



## ENOC 15<sup>th</sup> ANNUAL CONFERENCE

*“The respect of the rights of children and young people in institutional care”*

14, 15 and 16<sup>th</sup> September 2011  
Warsaw, Poland

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PRESENTATION OF THE INSTITUTION  
&  
SUMMARY OF ACTIVITIES

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# General delegate of the French Community of Belgium for the child's rights



Name of the member institution : **General delegate of the French Community of Belgium for the child's rights**

Current Ombudsperson: **Mr Bernard De Vos**

## **I. Role and structural organization**

- Legal framework  
(Decree of French Community Parliament on the institution of a general delegate of the French Community of Belgium for the child's rights (20 June 2002))

- Principal functions as defined by law

**Art. 3. The mission of the general delegate is to preserve the rights and interests of children.**

**When performing his office, the general delegate :**

**1° ensures the promotion of the rights and interests of the child and organizes informative actions revolving around these rights and interests and around their effective enforcement;**

**2° informs private, natural or artificial persons and corporate (public) bodies, of the rights and the interests of children;**

**3° monitors the correct implementation of laws, decrees, ordinances and rules pertaining to children's rights;**

**4° submits to the Government, the Parliament and any authority competent for children, any proposal aimed at adapting the rules in force to ensure an enhanced and more efficient protection of children's rights and formulates in this field every necessary recommendation;**

**5° accepts, from any interested natural or artificial person, information, complaints or mediation requests relative to infringements of children's rights and interests;**

**6° launches, upon request of the Parliament, an investigation into the working of administrative departments within the French Community of Belgium involved in this mission. (Art. 3 of the decree)**

- Structural organization

**The general delegate of the French Community of Belgium for the Child's rights, hereafter the general delegate, is appointed by the Government, upon public call to candidates, for a period of six years that can be once renewed. (Art. 1 of the Order of the Government of the French Community of Belgium relating to the general delegate of the French Community of Belgium for the Child's rights – 19 December 2002)**

**The Minister in charge of public office places at the service of the general delegate the 13 civil servants of the Ministry of the French Community of Belgium (Art. 7 §1 of the order)**

## **II. Individual complaints (if the institution has a competence to handle individual complaints)**

- Scope of competences of the Ombudsperson in handling individual complaints

**The general delegate addresses to the federal authorities, the authorities of the Communities, the Regions, the provinces, the "communes" or any institution dependent on those authorities, any enquiry and investigation request which he deems necessary to fulfil his mission.**

**Within the limits fixed by the Constitution, the laws, decrees and orders and while not exceeding the limits of his mission, the general delegate has free access during normal activity hours to all buildings of Community departments or to all private buildings subsidized by the French Community. (Art. 4 of the decree)**

- Relevant statistics (if available) on:
  - Number of cases for the year 2010-2011 or for a given period in between,

**During 2009-2010, we receive 888 complaints and information requests (637 complaints and 251 information requests). We don't have yet the final data for the period 2010-2011 but we can say that the full number should have increased to reach +/- 950 cases (both complaints and information request)**

- Complaints' main authors. What is the percentage of complaints initiated by children,

**In 2009-2010, the authors were divided as follows : Parents : 394 (45 %), Grand-parents : 65 (7 %), Professionals : 121 ( 14 %), Children : 37 (4 %), Others : 261 (30 %).**

**For 2010-2011, the number of complaints initiated by children increase a little : 47 vs. 37**

- Area of complaints (ex: situations relating to schools, social and housing problems etc.).

**Without the final data, we can't give a precise analysis but we can say that the new important topic which had already know a big raise last year, education, continue to grow and become the first topic of complaints this year.**

**The 2 other most important topics in complaints still concern situations of child abuses and divorce.**

**The other topics are : the withdrawal of family environment, the placement of children outside the framework traditional family (17%), asylum, legal status, juvenile justice, health...**

## **III. Expressed opinions, statements, policy recommendations and/or proposals for legislative and/or other reforms**

- Follow-up of our thematic report on the implications and consequences of poverty on children, youth and their families : organization of a cycle of seminars "How to contribute to the reduction of social inequalities in the socioeducational field ? Problematization and recommendations", Manifesto "Poverty and Schools: What priorities ?"

- Problem of child asylum seekers or illegal - the crisis of the hosting of Roma families
- Children exposed to domestic violence
- The questions of filiation
- Detention of juvenile offenders
- Advice on the bill establishing a Family and youth Court
- Confinement of children in institutions
- Police violence against young people
- Organization of a parliamentary meeting on the concluding observations of the Committee on the Rights of the Child
- Recommendations on the draft of Optional Protocol to the Convention on the Rights of the Child on a communications procedure

#### IV. Communication, Promotion and Publications

- « In direct line » (« En ligne directe ») : a database (pictures, videos, sounds and texts) available on the Internet, intended for professionals, institutions and all the media to give an 'other' voice in the political and public debate about children and youth. (<http://www.enlignedirecte.be/>)
- « It's my choice, the limits to my freedom » (« A moi, les limites de ma liberté ») : a booklet for teens with thirty texts which aims to stimulate debate by moving to the margins of the Convention, illustrated by graphic arts students + a travelling exhibition with educational purposes of all the creations of the students during 18 months..

#### V. Research, investigation, studies

- Teenage mothers, early pregnancy: a new look between professionals and young people.