

# OMBUDSWORK FOR CHILDREN



<b>THE ISSUES</b>	<b>2</b>
DEVELOPMENT OF THE CONCEPT OF OMBUDSWORK	2
The history of ombudswork	2
The need for specialized ombudsmen for children	3
The growth of ombudswork for children	3
LEGAL STATUS OF OMBUDSWORK	4
Ombudsmen established by special Act of Parliament	4
Ombudsmen established through child welfare legislation	5
Ombudsmen established within existing public bodies	5
Ombudsmen established and run by NGOs	6
FUNCTIONS IN THEORY	6
Influencing law, policy and practice	6
Challenging individual breaches of rights	7
Encouraging or undertaking research	7
Promoting awareness of children's rights	7
FUNCTIONS IN PRACTICE	8
Providing primarily individual advocacy and representation	8
Advocating for children both as individuals and as a body	9
Acting for children as a body with no individual representation	9
ESSENTIAL CHARACTERISTICS OF OMBUDSWORK	10
Independence	10
Ability to get the voices of children heard	10
Accessibility to children	10
An exclusive focus on children	11
Statutory powers	11
<b>COMMENTARY</b>	<b>12</b>
SUMMARY AND CONCLUSIONS	12
<b>MAIN PLAYERS</b>	<b>14</b>
<b>INFORMATION SOURCES</b>	<b>20</b>



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## DEVELOPMENT OF THE CONCEPT OF OMBUDSWORK

**The creation of ombudsmen / commissioners for children is a recent and expanding phenomenon. Increasingly it is being realized that because children are a uniquely vulnerable group, independent mechanisms are needed to protect and promote their rights.**

### The history of ombudswork

The concept of independent bodies to monitor the actions of government in upholding the rights of individuals was initially developed in Sweden where the first-ever ombudsman was appointed in 1809, followed by Finland in 1919, Denmark in 1955 and Norway in 1962. Ombudsmen only exist in democracies and are now present in 75 countries throughout the world. As public offices established to safeguard individual rights to proper governance they help ensure that public administration is held accountable for its actions.

The focus and nature of their work is informed by the political context in which they operate and can broadly be described as falling into two categories (Oosting, 1995):

■ **Established democracies.** In well-established democratic, constitutional States, with stable

political and administrative systems, procedures exist to provide checks and balances on the exercise of power; the rights of individuals are recognized and widely adhered to; and universal education and access to the media mean that, for the most part, people have information about their rights. In such countries, the role of ombudsmen mainly relates to the shortcomings of large bureaucratic government institutions in applying complex rules and regulations. Two models can be identified: ombudsmen dealing with complaints relating to a particular aspect of public administration such as prisons or inland revenue; and ombudsmen dealing with complaints relating to the implementation of a particular piece of legislation such as sex, race or disability legislation, which might extend to bodies of all types (employers, public and private service providers, landlords or education authorities).

■ **New democracies.** In countries that have recently undergone a political and constitutional revolution marking the end of a dictatorship or autocratic regime, the concept of checks and balances is unfamiliar and rarely well established. Fundamental human rights are often limited or non-existent and can be violated with impunity. In these societies, where the establishment of an ombudsman

#### → Ombudsmen/commissioners for children: a definition

An ombudsman for children is traditionally defined as an independent statutory body established to promote the rights and interests of children. For the purposes of this *Digest*, this definition has been expanded to include two non-statutory non-governmental organizations (NGOs) that explicitly define themselves as ombudsmen for children. It does not, however, include all the many thousands of NGOs that are working throughout the world to promote the rights of children but that do not describe their function as that of an ombudsman.

The terms 'ombudsman' and 'commissioner' have been used interchangeably in this review. Both are used in the models that exist, and the choice of one rather than the other by particular countries does not reflect the specific functions of that body. For example, the title of the first-ever legislation creating such a position was the 1981 "Norwegian Ombudsman for Children Act", but throughout the text of the Act the position is referred to as "Commissioner for Children".

As 'ombudsman' is a Scandinavian term, it generally is not changed to 'ombudsperson'. Indeed, the first person appointed under the Norwegian Act, Målfrid Flekkøy, points out that the term is commonly used without gender-specific connotations, as she herself has done in her book: *A Voice for Children: Speaking Out as Their Ombudsman*, written during her two-year assignment at this Centre.

is often an expression of a commitment to a more democratic constitutional state, the role of the ombudsman is likely to focus less on the failings of bureaucratic institutions and more on the need to protect and assert basic human rights. Indeed, bodies in such countries are more likely to be known as Human Rights Commissions.

### The need for specialized ombudsmen for children

Although traditionally ombudsmen do not preclude children from access to their services, neither do they explicitly address themselves to the concerns of children. Moreover, ombudsmen rarely promote their services in ways that would allow children to become aware of their existence. In addition, their remit generally fails to acknowledge that the issues facing children are often different from those affecting adults and that the nature of the rights of children and the mechanisms necessary for seeking respect for those rights are also different.

The **social rights** of children — to survival and development, education, play, health care and basic income maintenance — and their **protective rights** — to freedom from violence and abuse and from economic and sexual exploitation — are generally recognized, at least in principle, by most established democratic governments in the world. However, in practice, children's lack of political, social and economic power renders them **vulnerable** to disregard for these rights when legislation is framed, resources are allocated or policies implemented. They are also particularly vulnerable when rights are being violated because they are less likely to have access to sources of independent advice and advocacy and less likely than adults to be listened to when making a complaint. Their vulnerability is starker in the field of **civil and political rights**, which are often not acknowledged or respected even in principle. In very few countries are children's rights to participate in decision-making, to freedom of expression, conscience, religion or association effectively recognized and protected. In many countries, despite ratification of the 1989 United Nations Convention on the Rights of the Child, there remains a significant resistance to legislation and policies that would give effect to the civil rights of children.

An ombudsman for children, therefore, must

play a significant role not only in ensuring effective implementation of entitlements that are already established in law for children (access to information, dealing with delays, inefficiency in delivery of services, or inappropriate procedures) but also in seeking to extend and promote respect for fundamental human rights for children. In other words, he or she must seek greater justice for children both by improving access to existing rights and by promoting recognition of human rights not yet embodied in legislation, culture or day-to-day practice in children's lives.

### The growth of ombudswork for children

A number of countries have now established independent ombudsmen or commissioners for children. While clearly the Convention as well as other factors such as the International Year of the Child, proclaimed by the United Nations in 1979, have increased awareness of children's rights and the need for mechanisms to monitor those rights, specific political forces within individual countries have also been influential catalysts. The act of establishing an ombudsman for children is an expression of commitment not only to respect the rights of children, but to be held to account on that commitment. As such it is a courageous step for a government to take; and it is not insignificant that, despite the overwhelming number of countries that have ratified the Convention (187 as of December 1996), only a handful have, as yet, taken the next step of creating independent commissioners for children. All of them exist in democratic societies and the majority have been developed in Western countries. The momentum to create an ombudsman has come variously from a government-appointed committee (Norway), parliamentarians (Sweden) and government ministers (Denmark and Israel).

Many existing ombudsmen for children differ considerably from the traditional concept of an ombudsman. While some have been established as statutory public offices, others are operating on an entirely non-statutory basis within NGOs. Some retain the traditional remit of acting to investigate individual complaints, whereas others have developed an advocacy role on behalf of children as a body. What they all have in common is a commitment to ensuring that the rights of children are recognized and upheld by the state.

However, the very existence of such a wide range of models highlights certain tensions inherent in their role. For example:

- Do they have a duty to advocate, to adjudicate or to promote the best interests of the child? Is their brief to pursue justice or welfare for the child? Traditional ombudsmen are there to adjudicate between the individual and the state, to ensure that proper procedures have been followed, that rules and regulations have been complied with. They have no responsibility for judging the impact or outcome of a particular investigation on the personal well-being of the complainant. Should there be any difference when the complainant is a child, in view of adults' responsibility for the protection of children? Should a commissioner acting on an individual case pursue the child's rights even where doing so would not necessarily be perceived as being in the child's best interests?

#### The vulnerable position of children

- Children are in a uniquely vulnerable position from which to assert rights for themselves because they have neither the vote nor influence in any of the powerful lobbies and institutions that inform political and economic change.
- Few societies provide any explicit recognition of their civil and political rights. This weakens the position of children seeking redress against violations of rights and diminishes the likelihood of formal channels for so doing.
- In many societies, traditional views of children as the property of their parents persist, and interference by the state on their behalf is construed as an intrusion on the rights of parents. The idea that children have rights of their own and that their interests may differ from those of their parents can be difficult to accept.
- The legal and social structures necessary to enable the rights of children to be separately recognized and respected do not as yet exist in many countries. For example, responsibility for children is usually split among different ministries and departments, and there is often poor communication or collaboration between these bodies, with a resultant failure to develop integrated services and no overview of their impact on children themselves (Hodgkin and Newell, 1996).

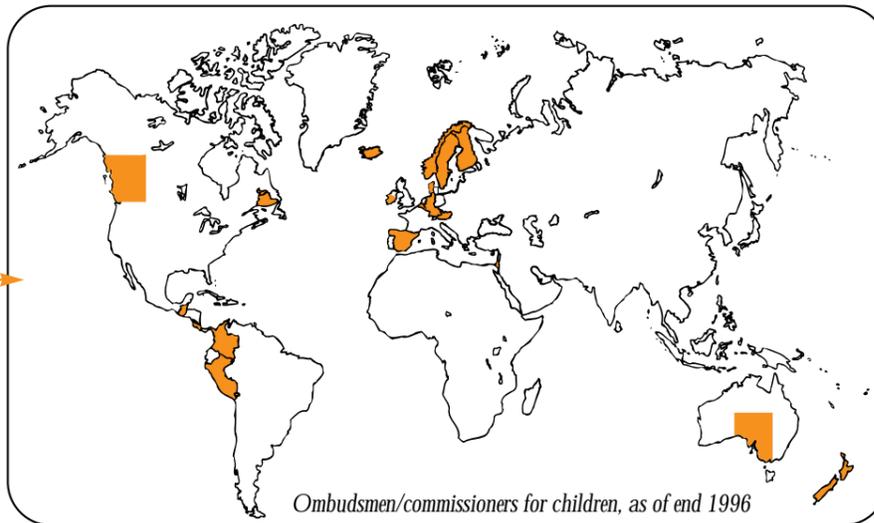
■ Should the origin of any proposals for change always derive from the experiences of children themselves or is it legitimate for an ombudsman to seek change in response to the principles and standards of international law? Again, traditionally ombudsmen have operated reactively to complaints raised with them. Any broader policy work will arise as a response to those complaints and the need to create changes to law, policy or practice to tackle their source. Many ombudsmen for children take a more pro-active role, for example by seeking to change attitudes to physical punishment of children or to impose more rigour in the analysis of public expenditure on children.

