



European Network of Ombudspersons for Children

18 November 2021

Dear Secretary-General Guterres,

The European Network of Ombudspersons for Children (ENOC) strongly endorses the statement from Child Rights Connect *on Mainstreaming child rights: a call for a UN-wide strategy on child rights in response to "Our Common Agenda"*¹. As 43 Independent Children's Rights Institutions across the Council of Europe area we have consistently advocated for child rights mainstreaming at the national, European, and International levels.

We welcome your Executive Office's response to Child Rights Connect and note your decision to develop a Guidance Note on child rights mainstreaming in the framework of your Call to Action for Human Rights². ENOC and our young advisers in particular have worked on factors central to children's rights mainstreaming in recent years and have demonstrated the elements required for a Children's Rights Approach in areas relevant to the work of the UN across its different agencies and work streams, including mental health, the digital environment, budgeting, and equitable access to education, among others. This is an important opportunity for us to help ensure that your Guidance Note can have the greatest possible impact on ensuring children's rights are respected, protected, and fulfilled in UN programmes, policies, and practices and at the national and local levels.

As Independent Children's Rights Institutions we are established in compliance with the Principles relating to the Status of National Institutions (The Paris Principles) and UN Committee on the Rights of the Child General comment No. 2 (2002): The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child. A core part of our role is to work with international bodies to ensure and improve international standards for children's rights.

We share the concerns of our civil society colleagues that there has been a failure to take a holistic approach to children's rights at the European and UN levels to date. We are working closely with the Council of Europe and the European Union to focus attention on the mainstreaming of children's rights and urge the UN to ensure it takes a comprehensive, multi-level, cross-agency approach to doing so as it increases its focus in this area. The work of our European Network of Young Advisers has consistently highlighted the lack of effective

¹ https://www.childrightsconnect.org/wp-content/uploads/2021/09/positionpaperourcommonagenda_crcnct_final.pdf

² https://childrightsconnect.org/wp-content/uploads/2021/10/letter_asg_response.pdf



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participation of children and young people at all levels of decision making³. We welcome your recognition of the significance of child participation in the UN and of the importance of the rights of future generations, especially climate justice, and encourage you to build upon the strong foundation laid by the UN Committee on the Rights of the Child, the Special Representative to the Secretary General on Violence Against Children, and the Office of the High Commissioner on Human Rights and ensure other UN entities systematically engage with children and young people in decisions concerning them.

ENOC supports the approach to child rights mainstreaming outlined by Child Rights Connect to include actions such as:

1. Furthering the realisation of children's rights through the holistic use of the UN Convention on the Rights of the Child (UNCRC), its Optional Protocols and other international human rights instruments;
2. Recognising that children are a distinct group of rights holders with a bespoke set of rights and a special status in society;
3. Empowering all children to know, exercise and claim their rights;
4. Strengthening the capacities of States, as duty bearers, to fulfil their obligations to ensure the promotion, protection and fulfilment of all UNCRC rights, including accountability and access to justice;
5. Recognising children as key actors of civil society with a specific right to be heard and participate in public affairs.

ENOC has consistently called for all international and European institutions, States, national and regional governments, local or municipal authorities and all other relevant authorities to respect, protect and fulfil children's rights at all times, and to adopt the five principles of a Children's Rights Approach⁴:

- **Embed Children's Rights:** Embed children's rights in legislative, policy and budgetary decision-making, and all actions, so that children's rights are given priority at all times, including in times of public emergency;

³ https://enoc.eu/?page_id=179

⁴ <https://www.childcomwales.org.uk/wp-content/uploads/2017/04/The-Right-Way.pdf>



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- **Equality and Non-discrimination:** Ensure that decisions and actions at all levels do not adversely discriminate against children and/or specific groups of children (and future generations) at any time, including in times of public emergency;
- **Empower Children:** Enhance children's knowledge and understanding of their rights, through education and information, so that children can exercise and take advantage of their rights, including in times of public emergency;
- **Children's Participation in Decision Making:** Ensure that children's views are heard and given due weight in any decision-making process that directly or indirectly affects them, so that their views are fully taken into account in times of public emergency.
- **Accountability to Children:** Ensure that government at all levels and public organisations are accountable for how they comply with children's rights at all times, including in times of public emergency.

Over the last few years, the annual work programme of ENOC and of our young advisers has focused on several areas central to mainstreaming children's rights. For example, in 2020, we developed a position statement and Common Framework of Reference for carrying out Children's Rights Impact Assessments (CRIA) and Children's Rights Impact Evaluation (CRIE) to allow ENOC members but also relevant International, European, national, and regional stakeholders to develop and implement CRIAs as a standard practice⁵. These processes support a systematic assessment of the impact on the rights, needs and interests of children and young people affected by decisions and actions of governments, institutions and others in the areas of law, policy and practice. This allows for a thorough understanding of how a proposed course of action will contribute to or undermine fulfilment of children's rights, and how positive impacts can be maximised and negative impacts avoided or mitigated or alternatives considered. The use of CRIA and CRIE across all decision making is an important means of ensuring that laws, policies, programmes, and decisions are compliant with children and young people's rights.

In April 2020, the UN Committee on the Rights of the Child warned of the grave physical and psychological effects of the pandemic on children⁶. The Committee called on States to take a rights-based approach, which focused not just on the public health crisis, but on the broader human rights framework – including economic, social, and cultural rights.

