



ENOC

European Network of Ombudspersons for Children

ENOC Annual Conference 2014

« The impact of austerity on the realization of children's rights »

Conference Report

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ENOC

The European Network of Ombudspersons for Children

The European Network of Ombudspersons for Children (ENOC) is a not-for-profit association of independent children's rights institutions (ICRIs). Its mandate is to facilitate the promotion and protection of the rights of children, as formulated in the UN Convention on the Rights of the Child. Its aims are:

- To serve as a forum of colleagues for the exchange of information, capacity-building and professional support among the members
- To promote and safeguard children's rights and to work on strategies for the fullest possible implementation of the Convention on the Rights of the Child
- To promote the establishment of independent children's rights institutions (ICRIs) in countries worldwide and offer support to such initiatives
- To stimulate contacts and support with and among other ICRIs worldwide and their networks

ENOC was established in 1997. Since 2008 it has had an independent Secretariat in Strasbourg, with office accommodation provided by the Council of Europe and has been financially supported by the Fundamental Rights and Citizenship Programme and the Rights, Equality and Citizenship Programme of the European Commission.

ENOC has grown to include 41 member institutions in 33 countries, including 23 of the 28 EU member states.

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Welcoming address



BY MR. TAM BAILLIE, ENOC CHAIR-ELECT AND COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE (SCOTLAND)

The ENOC Chair Elect and Scotland's Commissioner for Children and Young People, Mr. Tam Baillie, welcomed participants to the 18th ENOC Annual Conference in Edinburgh.

Mr. Tam Baillie thanked everyone who contributed to the organisation of the 18th ENOC Annual Conference. He particularly praised the contribution of children and young people who, assisted by host countries, produced wonderful work on the theme of the impact of poverty and austerity on children's rights. The exhibition

looks at austerity and poverty through the eyes of children and young people.

Mr. Baillie introduced the conference programme. He informed the participants that they would hear presentations from experts who would share a European perspective in terms of the impact of austerity. ENOC members would also have the opportunity to share their experiences on the subject as well as contribute to a statement on the conference theme.



BY MR. BERNARD DE VOS, ENOC CHAIR AND GENERAL DELEGATE FOR CHILDREN'S RIGHTS (BELGIUM, FRENCH COMMUNITY)

The Chair of the European Network of Ombudspersons for Children, Mr. Bernard De Vos, began his speech with warm greetings and addressed his gratitude to the ENOC Bureau and to all ENOC members for the productive work of the past year.

Mr. De Vos expressed his pleasure that so many members of the ENOC network were able to attend the annual meeting. He felt it illustrated the desire of ENOC members to give life to ENOC as a working network of independent institutions. He added that, in addition to the mutual and practical exchanges of ideas, ENOC also aims to work at European level on societal and political orientations in the field of the rights of the child.

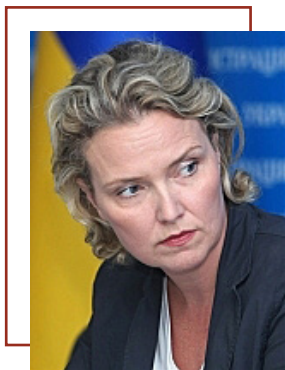
The ENOC Chair reminded the conference of the forthcoming 25th anniversary of the UN Convention on the Rights of the Child, noting that this anniversary encourages ENOC members to think about what has been accomplished as well as lending new perspectives on the current situation in which indicators are alarming in

terms of poverty and consideration of the best interests of children in Europe.

Mr. De Vos defined the theme of the conference - the consequences of the economic crisis on the realization of the rights of the child - as being at the heart of the work of independent children's rights institutions. He added that, unfortunately, the impact of the economic crisis does not limit itself to poverty in families; its consequences translate into despair for a growing number of children and teenagers.

Last but not least, Mr. De Vos commended the young people who live in poverty across Europe who participated in relating their everyday experiences. Their testimony gives birth to a particularly creative participation process, resulting in a variety of artistic pieces.

Mr. De Vos finished his speech by wishing all participants an excellent conference and warmly thanking Mr. Baillie and his team for organizing the ENOC meeting in Edinburgh.



BY MS. REGINA JENSDOTTIR, HEAD OF CHILDREN'S RIGHTS DIVISION, COUNCIL OF EUROPE COORDINATOR FOR CHILDREN'S RIGHTS

The Head of Children's Rights Division and Coordinator for Children's Rights of the Council of Europe, Ms. Regina Jensdottir, began by expressing her real pleasure in attending the ENOC 18th Annual Conference. She noted that the conference's topic is particularly relevant to work the Council of Europe is doing and expects to be doing in the years to come.

Ms. Jensdottir explained that since the beginning of the financial and economic crisis, austerity measures have increased. Children and young people are among those who are directly and disproportionately impacted by these measures. Stakeholders in the field of the rights of the child need to make sure that austerity measures are not used as an excuse to turn a blind eye to children's rights. She added that Ombudspersons for children's rights play a key role at national level in making sure that these decisions are measured against potential impacts, both short and long term, on cuts to services for children.

Ms. Jensdottir informed ENOC members that the protection of the rights of children in times of austerity is also part of the mandate of the Council of Europe. All the most important institutional bodies are paying careful attention to the impact of these measures on the lives of children in Europe:

- The European Court of Human Rights unanimously stated that when 15 children with severe mental disabilities in a situation of economic crisis died in a Bulgarian care home due to a lack of food, heating and basic care, Bulgarian authorities violated their obligations regarding the UNCRC and specifically article 2 of the Convention. The ECHR is also now looking more specifically into how human rights in general can be protected in times of crisis.
- The Parliamentary Assembly of the Council of Europe is working hard to find solutions, raising awareness and triggering national governments to respect human rights in times of crisis. The members of the Parliamentary Assembly are currently preparing a report on the practices states apply when removing children from their homes and their families.
- The Congress of Local and Regional Authorities of the Council of Europe is preparing an overview of good practice looking at how local and regional authorities are supporting those who care for children, in order to better care for them in difficult times and ensuring that service cuts do not have a disproportionate impact on children and their rights.
- The Human Rights Commissioner of the Council of Europe is also examining the situation of children affected by austerity, looking at how children's rights are protected by

national governments.

- The European Committee of Social Rights and the Children's Rights programme will be looking at the impact of austerity on children.

In March 2014, the Council of Europe held its mid-way stage conference on the rights of the child in Dubrovnik, Croatia, where the implementation of the Council of Europe Children's Rights Strategy was discussed and the need for concerted action and investment by all stakeholders, including the central and local authorities, was highlighted. Ms. Jensdottir asserted that, as difficult as it may seem, good things can still happen in the future. The future has all the ingredients to be able to act decisively in times of uncertainty and threat. Promoting children's rights and participation is central to defining ways in which austerity, poverty and other forthcoming issues can be dealt with.

Ms. Jensdottir drew attention to the fact that new and on-going issues affecting children's well-being which are not directly linked to poverty and austerity, should not be forgotten. In the coming year, the Council of Europe will be preparing a new strategy for the rights of the child. The COE will bring forward existing strategic objectives on violence, child-friendly services and systems and child participation in its continuing work to protect children.

She stressed the importance of collaboration between the Council of Europe and ENOC members in securing children's rights. ENOC members will be involved either through direct representation, nominated by their national governments to take part in the committee that is being set up to prepare the strategy, or through consultation with the network. She wants the strategy to be progressive and counts on the support of ENOC members working with children in their countries in giving the COE feedback to inform the next strategy.



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AILEEN CAMPBELL MSP, MINISTER FOR CHILDREN AND YOUNG PEOPLE, SCOTTISH GOVERNMENT

Presentation on the work of the Scotland's Minister for children and young people

The Scottish Government's Minister for Children and Young People, Ms. Aileen Campbell, described the films shown in the exhibition "AUSTERITY BITES: Children's Voices" as very powerful and poignant. It is important for policy makers to make sure that they are listening carefully to the message that young people gave them. As the Scottish Government Minister for Children and Young People, she shared with ENOC members her commitment to making sure children and young people's voices are heard in any decision she takes.

Ms. Campbell spoke about the contribution of Scotland's young people to the referendum campaign deciding Scotland's constitutional future. For the first time, 16 and 17-year-olds were able to vote, and have a voice in the Scottish democratic process. One of the key challenges raised during the referendum debate, particularly by young people themselves, was the issue of social justice: how to ensure greater equality of opportunity for people across Scotland. The issue encompasses not just economics, but also individual rights.