■ Can the task be more effectively undertaken by a statutory body or should complete independence be maintained through operating as an NGO? Those operating independently point to their freedom to speak out, to use the media, to develop without fear of political interference or reductions in budget. On the other hand, a statutory base provides access to documentation, rights to be consulted in relevant policy and legislative processes, powers of investigation, and perhaps greater moral authority.

No right or wrong answers exist to these questions, but responses to them will inform the scope and the status of the work undertaken. They need addressing by all ombudsman offices in order to clarify primary objectives and strategies for their attainment.

The first-ever ombudsman for children was established in Norway in 1981. Today, a [map](#) of offices worldwide shows concentrations in northern and central Europe (Austria, Belgium, Denmark, Finland, Germany, Iceland, Luxembourg, Norway and Sweden) and in Latin America (Colombia, Costa Rica, Guatemala and Peru). There are also offices in South Australia, Canada (Ontario and British Columbia), Israel, New Zealand and Spain.

And – Stop Press! – the Government of Ireland approved the establishment of an Ombudsman for Children Office in December 1996. ●



## LEGAL STATUS OF OMBUDSWORK

**While every individual commissioner or ombudsman for children is unique, it is possible to draw out four significant patterns in their origin, development, mandate and status: ombudsmen established by special Act of Parliament; those established through child welfare legislation; ombudsmen established within existing public bodies; and those established and run by NGOs.**

The above are not clear-cut groupings. They have instead been constructed to contribute to clarification of the range of models of ombudsmen that currently exist.

### Ombudsmen established by special Act of Parliament

A significant number of ombudsmen for children have been established by legislation introduced specifically for that purpose, and given formal statutory powers and authority. In general, such bodies are characterized by independence from government. Their funding, functions and status are determined by parliament to whom they are in turn accountable. They are therefore comparatively unconstrained by

political interference and free to challenge and criticize government legislation, policy and resource commitments to children. Some also have certain powers to investigate, to report to parliament, and to be consulted in the framing of new legislation. For example:

The Norwegian ombudsman, created by the Ombudsman for Children Act 1981, was given a wide-ranging brief to “promote the interests of children vis-à-vis public and private authorities and to follow up the development of conditions under which children grow up”. The only restrictions on its activity relate to handling conflicts within the family or issues already before a court of law. It has the right of access to all documents in all cases affecting children that are dealt with by public authorities and the right of access to public institutions.

The Swedish Ombudsman, established in 1993 under the Act to Establish the Office of the Children’s Ombudsman, has a brief to “assert the needs, rights and interests of children and young persons and to ensure that Sweden lives up to its commitments under the United Nations Convention on the Rights of the Child” (Sylvander, 1995). It operates as a national board under the supervision of the Ministry of Health and Social Affairs but is accountable annually to parliament.

The Ombudsman for Icelandic Children, set up in 1995 through the Act on Children’s

Ombudsman No. 83 of 1994, was given the task of "improving the children's lot, as well as safeguarding their interests, needs and rights" and with that remit has powers to investigate organizations or individuals within them that have acted against the rights, needs and interests of children. It functions independently of the executive but is required to report annually to the prime minister.

The Council of the **French Community of Belgium** decreed in 1991 that a Commissioner for Children's Rights should be appointed with a general brief to promote children's rights. This office has powers to request public authorities to undertake investigations, and to require disclosure of documents from all public offices or private ones receiving a public subsidy.

In **Guatemala**, a government office was created by the 1986 constitution to investigate human rights violations, and in 1990 a specific unit specializing in children and families was formed. The unit has a remit to promote awareness of children's rights, to investigate violations, to monitor public institutions providing services for children and to influence legislation to ensure conformity with the Convention on the Right of the Child.

The **Costa Rican** ombudsman was created by a decree adopted by the Minister of Justice in 1987. Although the office was not established through legislation, the ministerial decree gave it considerable powers to gain access to public documents and to require cooperation from government institutions and agencies when undertaking investigations. In 1992, a new law was adopted creating one independent ombudsman office replacing four existing ombudsmen. This new office has set up a special unit with responsibility for the rights of children and young people.

**Peru** adopted a new Children and Adolescent Code in 1992, which sought to ensure the compatibility of national law with the principles of the Convention. One of its innovations was the creation of the *Defensoria Municipal del Niño y Adolescente* whose purpose is to defend the rights of children and young people in public and private institutions. These defence offices are organized at a local level by public bodies and NGOs that provide services to children. By the end of 1995, 130 defence offices had been set up.

**Colombia's** 1991 constitution provides for an Office of the Ombudsman in which an official is appointed with responsibility for protection of the rights of the child.

In **Luxembourg**, a bill has been approved which will institute an 'ombudscommittee' to

promote the rights of children and the social protection of childhood. This rather different structure is being proposed to prevent the creation of an individual with too much power in a very small state. In this proposal, as in those described above, the committee members would be accountable to parliament.

### Ombudsmen established through child welfare legislation

Other ombudsmen have been established within the framework of child welfare legislation in which the role of the ombudsman is linked to implementation or monitoring of that particular act.

The **New Zealand** Office of Commissioner for Children was created by the Children, Young Persons and Family Act 1989 with a brief to respond to adverse complaints from children relating to the workings of the Act and to monitor and assess its implementation. Its remit therefore was predominantly designed within the philosophy of that legislation. The Act requires the Commissioner to encourage the development of policies and services designed to promote the well-being of children and to raise public awareness of child welfare issues. This Office is funded entirely by public money but operates independently of government (Hassall, 1995).

The **South Australian** Children's Interests Bureau, created by the Community Welfare Amendment Act 1981, also had a broad remit to promote the welfare and interests of children, but it was established and funded by and accountable to a government department. It therefore had less independence and its role was more ambiguous: as a monitoring body, it was based within the agency it was created to monitor, with staff called upon to operate as employees of a department while simultaneously seeking to uphold the rights of children being provided with services by that department (Castell-McGregor, 1995). In 1995, the Bureau was amalgamated with the Office for Families and the Domestic Violence Unit to create a new Office for Families and Children.

In **Austria**, the Youth Welfare Act 1989 called for the establishment of a system of local ombudsman offices which would exist to provide counsel and assistance to young people under 18 years in cases of disagreement with the welfare and education system.

In **Ontario**, Canada, the Child and Family

Services Act 1984 established an Office of Child and Family Advocacy Service, whose brief was to coordinate and administer a system of advocacy, except for advocacy before a court, on behalf of children and families who receive or seek approved services or services purchased by approved agencies, and to advise the Minister on issues concerning the interests of those children and families.

### Ombudsmen established within existing public bodies

Ombudsman offices have also been established without legislation, and as such they have no statutory mandate or powers. Some have been created by government, operate within a government department, and are accountable to it. In **Israel**, for example, a Pupil's Ombudsman was established in 1990 by the Ministry of Education, Culture and Sport. Its name was subsequently changed to 'The Open Line for Pupils' as the scope of the service has developed to address any concerns experienced by pupils and is not restricted to issues related to education. It operates within, and its staff are employed by, the Ministry (Noy, 1995). Potentially, therefore, it has the advantage of being perceived as less threatening by teachers and other professionals and may encourage less defensive responses to complaints and greater access to relevant documentation. Its lack of formal independence, however, may restrict the capacity to challenge government policy and practice, particularly with regard to the ministry within which it is sited. In **Austria**, although the Child Welfare Act 1989 only mandated the creation of provincial children's ombudsmen, a national children's ombudsman was introduced in 1991 within the Ministry of Environment, Youth and Family. It is neither financially nor politically independent, but it is nevertheless able to undertake investigations of government bodies where they have failed to act properly in respect of a child.

Other offices have been created by and within existing statutory bodies. In **Flemish-speaking Belgium**, an 'ombudsservice' for children under six years was created in 1992 by the statutory child care agency *Kind en Gezin*, with a specific mandate to safeguard and improve the ways in which young children are helped through child care agencies and institutions. The ombudsman is a civil servant attached to a public agency, but although this limits the freedom that

extends to independent ombudsmen, the office's relationship with the government is seen to provide greater opportunities for initiating research on behalf of children, and its official status gives more weight to reports that it submits (Davidson, Cohen and Girdner, 1993).

In **British Columbia**, Canada, the Office of Ombudsman created a new post of Deputy Ombudsman for Children and Youth in 1987 with a brief to investigate the provision of government services to children, promote outreach work and liaise with provincial and local agencies concerned with children's issues. In 1993, the position of Deputy Ombudsman was altered to that of a deputy with a general remit, the task of representing the interests of children being shared by both the Ombudsman and the deputy. The Ombudsman is selected by the Legislative Assembly of British Columbia and is impartial, non-partisan and independent of government. He has powers to carry out general investigations and to publish reports. Similarly, in **Spain**, the Ombudsman Office, the *Defensor del Pueblo*, has created a post of *Defensor de la Infancia*, but at the time of writing (late 1996) the post had not yet been filled.

The National Council for Children's Rights in **Denmark** originated from a resolution of parliament but with no legislation. It opened in 1995 for a trial period of three years as an independent body with public funding, based in the Ministry of Social Affairs. Its remit is to promote children's rights through a process of direct consultation with children themselves over the key issues of concern to them. Although it is formally independent of government, some NGOs in Denmark have expressed concern that the Council represents a poor substitute for an ombudsman, neither fully independent nor using the Convention as a framework for its policy work.

