

Newsletter

Recent Bureau Meeting

At the invitation of Ms. Dominique Versini, Défenseure des Enfants en France, the ENOC Bureau met, in her office, on February 23rd. While the minutes of the meeting will be circulated to the members shortly after, the main discussed items were as follows:

2009 ENOC Annual Conference and General Assembly

This year's host, the Office of the French Defender of children, announced that the Annual Conference and General Assembly will be held on **23-25 September 2009** in Paris. The venue of the Conference will be the International University Centre. The theme of the Conference remains "*The Best interest of the Child*" which will coincide with the 20th anniversary of the CRC. A draft proposed programme and a list of topics related to the theme of the Conference will be circulated to the members inviting them to express interest for making presentations.

CRONSEE Conference in Dubrovnik

A regional thematic Conference on "*Children and disputed divorces; Access for children to National, International and European justice*", organized by the Office of the Ombudsman for Children of Croatia, will be held in Dubrovnik on 19-20 May 2009. During the Conference, a memorandum of collaboration will be signed by members of South Eastern European Children's Ombudspersons' Network (CRONSEE).

Sub Group on access for children to international justice

The Bureau agreed that the group needs to be reconfigured as it has never operated properly until now. While the Chair of the group resigned from the Chairmanship, the bureau proposed a new chair be elected as soon as possible. In addition, an invitation to join the group is now extended to members who are interested and willing to work on the topic.

Proposal for a 2009 ENOC Statement

The Bureau discussed and endorsed the need for ENOC to issue two separate statements. The first one will be on the general issue of "The 20th anniversary of the CRC and the main challenges faced since its signature". In the light of that anniversary and given the recent consensus by members regarding the proposed topic, the second statement concerns the situation of children in armed conflict as specified in article 38 of the CRC. A statement should be ready by November 2009. Members will be invited to send their inputs once it is decided who will be leading the work.

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Operating Grant 2007 and 2008

As you all know, ENOC has applied twice (Operation Grants 2007 and 2008) for funding through the EU Fundamental Rights and Citizenship Program. In the framework of Operating Grant 2007, ENOC is committed to present to the European Commission a final activity and financial report. While the activity report has already been finalized, ENOC hired an accountancy firm to prepare the financial report. The both reports will be submitted to the European Commission by end of March.

Concerning the ENOC application for operating grant 2008 for the year of 2009, we have been informed by the European Commission that our proposal has been selected. We will not miss to keep you informed on further developments, which will be circulated directly to members.

ENOC's involvement in EU and Council of Europe activities

New ENOC members

We would like to warmly welcome three new member institutions (since September 2008) that officially joined ENOC: the Children's Commissioner for England (11 million) Sir Al Aynsley-Green, the Parliamentary Commissioner for Civil Rights of the Republic of Hungary Mr. Máté Szabó and the Human Rights Defender of Armenia, Mr. Armen Harutyunyan.

New Children's Ombudsman in Sweden

Mr. Fredrik Malmberg succeeded to Ms. Lena Nyberg as a new Ombudsman for Children in Sweden. He took up the position last November and his assignment is for six years. The ENOC family welcomes our new Swedish colleague and looks forward for a fruitful cooperation.

The New Commissioner can be contacted under: Fredrik.malmberg@bo.se

ENOC membership fees

Dear ENOC members, you are kindly invited to proceed, at your earliest convenience, to the payment of the 2009 membership fees. Thanks for sending us a copy of the transfer payment so that we could identify the author of the transfer.

ENOC Chair participated to the meeting of the European Commission's Steering Group "Children's Rights"

The Steering Group met on February 12th in Brussels. The European Commission announced that the 4th EU Forum on Children's Right will be addressing external aspects of children's rights and will focus on child labour. The SG discussed and supported the idea of establishing three expert groups in the areas of child poverty, violence against children and the so-called "invisible children". Members of the SG may be requested to provide expert knowledge to the expert group on clearly defined areas of interest.

Council of Europe Commissioner for Human Rights published a [Viewpoint](#) on the age of criminal responsibility

While the CoE Commissioner for Human Rights expressed concerns about the low age of criminal responsibility adopted by many countries across Europe, he called upon the CoE member states to review their systems of juvenile justice recalling the [ENOC position statement](#) issued in 2003. In his viewpoint, the commissioner makes reference to ENOC.

Update on member institutions' activities

The Northern Ireland Children's Commissioner loses appeal on smacking

The Northern Ireland Children' Commissioner has lost her appeal against the law which allows parents to use smacking as chastisement (punishment). Judges ruled that the Commissioner's appeal must fail as the Commissioner does not have the quality of victim as required by domestic law. Among others, the Commissioner argued that a defence based on the right of parental correction is incompatible with the rights of the child as protected by Article 3, 8 and/or 14 of the European Convention on Human Rights. However, the Appeal Court decided that the High Court judge who rejected Ms Lewsley's original judicial review application had reached the right verdict in concluding that the Commissioner is not a victim and hence is not entitled to the relief she seeks in these proceedings. The Appeal Judge also pointed out that the use or the threat of force is not always unlawful. Despite the outcome of the appeal, the Commissioner stressed out that "the message should be clear that we believe hitting children is wrong".

You may contact the Secretariat of ENOC for the full text of the judgment.

The French Defender of Children's Rights submitted its alternative report to the UNCRC

During a hearing organized by the UN Committee on the Rights of the Child on February 4th in Geneva, Ms Dominique Versini, French Defender of Children's Rights presented her alternative report on the current situation of the fundamental rights of children in France and its overseas territories, departments and communities. The French Defender recognized the progress made by France through the various legislative reforms undertaken over the last years in order to comply with its obligations under the CRC and with some 57 recommendations issued by the UN Committee on the Rights of the Child. (continues)

However, she underlined that more has to be done especially concerning particular categories of children: children living in poverty (2 million), disabled children, children suffering from mental distress, children living without parental care, Roma children etc.

You can find the full text of the report (only in French) and a summary in English on the ENOC website www.ombudsnet.org.

Upcoming Events

- ❖ **12-13 March 2009:** *"Protection of Children in European Justice Systems"*, organized by the Council of Europe and the Spanish Presidency of the CoE Committee of Ministers, Toledo, Spain.
- ❖ **1 April 2009:** *"Corso Multidisciplinare di Educazione allo Sviluppo"*, organized by UNICEF, in Rome, Italy.
- ❖ **6-7 April 2009:** *"Child-Friendly Europe"*, Congress Centre, Prague (in the framework of the Czech Presidency of the EU).
- ❖ **20-22 April 2009:** *"Children and the European Union: Legal, Research and Political Perspectives"*, University of Liverpool, Liverpool.
- ❖ **19-20 May 2009:** *"Children and disputed divorces. Access for children to National, International and European Justice"*, South Eastern European Children's Rights Ombudspersons' network (CRONSEE) Annual Conference, Dubrovnik, Croatia.
- ❖ **16-17 June 2009:** Council of Europe Conference of Ministers responsible for Family Affairs on the theme of *"Public policies supporting the wish to have children - societal, economic and personal factors"*, Vienna, Austria.

The ENOC website needs your input to continue to grow. Send us information about new web resources, research or data related to Children's Rights.

If you have any suggestions or if you would like to include any information or upcoming events in our newsletter please send the details to secretariat@ombudsnet.org (Re: ENOC Newsletter).

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