Ms. Campbell confirmed the commitment of the Scottish Government to the principles of the UNCRC and to ensuring children's rights are respected, especially in times of austerity. The Government is fully aware of the range of issues continuing to have a detrimental impact on the lives of far too many children in Scotland and elsewhere. The austerity measures introduced in many countries following the global financial crisis have involved cuts to overall levels of public expenditure and changes to state welfare systems. These cuts have a disproportionate impact on the most vulnerable communities and families - especially children. The Minister declared that the Scottish Government will continue to strive to mitigate the impact of austerity measures on children and families.

Ms. Campbell told ENOC members about initiatives undertaken by the Scottish Government to ensure respect for the rights of the child and to protect children. For example, the first Child Poverty Strategy published in 2011 and revised earlier this year. The strategy concentrates on three outcomes: maximizing household budgets, improving children's wellbeing and life-chances and ensuring that children from low-wage households are living in sustainable places. The Scottish Government has taken action towards

delivering each of these key outcomes.

In a time of significant and sustained austerity, the Scottish Government needs to move communities and individuals from being passive to becoming active agents in their own lives, using their own strengths. This is a key theme that should run through all social policies taken forward by the Government. The Minister also recognized the need to adapt and improve how public services are delivered by focusing on prevention and early intervention, better targeting of the support provided and making better use of resources.

Ms. Campbell affirmed that the Scottish Government will continue to work to include children and young people in the decision-making processes. She insisted that to make the UNCRC real for children, the exercise of their rights and the expression of their opinions have to be empowered. Children and young people contribute to the Minister's on-going consideration and reporting of ways in which the UNCRC can be progressed across Scotland. The UNCRC now underpins the legislative basis for key services for children such as education and child health.

Ms. Aileen Campbell finished her speech by saying that there is always scope to do more and to learn from international colleagues. Therefore, it is great to have a collaborative approach and to work across international boundaries when trying to tackle common challenges.



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RICHARD HOLLOWAY, WRITER, BROADCASTER AND FORMER BISHOP OF EDINBURGH, SCOTTISH EPISCOPAL CHURCH

Helping children through cultural and spiritual initiatives

Mr. Richard Holloway shared with ENOC members his experiences of how children from deprived backgrounds can be helped through cultural and spiritual initiatives.

Mr. Holloway explained to ENOC members that the compassion of human beings, their structures and politics, create a kind of welfare dependency paradigm that keeps thousands of people in Scotland and elsewhere in a state of economic, but also spiritual and cultural poverty.

Mr. Holloway talked about the relation between human beings and time. He explained that human beings, unlike other animals, need to fill empty time and the filling of it created civilization. However, humans have created communities rich in time but poor in the resources to fill it. Social, economic and political policies simply reinforce that particular paradigm. This empty time lies heavily over people from poorer communities.

According to Mr. Holloway, the solution is to work with poorer communities and give back children their cultural life by teaching them how to fill time with passion, beauty, discipline and joy. Governments have to equip children with the ability and the strength to deal with a cruel world before the context that surrounds them weakens and destroys them. Action must be taken early to build communities and structures of art.

Unfortunately, most governments in Europe do not understand the need to answer spiritual and cultural deprivation with a kind of economic prescription, and so simply continue the disease humans are suffering from.

Mr. Holloway talked about Maestro José Antonio Abreu who invented the “Sistema system” 40 years ago. He wanted to help children from deprived communities in Venezuela by spiritually and psychologically strengthening them through art to challenge the powers that oppressed them. Mr. Holloway informed ENOC members that the same method is used in Scotland with the initiative “Big Noise Orchestra” gathering children and young people from a deprived community. Today, that community’s reputation has changed and it is known for an orchestra that plays classical music.

Finally, Mr. Holloway shared with ENOC members the need for a major paradigm shift in understanding how to change this situation by fortifying children through culture and cooperation. The way money is spent on children needs to be shifted by diverting the money that is spent wastefully in putting them in jail, paying social workers and family support groups. Investments have to be made into massive imaginative early intervention schemes. In Scotland, this paradigm shift started six years ago and ad hoc changes have already happened in communities. It is better to spend thousands to save millions, because it costs a lot of money to keep people deprived.



Pictures: Big Noise Orchestra, ENOC Annual Conference 2014, Edinburgh

The European Commission's work for the Rights of the Child

Ms. Lara Blake, Policy Officer for the Rights of the Child at the European Commission shared with ENOC members the state of play of the EU Agenda for the Rights of the Child, the Commission's work on investing in children and child poverty and the on-going work on integrated child protection systems, public consultations and funding possibilities.

The framework for European Commission activities is the EU Agenda for the rights of the child, which was adopted in 2011 and runs until the end of 2014. The agenda should be replaced by a new initiative, depending upon approval by new Commissioners. It is expected to take a more comprehensive approach to the rights of the child, based on the principles of the UNCRC and Article 24 of the EU Charter on Fundamental Rights; notably best interests of the child and the child's right to be heard. The on-going focus of the agenda is on evidence-based policymaking, mainstreaming children's rights in legislative processes and soft instruments, e.g. communications to support member states with policy making.

Ms. Blake updated ENOC members on the work done over the past few years:

- A missing children study report was published in 2013 and focuses on EU mapping, data collection and statistics.
- The EC carried out a study to collect data on children's involvement in criminal, civil and administrative justice proceedings in the 28 EU member states. The criminal justice section was published in June 2014; civil and administrative phases are being finalised and should be published in early 2015.
- A directive on children suspected or accused in criminal proceedings, will hopefully be adopted in 2015.
- The Commission undertook a study focusing on UNCRC Article 12 in 28 EU member states, which evaluated legislation, policy and practice in child participation. The results should be published in early 2015 and will include country reports, an online resource catalogue of useful tools and documents, and examples of good practice.

On the subject of child poverty, Ms. Blake informed ENOC members that the Commission focuses in part on employment as a means to lift children out of poverty. However, because of the financial and economic crisis, there is an increasing number of working poor. Moreover, youth employment tends to be low-paid, with the consequences that young people cannot be independent, and may face low levels of service provision in areas such as housing and healthcare.

She shared her concern that the European 2020 target to lift 20 million people out of poverty may not be met as member states have set their individual targets too low. So, to help reach the target, the EC created a new European Structure and Investment Fund (ESIF), which is split into five funds. One of these is the European Social Fund (ESF), of which at least 20% of the budget is earmarked for social inclusion (Roma, active inclusion, early school leavers, etc). ESF

also addresses integration of young people into the labour market, gender equality, socio-economic integration of marginalised communities, de-institutionalisation, etc.

The In-Service Group (ISG) for Platform Against Poverty and Social Exclusion meets regularly to discuss how Commission services can work together on policy development, etc. The Commission also released a publication on an integrated child protection system based in part on FRA mapping of national CPS and on the results of public consultation. Ms. Blake also addressed the subject of childcare service development. The Commission monitors achievement of targets and adopted a report in June 2013 showing they have not yet been achieved by most member states, which is a great concern. This year, ten member states received CSR to promote the participation of women in the labour market. The main focus lies in the need for affordable and quality childcare services.

Ms. Blake moved on to the subject of early childhood education and care, which falls under the scope of the DG Education and Culture. The focus is on evidence-based policy-making, including studies of staff competence, the link between ECEC and early school leaving, and quality in ECEC. There is also a thematic working group, which has 25 member states members, plus Norway and Turkey.

Ms. Blake finished by speaking about funding opportunities around the rights of the child and preventing violence against children. She introduced the new Commission Rights, Equality and Citizenship Programme, which has a cover proposal focusing on capacity building for professionals in child protection systems, capacity building for judicial professionals representing children in judicial proceedings and operating grants for a formal network on the rights of the child and preventing violence against children. The Commission also has a pilot project which is on-going, as well as the Daphne call for proposals on violence against children which will be launched in October 2014 and focuses on child centred approaches to bullying at school, residential and detention care, and female genital mutilation.

FRANÇOISE KEMPF, ADVISOR TO THE COMMISSIONER OF HUMAN RIGHTS OF THE COUNCIL OF EUROPE

Presentation of the work of the Council of Europe Commissioner for Human Rights regarding the impact of the economic crisis and austerity measures on human rights

Ms. Françoise Kempf, advisor to the Commissioner of Human Rights of the Council of Europe, spoke about the work of the Council of Europe Commissioner for Human Rights regarding the impact of the economic crisis and austerity measures on human rights.

When he took office in April 2012, Commissioner, Nils Muižnieks, immediately identified as one of his major priorities the issue of the impact of the economic and financial crisis and subsequent austerity budgets on the enjoyment of human rights.

