# Ombudswork for Children

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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 ombudwork

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 (Ocking, 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 pensions 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 'ombudsmans' and 'commissioners' 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 ‘ombudsmans’ is a Scandinavian term, it generally is not changed to ‘ombudsperson’. Indeed, the first person appointed under the Norwegian Act, Mådnd Pilek, 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 neither do they explicitly address themselves to exclude children from access to their services.

The growth of ombudsmen 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 in the creation of independent ombudsmen. The act of establishing an ombudsman for children is an expression of commitment not only to respect the rights of children, but also to promote respect for fundamental human rights for children. In other words, he or she must seek greater justice for children both by addressing violations of rights and by promoting recognition of human rights not yet embodied in legislation, culture or day-to-day practice in children's lives.

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 doing so.
- 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 (Hodgkinson 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.
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.

### The issues

#### 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 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 (Hasall, 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 (Caswell-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 Pupils’ 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 based. 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 offices 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 (Dawson, Cohen and Gintner, 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 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 Commission 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 Commission. 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. Where 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' 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-
appropriate model for providing children with far from clear that such an approach is the most non-binding nature of their decisions, it is not 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 mode 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 where they are aware, 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 existence 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 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 (Hekkey, 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 ombudsmen 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-
The issues

Promoting awareness of children's rights as an ombudsman office would see the task of required to achieve compliance. All current legislative, policy and practice changes that are necessary to prevent further incidents arising. Other ombudsmen have been established primarily to advocate on behalf of children as a body 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 outsider 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 rights 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 antwaltamt in Antwerp. 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 National 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 to inform and mobilize society 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 broadly 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 obligations 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 ombudsman has a remit to review all federal legal provisions with regard to their effect on children and, where necessary, to submit proposals for amendments. It 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 forcefully 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 presumptions 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 and boys.

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 act effectively for all children and has consistently called for the appointment of an independent advocate with responsibility for 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 unappointed 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.
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 Norwegian Ombudsman. 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 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:

1. 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.

2. 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 schooling; 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
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.

The Norwegian Ombudsman 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. It is almost certain 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 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 need not 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 (1996): 17.9 million
- under 16: 4.1 million
- under 5: 1.3 million
- Surface area: 7,692,024 Km²
- Density per Km²: 2

South Australia

- Estimated Population 1993: 1.5 million
- Surface area: 964,000 Km²
- Density per Km²: 15

Office for Families and Children
10th Floor, ClC Centre
11 Hindmarsh Square
Adelaide SA 5000
Tel: + 61 8 226 6721
Fax: + 61 8 226 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 fulfils an audit function within the department by monitoring, reviewing and evaluating departmental policy. In practice, the Bureau's workload is dominated by professional referral of individual casework responding to — frequently in the role of mediator — complaints regarding government/province-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 (1996): 7.9 million
- under 16: 1.5 million
- under 5: 0.5 million
- Surface area: 83,859 Km²
- Density per Km²: 96

Federal Children's Ombudsman

National

- Name and address of organization: Federal Children's Ombudsman / Kinder- und Jugendanwaltin des Bundes
- Address: Bundesministerium für Umwelt, Jugend und Familie
- 1015 Wien, Franz-Josef-Kai 51
- Tel: +43 1 53075-223
- Fax: +43 1 53075-222

Date started: 1981
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 source: 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 legislation. 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.

Constitutional base: Established through child welfare legislation, specifically, the Federal Youth Welfare Act 1989. A system of local ombudsmen 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 (Wesungsnfrieden), 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 source: 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

Francophone

Name and address of organization
Délégué Général aux droits de l'enfant et l'aide à la jeunesse
Bld E. Jacqmain 162
1250 Bruxelles
Tel: +32 2 239 74 01
Fax: +32 2 239 63 02
Date started: 1981

Constitutional base
Established 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 interests of all children and young people in order to enhance their recognition as 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.

Type of organization
Legal representative

Type of funding sources
Government funding.

Type of funding sources
Funded by public money.

Type of funding sources
Funded entirely by public money.