A somewhat different model has been developed in **Germany**, where a *KinderKommission* was established in 1987 by the President of the *Bundestag* and parliamentary groups. This *Kommission* is attached to the *Bundestag's* Committees on Women and Youth and on Family Affairs and Senior Citizens and has representation from each of these committees. The four parliamentary groups each appointed one Commissioner for Children and these four Commissioners form the *Kommission*. Its aim is to represent children's interests both in parliament and outside, to suggest policies for children and to help parliament set its priorities (Schmidt, 1993). However, although its legal status in the parliament is not clearly defined, and as part of the parliamentary process it has no independence from it, it is considered to have created

more sensitivity for the field of children's policy than previously existed (Salgo, 1992).

### Ombudsmen established and run by NGOs

In many countries throughout the world, there are NGOs campaigning, lobbying and promoting the rights of children. However, very few of these organizations explicitly describe themselves as fulfilling the role of an ombudsman or commissioner. There are two significant exceptions to this:

In **Finland**, the Mannerheim League for Child Welfare established a Children's Ombudsman Office in 1981 to provide young people with a direct channel of legal information and other aid when needed. Its creation reflected the view of the Mannerheim

League that children cannot have rights without means of legal redress. The Ombudsman provides services ranging from basic legal counselling to representing children in legal actions.

In **Israel**, an Ombudsman for Children and Youth was established in 1990 by an NGO, the National Council for the Child, following on from an experimental and privately funded project that had been running for three years in Jerusalem. The Ombudsman is funded entirely by private foundations and individual donations and is completely independent of government.

These bodies clearly have no legal status, power or authority but do provide a service to children which is completely financially independent; they therefore have considerable freedom with which to challenge and question governmental policy and its operation. ●

## FUNCTIONS IN THEORY

**If children's rights are to be monitored and promoted effectively, ombudsmen must be able to: influence law, policy and practice to achieve greater compliance with children's rights; challenge individual breaches of rights; encourage or undertake research; and promote awareness of rights.**

The above functions are interrelated and each will inform the others. For example, evidence of individual breaches will direct and inform the need for legislative change; levels of awareness of rights among adults and children will influence attitudes and respect for those rights; and analysis of implementation of legislation will highlight gaps in information needed to monitor that legislation effectively. Not all offices currently undertake all these functions, but in so far as they do not, this indicates merely that these functions are not being addressed by particular ombudsmen, rather than the lack of need for them.

### Influencing law, policy and practice

If an ombudsman is to serve as an advocate for children's rights, a key component of the work must lie in identifying and highlighting ways in which current policies or practices fail to

respect the rights or interests of children and proposing measures to address these failures. Since all countries that have created ombudsmen for children have ratified the Convention on the Rights of the Child, its principles and standards, together with those of other relevant international treaties, will provide the international framework for this process. When domestic legislation is consistent with these standards, the role of the ombudsman will be to monitor the extent to which legislation is implemented and resourced effectively in practice. Where it is not, the focus will be on seeking the necessary legislative and policy change. If the government has been examined by the Committee on the Rights of the Child, the international body established to monitor States Parties' implementation of their obligations under the Convention, then the recommendations of the Committee would also provide a framework for seeking policy change.

To fulfil this function, an ombudsman will need to have regard to the policies and activities of central and local or regional government, public agencies, NGOs as well as private organizations such as independent schools or employers. Breaches of rights may relate to the framing of legislation, policy, practice or allocation of resources. The work may include defining priority issues and publishing reports with recommen-

dations, responding to consultations from government and other bodies or commenting on proposed legislation and policies. However, an independent office cannot be part of the government's decision-making apparatus and will therefore not have direct control over any area of policy in respect of children. It would not be constitutionally appropriate that an unelected official could make binding recommendations on elected bodies that are accountable to voters (Rosenbaum and Newell, 1991).

### Challenging individual breaches of rights

Clearly, the opportunity for children to challenge breaches of rights is fundamental to the effective recognition of those rights. And tackling violations of children's rights, either by seeking effective implementation of the law, ensuring that children's complaints are properly investigated, or by seeking changes in legislation to give effect to those rights, is a central function to all ombudsmen. However, to fulfil these functions, it is not necessary for an ombudsman to have personal responsibility for responding to individual complaints across every area of legislation, policy and practice affecting children's lives. In fact, because of the risk ombudsmen for children run of being engulfed by casework and because of the vastness of the issues they must tackle and the non-binding nature of their decisions, it is far from clear that such an approach is the most appropriate model for providing children with effective avenues for redress.

A strong argument can be made for an ombudsman to have the powers to investigate individual cases. Instances will arise, for example, where it is of value to pursue a case that raises important matters of principle which cannot be tackled any other way (ibid.). However, as an alternative to ombudsmen being the primary avenue for all complaints, their time might be better focused on developing comprehensive opportunities for children to challenge breaches of their rights through independent complaints procedures linked to all services. Such procedures, which in many cases would require legislative change to introduce, could allow that where a violation of a right is found to have occurred, and the relevant body fails to act on the finding of the complaints body, a right of appeal to the courts exists in order that there is the power to require the relevant body to take appropriate action. The role of the ombudsman would be to monitor the accessibility, availability and effectiveness of such procedures and to use the evidence of the nature of children's

complaints to inform his or her work in seeking to promote children's rights. In this way, ombudsmen could direct their invariably limited resources to the exposure of aspects of law, policy and practice that fail to respect children's rights or actively violate them, with a view to creating change for all children.

However, another dimension to the complaints function that provides an important mechanism for enhancing children's access to justice is the power to initiate formal investigations or public inquiries into organizations or the implementation of policies that might be operating in violation of children's rights. Such an investigation will often be triggered by a series of

#### The arguments against individual casework

► It is interesting to note that most ombudsmen operating a system of individual complaints exist in countries or regions with a small child population such as Norway or South Australia. Where the child population is larger, there is a risk that the sheer volume of casework could overwhelm the office and prohibit it from developing other equally important aspects of the work. It is also likely that children would find a locally based service more accessible and responsive to their needs.

► Most traditional ombudsmen have a responsibility to investigate complaints either in respect of a specific institution or on behalf of a particular group in society in relation to a defined piece of legislation, for example relating to sex or race discrimination. By contrast, most ombudsmen for children who tackle individual cases do so in relation to any aspect of life with which children experience a problem. As such they are undertaking a considerably wider brief, which raises questions as to (a) whether one office can provide the best possible level of expertise and knowledge in advocating for children on issues relating to social services, health, education, family life, and so on; and (b) whether complaints procedures should relate to children as a group or rather to functions or services that they receive.

► Furthermore, while many statutory children's ombudsmen have powers to make recommendations, these are not binding on the bodies concerned and cannot be enforced. There is rarely any action that ombudsmen can take in the event of a failure to act on those recommendations.

individual complaints which will provide the focus for the scrutiny but will not serve as an investigation on behalf of individuals.

### Encouraging or undertaking research

Ombudsmen have an important role to play in identifying gaps in information required to evaluate compliance with the Convention on the Rights of the Child, and undertaking, commissioning or encouraging research to fill these gaps. The Committee on the Rights of the Child has consistently argued that without effective data collection it is not possible to assess the extent to which the Convention has been implemented, and it has expressed concern at the failure of many governments to take appropriate steps to ensure that necessary information is gathered (Hodgkin and Newell, forthcoming).

The first Norwegian ombudsman for children noted that while information existed on the numbers of divorces taking place each year and the numbers of single parents, there was no information available on the numbers of children experiencing the break-up of their parent's marriage and no knowledge of how many children had no older or younger sibling (Flekkøy, 1991). The New Zealand Commissioner undertook a number of research studies including investigation into attitudes to physical punishment, the cost of children, and juvenile offending figures. The South Australian Children's Interests Bureau commissioned a study of young people's views on discipline and collaborated in research into the knowledge of doctors on the subject of child sexual abuse.

### Promoting awareness of children's rights

If rights are to be meaningful, not only must there be effective mechanisms for their enforcement, but children need to know that they have rights. Article 42 of the Convention, in fact, imposes an obligation on governments to "make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike". A central task of ombudswork must therefore be the dissemination of information both about the rights of children and how those rights can be enforced. Some examples of initiatives undertaken by ombudsmen can be cited. In Austria, *Kinder- und Jugendanwaltschaft* has produced a small book of postcards for children giving information about particular rights contained in the Convention. The Danish National Council for Children's Rights has pro-

duced a 'no smacking' postcard. The Norwegian Ombudsman had for a number of years a regular television slot dealing with issues raised by children about their rights. Of particular importance is

reaching adults working with children — teachers, social workers, police, judges, magistrates, doctors and nurses. The Committee on the Rights of the Child has consistently urged States Parties to

ensure that these professionals are trained in the principles and implications of the Convention. Ombudsmen have a vital role to play in seeing that this happens. ●

## FUNCTIONS IN PRACTICE

**The work of existing ombudsmen or commissioners falls into three broad categories: ombudsmen providing primarily individual advocacy and representation; ombudsmen advocating for children both as individuals and as a body; and ombudsmen acting for children as a body with no individual representation.**

Not all existing offices address all of the above functions, although comparatively few have a remit that restricts them to a model of individual casework. For most, a significant part of their work is devoted to seeking policy and legislative change consistent with promoting children's rights. However, the source of authority driving this area of activity varies. For those primarily undertaking individual advocacy and casework, any policy work usually derives from issues of concern arising from those individual cases. If consistent patterns of difficulties or injustices are identified, the ombudsman will use that evidence to seek to achieve the changes necessary to prevent further incidents arising. Other ombudsmen have been established primarily to advocate on behalf of children as a body and will base their policy work not only on an analysis of individual complaints, but also on issues of concern identified via other sources. Increasingly, for example, they use the Convention as the framework of principles and standards against which to measure the rights of children and to inform the legislative, policy and practice changes that are required to achieve compliance. All current ombudsman offices would see the task of promoting awareness of children's rights as an essential part of their work.

### ..... Providing primarily individual advocacy and representation

The Ombudsman for Children and Youth in British Columbia, Canada, (now part of the

National Ombudsman Office) has a remit specifically to work on individual cases and to promote outreach work that seeks to raise awareness of the existence and operations of the office. It also oversees the coordination of services to children among the various ministries. It does not have a brief to lobby for change, although the complaints received may prompt general investigation from which policy or legislative recommendations are made.