Austerity budgets have had, and will continue to have, a major impact on the enjoyment of an all wide range of socio-economic rights. In his country work, the Commissioner has found out that some groups in society have been disproportionately affected and sometimes left without protection against the effects of the crisis: children and youth, older persons, persons with disabilities, ethnic minority groups, and, migrants. Moreover, austerity measures have had an impact on rights, beyond social and economic rights, such as the access to justice, shrinking budgets for independent human rights institutions while they are facing an increase in complaints due to the crisis, and indirect impacts on freedom of expression/assembly. In a number of countries there have been anti-austerity demonstrations and trends towards curtailment of rights to protest.

Children are one of the target groups on which the Commissioner has focused during his country visits and has examined the impact of the crisis. He has inspected how social expenditures aimed at children and families have been among the first budgets to be cut. The Commissioner visited Estonia, Portugal and Spain and in all these countries he found out that cuts in child-care allowances and in social and healthcare budgets in general have led, not only to an increasing number of children having to live in poverty, but also in reduced access to adequate health and social services, including in particular mental health services.

Budgetary restrictions have also led to less inclusive educational policies, diminishing support for children in need of additional support and increasing the risk of exclusion for children most affected by poverty and other disadvantaged groups, such as children with disabilities, Roma children and migrant children. This situation can lead to growing school drop-out rates and more young people being out of the educational system. As a concrete example, in Portugal concerns were raised about a possible resurgence of child labour.

In Estonia, the Commissioner found that austerity budgets have had a negative impact on the capacity of child protection services to prevent child rights violations and provide assistance, and on support provided to children in alternative care. In Spain, he heard about fears from families that if they ask social services for support they might lose custody of their children. This is apparently particularly the case in families that have been evicted from their houses on grounds of non-repayment of mortgage. Housing evictions

have, in general, had a heavy impact on the lives of children, including in some cases homelessness and social exclusion.

In this context, the Commissioner has been advocating for strengthening social safety. He has also recommended that governments focus on long-term policies to reduce child poverty, because in a number of countries visited he found that governments elaborated emergency responses to the crisis in order to alleviate some of the most critical issues. Even if these policies were needed, such measures are not sufficient to address child poverty. These policies were often not very cost effective and there is a real need for long-term focus on anti-poverty policies specifically responding to the needs of children. The Commissioner has recommended that member states carefully monitor child poverty and design long-term strategies to tackle the root causes of child poverty.

The Commissioner also approached issues pertaining to the impact of the crisis on juvenile justice. He emphasised that current austerity policies should not lead to the weakening of juvenile justice systems, or postponement of measures to make justice more child-friendly in order to save money. On the contrary, he believes that times of economic crisis should be used as a catalyst to review existing policies with a view to making them both more cost-effective and more respectful of children's rights. We have seen that policies that are not compliant with human rights standards, such as the widespread detention of children in conflict with the law, are both costly and ineffective. Austerity budgets should be seen as an opportunity to better protect human rights, while saving money.

Additionally, when examining the impact of the crisis, the Commissioner has found that there is a general lack of transparency in the process of elaborating austerity measures as well as a lack of impact assessment, notably on vulnerable groups such as children. Therefore, he repeatedly insisted on the need to increase the involvement of civil society organisations, but also more urgently to empower independent human rights institutions to be able to respond effectively to challenges posed by the crisis. They represent an effective and accessible remedy, able to alert and advise governments on the impact of the crisis on particular groups and contribute to addressing challenges such as child poverty.

Ms. Kempf informed ENOC members that the Commissioner published a short report last year on the issue of safeguarding human rights in times of economic crisis. It is available on the Commissioner's website.

The Commissioner will continue to focus on these issues in coming years and on the rights of the child. He looks forward to seeing whether social and other policies respond better to the challenges posed by austerity measures. The Commissioner will continue to highlight the role played by NHRI on this issue and support independent children's rights institutions' work as much as he can.

PROF. HUGH FRAZER, CO-ORDINATOR OF THE INDEPENDENT NETWORK OF EXPERTS ON SOCIAL EXCLUSION, NATIONAL UNIVERSITY OF IERLAND

What do we need to do to tackle child poverty and social exclusion in the European Union?

The key message of Prof. Hugh Frazer's speech is that there is a real moment of opportunity to make progress on tackling child poverty and social exclusion and promote children's rights in EU thanks to a growing awareness of the scale of challenges faced and a growing fear for the future of the EU. Prof. Frazer asserted that unless the EU develops a social face rather than an economic face its future is at risk. The role of ombudspersons can be key in increasing pressure at political level to achieve change on policies that will benefit children, ensuring that opportunities will not be missed.

Prof. Frazer spoke about the extent and impact of child poverty and social exclusion in the EU. Today in Europe, one-in-four children are at risk of poverty and social exclusion; and children are significantly at greater risk than the rest of the population. The impact of the economic crisis has increased the proportion of children at risk of poverty or social exclusion. Particularly during austerity, some children are at higher risk, including Roma children, children from migrant/ethnic minority backgrounds, children with a disability, children in institutional care, and homeless children.

A decade of work on child poverty and social exclusion in the context of the European Union has provided evidence and reports and it is now clear that poverty damages children and puts their fundamental rights at risk. However, it is also important to recognize that poverty and social exclusion damages society by undermining social solidarity and cohesion. Poverty results in increased social costs, reduces economic productivity and leads to lower revenues from taxes. Therefore, all economists who dominate the dialogue at European level need to listen about child poverty and children's rights.

Prof. Frazer informed ENOC members that a strong EU framework now exists for tackling child poverty. The issue of social exclusion is now included in EU policies through the horizontal social clause (Article 9 in the Lisbon Treaty), introducing a legal basis for mainstreaming social protection and social inclusion objectives across EU and national policies. Moreover, the changes to Lisbon Treaty formally included children's rights on the EU agenda.

Prof. Frazer also mentioned the European 2020 Strategy, which has great potential and includes poverty as its target; the European Semester, which suggests mechanisms to put social exclusion on the agenda; the Commission Recommendation on "Investing in children – breaking the cycle of disadvantage", which is part of a broader social investment package bringing together a range of social policies and engaging people within the European Commission, several society organizations and member states.

However, the EU strong framework, which has been agreed across member states and by different actors, has failed to deliver adequately. The scale of what has been done is

not sufficient for the scale of the problem. The promise of including the social dimension of Europe within Europe 2020 has not happened yet. The efforts in most member states falls very far short of what is needed and tend not to be comprehensive or integrate all the rights and needs of children. The commission recommendation has still to make real impact and needs to be mainstreamed in the Europe 2020 Strategy.

According to Prof. Frazer, the political dynamic needs to change and political awareness needs to be much stronger. He shared with ENOC members some recommendations to make sure that children are at the heart of the mid-term review of the Europe 2020 Strategy:

- put a specific section for children every year in the Annual Growth Survey priorities;
- require all members states to have a specific section in their future Nation Reform Programmes about their actions to implement the Commission recommendation on investing in children;
- encourage member states to set specific sub-targets on child poverty and social exclusion;
- ask the Commission to propose more composite Country Specific Recommendations (CSRs) on child poverty and social exclusion;
- set an overall EU child poverty and social exclusion target to complete the overall target that already exists.

Prof. Frazer also emphasized the need to promote child well-being as a key part of the social dimension of the Economic and Monetary Union; to put child well-being at the heart of the Open Social Method of Coordination; to introduce child proof austerity policies; to enhance evidence-based policy-making and target setting; to strengthen a children's rights approach; to improve the balance between universal and targeted approaches; to enhance the exchange of learning and good practices; to reinforce stakeholders participation; and to maximize the use of EU funds for children.

At a national level, member states need to show much stronger efforts to tackle child poverty and social exclusion and to put the issue on the agenda. To help member states to be more efficient, Prof. Frazer recommended developing more networks and coalitions of people concerned about children's rights, poverty and social exclusion at national level, and to link all those organizations to push for political priority on those issues.

It is the more vulnerable social groups and the most vulnerable children who are victims of the consequences of the economic crisis and austerity. The opportunity needs to be seen and people involved in children's rights have to work together to eradicate child-poverty and social exclusion, rebuilding Europe as a social as well as an economic space. Ombudspersons and other actors have to insist on a social Europe that is fit for all children, which guarantees and protects their rights and wellbeing.

Children's Rights and Austerity

Prof. Aoife Nolan focused her speech mainly on the implications of the legal children's rights obligations that states have voluntarily assumed, even in times of austerity, by signing up to the UN Convention on the Rights of the Child. Since 2008 the dominant approach in Europe has been one of austerity. Data indicates that the specific issues faced by children in different countries, e.g. child poverty, are deepening and broadening in these times of crisis and have a serious impact on children.

Austerity measures can be defined as measures taken by a state towards reducing a budget deficit. In Europe, austerity measures have included public sector wage bill cuts, old-age pension reforms, the limitation of subsidies (food, fuel, housing) and cuts to social protection programmes that are hugely important for children who are particularly dependant on them. All of these measures have negatively impacted on children.