⁵ <http://enoc.eu/wp-content/uploads/2020/12/ENOC-Common-Framework-of-Reference-FV.pdf>;
<http://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf>

⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/ST/A/9095&Lang=en



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ENOC conducted research to examine the impact of Covid-19 Emergency Measures on children's rights so that lessons may be learned in order to better protect children's rights during any future pandemic or public emergency. This research has clearly demonstrated that the failure to mainstream children's rights meant that children were seldom involved in decision making and that their rights were not adequately respected, protected, or fulfilled. Working alongside our young advisers we produced a position Statement on COVID-19: learning for the future which strongly recommends that all public authorities adopt a Children's Rights Approach to the exercise of their functions at all times, including in times of public emergency, to ensure their decisions and actions are grounded in the UNCRC and uphold the rights of all children⁷.

In 2020, our young advisers produced a report on children's rights in decision-making, highlighting barriers to children's participation in decision-making processes, and providing seven concrete recommendations for stakeholders at the local, national and international levels to take to address these barriers and engage meaningfully with children and young people in decisions concerning them in an appropriate and accessible manner⁸.

The need for the mainstreaming of children's rights is particularly clear in the context of "children on the move". ENOC has repeatedly and tirelessly expressed and addressed recommendations concerning "children on the move" and the protection and promotion of their human rights at the national, European, and international levels. In September 2021, we issued a Position Statement on Violations of the Human Rights of Children on the Move in the context of pushback⁹. In that statement we highlighted that the fundamental principles regarding children's rights need to be mainstreamed into the development, implementation and monitoring of laws, policies, procedures, and practices affecting "children on the move" to ensure their protection.

The next thematic focus of ENOC will be on climate justice, and we welcome your recent comments in support of young human rights defenders and climate activists. Furthermore, this aligns with your focus in your Call to Action on the rights of future generations, particularly regarding climate justice. It is clear from the experience of COP26 that much more needs to be done to ensure that children's rights, including their right to participation in decisions which affect them, are properly mainstreamed across the UN, beyond UNICEF and OHCHR.

⁷ <http://enoc.eu/?p=4262>; <http://enoc.eu/wp-content/uploads/2021/10/ENYA-Report-2021-COVID-19-learning-for-the-future.pdf>

⁸ <http://enoc.eu/wp-content/uploads/2020/12/FV-ENYA-Report.pdf>

⁹ <http://enoc.eu/?p=4154>



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We fully endorse Child Rights Connect's position paper and look forward to working with you to ensure that there is a UN-wide strategy on children's rights in all UN decisions, policies, and practice

We would also like to request a meeting with your Office to explore ways in which to support the development of the Guidance Note.

Yours sincerely,

Theoni Koufonikolakou
ENOC Chair
Deputy Ombudswoman for Children's Rights, Greece



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Annex – ENOC and ENYA documents on mainstreaming children’s rights

2021

- [ENOC Statement on COVID-19: Learning for the Future](#)
- [ENOC Statement on children on the move and pushbacks](#)

2020

- [ENOC Statement on Child Rights Impact Assessment](#)
- [ENOC Common Framework of Reference on Child Rights Impact Assessment](#)
- [ENYA Young People's recommendations on Child Rights Impact Assessment](#)

2019

- [ENOC Statement on Children's Rights in the digital environment](#)
- [ENYA Young People's recommendations on Children's Rights in the digital environment](#)
- [ENOC Statement on Ending Child Immigration Detention](#)

2018

- [ENOC Statement on Child Mental Health](#)
- [ENYA Young People's recommendations on Child Mental Health](#)
- [ENOC Statement on Intercountry Adoption](#)
- [ENOC Statement on the Right to Education of Children on the Move](#)

2017

- [ENOC Statement on Comprehensive Relationship and Sexuality Education: the right of children to be informed](#)
- [Recommendations of the European Network of Young Advisors \(ENYA\) on Sexuality and Relationship Education](#)

2016

- [ENOC Statement on Equal Opportunities for All Children in Education](#)
- [ENYA Annual Outputs](#)

2015

- [ENOC Statement on Violence against Children](#)

2014

- [ENOC Statement on Children and Austerity](#)
- [ENYA: “Austerity Bites: Children’s Voices” Project](#)

2013

- [ENOC Statement on Children on the move: children first !](#)
- [ENOC Statement on Urgent help for syrian children in refugee camps](#)
- [ENYA Annual Outputs](#)

2012



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- [ENOC Statement on Respect of the right of children in conflict with the law](#)
- [Report of ENYA Annual Seminar](#)

2011

- [Report of ENYA Annual Seminar](#)

2010

- [ENOC Statement on Children And Armed Conflicts](#)
- [ENYA Activities](#)

2009

- [ENOC Statement on the 20th Anniversary of the CRC](#)

2008

- [ENOC Statement on EU return directive](#)

2007

- [ENOC Statement on Children with disabilities](#)
- [ENOC Statement on Violence Against Children](#)

2006

- [ENOC Statement on Unaccompanied children](#)

2005

- [ENOC Statement on Violence in a children's rights context](#)

2003

- [ENOC Statement on Communication with children](#)
- [ENOC Statement on Juvenile justice: Europe's children's champions challenge governments to respect young offenders' rights](#)
- [ENOC Statement on Childhood and commercial pressure: EU proposal for a directive on unfair business to consumer commercial practices](#)

2002

- [ENOC Statement on Corporal punishment](#)