The Finnish ombudsman operates purely as an advocate for individual complaints by or on behalf of children. Her remit involves no broader responsibility for children as a whole arising from those individual cases. However, the office is located within an NGO, the Mannerheim League for Child Welfare, which does undertake broader activity to promote the rights and interests of children within society. The ombudsman provides legal advice, reports rights violations, provides expert testimony in court and assistance in the preparation of complaints. The problems for which help from the ombudsman has been sought include violence towards young people; sexual abuse; and the rights of children in schools, hospitals and foster and institutional care, and when parents are divorcing. As a non-statutory body, the ombudsman has no official status — no powers to authorize disclosure of documents, nor to investigate without a specific complaint from a child — but will bring cases to the Finnish Parliamentary Ombudsman or Chancellor of Justice, and in cases of serious violation has taken cases before the European Commission of Human Rights. The office provides a telephone counselling service for children.

The Israeli Open Line is primarily a casework service for children to enable them to make their voices heard by educational authorities. Its approach to that task is not to function as an outside investigator but instead as part of the care framework within the education system. It sees its role as not exclusively seeking justice for children but rather to promote their best interests through a combination of information, advice, arbitration, mediation, conflict resolution and

other services (Noy, 1995). It uses its experience arising from individual complaints to make recommendations to government for legislative and policy change to promote the interests of children and to raise awareness of children's rights among workers in the field of education. It has, for example, participated in the production of a charter of rights and duties in schools (Ministry of Education, Culture and Sport, 1996).

The Ombudsman for Children and Youth in Israel also exists first and foremost as a service tackling violations of individual rights, but, unlike Open Line, perceives itself explicitly as an advocate for children. The project adopts a more adversarial role in relation to authorities and uses its experience in casework to challenge policies that fail to promote the rights of children. It provides a service that investigates and seeks to resolve complaints through mediation or legal action where necessary. It also promotes children's rights through education campaigns and extensive publicity. Like its Finnish counterpart, it too exists within an organization that has a broad mandate to safeguard children's rights and welfare on both an individual and collective level.

The local Austrian ombudsmen have a remit to provide individual counselling and mediation for children and those legally responsible for children in matters relating to the status of children and the duties of legal guardians. They also assist in cases of disagreement about care and upbringing and seek to raise awareness of children's rights through the publication of education materials and 'information events'. However, the legislation underpinning these ombudsmen only establishes guidelines, and therefore the nine federal states have evolved very different tasks and competencies.

In Belgium, the Flemish-speaking 'ombuds-service' serves the five Flemish provinces with an *ombudsambtenaar*. Its primary function is to provide an individual casework service for children under six, but it will make policy rec-

ommendations in response to recurring problems. Much of its work is also involved in educating and informing the public about services for children and the implementation of the Convention on the Rights of the Child, which it sees as a priority issue.

The **Peruvian** Municipal Office for the Defence of Children also operates at a local level. The task of the local Defence Offices is to represent institutionalized children and young people whose rights have been violated, and is similar to that of a traditional ombudsman in providing an effective and inexpensive alternative to judicial resolution of conflict. They primarily deal with the problems of daily life where other official bodies are inaccessible or ineffective.

### Advocating for children both as individuals and as a body

The **Norwegian** ombudsman provides an advice and advocacy service to children in all areas of legislation with the exception of conflicts within the family and issues that are already the subject of court proceedings. However, the ombudsman also has a broad mandate to serve as a spokesperson for children in Norway and to work to improve the lives of children. The office has developed contacts with political parties, government ministries, local municipalities, the media and NGOs to promote children's rights. As a body established prior to the adoption of the Convention on the Rights of the Child, its legal mandate does not use the language of rights, nor is the Convention identified as the framework of principles within which it operates. However, in practice, it defines its role very much as an advocate of children's rights (Borgen, 1994).

Similarly, the legislation establishing the Office of Commissioner for Children in **New Zealand**, again preceding the adoption of the Convention, uses the language of welfare rather than rights. While the first New Zealand Commissioner argued that it would be logical to make monitoring implementation of the Convention one of the office's duties, he also considered that no real change would be needed to its existing functions in order for the Office to act in relation to the Convention (Hassall, 1995). Its mandate obliges the Commissioner both to investigate individual complaints in respect of a child and to promote the general

welfare of children through, among other activities, monitoring legislation and policy affecting children, undertaking research, and increasing public awareness on matters relating to child welfare.

The legislation establishing the Children's Interests Bureau in **South Australia** in 1981, despite preceding the Convention, does incorporate a duty to increase public awareness of both the rights and welfare of children. The Bureau itself has affirmed that duty in its mission statement which is "to advocate on behalf of children for the promotion of their rights and needs". Its work includes the provision of advice and advocacy to children, families, the government and NGOs but also extends to a broader objective of improving the status of children in society through enhanced legal representation and greater public awareness of rights.

The General Representative for Children's Rights in **French-speaking Belgium** similarly combines the functions of receiving complaints concerning the exercise of children's rights with that of monitoring legislation to ensure its correct application, recommending changes where appropriate and promoting awareness of the rights of children.

In **Costa Rica**, the Ombudsman receives individual complaints and also has a broad-ranging remit to propose changes in legislation and policy to improve the rights of and services to children, to disseminate information about the rights of children and to recommend priority areas for investment of resources by public bodies.

### Acting for children as a body with no individual representation

Many of the more recently established offices encompass a broad remit to promote the rights of children as a body rather than to receive individual complaints. As such they are fundamentally different in nature from the traditional concept of ombudsmen, for whom this is the core of their functions.

In **Sweden**, the Ombudsman for Children and Young Persons has no statutory powers to intervene in individual cases. Rather, her duty is to act as a general spokesperson for children, concentrating mainly on information and moulding of public opinion. The Office is required to assert the needs, rights and interests of children and to ensure that Sweden lives up to its obli-

gations under the Convention on the Rights of the Child. However, it is recognized that without direct contact with children, the office will lack legitimacy in seeking to speak on children's behalf. The Ombudsman therefore makes direct contact with children through visits to schools and other institutions. It also provides a low-cost information line where children can raise concerns that they wish to bring to the attention of the ombudsman and receive information about their rights (Sylvander, 1993).

The Ombudsman for **Icelandic** Children has a similar brief. She is responsible for improving the position of children in society and defending their interests and rights. To this end, she can initiate discussion in society on children's affairs with a view to influencing and recommending reforms on policy matters, and propose changes in domestic policy and legislation to ensure compliance with international law, in particular the Convention on the Rights of the Child. She can take up cases either on her own initiative or when they are brought to her attention following a complaint from others, but there is no formal complaints procedure since it is not the role of the ombudsman to deal with individual cases.

Likewise, the **Danish** National Council for Children's Rights does not take up individual cases but serves as a bridge communicating the views and experiences of children to legislators and policy makers. It has established an innovative system of formal consultation with children, at present involving seven schools throughout Denmark and a day-care institution. The Council sends briefing papers to the schools on particular policy issues, which are discussed with pupils who can then respond either as a group or individually. These discussions will be followed up by a three-day residential meeting. The Council also consults individually with children through a system of canvassing views through the media. The concerns and opinions expressed by the children are then fed back to relevant government departments.

The **German** *KinderKommission* has a remit to review all federal legal provisions with regard to their effect on children and, where necessary, to submit proposals for amendments. Its functions purely in relation to policy issues at a parliamentary level and has no authority to promote or disseminate information to the wider public, nor to address or respond to individual breaches of rights (Schmidt, 1993). ●

## ESSENTIAL CHARACTERISTICS OF OMBUDSWORK

**Ombudsmen and commissioners for children need to be independent; they must be able to get the voices of children heard; they should be accessible to children; they should have an exclusive focus on children; and they must have certain statutory powers and authority.**

Not all models of ombudsmen incorporate all the above features, but where any are absent, the role of the ombudsman or commissioner is likely to be limited in its range of activities, in its freedom to advocate powerfully for children, in its capacity to act for all children or in its ability to reflect the direct concerns of children themselves.

### Independence

Ombudsmen must be **independent** and not subject to manipulation by government or political parties, nor should government officials be able to interfere with their functioning. A number of ombudsmen are operating within or at the behest of a government ministry. While they are undoubtedly providing an invaluable service to children, it must be the case that to ensure the optimum freedom to serve the interests of children and not those of government, ombudsmen or commissioners must have the independence to comment adversely, with impunity and without interference or censorship, on the impact of government policy on children. They must not only be free to advocate forcefully for the rights of children but, if they are to gain the confidence of children, must also be **seen** to have that freedom.

### Ability to get the voices of children heard

Ombudsmen or commissioners must ensure effective implementation of Article 12 of the Convention on the Rights of the Child, the right of all children capable of expressing a

view to be listened to and taken seriously on all matters of concern to them, arguably its most far-reaching and significant principle (Hart, 1992). The task of promoting respect for the views and experiences of children is a fundamental building block in the process of rendering children visible in society. Commissioners for children must ensure not only that their own work is as fully informed by the views of children as possible but that they also establish opportunities for the views of children to be properly and directly represented to other bodies. This can either be through the individual advocacy models adopted by some commissioners or through other means — advisory groups, information lines, schools and youth services, links through other complaints procedures and structures for children's participation. Specialist advisory groups can be established to work with particular groups of children such as disabled children or those in state care. Some ombudsmen have made powerful use of the media as a conduit through which to communicate with children. The task of an ombudsman in promoting children's rights must be informed directly by the experience of children themselves, and not rely on presump-

tions about what children think and feel (Flekkøy, 1991).

### Accessibility to children

Ombudsmen must be accessible to children if they are to acquire their confidence and trust. This office therefore needs to be non-bureaucratic and to address itself directly to children. The use of the language of 'Commissioner' rather than 'Commission' is significant in that it defines the role as a person and not just a bureaucratic office. It implies a person who belongs to or is working for children directly. The style of the office should also be informal and approachable if children are to feel confident about making direct contact. Information about the office needs to be written explicitly for children and promoted through media and in arenas that will attract their attention. The office also needs to ensure that it is a voice for **all** children. Publicity about the office must focus on children of all ages, children from all minority ethnic groups, both able-bodied and disabled children, rural and urban children, girls

#### Safeguarding independence

- ▶ Appointment of the ombudsman should not be in the hands of an individual minister and should preferably be made in consultation with independent children's rights organizations.
- ▶ The structure should represent a state policy rather than that of a particular party or government. Some institutions have been established by ministerial or presidential decree. As such they can easily be disbanded.
- ▶ Security of tenure should be assured. The appointment should be made for a fixed term, and an ombudsman should only be removed from office in the event of gross misconduct or failure to fulfil the obligations of the post. Removal from office, like appointment, should not be in the hands of an individual minister.
- ▶ The funding of the office should be removed from political control and be guaranteed over a given period. The level of resourcing should be decided by parliament rather than government.
- ▶ Ombudsmen must have freedom to define their own office's agenda. Although it is vital that governments consult with ombudsmen on their policy proposals, the ombudsmen's flexibility to determine their own programme priorities will ensure that issues of greatest concern to children, rather than to governments, dominate the focus of ombudsmen's work.

and boys, and children from all social classes. Achieving this objective requires the provision of a range of age-related materials and strategies for information dissemination, produced in all relevant languages.