The UNCRC does not prescribe a specific economic model or political system. However, children's rights in the UNCRC say a lot about economic decision-making processes and outcomes. Children's social and economic rights (health, education, social security, housing) have been particularly affected by the crisis and austerity and have an especially strong link with economic policy-making outcomes related to child-poverty. There is a significant and growing gap between what the CRC requires and what is happening in terms of economic policy-making in many parts of Europe. The Committee of the Rights of the Child, looking at Article 4, as made it clear that:

- states must 'progressively realise' rights – states must show that they are moving as 'expeditiously and effectively' as possible to full realisation of rights;
- states must use the 'maximum' resources available to them, not just current allocations;
- states must ensure children enjoy minimum essential level of rights ('minimum core obligations');
- prohibition on deliberate retrogressive measures (i.e., backwards steps) except in very limited circumstances;
- the most vulnerable children must be prioritised in economic policymaking;
- economic policies must not have a discriminatory impact.

Prof. Nolan introduced some child-friendly alternatives to austerity. Firstly, moving from expenditure contractions to developing an economic concept of fiscal space e.g. re-allocating current public expenditures; increasing tax revenue through progressive taxation; (re)thinking monetary policy; borrowing or restructuring existing debt; and adopting a more accommodating macroeconomic framework. In order to integrate children's rights into EU policies, the EU could consider working towards establishing mechanisms requiring lenders (e.g., IMF, 'troika') to only lend to crisis-hit states that give significant guarantees to ensure children's rights. Finally, another measure to put in place in countries where assistance is going to be provided by a lender

is to include child rights impact assessments in the process. Ultimately, states must work towards ensuring children's rights compliance of social, budgetary and economic policy decision-making processes and outcomes through a continuous process of CRIA, child rights mainstreaming measures, and making sure the voice of the child is heard.

Prof. Nolan made recommendations addressed to Ombudsmen for Children to fight against the impact of austerity and poverty on the realization of children's rights.

At a domestic level, Ombudsmen have a key role in providing experts with analyses of austerity-related laws or policies from a children's rights perspective. Ombudsmen should also work with economists (think tanks/academics) to integrate human rights concerns into economic analysis in order to provide rights-focused economic models and analyses. Ombudsmen can fund, or provide amicus/third party interventions input into specific human rights (or equality law) challenges to austerity. Finally, Ombudsmen should continue the work they are doing with governments to integrate children's rights obligations into measurement frameworks, national action plans for human rights and the drafting and implementation of strategic plans/priorities relating to child poverty.

At international level, Ombudsmen can contribute by reporting to the Human Rights Council and shadow reporting to UN treaty-monitoring bodies, e.g. the Universal Periodic Review. Ombudsmen can also provide information to the European Committee of Social Rights to consider in its evaluation of state reports. Ombudsmen should continue to lobby European Union and Council of Europe institutions to ensure a rights-based approach to child poverty forms part of their work. Finally, Ombudsmen for children should make use of important forthcoming advocacy resources: the ComRC General Comment on Public Spending on Children's Rights (2015), and the OHCHR 'Towards a Better Investment in the Rights of the Child' (March 2015).

Inequality and Child wellbeing

Prof. Kate Pickett spoke about the impact of inequality on children and specifically income equality, comparing different societies using graphics to illustrate her ideas. The main message of her speech is that as inequality of income increases in a society, a whole range of health and social problems worsen significantly.

Child wellbeing is a nebulous concept: there is far-reaching discussion among academics about how to measure it. For a long time there was no way of comparing internationally how well children were doing. In 2007, UNICEF published an index of child wellbeing containing 40 comparable elements. According to the UNICEF index of child wellbeing, a country can have a very high level of child wellbeing and be rich like Norway. But a country can also be rich like the USA and have a very low level of child wellbeing. In the most equal countries (Sweden, Norway, Finland), the level of child wellbeing is very high. In more unequal countries, the level of wellbeing is very low. Income inequalities are associated with infant mortality rate, low birth rate, children being overweight, low educational achievement, poor relationship with their peers, experiencing more bullying, high level of teenage births and much lower levels of social mobility.

Concerning social mobility, measured in this instance by intergenerational income mobility, rich fathers tend to have sons who become rich and poor fathers tend to have sons who stay poor. The countries with the highest social mobility are Denmark, Finland, Sweden and Norway, and at the very bottom, the USA. There is a higher rate of social mobility problems in more unequal societies affecting everyone and not just the children of the poor. A number of years ago, researchers classified all the infant deaths in Sweden for a number of years using the English social class system to compare infant mortality rates in Sweden and England across different social class groups. Sweden has lower rate of infant mortality in every social class group. The difference is more pronounced at the bottom of society, but persists all the way to the top. It means that even in the very highest educational class, there is a health advantage to be in a more equal country.

There are three main possible facts explaining why children are so sensitive to inequality. First, there is the effect of relative poverty on children's material resources, which is more acute today because of the impact of austerity economic measures on the lives of children. However, the effect of inequality goes beyond poverty. There is a huge impact on family lives and relationships. Finally, there is children's direct experience of increased status differentiation: the social distance between people and class hierarchy is bigger in a more unequal society.

Inequalities become entrenched very early in life. It was shown in a study that when children are three years old, the ones with the least educated parents were 12 months behind those who had the most educated parents. Children

in families with incomes below our poverty line had scores about eight months behind those with incomes above it. Thus, before early childhood education (between ages three to five) this gap can already be seen opening up. Things that happen to children, whether before or after birth, have long-term effects on health and wellbeing. People who had a low birth weight are at high risk of cardio vascular diseases and diabetes later in life and low birth weights are passed on to the next generation. There are lifelong health effects resulting from inequality. There are also lifelong social effects; e.g. the social mobility.

According to Prof. Pickett, growing evidence means we are starting to understand how important income equality is. For almost all of us, whatever countries we come from, our countries are becoming more unequal. There are very few countries bucking that trend and they are mostly in South America. The experience of austerity economic policies is widening that gap. The only group that is benefiting from any economic growth for the moment are those who were already rich. The gap between them and the rest of us is growing, and growing with horrible consequences for our children and their futures.

« AUSTERITY BITES: Children's Voices »

“AUSTERITY BITES: Children's Voices” is a new media resource which forms an exhibition composed of 32 films (available on ENOC website: www.ENOC.eu) and realized with the support of the Council of Europe and the assistance of ENOC members and Ombudspersons for Children's offices in Greece, Italy, Belgium (Flemish), Belgium (French Community), Netherlands, Scotland, England and France.

“AUSTERITY BITES: Children's Voices” is a creative project engaging with 32 children and young people from eight principalities to hear from them what aspects of the austerity crisis are affecting their lives and the realization of their rights. The voices of children and young people are represented through a number of short audio and visual films created from still and moving images and audio representations of their experiences and views. It provides children with a channel to express their views through the creation of their own short films and animations.

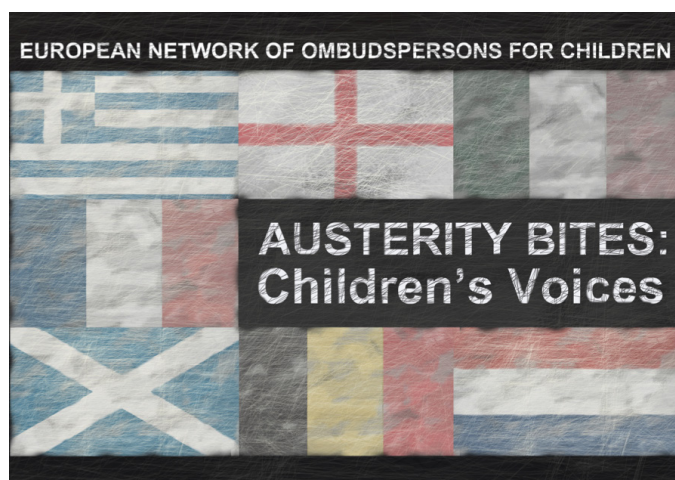
The 32 films were combined to form a unique maze-like, multi-screen exhibition shown for the first time to ENOC members and other participants during the ENOC 2014 Annual Conference in Edinburgh. Mr. Tam Baillie, Scotland Commissioner for Children and Young People and ENOC Chair-elect, introduced the exhibition along with a group of young people who participated in the realization of the project. Participants were guided by young people to walk together in complete silence through the exhibition and experience the 32 short stories played on a loop over a large number of monitors. Each film's audio was carried on individual audio channels and was used by individual delegates through their own headphone set. Each participant could choose his own journey through the screens, walking in silence between children's stories, and switching audio channels from one film experience to the next.

