Marek Michalak

ENYA

ENOC NETWORK OF YOUNG ADVISORS



« Listening to children and involving them in the promotion and the implementation of their rights »

ENOC

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