### An exclusive focus on children

There are seductive arguments in favour of incorporating the function of an ombudsman for children within a wider framework of an integrated human rights body. So doing can serve to emphasize that children, like adults, are holders of human rights. It can also promote cooperation among different disadvantaged groups and encourage the application of expertise and experience gained in other areas to the situation of children. An integrated body may also play a more powerful role in promoting a culture of rights within a society (Burdekin, 1993).

Nevertheless, despite these compelling advantages, the case for commissioners or ombudsmen with an exclusive focus on children prevails. Why is this necessary? A central function of any commissioner for children is to assert the fundamental human rights of children against a tradition of viewing children as either the property of adults or as people in the making. Because these rights are not widely accepted and because children, uniquely, lack

the right of autonomy or self-determination, the task of representing their rights is profoundly different from that of representing the interests of adults. Further, because children have a low status and political profile in most countries, their interests are likely to be overlooked if they are directly competing for time and resources with the rights of adults. Children will never be given the recognition and visibility to which they are entitled, without the commitment of an exclusive focus. And the structure, working methods, promotional materials, and style necessary to achieve an effective dialogue with children all differ significantly from those likely to be developed in respect of adults.

The Children's Interests Bureau in South Australia has observed that it had the influence and impact it did because it concentrated on children as a discrete group whose needs and interests cross over a number of government portfolios (Castell-McGregor, 1995). Interestingly, in British Columbia where the deputy ombudsman has shifted from a dedicated remit for children to a more general function, he has commented that in the longer term it is not possible for such a general Ombudsman Office to act effectively for all children and has consistently called for the appointment of an independent advocate with responsibility for the promotion of children's rights. Also in Costa Rica, where a specialized Ombudsman

for Children has subsequently been absorbed into a general ombudsman office, there is concern that both the reduced resources available for children's rights, as opposed to the rights of other groups, and the loss of focus on children have diminished the effectiveness of the work.

### Statutory powers

Ombudsmen or commissioners are most likely to attain influence through the establishment of positive formal and informal relationships with ministers and civil servants as well as key figures in other public bodies. No ombudsman or commissioner, which is an unelected office, can have decision-making powers or powers to make binding recommendations on elected bodies. The authority of the office will rest on the ability of the commissioner to act independently, to produce well-researched information, to exhibit a credible and respected public presence and to respond effectively to important issues affecting children (Hassall, 1995). However, ombudsmen must have certain **statutory powers and authority** if they are to operate effectively as monitors and advocates of children's rights, including powers of investigation, powers to take legal action, and powers to issue reports and to be consulted on legislation affecting children's lives. ●

#### Essential statutory powers and authority

To be effective monitors and advocates of children's rights, ombudsmen need to have:

- ▶ powers to investigate breaches of children's rights, which should include rights of access to documents, and the power to require individuals to give evidence, and to enter and inspect institutions;
- ▶ powers to take or support legal action when it is not possible or appropriate for the child to do so on his or her own behalf;
- ▶ powers to issue reports, using all appropriate routes for their dissemination and publicity. Ombudsmen should ideally report regularly to parliament on their work and the state of children's rights. Many ombudsmen will be required to report through a particular ministry, but this should not impede their autonomy to publish independently of the minister;
- ▶ powers to require that the office be consulted by government and other bodies whenever ministers are considering proposals to change or repeal existing legislation or to introduce new legislation likely to affect children's lives. There should also be a requirement to pay serious attention to the ombudsman's comments and recommendations and explain publicly their reasons for not following the advice given;
- ▶ powers to require that government departments and other bodies issue 'child impact statements' indicating the likely repercussions of proposed legislation or policy on children; and
- ▶ powers to be consulted over the reporting obligations under the Convention. Governments should be required to consult ombudsmen in the process of drafting their reports to the Committee on the Rights of the Child and to give due consideration to their comments.

## SUMMARY AND CONCLUSIONS

by Gerison Lansdown



Ombudsmen and commissioners for children are a new and growing phenomenon. At an international level, the Committee on the Rights of the Child is pressing for more countries to establish such bodies; and at a national level, many NGOs are pressing their own governments to do so. These offices have been identified as an integral component of the monitoring process that must accompany a commitment to the rights of the child. The findings of the Committee on the Rights of the Child indicate that without independent bodies to monitor implementation, children's rights are rarely, if ever, given the priority and scrutiny they require. However, if a convincing case for the creation of further ombudsmen or commissioners is to be made, it is necessary to

demonstrate that they are effective in achieving their objectives. The ultimate measure of their value is in their capacity to influence children's lives for the better. And to evaluate their success in achieving change in children's lives it is important to examine not just the work existing bodies have undertaken but also their impact on children and indeed on the culture of respect for children's rights within their society. In so doing it is also important to contrast the impact of the different models on the potential strength of the ombudsman role.

It is not easy to assess the impact of these offices. Many of them are fairly new and have not yet had time to establish a significant

body of achievements. Very few have been subjected to independent evaluation. The exception is the [redacted]. However, the forces of change in any society are complex and rarely derive from the actions of any individual body. Furthermore, in a period of economic recession, which has been the recent experience of many of the countries where ombudsmen exist, much of their value may have been directed to defending existing provision and rights of children, the success of which it is almost impossible to measure. It is nonetheless possible to draw some qualified conclusions about the contribution that has been made to children's lives:

■ Given the level of funding of most ombudsmen or commissioners — they tend to be very small offices — the scale of legislative and

policy change to which they have contributed is considerable. In New Zealand, for example, the Commissioner has promoted improvements to policy concerning custody and access debates, and it has prepared guidelines for organizations on recognizing and dealing with children who have been abused and neglected. It has directly informed public policy on sterilization of children with learning difficulties, female genital mutilation, male circumcision, national family policy and access cases. Its specific contribution has been to present the perspective of the rights of the child. In Norway, the Ombudsman contributed to legislation prohibiting physical punishment of children, promoting the rights of children in hospital, and raising the age at which young people can be tried and sentenced as adults. In Costa Rica, case investigations have resulted in changes to legislation in the procedures and policies of the police, the juvenile court and the child welfare agency. In addition, the ombudsman has advocated new legislation to protect children from exploitation in advertising and exposure to violence in television.

■ In many countries where an ombudsman has been established, it has provided the first-ever opportunity for children themselves to have access to procedures for complaint. And the breadth of issues handled by all the ombudsmen dealing with individual complaints is indicative of the needs they have exposed — ill-treatment at home; sexual abuse; problems with school; lack of play facilities; discrimination against children; and problems following divorce, with the media, and for children living in institutions or caught up in the criminal justice system. What the ombudsmen dealing with these complaints have been able to achieve is not only, in many cases, a satisfactory resolution of the problem for the child concerned, but also a far higher understanding within the wider society about the nature of children's

Evaluation of the Norwegian Ombudsman

The Norwegian Ombudsman has recently been evaluated by a Committee appointed by the Ministry of Children and Family Affairs. The terms of reference of the Committee included a requirement to assess the Ombudsman for Children's function, role and expertise as a social institution and evaluate its use of tools in its work for children and adolescents, including an assessment of the specific changes for children that are a direct result of initiatives taken by the ombudsman. The conclusions of the Committee indicate that the Ombudsman Office has:

- ▶ successfully raised the profile of children on the political agenda;
- ▶ enhanced acceptance of children as holders of human rights; and
- ▶ been instrumental in improving the position of children in law.

The Committee considered that in the future the Ombudsman could play an important role in coordinating and initiating professional and political processes designed to promote more holistic policies for children. It also took the view that the Ombudsman's work should be more sharply focused on issues of principle and less on individual cases. Indeed, it recommends that the Office should not function as conciliation machinery in individual cases. It concludes that the office of Ombudsman for Children should be maintained as an independent national body to safeguard the interests of children and adolescents.

lives, the difficulties they experience, what they would like to see change, and the important contribution that children themselves can make to the processes of change.

- It is perhaps in the task of raising awareness of children as holders of human rights that commissioners or ombudsmen play their most significant role. All current bodies view the dissemination of information about the rights of children as central to their existence. Some, such as the Norwegian Ombudsman, employed extensive use of the media to achieve this objective. In New Zealand, the Commissioner played an active

role in raising public awareness of the levels of violence against children and promoting changes in public opinion towards the physical punishment of children. He also produced information for children on the Convention on the Rights of the Child which was disseminated widely in schools. In Austria, the federal ombudsman publishes a quarterly magazine for children and also furthers knowledge of the Convention through school visits and promotional materials. The deputy Ombudsman for British Columbia has a specific remit to undertake outreach work to generate awareness of the existence of the office and to inform about the Convention. The *Defensoria de la Infancia* in Costa Rica and the Children's Interests Bureau in South Australia run seminars and training programmes, as well as producing publications and using the media to disseminate information and understanding. In Guatemala, the *Defensoria de los Derechos de la Niñez* has developed a formal education programme for teachers and professionals as well as informal programmes for parents and the public on the principles of the Convention.

It is not possible without independent evaluation to assess the impact of all this work. But it is almost certainly the case that the very existence of a commissioner or ombudsman for children transmits a message to society asserting the importance attached to children and their significance in society as individuals in their own right. And it is this visibility of children that begins the process of awarding respect for their human rights, in the same way that women had to become visible as part of their struggle for equality.