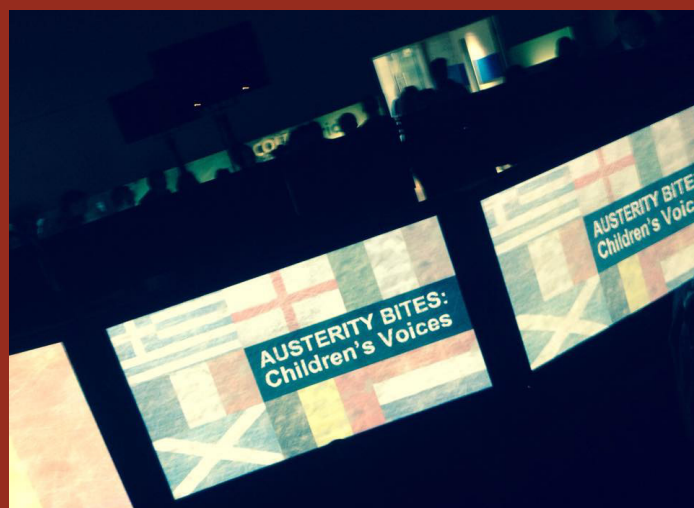
The viewing of the exhibition was followed by a workshop led by young people where Ombudspersons for Children shared their feelings and exchanged views on how austerity affects the realization of children's rights in their own countries. The exhibition was used as a basis for reflection for ENOC members producing the ENOC 2014 Statement on “Children and Austerity” on the last day of the conference.

After the conference, an exhibition tour was organized in order to give further life to the project and to the voices of

children. A second exhibition was organized in Brussels by the General Delegate for the Rights of the Child of Belgium (French Community) in collaboration with the Children's Rights Commissioner of Belgium (Flemish). Other ENOC members used or will use the films for events in their own countries, such as Northern Ireland, Italy, Catalonia (Spain) and Greece.

The children and young people's stories are available in digital format to enable wider access to the children's experience beyond a physical event or conference where stories are shared through monitors in an exhibition format. This new resource is accessible to the Council of Europe, the European Union and ENOC members for use in exhibitions, events, meetings and awareness-raising activities on screen as projections and through other digital technologies.





*Pictures: «AUSTERITY BITES: Children's Voices» exhibition,
ENOC Annual Conference, Edinburgh*

Workshop on the impact of austerity and poverty on the realization of children's rights

"Pupil transportation in special education" – BY MR. LIEVEN DE RYCKE, ADVISOR, CHILDREN'S RIGHTS COMMISSIONER'S OFFICE OF BELGIUM (FLEMISH COMMUNITY)

For years the Children's Commissioners Office received many complaints about school transport in special education. The problem is very complex and is much more than only a transportation problem and concerns the quality of the supervision, the quality of the bus drivers, the rules on the buses, the duration of the bus ride, etc. Moreover, inclusive education for children with disabilities is not very well established in Flanders. There is little school or pre-school care in special education. However complex, there are short-term measures possible that could improve the daily situation and wellbeing of these school children. Additional thinking is needed on how the right to school transport can be improved in the long term. Communication between supervisors, school and parents can be streamlined. Also, rules and agreements on the bus must be reconsidered in the short term. Training of supervisors and bus drivers can be improved.

"Poverty – an obstacle for the realization of children's rights or just an alibi for not working enough" – BY MS. IVANA MILAS KLARIC, OMBUDSMAN FOR CHILDREN OF CROATIA

Poverty is a phenomenon affecting all parts of the world causing a reduction in the level of protection of children's rights. The situation in Croatia is no exception. In her introduction, Ms. Ivana Milas Klaric displayed basic information about the Republic of Croatia: area, population, birth rate, unemployment rate and the level of gross national income. Such data allowed comparison with other countries. The central part of the presentation was related to the national strategy in the field of child protection and the various regulations governing social benefit, spending in education, health, etc. which are mainly related to the prevention and protection of children's rights. The last part illustrated the state of practice in terms of the implementation of those strategies and regulations, and the discrepancy between proclaimed principles and methods, and allocations for children, in practice.

"Hungary Ombudsman's work related to poverty in early childhood" – BY MS. AGNES LUX, DEPUTY HEAD OF DEPARTMENT, OFFICE OF THE COMMISSIONER FOR FUNDAMENTAL RIGHTS, HUNGARY

Ms. Agnes Lux spoke about the issue of inequalities in early childhood. A comprehensive ex-officio investigation found serious inequalities in access to basic services in the fields of education, health-social care. The investigation's background was based on the Report Card 10, UNICEF Innocenti (2012), which states that every third child is in need in Hungary, and also on the National Social Inclusion Strategy analysis, which states that 21% of Hungarian children (~ 380.000 people) are living in poverty. There is a (sub)regional gap in access to adequate healthcare and social services in Hungary. In the most deprived regions (e.g. North-Eastern Hungary) there are problems of access for children (0-6y) to nursing services and many villages employ no paediatrician. There is no interdisciplinary (for social-, healthcare-, child protection-, justice-, education professionals) definition of or common understanding of "being at risk / maltreatment". Ms. Lux also addressed the situation of Roma settlements. The ombudsman visited four villages (Oroszlány, Kázmárk, Baktakék, Nyírmihálydi) with Roma settlements in North-Eastern-Hungary. In his report, he stated that there are poor living conditions in general. Children are facing segregation at school (there were schools identified with 100% Roma pupils), and are living in a vicious circle of their parents' unemployment and generally poor conditions (trans-generational poverty). Child protection professionals are fewer than in other parts of the country and they are grossly underpaid and under-respected in these regions.

"The determination of the basic level of benefits relating to civil and social entitlements to be guaranteed throughout the national territory to children" – BY MS. STEFANIA PIZZOLLA, ADVISOR, AUTHORITY FOR CHILDREN AND ADOLESCENTS, ITALY

Italian Constitutional requirements in accordance with the provisions of Law 112/2011 setting the authority for the most relevant indications of international bodies, require that the authority work together with national NGOs to determine the basic level of civic and social entitlement benefits guaranteed to children throughout the national territory. Though they are mentioned in the Constitution, they have not yet been determined. The lack of basic level benefits has consequences for geographical, social and economic inequalities in accessing to services in Italy; inequalities that increase with the financial and economic crisis.

“The impact of austerity and poverty on the realization of children and young people’s rights in Latvia” – BY MR. JURIS JANSONS, OMBUDSMAN FOR CHILDREN OF THE REPUBLIC OF LATVIA

Mr. Juris Jansons shared his concerns about the most vulnerable population groups (children, disabled people, seniors, new families) affected by austerity measures in Latvia. Austerity measures should not affect such services as health care, education and social security. Mr. Jansons addressed the most important consequences of the austerity policies that have affected Latvia. He spoke about the emigration of parents when children are left without parental care by parents who have no other choice but to find employment abroad. The emigration of families where tens of thousands of families have moved to live abroad together with their children and children’s rights to preservation of identity, cultural background and native language may be violated. Parents’ inability to support their children, when many parents are not able to support their children - even to a minimum standard. Also, children’s separation from their family due to unfavourable social environment when unemployment leads to alcohol abuse, domestic violence, child neglect, failure to perform duty of care and may lead to children separating from their families due to unfavourable social environments. Another major concern is the violation of socially disadvantaged children’s rights. The lack of specialists in municipalities is also an important factor affecting the implementation of children’s rights in Latvia. The impact of financial and economic crises has affected children’s overall situation in every aspect of life, taking in a wide range of their civil, political, economic, social and cultural rights included in the UN Convention on the Rights of the Child.

“Observations and recommendations of the network of ombudspersons for children in southeast Europe (CRONSEE) on the impact of the economic crisis and austerity measures on children” – BY MS. NATASA JOVIC, ASSISTANT SECRETARY GENERAL, OFFICE OF THE OMBUDSMAN OF THE REPUBLIC OF SERBIA

Ms. Natasa Jovic informed ENOC members about the observations and recommendations of the ombudspersons for children in Southeast Europe. The Serbian ombudsman was this year the coordinator of the Network of Ombudspersons for Children in Southeast Europe. The annual conference of the network was devoted to the same problem affecting all citizens in Europe, and especially ombudspersons for children – the economic crisis and austerity measures and their impact on children’s lives. The southeastern region of Europe shares the same issues and common fear that children are the population that suffers most, facing the most difficult consequences of economic crisis and restrictive economic measures. Therefore, our conclusions, opinions and positions are more or less the same.

