

ENOC

European Network of Ombudspersons for Children

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of the Strategy for the Rights
of the Child (2016-2021)**

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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Re-defining Power: Strengthening the Rights of the Child as the Key to a Future-Proof Europe

Power talk session – 13th November 2019

Introduction

The European Network of Ombudspersons for Children (ENOC) is a not-for-profit association of independent children's rights institutions (ICRIs). Our mandate is to facilitate the promotion and protection of the rights of children, as outlined in the UN Convention on the Rights of the Child. The first Ombudsman was established in 1981 in Norway and the latest to my knowledge was last year in Jersey. We currently have 42 members across 34 the states of the Council of Europe.

Children's Commissioners or Ombudspeople act independently to promote awareness of children's rights and hold our governments to account in a variety of ways.

My response to the questions is based on the work of our Network over the past 22 years and direct contributions of our members.

1. Why are Ombudspersons and Commissioners for Children necessary?

Children under the age of 18 and certainly under 16 do not have the right to vote so don't have a lot of political power and this often results with children's rights not being taken seriously. .

When governments ratify conventions like the UNCRC or endorse the Council of Europe Strategy for the Rights of the Child it actually means something; they are making a promise to each and every one of their children that they will work to ensure better outcomes and it is our job to make sure they keep those promises.

We act as expert advisors, and accountability mechanisms – guarantors, if you like. We shine a light and maintain a focus on the reality of the lives of children.

A key role we play is to make sure that children are not seen as passive recipients of services, laws and policies but active participants in how those services, laws and policies are designed and delivered. Not having a vote does not mean not having a voice or role in the development of our society.

2. What are the key priorities and challenges that Commissioners or Ombudspersons for Children face today in upholding children's rights. Is there a common thread of challenges?

We face many challenges in upholding children's rights. We must have our independence guaranteed by law and it is essential we have the financial freedom to address violations. Being an Ombudsman for Children is a lot fun and games and but that doesn't mean it's not a serious role. Just having us does not mean that the rights of the child have been implemented. We need to be given the space and respect to advise governments and others.

Proper implementation of rights mechanisms is multi-faceted, it includes meaningful processes to hear the voices of children, genuine co-ordination and co-operation across government's different agencies and indeed where necessary across national boundaries, in means good data collection that disaggregates across different groups of children and a national child's rights strategy that results with no child being left behind.

Local, national and international governments should listen and take on board our recommendations; they are authoritative and based on evidence and interpretation of rights standards. We remind government of the need to develop laws, policies and services that meet the needs and best interests of children instead of trying to make children fit into existing services that were developed for a different generation.

Because we listen to and engage with children, their families and key professionals every day we are best placed to identify emerging trends regarding their lives.

Ombudspersons for children challenge the view that there are hard to reach, invisible or unseen children – there are not. There are only ignored children. We work to ensure that governments and the public do not disregard the experiences of the millions of vulnerable and marginalised children across Europe.

In a nutshell, we act as a "Loudspeaker" for the views and rights of children and young people across Europe.

3. What are some of the most pressing child rights violations you need to deal and to what extent can the Council of Europe be supportive and instrumental in guiding Governments in strengthening their legal frameworks?

There are many violations of children's rights and I will briefly discuss some that members have asked me to raise:

- ENOC members feel that for Children on the move (including unaccompanied minors and with families) the CoE could push for further coordinated efforts
- A major issue in most if not all CoE countries is child poverty and social exclusion (including children living and working on the streets). Lets not forget that these are states who have a duty to comply with the European Social Charter.
- Sexual abuse and violence both through bullying as well as from adults remains a significant issue. Here the Council of Europe instruments are of great assistance, especially the Lanzarote Convention and its monitoring body, but still not widely used when developing policies at a national level.
- The deterioration of children's mental health is a common issue of concern for our members and indeed was ENOC's theme in 2018. We are looking forward to assisting the Council of Europe should it choose this as an area to work on in the near future.
- **The CoE** Guidelines to respect, protect and fulfil the rights of the child in digital environment **were** very helpful to ENOC as we addressed this issue this year. We centred our work on supporting our members and states to implement the Guidelines.
- Again CoE Guidelines are relevant for Children in alternative care but some ENOC members believe that they are not widely used when developing policies

- And of course the lack of Incorporation of UNCRC and General Measure of implementations is of deep concern. Such actions will ensure a realisation of children's right and participation in particularly those with a disability or living in vulnerable settings

The Council of Europe has issued a series of extremely useful guidelines and recommendations to support the Strategy on the Rights of the Child. ENOC members endorse the findings of the mid-term evaluation particularly that greater emphasis must be placed on reinforcement of the implementation of the Strategy's objectives.

The development of stronger oversight and follow-up mechanisms would be helpful and should include further technical assistance to ensure national implementation of the standards set which will ultimately lead to the full incorporation of the UNCRC

This conference is a great opportunity for us all to engage in a dialogue and better understand the challenges children are facing across Europe. ENOC looks forward to building on co-operation with Council of Europe in promoting recommendations of conventions, strategies and guidance as we have done with guidance on the digital environment but also advising the Council of the situations of children rights across our jurisdictions.

But the most important partnership, that we all have to develop is with children and young people themselves. They are the real experts.

Thank you

Koulla Yiasouma, Chair, European Network of Ombudspersons for Children