Children's economic and political powerlessness, and their consequent vulnerability to exploitation, abuse and disregard, demands the creation by all countries of an independent body both empowered to advocate on children's behalf and focused exclusively on their

interests. Without such a body, the evidence reveals that they are likely to lose out to other lobbies and interests. The model developed by any individual country needs to reflect its own political and social realities — no one model will be appropriate for all countries. But whatever model is adopted, the appointment of an independent commissioner or ombudsman by the state represents an important expression of intent in relation to the progressive realization of children's rights. It indicates that the government attaches weight to its international commitments and is prepared to be held to account on them. And if the principles and standards of the Convention are to be upheld, there must be a willingness from government to give children a high political priority. Without governments' active investment, the resources, legislation, public education and necessary structures to promote the interests of children will not exist. NGOs have a vital role to play in prompting governments to make these commitments and in challenging them when they fail, but ultimately it is governments that hold power. In the longer term, children's interests require not only advocacy from the outside and campaigning on their behalf on specific rights issues, but also a commitment from governments to accept responsibility for the obligations they have undertaken. A statutory ombudsman or commissioner with power to report to parliament, with the right to be consulted and with the power to investigate is an essential step in this process. A body appointed by parliament which is actively promoting children's rights cannot be ignored by that parliament. Nor can it be ignored by the public. It is sending out powerful and positive messages about the status of children endorsed at the highest levels in that society. For this reason, the pursuit of the creation of statutory ombudsmen or commissioners for children must be a primary goal in all countries that have not yet risen to this challenge.

## Main Players

### Australia



■ Total Population (1994) 17.9 million  
 ■ under 16 4.1 million  
 ■ under 5 1.3 million  
 Surface area - 7,741,220 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 2

#### □ South Australia

Estimated Population 1993 1.5 million  
 Surface area 984,000 Km<sup>2</sup>  
 Density per Km<sup>2</sup> 1.5

Name and address of organization  
 Office for Families and Children  
 10th Floor, Citi Centre  
 11 Hindmarsh Square  
 Adelaide SA 5000  
 Tel: + 618 226 6721  
 Fax: + 618 226 6778

Date started: 1981

Constitutional base

Formerly the Children's Interests Bureau, it was established through child welfare legislation, specifically, the Community Welfare Amendment Act, and was therefore accountable to government. In July 1995, the Bureau was amalgamated with the Office for Families and the Domestic Violence Unit to create the Office for Families and Children. However, it continues to operate as a discrete unit within the larger division of the Office for Families and Children.

Staffing levels

Nine appointed members supported by five staff, all civil servants. The Bureau reports to government.

Type of funding sources  
Funded by government.

Remit and nature of work

As legislatively defined, the Bureau has a broad remit to advocate on behalf of children to promote their welfare and interests. The Bureau is required to carry out research regarding matters affecting children's welfare and develop services within the Department, both according to ministerial directive. The Bureau is also there to provide expertise to the Minister on complex issues of child welfare and fulfil an audit function within the department by monitoring, reviewing and evaluating departmental policy. In practice,

the Bureau's workload is dominated by public/professional referral of individual casework responding to — frequently in the role of mediator — complaints regarding government/non-government action and decisions and providing advice regarding legal judgements and Australia's obligations under the Convention on the Rights of the Child. The Bureau also initiates research commissions and comments on law (current and draft), policy and practice. It promotes the Convention among children and the public through various forums, the media, seminars and publications.

### Austria



■ Total Population (1994) 7.9 million  
 ■ under 16 1.5 million  
 ■ under 5 .5 million  
 Surface area - 83,859 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 96

#### □ National

Name and address of organization  
 Federal Children's Ombudsman /  
 Kinder- und Jugendanwältin des  
 Bundes  
 Bundesministerium für Umwelt,  
 Jugend und Familie  
 A-1015 Wien, Franz-Josef-Kai 51  
 Tel: +43 1 53475-223  
 Fax: +43 1 5350322

Date started: 1991

Constitutional base

Established within an existing public body, specifically the Ministry of Environment, Youth and Family. The Federal Ombudsman is chief of the Youth Welfare Department and is accountable to the Ministry. The Ombudsman submits an annual report which is published.

Staffing levels

The Ombudsman is supported by one member of staff, a lawyer.

Type of funding sources

Funded by government.

Remit and nature of work

The Federal Ombudsman does not offer individual advocacy but is charged with the defence of children's interests within the framework of judicial and administrative procedures and the promotion of public awareness of children's welfare and interests through the media and public debate. The Ombudsman monitors government accountability in respect of the child and responds to proposed legislature. The Ombudsman coordinates with the regional ombudsmen for children and youth and collaborates with other public and private youth welfare institutions. Children's awareness of the Convention on the Rights of the Child is furthered through school visits and promotional materials. The Ombudsman publishes its own quarterly magazine, *Kids and Teens*, which is disseminated by the regional ombudsmen, and provides a telephone hot-line.

#### □ Regional

Name and address of organization  
 Each of the nine *Länder* has an  
 Ombudsman for Children and  
 Youth/*Kinder und  
 Jugendanwaltschaft*.

Addresses available through the  
Federal Children's Ombudsman

Date started: 1989 - 1995

Constitutional base

Established through child welfare legislation, specifically, the federal Youth Welfare Act 1989. A system of local ombudsman offices was called for, and over the above time-span ombudsmen were established in all nine provinces. Their structure, financial resources, responsibilities and functions differ from province to province, but they are all government institutions and they work according to legal guidelines set up by federal youth welfare law. A provincial constitutional privilege (*Weisungsfreiheit*), however, frees them from political interference. Annual reports are submitted to the respective provincial governments and are then passed on to the Diet.

Staffing levels

Differ from province to province.

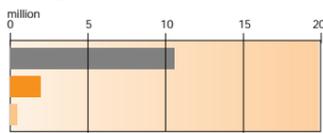
Type of funding sources

All funded by public money.

Remit and nature of work

The Ombudsmen have a broad remit to provide individual casework as well as to promote children's rights at a broad policy level. They offer counsel and public support for individual children and those legally responsible for them in all matters relating to the rights and interests of young people (and particularly in cases of disagreement with the welfare and education system). They are usually restricted to mediation and informal intervention. The Ombudsmen monitor and make recommendations where necessary regarding legal provisions and decrees concerning children and adolescents. This is backed up by research and investigation. They aim to raise general awareness about topical child-related issues and the Convention on the Rights of the Child, and do so through a variety of educational materials and 'information events'. Some differences among regional Ombudsmen exist: Linz, for example, has no 'power to object' to the results of judicial proceedings, only to make recommendations, whereas Salzburg and Lower Austria can. The Vienna office has both a male and a female ombudsperson.

### Belgium



■ Total Population (1994) 10.4 million  
 ■ under 16 1.9 million  
 ■ under 5 0.6 million  
 Surface area - 30,519 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 330

#### □ Flemish speaking

Name and address of organization  
 Kind en Gezin  
 Hallepoortlaan 27  
 1060 Brussel  
 Tel: + 32 2 533 1211  
 Fax: + 32 2 534 13 82

Date started: 1992

Constitutional base  
 Established within an existing public body, specifically, the statutory child care agency Kind en Gezin, which had been established by decree in 1984. Attached to a public agency, the 'ombudspersons' are civil servants.

Staffing levels  
 An 'ombudsservice', Kind en Gezin serves the five Flemish provinces with an ombudsperson for each and a coordinating ombudsperson in Brussels.

Type of funding sources  
 Government funding.

Remit and nature of work  
 While using the Convention on the Rights of the Child as the main inspiration for the procedures and requirements of the ombudsservice, Kind en Gezin has a specific mandate limiting it primarily to children under three years of age. Therefore, it is usually adults who are reporting risk situations, requesting information and making complaints on behalf of the child. It is, however, the best of interests of the child that provides the focus for Kind en Gezin's response. Kind en Gezin aims to safeguard and improve the way children are catered for by child-care agencies and institutions and initiates research on behalf of children. It handles individual casework primarily but makes policy/legislative recommendations in response to recurring problems. It aims to educate and inform 'consumers' about services for children and children's rights.

#### □ Francophone

Name and address of organization  
 Délégué Général aux droits de l'enfant et l'aide à la jeunesse  
 W.T.C. Tour 1 20ème étage  
 Bld E. Jacqmain 162  
 1210 Bruxelles  
 Tel: +32 2 219 74 01  
 Fax: +32 2 219 63 02

Date started: 1991

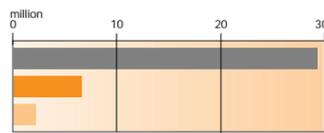
Constitutional base  
 Created by an Act of Parliament by the Council of the French Community of Belgium. The General Representative is appointed by the Executive of the French Community.

Staffing levels  
 The General Representative is supported by five staff.

Type of funding sources  
 Funded entirely by public money.

Remit and nature of work  
 The General Representative has a broad brief to preserve the rights and the interests of all children and young people in order to enhance their recognition as law subjects with responsibilities and duties. The General Representative aims to disseminate information about children's rights and interests, respond to and mediate in the case of individual complaints and monitor legislation proposing reform where regarded necessary. Increasingly, priority action has concerned advocacy for children in individual situations, but lobbying for reform is also regarded as fundamental. The General Representative respects and invokes the Convention on the Rights of the Child as a framework of principles.

### Canada



■ Total Population (1994) 29.1 million  
 ■ under 16 6.5 million  
 ■ under 5 2.1 million  
 Surface area - 9,970,610 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 3

#### □ British Columbia

Surface area 892,677 Km<sup>2</sup>  
 Total Population 3.3 million

Name and address of organization  
 Deputy Ombudsman  
 The Office of the Ombudsman  
 in Victoria  
 931 Fort Street  
 Victoria BC  
 V8V 3K3  
 Tel: +1 604 387 5855  
 Fax: + 1 604 387 0198

Date started: 1987. In 1987 the Ombudsman created the position of Deputy Ombudsman for Children and Youth. In 1990, however, the role of the Deputy Ombudsman as a specific advocate for children ceased. Both the Ombudsman and Deputy now have a general remit which extends to children. In 1995, the government established a Child, Youth and Family Advocate with a mandate to advocate for children in receipt of Social Services provision only.

Constitutional base  
 Established within an existing public body, specifically, the Office of the Ombudsman. Of the Canadian provinces, only British Columbia has an Ombudsman Office with a team designated exclusively to children and youth issues. As an officer of the legislature, the Ombudsman is independent of government.