In the first workshop related to **the situation of vulnerable children, Belgium (Flemish)** spoke about the prohibition of publication about youngsters under a measure of the juvenile court. When children are placed under restrictions by a juvenile court, law forbids that children are presented in a way in which they could be identified in the media. Some children complain that they feel this ban is unfair; it restrains them in the way they want to bring their story. The Children's Commissioner's office does not question the principles of the publication ban. However, an adequate protection mechanism is necessary because of the number of ambiguities and inconsistencies in the application of this prohibition. Therefore, it is important to open a debate about the absolute nature of the prohibition. In addition, any vulnerable child needs protection when in contact with the media. They have the right to be informed about the objectives and possible impact of their cooperation. Journalists and programmers should become more aware of children's rights. Some alternatives and possible solutions are: a legislative amendment allowing the juvenile courts to mitigate the absolute publication ban; additional information to interpret the law more clearly; a stricter prosecution policy in violation of the law; a more active role for the Council for Journalism; and attention to vulnerable children in the Code of Journalism. **Croatia** presented the initiatives of the Ombudsman for Children in Croatia and progress achieved regarding the rights of children of imprisoned parents. Children of imprisoned parents suffer the consequences of their parents' behaviours and need help in coping with the effects of parental arrest, court proceedings, imprisonment and release/return back from prison. A key task for the Ombudsman for Children is to point out the importance of protection for this group of children and to encourage those who participate in their care – or make decisions directly or indirectly affecting children – to take a proper approach, show special sensitivity, and protect such children from further trauma and stigmatization. **Netherlands** introduced the latest research report of the Dutch Ombudsman for Children on the prevention of child abuse (May 2014), showing that a large majority of local policy plans lack important prevention targets, despite the fact that municipal authorities have been notified of these intensively since 2008. Most municipal authorities have too little oversight of both abused children and of known risk groups. In addition, there is too little monitoring of results, such as the scope and effect of the programmes deployed. The CRC implies an obligation on central government and municipal authorities to adequately protect children against abuse. Priority should be given to shaping local policy and monitoring (prevention) child abuse. Municipal authorities are already responsible for the prevention of child abuse. From 1 January 2015, in addition to responsibility for prevention, municipal authorities will acquire full responsibility for investigating potential child abuse situations and assistance for parents and abused children. **Spain** talked about an initiative of the Ombudsman for Children of Galicia regarding the use of Internet and new technologies among adolescents. In 2013, the Ombudsman promoted the creation of a working group composed of experts from different disciplines (psychologists, educators, paediatricians, psychiatrists, lawyers and communications professionals) to provide a deeper analysis of the issue. **Denmark** shared the results of an interview-based investigation performed by Børnerådet into the lives of children and young people in psychiatric treatment. The purpose was to identify and promote improvements in the wards and in treatment conditions. **Russia** addressed the issue of protection of the rights of socially vulnerable groups of children in Russia in the current situation.

In the workshop focused on **promotion of children's rights, Ukraine** covered the topic of protection and promotion of children's rights in Ukraine. **Hungary** presented the Hungarian Ombudsman's comprehensive investigation of 2008 about children's rights and awareness-raising in the Hungarian public education system. **Republic of Latvia** spoke about the several promotional measures regarding socio-economic rights to minimize the impact of austerity and poverty on the realization of children and young people's rights. There is direct coverage of upbringing-related expenses: a tax relief system aiming to compensate the costs related to the child's upbringing and is beneficial also for employed parents; state supports when parents are unable to maintain the child; and additional specific promotion mechanisms for large families. **Malta** introduced "My Rights", which is a publication produced by the Office of the Commissioner for Children. It aims to create awareness of the UN Convention on the Rights of the Child and explains their rights as enshrined in the Convention in a child friendly manner. The publication targets children between the ages of 10 and 12 and encourages them to talk about their rights at home, at school and with friends. **England** provided an update on the Office of the Children's Commissioner for England's work in two strands – poverty and disability work and new work on very young children in poverty.

In the workshop related to the subject of **participation, Belgium (French Community)** presented the project “Let’s Speak Young” created by the General Delegate for the Rights of the Child and several other partners. It aims to give to young people the opportunity to raise their voices on subjects that concern them and affect their lives; e.g. the Syrian conflict, poverty, politics and education. The idea is to bring together a dozen young people and give them all the modern tools of communication (audio, video, web, written press), to coach them in how the media works and facilitate their meetings with experts and journalists. The main goal is to allow them to participate in a public debate from which they are normally excluded simply because they are children. **Catalonia** spoke about complaint procedures for children in foster care families. **Greece** introduced a collaboration between the Deputy Ombudsman for Children and the Adolescents’ Parliament discussing and promoting a new regulation on the operation of a pupils’ council. **Sweden** developed its project “Young Speakers”, which is a method for listening to children. The core idea of Young Speakers is that children are experts in their own situation and can provide valuable insights by sharing their experiences and opinions.

In the workshop gathering **other subjects related to the rights of the child, Azerbaijan** described the initiative of the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan in co-operation with the Ministry of Education to develop a hierarchic human rights eplan on teaching child rights at secondary schools. It is applied with the active participation of children. **Italy**’s presentation was about the production of an information kit addressed to unaccompanied children, developed with the active participation of unaccompanied children, and in consultation with public institutions and NGOs. It aims to provide unaccompanied children with more information in order to help them overcome their fears. Furthermore, Italy presented relevant information about co-operation following the Memorandum of Understanding with the Ministry of Interior – Department for Public Security. **Republic of Slovenia** described their pilot project “The child advocate – The voice of the child” administered by the Human Rights Ombudsman of the Republic of Slovenia. The project is aimed at strengthening the voice of the child in all procedures involving children in which parents, as their legal representatives, are not capable of representing them or able to represent them appropriately. By appointing an advocate, children are afforded greater opportunity for their opinions to be considered, primarily in family matters in cases of divorce, and also as regards foster care.

SECOND SESSION: VULNERABLE CHILDREN, VIOLENCE, FAMILY & ALTERNATIVE CARE, HEALTH & WELL-BEING

In the second workshop focusing on the issue of **vulnerable children, Ukraine** shared its concerns regarding the protection of vulnerable children. **England** updated ENOC members on the Children’s Commissioner for England’s enhanced and strengthened powers and remit, provisions for children and young people in Section 8A of the Children and Family Act 2014, and the work the office carries out for this group of children. **Italy** gave information about interesting and innovative measures provided in the Memorandum of Understanding recently signed by the Italian Authority with the Minister for Justice and the non-profit association Bambinisenzasbarre (member of the European network Children Of Prisoners Europe) for the promotion and protection of the rights of children of imprisoned parents. **Republic of Serbia** presented the Serbian ombudsman’s activities regarding children who live and/or work on the street (“street children”). The position of these children is one of priorities in the Ombudsman’s work. In 2011, the Ombudsman conducted an investigation of child-begging in Serbia, which was the first comprehensive investigation conducted by a state authority. The special report, which followed the investigation, issued a number of recommendations aiming to better protect these children. Bearing in mind that three years have passed, the Ombudsman has begun new activities. Among the first was a panel of young advisors who approached these children in their settlements and through shelters such as drop-in shelters in Novi Sad and Belgrade. The Ombudsman for Children in **Sweden** talked about the issue of children with mental health problems. The Ombudsman’s 2014 annual report is based on conversations with more than 60 children and adolescents who had sought professional help to deal with their mental health problems, in order to learn about their observations and perceptions of the professional help that is available to them. The report sheds light on the various types of assistance and treatment that authorities and care providers offer to this group of children and adolescents.

In the workshop related to **violence against children, the Cyprus** Commissioner presented her campaign aiming to stop bullying in schools. The initiative was based on giving the children the right to participate. The Commissioner has undertaken and implemented this campaign in close collaboration with the Young Advisors Team (YAT). Following a training workshop to obtain an understanding of the experience of bullying and consultation the YAT’s action plan was carried out in three stages: participation at the Commissioner’s Annual Celebration Event of the 20th of November; advocacy by the Minister of Education and Culture and a public awareness-raising campaign along with the Commissioner’s office. **Estonia** informed ENOC members of the Estonian Ombudsman for Children’s activities to fight bullying at school. The Ombudsman began his work on bullying by organising a round-table meeting last year involving all interested parties. The Ombudsman’s office had several meetings with children to ask their opinions about bullying and how should the topic of bullying be tackled. Last year the Ombudsman also gathered a team of specialists who put together a step-by-step practical guide for all those involved in and affected by bullying. The Ombudsman, together with the Estonian Child Welfare Union (Lastekaitse Liit), organised a conference: “Education free of bullying”, in April. Currently, the Ombudsman’s office is putting together a website “Let’s get schools free from bullying” which will include practical links and materials for children, parents, teachers and anyone else interested in the topic. Today, thanks to the initiative of the Ombudsman, all the NGO’s that deal with the topic of bullying (offering programs and tools to fight bullying) have joined efforts and are trying to put together a common platform to fight

bullying in all Estonian schools. **France** analysed a drama (the Marina case) in order to contribute in reinforcing the struggle against maltreatment. **Georgia** talked about the issue of violence against children in school and in families with divorced parents. In school, generally problems remain in terms of child abuse prevention, victim protection and assistance. In 2013 the number of appeals to the Public Defender of Georgia on issues of physical and psychological abuse of children in public schools increased considerably compared to previous years. It is important to improve school personnel's skills in order to identify cases of violence against children. Concerning family, in 2013 the problem hindering the realization of the child's right to live and grow up with both parents was the absence of a comprehensive mechanism for the enforcement of court decisions made recognizing the rights of the child when defining his/her place of residence and ensuring protection of his/her rights and best interests.