Main players

Canada

British Columbia

Name and address of organization
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

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: 51,000 Km²
- Density per Km²: 60

Name and address of organization
Defensoría de la Infancia
Ministerio de Justicia y Gracia San José
San José
Costa Rica

Date started: 1987

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: 1.9 million
  - under 5: 0.3 million
- Surface area: 43,094 Km²
- Density per Km²: 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 33 120 406

Date started: 1995

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/economic 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 Km²
- Density per Km²: 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 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
- Density per Km²: 228

Name and address of organization
The KinderKommision/The Commission for Children’s Concerns Deutscher Bundestag Ausschuß f. Familie Bundestags Haus 33131 Bonn Tel: +49 228 1627112 Fax: +49 228 1620803

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 (Kinderbeauftragte) 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: 2.8 million
- Density (per Km²): 256

Name and address of organization
The Niñez de la Procuraduría 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

Constitutional base
Created through an Act of Parliament, the Act on Children’s Ombudsman 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 level
One member of staff. Specialists can be engaged for specific assignments.

Type of funding sources
Funded by government.

Remit and nature of work
The Office of the Defender of Human Rights (Defensor de los Derechos Humanos) oversees the functioning of the office and the activities of the Defender of the Niñez 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 operates 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 Km²
- Density (per Km²): 3

Name and address of organization
The Ombudsman for Icelandic Children Hverfisfélags í 150 Reykjavík Tel: +354 552 8999 Fax: +354 552 8966

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 secretariat 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 injury 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 exceed the field of education, children are referred to the appropriate bodies.
### Main Players

<table>
<thead>
<tr>
<th>Name and address of organization</th>
<th>Luxembourg</th>
<th>New Zealand</th>
<th>Norway</th>
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<tbody>
<tr>
<td>Ombudsman for Children and Youth</td>
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<tr>
<td>The National Council for the Child 19 Tiberias St. Jerusalem 94543 Tel: +972 2 256004 Fax: +972 2 256004 Date started: 1990 Constitutional base Established and run by NGOs, specifically, the National Council for the Child.</td>
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#### Staffing levels
- Full-time staff of 5, 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 1996).

#### Luxembourg
- Total Population (1994) 401,000
- Surface area: 2,588 Km² Density (per Km²): 155

#### New Zealand
- Total Population (1994) 3.5 million
- under 5 0.3 million
- under 16 0.9 million
- Surface area: 270,334 Km² Density (per Km²): 13

#### Norway
- Total Population (1994) 4.3 million
- under 5 0.3 million
- under 16 0.9 million
- Surface area: 323,877 Km² Density (per Km²): 13

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**Name and address of organization**
- **Ombudsmen for Children and Youth**
- **The National Council for the Child**
- **Jerusalem 94543**
- **Tel: +972 2 256004**
- **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 5, 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 1996).
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.


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**Peru**

- **Total population (1994)**: 25.3 million
- **Under 16**: 8.8 million
- **Under 5**: 2.9 million
- **Surface area**: 1,285,216 Km²
- **Density (per Km²)**: 18

**Constitutional base**
The new Child and Adolescent Code was established under the provisions of Law Decree 26102. One of its innovations was the Defensoría 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.

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**Sweden**

- **Total population (1996)**: 8.7 million
- **Under 16**: 1.7 million
- **Under 5**: 0.6 million
- **Surface area**: 449,964 Km²
- **Density (per Km²)**: 20

**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; 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:
- safeguard the needs, rights and interests of children and young persons.
- 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 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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**Main players**

- **Peru**
  - **Name and address of organization**: Defensoría Municipal del Niño y Adolescente
  - **Constitutional base**: The new Child and Adolescent Code was established under the provisions of Law Decree 26102. One of its innovations was the Defensoría 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**
  - **Name and address of organization**: The Office of the Children’s Ombudsman
  - **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:
    - safeguard the needs, rights and interests of children and young persons.
    - 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 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.
Information sources


Ministry of Education, Culture and Sport, Involvement, Partnership and Responsibility of School's Administration, Teachers and Students, MECS, Jerusalem, 1996.