Staffing levels  
 Full-time staff of nine.

Type of funding sources  
 Funded by public money.

Remit and nature of work  
 The Office has a broad mandate to protect and promote children's rights. To this end, it aims to oversee and coordinate the provision of government services to children; a Child and Youth Team of Ombudsman Officers investigates complaints about all public services with a view to ensuring the child's right to be heard and considered in all decisions that affect him or her. A major focus of the Ombudsman's

work is dealing with individual complaints. These may prompt further and more general investigation from which policy/legislative recommendations are made. The Office promotes outreach work to generate awareness of its operations and to advance acceptance of the Convention on the Rights of the Child. The Office liaises with provincial and local agencies concerned with children's issues. A free telephone line to the Office is provided.

## Main players

### Costa Rica



■ Total population (1994) 3.4 million  
 ■ under 16 1.3 million  
 ■ under 5 0.4 million  
 Surface area - 51,00 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 60

#### Name and address of organization

Defensoria de la Infancia  
 Ministerio de Justicia y Gracia  
 San José  
 Costa Rica

Date started: An ombudsman for children (*Defensor de la Infancia*) was established in 1987. In 1993, however, the various specialized ombudsman offices were incorporated into a new national and independent Ombudsman Office (*Defensor de los Habitantes de la Republica*) in which there is a children's unit.

#### Constitutional base

Established within an existing public body, specifically, the Ministry of Justice. Its connection to the Ministry is administrative only.

#### Staffing levels

In 1990 there was a staff of six, but since 1993 the head of the children's unit is supported by one member of staff only.

#### Type of funding sources

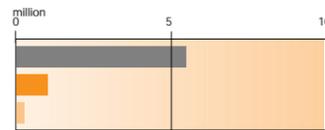
Public funding from the national budget.

#### Remit and nature of work

Using as a model the Norwegian Ombudsman, the children's unit, similar in power and function to the children's ombudsman, has a broad mandate to protect and promote children's rights nationally, and this is done through: a) individual/group investigating of complaints ranging from individual abuse and discrimination to legal and institutional violations; b) encouraging awareness of children's rights, the Convention on the Rights of the Child and the Office itself through the media, seminars, training programmes, publications and the creation of local committees; c) monitoring all administrative and legal procedures - using the guidelines of the Convention - to ensure they do not violate children's rights and proposing reforms to the Supreme Court and Congress. The unit participates with government and

NGOs to conduct research and develop future strategies and has established a direct telephone line for both adults and children. The unit cannot intervene in family conflicts, however, or in private schools.

### Denmark



■ Total population (1994) 5.2 million  
 ■ under 16 0.9 million  
 ■ under 5 0.3 million  
 Surface area - 43,094 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 121

#### Name and address of organization

The National Council for Children's Rights  
 Bornerådet  
 Holmens Kanal 22  
 1060 Copenhagen K  
 Denmark  
 Tel: +45 33 120 406  
 Fax: +45 33 924 699

Date started: 1995. It will run for a trial period of three years.

#### Constitutional base

Established within an existing public body (specifically, the Ministry of Social Affairs), although it originated from a parliamentary resolution rather than legislation. Formally independent of government.

#### Staffing levels

The Council has seven members, three appointed by the Minister of Social Affairs and four by NGOs, supported by four staff.

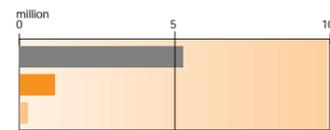
#### Type of funding sources

Public money provides the core budget and is supported by private funding for particular projects.

#### Remit and nature of work

Uniquely, the Council is required to establish direct consultative contact with children of different (and representative) social/age groups, feeding the responses back to government. There is no formal obligation for government to consult the Council, although the latter does encourage debate and call attention to legislation and administrative practice that infringes children's rights and interests. Teachers provide the conduit between the Council and the selected groups. The Council and the children meet annually at a residential meeting, and representatives of the children's groups attend the Council's annual meeting. The Council also consults children individually inviting contributions. A telephone line is provided: messages can be recorded only. The Council does not provide individual advocacy or use the Convention as a framework.

### Finland



■ Total population (1994) 5.1 million  
 ■ under 16 1.0 million  
 ■ under 5 0.3 million  
 Surface area - 338,145 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 15

#### Name and address of organization

The Children's Ombudsman Office  
 The Mannerheim League for Child Welfare

Toinen linja 17  
 Box 141

FIN-00531 Helsinki

Tel: +358 0 34811 470

Fax: +358 0 34811 509

Date started: 1982

#### Constitutional base

Established and run by NGOs, specifically, the Mannerheim League for Child Welfare. The Ombudsman has no official status.

#### Staffing levels

As part of the Mannerheim League for Child Welfare, the Ombudsman has at his/her disposal the services and expertise of the whole organization on a national and regional level.

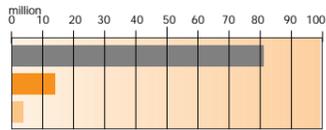
#### Type of funding sources

The MLCW is funded by both private grants and government money.

#### Remit and nature of work

The Ombudsman aims to provide independent legal information and counsel to children, young people and adults with the primary aim of safeguarding the interests of the child. There is an emphasis on individual advocacy and legal assistance which ranges from basic counselling to the legal representation of a child. The Ombudsman seeks to influence legislation on the basis of practical experience gained and offers information and guidance to professionals working with children. In addition, one of the principal functions of the Ombudsman is to promote the Convention and children's rights in general, both when involved in a case and through seminars and training sessions. In cooperation with the League, the office runs a nationwide telephone counselling programme for children and adults.

### Germany



■ Total population (1994) 81.3 million  
 ■ under-16 14.0 million  
 ■ under-5 4.1 million  
 Surface area - 356,733 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 228

Name and address of organization

The KinderKommision/ The Commission for Children's Concerns

Deutscher Bundestag  
 Ausschuss f. Familie  
 Bundeshaus

53113 Bonn

Tel: +49 228 1627112

Fax: +49 228 1626805

Date started: 1987

Constitutional base

An all-party parliamentary body, the Commission is a subgroup of and offers advice to the *Bundestag's* Committees on Women and Youth and on Family Affairs and Senior Citizens. There are currently four Commissioners for Children (*Kinderbeauftragter*), and they make up the Commission although their legal position in the *Bundestag* is not clearly defined. Each of the Commissioners is a Member of Parliament representing one of the four parliamentary groups. The Commission cannot act without the consensus of all its members.

Staffing levels

Four Commissioners supported by 2 1/2 staff.

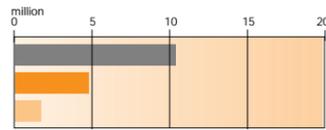
Type of funding sources

Funded entirely by public money.

Remit and nature of work

The work of the Commission aims to represent children's interests as a body within the *Bundestag*, touching on all policy areas and thereby covering a wide range of fields from road safety to environmental issues to the influence of advertising, for example. The Commission is required to monitor the effect of all federal legal and policy provisions upon children and their interests and propose amendments where necessary. It is expected to focus on the implementation of the Convention on the Rights of the Child.

### Guatemala



■ Total population (1994) 10.3 million  
 ■ under-16 4.8 million  
 ■ under-5 1.8 million  
 Surface area - 108,889 Km<sup>2</sup>  
 Density per Km<sup>2</sup> - 95

Name and address of organization

Defensoria de los Derechos de la Niñez de la Procuraduría de los Derechos Humanos

13 calle, 11-42 Zona 1  
 Ciudad de Guatemala  
 Guatemala

Tel: + 502 238 0344 / 232 1683

Fax: + 502 238 0344

Date started: 1990

Constitutional base

A special unit created within a new government office which had been established by a specific Act of Parliament, *Acuerdo SG-2-90*. The office reports annually to Congress but is not under presidential/congressional control.

Staffing levels

Full-time staff of five.

Type of funding sources

Funded by public money.

Remit and nature of work

The office of the *Defensoria* was part of a new national human rights focus and its objective was to promote and protect children's rights as defined in the Guatemalan Constitution and the Convention on the Rights of the Child. The Procurator of Human Rights (*El Procurador de los Derechos Humanos*) oversees the functioning of the office and the activities of the *Defensor de los Derechos de la Niñez*. The office provides individual casework investigating reported rights violations and monitors those public institutions providing services for children, aiming to coordinate activities and influence legislation that ensures compliance with the Convention. The Office offers a formal educational programme for teachers and professionals and informal educational programmes for parents and the public.

### Iceland



■ Total population (1994) 266,000  
 Surface area: 103,000 Km<sup>2</sup>  
 Density (per Km<sup>2</sup>): 3

Name and address of organization

The Ombudsman for Icelandic Children

Hverfisgata 6

150 Reykjavik

Tel: +354 552 8999

Fax: +354 552 8966

Date started: 1995

Constitutional base

Created through an Act of Parliament, the Act on Children's Ombudsmen No. 83 of 1994. The Ombudsman is appointed by the President and reports annually to the Prime Minister. However, the Ombudsman operates independently of government.

Staffing levels

One member of staff. Specialists can be engaged for specific assignments.

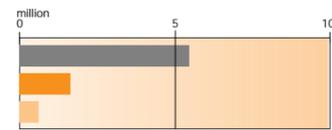
Type of funding sources

Funded by government.

Remit and nature of work

The ombudsman has a broad mandate to safeguard children's interests, needs and rights. The ombudsman advocates on behalf of children as a group (offering informal advice to individuals) and aims to promote public and institutional awareness of children's rights through debate, discussion and research. The ombudsman also is required to provide proposals for the improvement of policy and compliance with international law, particularly the Convention, based on reaction to cases of infringement of rights or interests.

### Israel



■ Total population (1994) 5.5 million  
 ■ Under-16 1.7 million  
 ■ Under-5 0.6 million  
 Surface area: 21,056 Km<sup>2</sup>  
 Density (per Km<sup>2</sup>): 256

Name and address of organization

The Open Line for Pupils (originally the Pupil's Ombudsman)

The Ministry of Education, Culture and Sport

The Pedagogic Executive

2 Dvora Hanevi'a Street

Jerusalem 91911

Tel: +972 2 292538/9

Fax: +972 2 293754

Date started: 1990

Constitutional base

Established within an existing public body, specifically the Ministry of Education, Culture and Sport. Staff are employed by the Ministry and accountable directly to it.