In the workshop centred on **family and alternative care**, **Catalonia** presented a report written by the Catalan Ombudsman's Office, which highlights the shortage of foster families, the externalization of foster care services and the lack of follow-up and monitoring. The report makes recommendations to address this situation and ensure that children have the most appropriate placements. **Greece** shared the Greek Ombudsman's main findings and recommendations regarding care institutions for children. Since 2003 the Ombudsman has visited 32 (out of 35) public care institutions for children and 40 children care institutions belonging to NGO's or the church. The Ombudsman has received and investigated around 40 complaints concerning childcare institutions. **Ireland** informed ENOC members about the Irish Ombudsman's meta-analysis of children in care cases. **Netherlands** spoke about the decentralization of youth care. In January 2015, a fundamental administrative reorganisation will take place in the Netherlands. Tasks that have been the responsibility of national or regional government(s) will then become the responsibility of individual municipal authorities. This operation is referred to as the 'decentralization'. It involves the performance of youth care (voluntary and mandatory), specialised treatment and psychiatric care for youth, youth probation, foster care and youth health care. Although municipal authorities will become responsible for a large number of tasks regarding levels of care for minors, the central government remains responsible for compliance with the Convention. The central government regularly refers to its 'system responsibility' starting in January 2015, but has not yet specified what this entails. **Poland** covered the subject of the foster care system in Poland, including changes in recent years and Ombudsmans' actions in this field such as participation in creating new law on foster care, actions aiming to support biological families, participation in the process of deinstitutionalization of foster care, co-operation with NGOs aiming to personalize foster care assumptions, problematic aspects, and realization and actions aiming to improve adoption systems.

In the workshop focusing on **health and wellbeing**, **Croatia** talked about the issue of parental refusal of immunization for their children in Croatia. There are various international documents, as well as national regulations governing patients' rights. One of them is the right to refuse medical treatment. The UN Convention on the Rights of the Child, as well as basic national legislation governing parental care in Croatia (Family Act) defines the responsibilities, rights and duties of parents in terms of child protection. Following these documents, parents are asked to care, before all, for the life and health of the child. What principles come into conflict if parents refuse to vaccinate a child? Do parents have the unlimited right to make decisions relating to children? What is the duty of the society / the state in case of a suspicion that a parent causes harm to the child's health? These questions have been very topical lately in the Republic of Croatia, and the trend for refusing vaccination of children is growing. The Ombudsman for Children in Croatia has received a growing number of complaints on this issue, from all sides: parents, health care workers and social services. **Malta's** presentation covered the subject of internet safety resources. The Office of the Commissioner for Children forms part of the Maltese Safer Internet Centre which is co-funded by the European Commission's Safer Internet Programme. The Safer Internet Centre is made up of an awareness centre, which aims to create awareness about the safe use of new technologies as well as a hotline and a helpline where children and adults can call for help or to report abuse. The main role in this internet safety campaign is to create awareness and to co-ordinate the youth panel. In response to the increase in the use of social media by children and young people, the Office of the Commissioner for Children produced a set of resources to raise awareness in children and young people about the safe use of social media. The office produced tip sheets on Facebook, Ask.fm and Snap chat. The office has been asked by several European Safer Internet Centres to reproduce these tip sheets in their own languages. **Norway** focused its presentation on health services provided to children in the country.

BY MR. PETER NEWELL, CO-ORDINATOR, GLOBAL INITIATIVE TO END ALL CORPORAL PUNISHMENT OF CHILDREN

State of the issue of violence against children in the world

Mr. Peter Newell spoke to ENOC members about the issue of violence against children throughout the world. Persisting social and legal acceptance of the violent punishment of children does not just undermine and contradict child protection; it reflects very symbolically the low status of children as individuals and rights holders.

In 2008, the Council of Europe launched a campaign for universal prohibition across the 47 member states. It is now over halfway to the target. At the end of last year the former Yugoslav Republic of Macedonia joined the list of member states with a full ban, and Malta was added early this year, making 25 out of the 47. Encouragingly, at least another ten countries have made formal public commitments to achieve a ban. That leaves just 11 countries which have neither achieved a ban nor committed to one: seven of them do have an ENOC member institution.

Globally, prohibition has accelerated from the pioneering ban in Sweden in 1979, to four states by 1990, eight by 2000, 28 by 2010 and 41 today. There is particular momentum in Latin America with Brazil, Bolivia and Argentina prohibiting in the last few months and other states on the way. In fact, Latin America could beat Europe to become the first region to achieve a universal ban.

It sounds encouraging, but still only nine per cent of the global child population live in states where the law gives them equal protection from being hit and deliberately hurt³⁹ states still allow their courts to sentence children as young as ten to whipping or caning in their penal systems. More than 70 still authorise corporal punishment at school.

Some, including governments in Europe, suggest that general provisions prohibiting “violence” against children or “abuse”, or “cruelty” are adequate, although they know perfectly well that given the overwhelming traditional social acceptance of physical punishment, such laws are not interpreted as prohibiting all forms of violent punishment, so they do not send the essential clear message.

As the European Committee on Social Rights stated in its decision on a collective complaint: the Global Initiative To End All Corporal Punishment Of Children, taken against Portugal in 2006, the law “must be sufficiently clear, binding and precise, so as to preclude the courts from refusing to apply them to violence against children”.

Some people are still suggesting that this change should be achieved by education, not legislation. This denies children the right to full respect for their human dignity and physical integrity and to equal protection under the law. It also denies that the law is a most potent instrument for social change. Ensuring that the criminal law on assault applies equally to assaults on children, whether or not disguised as discipline, is the only safe and just foundation for child protection and for the promotion of positive, non-violent relationships with children. In many states now physical punishment of children is the only legalised form of inter-personal violence. But of course, law on its own will not achieve the necessary urgent change in the social norm: it has to be linked to sustained public and parent education on the law and on the child’s right to full protection, awareness-raising of the dangers of corporal punishment and promotion of positive, non-violent discipline.

Sweden was the first state to achieve an explicit ban in 1979, and to celebrate the 35th anniversary, in June this year it hosted a high-level inter-governmental meeting in Stockholm to bring together ministers and senior officials from the “good” states which have achieved or are committed to a ban, to discuss how to collaborate to speed progress. Austria agreed that it would host a similar conference in 2016.

Mr. Peter Newell offered ENOC members his help to provide suggestions on ways that states with a ban can help to speed change, and how ombudsmen could encourage them to do so.

This is one significant and symbolic children’s rights issue on which there is real and accelerating progress – more than a fifth of the world’s states have a clear ban. But how much longer children have to wait will depend on how active and effective the advocacy is.

Collaboration between ENOC members and COPE

Ms. Kate Philbrick, board member of Children of Prisoners Europe Network (COPE), informed ENOC members that children of prisoners, particularly in these times of austerity, have a unique set of challenges and the separation anxiety they often experience can be damaging to their development.

Children with a parent in prison, like other marginalised children, are often at greater risk of discrimination, social exclusion and increased poverty. The impact of a parent's incarceration on children's lives, whether the mother or father is in prison, is affected by the operation of prisons and criminal justice systems. Children may suffer of instability and disruption of the vital parent-child bond; for example, they may witness their parent's violent arrest or be bullied at school.

COPE, with its network of European partners active within prison-related, child's rights and child-welfare fields, seeks to boost awareness and achieve new ways of thinking, acting and interacting on issues concerning prisoners' children. COPE aims to keep the child's best interests at the heart of its actions: from his/her parent's arrest, through sentencing to imprisonment and release from prison.

Ms. Philbrick pointed out the benefits for children of prisoners in Europe arising from a closer collaboration between ENOC members and COPE. In several countries, ombudspersons have made significant strides towards ensuring the rights and improving the situation of children of prisoners in Europe. COPE's work has benefitted from these initiatives. She specifically referred to the work done with Croatia, where the Ombudsman for Children is a member of Children of Prisoners Europe. Finally, Ms. Philbrick suggested that ombudspersons for children could assist COPE in promoting data collection of the numbers of children of prisoners. The current lack of reliable data on the real numbers of children affected by parental imprisonment hampers progress in meeting their needs.

ANNEXE:

ENOC 2014 Position Statement on « Children and Austerity »

European Network of Ombudspersons for Children (ENOC) Position Statement on 'Children and Austerity'

'We want to play our part in shaping a bright future for the towns and cities in which we live. Can we do this in this time of crisis?'¹

We, members of ENOC as Independent Children's Rights Institutions (ICRIs), express our deep concern regarding the impact of austerity and poverty on the realisation of children and young people's rights. The recent financial and economic crises and state responses to them have had significant detrimental effects on children's enjoyment of a wide range of their civil, political, economic, social and cultural rights under the UN Convention on the Rights of the Child (CRC). Living in poverty does not simply affect children's experience during childhood, it also frequently serves to curtail the life chances available to them as adults.² Indeed, given the linkage between child poverty and child mortality, living in poverty will sometimes result in children not reaching adulthood at all. The child rights impacts of child poverty, including poverty created or exacerbated by fiscal austerity, are thus wide-ranging and both short and long-term in nature.

While poverty-caused child rights violations have always been an issue in European countries, it is clear that the recent financial and economic crises have resulted in an increase in levels of child poverty and social exclusion in a number of European countries.³ Post-crisis child poverty in many countries has increased even more sharply than poverty rates among the general population.⁴

The Council of Europe Parliamentary Assembly has stated that it is 'appalled by the regular reports coming from various countries of Europe about undernourished children, children being left without parental care by parents who are obliged to find employment abroad and the resurgence of child labour, not to mention lower participation and performance rates of many children in secondary

1 Yannis, age 11, Belgium, Contributor to ENOC Participation Project – 'Austerity Bites: Children's Voices'.

2 Innocenti Research Centre, [*Child Poverty in Perspective – An overview of child well-being in rich countries: A comprehensive assessment of the lives and well-being of children and adolescents in the economically advanced nations*](#) (UNICEF, 2007) 5.

3 European Commission, Commission Recommendation of 20.2.2013 on '[Investing in Children: Breaking the Cycle of Disadvantage](#)', 3.

4 Council of Europe Commissioner for Human Rights, '[Safeguarding Human Rights in Times of Economic Crisis](#)' (COE, 2013) 23

education’.⁵ Based on our experience in our respective countries, ENOC members strongly reiterate this concern.

In addition to the effects of parental unemployment and diminished family incomes that result directly from the crises, a range of common post-crisis fiscal ‘austerity measures’ have impacted negatively on children’s rights in different European countries. These include, amongst others, cuts to social services and social protection programmes, the limiting of subsidies, public sector wage bills reforms, and increases in consumer-oriented taxes on basic goods.⁶ Cuts to social spending have inevitably impacted heavily on children who are particularly dependent on social programmes and services.

Rights that have been affected by child poverty and the exacerbating effects of austerity include the rights to an adequate standard of living including food, clothing and housing, to education, to the highest attainable standard of health, to legal assistance, to play, to express their views, to benefit from social security, to family life, to alternative care, to protection from all forms of physical or mental violence, and a wide range of disabled children’s rights.⁷ This is made clear by the contributions of the children who have provided input into this Statement on how their lives and societies have been affected by poverty and the economic crisis.⁸

Article 4 of the CRC requires States Parties to ‘undertake all appropriate legislative, administrative, and other measures for the implementation’ of CRC rights. When the right at issue is economic, social and cultural in nature, States must ‘undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation’. As such, resource constraints provide no excuse for violations for civil and political rights. Nor are they a justification for discrimination or a failure to ensure equality of rights enjoyment for different groups of children.

⁵ Council of Europe Parliamentary Assembly, Resolution on ‘[Ending Child Poverty in Europe](#)’, Resolution 1995 of 2014.

⁶ UNICEF, ‘[A Recovery for All: Rethinking Socio-economic Policies for Children and Poor Households](#)’ (UNICEF, 2012).

⁷ For more on this, see Eurochild, ‘[How the Economic and Financial Crisis is Affecting Children and Young People in Europe](#)’, UNICEF, ‘[A Recovery for All](#)’, COE Commissioner for Human Rights ‘[Safeguarding Human Rights](#)’.

⁸ See the statements provided by children as part of the ENOC Participation Project, ‘Austerity Bites: Children’s Voices’, which will be available at: <http://www.sccyp.org.uk/enoc/>.

When it comes to economic, social and cultural rights, States can only justify a failure to achieve those rights where the real financial, human, technological and other resources available to them (including through international cooperation in the form of loan assistance) are demonstrably inadequate. States must prioritise the most socially deprived children in their economic policymaking. Even where the full realisation of rights is impossible due to a lack of resources, States are required to move as expeditiously and effectively as possible towards that goal. Where a state seeks to take backward steps (or ‘retrogressive measures’) in terms of the achievement of an economic, social and cultural right, it must be able to demonstrate that it has undertaken careful consideration of all alternatives, including giving due weight to children’s expressed views on the issue, and that its decision is justified bearing in mind all of the rights in the CRC.

States parties are the primary duty-bearers under the CRC. However, the impacts of austerity and poverty on the realisation of children and young people’s rights have also resulted from the activities and decisions of non-state actors, including inter-governmental organisations, central banks and credit rating agencies. ENOC emphasises the importance that the role of such actors be recognised when considering measures to address post-crisis child poverty.

The Committee on the Rights of the Child has made clear that States that are engaged with international development, finance and trade organizations must take all reasonable actions and measures to ensure that such organizations act in accordance with the Convention in their decision-making and operations.⁹ This extends to inter-governmental organisations such as the EU and international financial institutions such as the International Monetary Fund (IMF). ENOC notes with regret the failure of the European Commission and the IMF to carry out child rights impact assessments of the agreements concluded with Eurozone States as part of bail-out or loan assistance arrangements, which could have served as a key tool in avoiding or ameliorating the severe impact of state performance of those agreements on children’s rights.

Recommendations

- 1) ENOC strongly recommends that all national actions in line with the Council of Europe Parliamentary Assembly Resolution on ‘Ending Child Poverty in Europe’ and the European Commission Recommendation on ‘Investing in Children: Breaking the Cycle of Disadvantage’ be child rights-based and compliant.

⁹ [General Comment No. 16 \(2013\) on State obligations regarding the impact of the business sector on children’s rights](#), UN Doc. CRC/C/GC/16, para 48.

- 2) ENOC recommends that the Council of Europe Children's Rights Strategy to be finalised in 2015 should include a focus on child poverty and the ongoing effects of the crises (including austerity policies), as should the successor to the European Union (EU) Agenda on the Rights of the Child.¹⁰ ENOC calls on the European Union to ensure that children's rights are effectively mainstreamed in all EU processes and measures that relate directly and indirectly to child poverty (including social, health, education and employment policies). This should occur during the formulation, implementation, monitoring and evaluation stages of such.
- 3) ENOC recommends that all European States prepare and adopt a national Comprehensive Strategic Plan to combat child poverty and social exclusion. This must be informed by the views and experiences of children, particularly those living in or at risk of poverty. This Plan should be part of a greater National Plan of Action on the Rights of the Child, which should have a timetable, quantifiable goals and an implementation and monitoring mechanism. The responsibilities of relevant sub-national and supra-national bodies must be clearly identified and the performance of such monitored effectively.
- 4) ENOC recommends that all European States and Institutions ensure that they collect sufficient, reliable and appropriately disaggregated data on children. This data must serve as the basis of evidence-policy-making in the context of child poverty.
- 5) ENOC recommends that all European States should establish 'children's budgets' which entail the identification and analysis of resources for children in national and sub-national budgets. This is necessary to ensure the effective monitoring of resource decision-making related to children.
- 6) ENOC recommends all European States ensure that all their policies, laws, and practices are compliant with the relevant instruments on the protection of children, in particular the CRC. This includes all budgetary and economic decision-making processes and outcomes at the national and sub-national levels. This will entail a continuous process of child rights impact assessment as well as child rights mainstreaming measures.
- 7) ENOC recommends that all national and sub-national public spending and other resource decision-making must be carried out so as to prioritise the needs, rights and best interests of children, with a particular emphasis on children experiencing or at risk of social exclusion. This includes such decision-making in contexts of financial and economic crisis or emergency.

10 Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, ['An EU Agenda for the Rights of the Child'](#), COM(2011) 60 final.