Staffing levels

There are five full-time positions and a secretarial position which are filled by ten people working part-time while maintaining their 'grass-roots' work in schools. The staff are employed by the Ministry.

Type of funding sources

Funded by government

Remit and nature of work

The Open Line aims to address concerns experienced by pupils in school and increase the awareness of children's rights among education workers, pupils and parents. It provides individual advocacy and support for children in cases of injustice or discrimination by supplying information, advice and mediation. The Open Line also makes recommendations regarding legislative and policy creation/change in matters relating to the general welfare and interests of children. The Office functions as part of the care framework of the education system, and, in the case of problems that fall outside the field of education, children are referred to the appropriate bodies.

## Main players

Name and address of organization  
**Ombudsman for Children and Youth**  
 The National Council for the Child  
 19 Tiberias St.  
 Jerusalem 94543  
 Tel: +972 2 256102  
 Fax: +972 2 256004

Date started: 1990

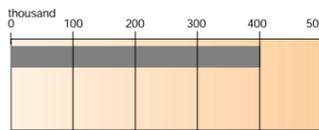
Constitutional base  
 Established and run by NGOs, specifically, the National Council for the Child.

Staffing levels  
 Full-time staff of five, backed up by the work of volunteers.

Type of funding sources  
 Privately funded by a number of organizations, groups and individuals.

Remit and nature of work  
 The Ombudsman project, together with other units of the National Council of the Child, has a broad mandate to safeguard children's rights, welfare and well-being, serving children on an individual and a collective level. The Ombudsman for Children and Youth specifically provides a point of contact with Israeli children. It is a 'division' of the National Council for the Child which aims to investigate and resolve complaints regarding children's rights and offer advice and/or advocacy in cases requiring legal intervention (through the Centre for the Child and the Law). The National Council for the Child will resort to legal action should mediation appear inappropriate. When the case requires it, the Ombudsman for Children and Youth will challenge government policy and legislation. The Ombudsman for Children and Youth promotes public awareness of itself as an Office and children's rights and welfare in general through educational campaigns and extensive publicity. Now a nationwide service, the Ombudsman for Children and Youth took over from a pilot project in Jerusalem, the Jerusalem Council for Children and Youth, which had been running for three years. It serves all Israeli children including the Russian and Ethiopian immigrant communities and the Arab community (the latter two groups since 1994).

### Luxembourg



■ Total Population (1994) 401,000

Surface area: 2,586 Km<sup>2</sup>  
 Density (per Km<sup>2</sup>): 155

Name and address of organization  
 'Ombudscommittee'

Date started: Not applicable.

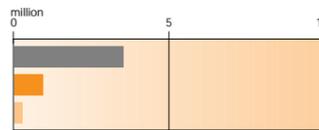
Constitutional base  
 Bill in draft form (May 1996). An Ombudscommittee is planned with a view to preventing the creation of an individual with too much power. It would be accountable to parliament.

Staffing levels  
 As yet unknown.

Type of funding sources  
 As yet unknown.

Remit and nature of work  
 To promote the rights of children and the social protection of children.

### New Zealand



■ Total Population (1994) 3.5 million  
 ■ under 16 0.9 million  
 ■ under 5 0.3 million

Surface area: 270,534 Km<sup>2</sup>  
 Density (per Km<sup>2</sup>): 13

Name and address of organization  
 The Office of the Commissioner for Children  
 39 Pipitea Street  
 P.O. Box 12537, Thorndon  
 Wellington, New Zealand  
 Tel: +64 4 711410  
 Fax: +64 4 711418

Date started: 1989

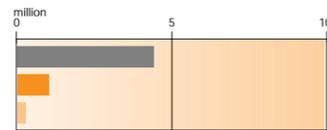
Constitutional base  
 Established through child welfare legislation, specifically, within the Children, Young Persons and Family Act 1989. It is designed to operate independently of government. An annual report is presented to the Minister of Social Welfare.

Staffing levels  
 (In 1994) eight members of staff.

Type of funding sources  
 Funded entirely by public money, specifically by the Department of Social Welfare.

Remit and nature of work  
 The Commissioner is concerned with:  
 a) the welfare of children and young persons. The Office is required to carry out research studies related to children's welfare; to monitor and report on any related law or practice; to respond to related representations from the public and advocate for children as individuals, as groups and as a class; and to raise public awareness regarding child-related welfare matters. The Office is an advocacy unit only and cannot enter into legal proceedings;  
 b) monitoring the implementation and workings of the Act under which it was established. It is required to investigate decisions and recommendations based on the Act; to monitor and assess departmental policy and practice; to advise the Minister on matters relating to the Act's administration; and to review and make recommendations on its workings. The Commissioner is also required to encourage policy and service development within the Department of Social Welfare.

### Norway



■ Total Population (1994) 4.3 million  
 ■ under 16 0.9 million  
 ■ under 5 0.3 million

Surface area: 323,877 Km<sup>2</sup>  
 Density (per Km<sup>2</sup>): 13

Name and address of organization  
 The Commissioner for Children  
 Ombudet for barn og unge  
 Barneombudet  
 Hammenborg Torg 3  
 P.O. Box 8036 DEP  
 N - 0030 Oslo  
 Tel: + 47 22 242630  
 Fax: + 47 22 249524

Date started: 1981

Constitutional base  
 Established by a special Act of Parliament, specifically, the Ombudsman for Children Act. The Office of the Commissioner for Children is under the formal administration of the Ministry of Children and Family Affairs. The Commissioner is appointed for a fixed term of four years. The Commissioner is an independent spokesman for children.

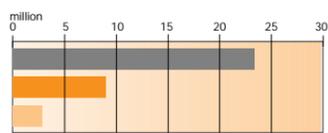
Staffing levels  
 Full- and part-time staff of 14 (including the Commissioner). The Act stipulates that, in addition, the Commissioner has a permanent advisory panel of experts, although nowadays it works on a more ad hoc basis.

Type of funding sources  
 Funded by parliament, according to budget allocation by the Ministry for Children and Family Affairs.

Remit and nature of work  
 The Commissioner has a broad mandate to promote the interests of children in relation to public and private authorities and to improve the conditions in which they live. The Commissioner undertakes casework on any matter except those concerning conflicts between family members which are explicitly precluded by legislation. The Commissioner also aims to influence policy makers and public opinion with well-researched proposals for change based on information gained from contact with individuals. The Commissioner often uses the media. He or she thus provides a 'voice' for children to communicate with the highest

political authorities on issues covering most areas of society. The Commissioner uses the Act of Parliament as a framework of principles rather than the Convention. The office offers 24-hour toll-free telephone hot-line.

### Peru



■ Total population (1994) 23.3 million  
 ■ under 16 8.8 million  
 ■ under 5 2.9 million  
 Surface area: 1,285,216 Km<sup>2</sup>  
 Density (per Km<sup>2</sup>): 18

Name and address of organization  
 Defensoria Municipal del Niño y Adolescente  
 (Contact relevant municipality).

Date started: 1992

Constitutional base

The new Child and Adolescent Code was established under the provisions of Law Decree 26102. One of its innovations was the *Defensoria Municipal del Niño y Adolescente*. These Offices are organized by public institutions and NGOs that provide services to children, and by 1995 approximately 130 had been established. They are not independent from government.

Staffing levels

Differ from office to office.

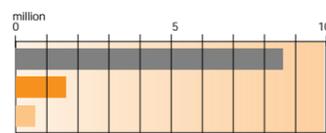
Type of funding sources

All the offices are primarily funded by their local authority (i.e., public money). Some private donations are made by international NGOs, for example, for staff training.

Remit and nature of work

The Code aims to defend the rights of children and adolescents in public and private institutions and ensure that Peruvian national law is compatible with the Convention on the Rights of the Child. The Defence Offices provide individual casework — but not legal advocacy — on a local level of daily life where the judicial and law enforcement systems either do not or cannot. They aim to encourage both family ties and the recognition of paternity. They will intervene and mediate to defend the rights of children in cases that do not involve the judiciary or in order to forestall referral to the courts. The Offices offer guidance to programmes working with children and adolescents. An annual national meeting is intended to coordinate the work and experience of the various offices.

### Sweden



■ Total population (1994) 8.7 million  
 ■ Under 16 1.7 million  
 ■ under 5 0.6 million  
 Surface area: 449,964 Km<sup>2</sup>  
 Density (per Km<sup>2</sup>): 20

Name and address of organization

The Office of the Children's Ombudsman  
 Box 22106

S-10422 Stockholm

Tel: +46 8692 2950

Fax: +46 8654 0277

Date started: 1993

Constitutional base

Created through an Act of Parliament following ratification of the Convention on the Rights of the Child. An annual report is presented to government, but the Office operates independently of it. The Ombudsman is appointed for a fixed term of six years.

Staffing levels

Full-time staff of 14 working in four principle fields: child safety and social planning; children's formative conditions; young person's formative conditions; and psychosocial questions. Affiliated to the Office is a Council chaired by the Ombudsman which functions as a consultative body. Its members are appointed by government.

Type of funding sources

Funded by government.

Remit and nature of work

The Ombudsman has a mandate to: a) safeguard the needs, rights and interests of children and young persons. There is no individual advocacy or representation. Guided by the Convention on the Rights of the Child, the Ombudsman aims to provide children, as a group, with a 'voice' and a perspective. The Ombudsman acts as a spokesperson and promotes, and educates the public about, children's rights, responding to all queries regarding the rights of children and representing children in the course of public debate. Contact with children is maintained through school visits by the Ombudsman and a

confidential free telephone service for children and young people; b) to ensure that Sweden complies with the Convention on the Rights of the Child. The Ombudsman is not empowered to take legal action or to intervene in the handling of individual cases but is expected to monitor new laws and policy and, if necessary in the light of an individual case, propose amendments to existing laws and policy, ensuring that the children's 'voice' and the Convention become a natural part of all relevant legislation. The Office often cooperates with other authorities, organizations and individuals and actively monitors research related to children's interests and welfare. The Office compiles a statistical publication about children and young persons. The annual report assesses the degree of compliance with the Convention, drawing the media's attention to shortcomings. A report is also submitted to the United Nations Committee on the Rights of the Child.

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