



# Child Rights – Turning Concept Into Reality

## Conference on National Human Rights Institutions (NHRIs) for Children

November 3-4, 2014  
Sarajevo, Bosnia and Herzegovina



Institucija ombudsmena/ombusmana  
za ljudska prava Bosne i Hercegovine  
Институција омбусмена/омбудсмана  
за људска права Босне и Херцеговине



**Save the Children**

## EXECUTIVE SUMMARY

In a year marking the 25th anniversary of the United Nations the Convention on the Rights of the Child, National Human Rights Institutions for children throughout the world celebrate many achievements, but also acknowledge numerous challenges as many countries go through hardships of armed conflicts, political struggles and economic recessions.

A global conference on the National Human Rights Institutions for Children titled “Child Rights – Turning Concept Into Reality” was held on November 3 and 4 in Sarajevo, Bosnia and Herzegovina with a goal to provide a platform to discuss those achievements and challenges. Organized by the Save the Children Norway, Save the Children North-West Balkans and the Human Rights Ombudsman of Bosnia and Herzegovina, conference brought together professionals from 27 countries in the world who focused on the **role of National Human Rights Institutions in protection of child rights**, models, advantages and principles; and **the importance of cooperation of National Human Rights Institutions with other actors in the protection of the rights of the child**.

Starting from the premise that there have been many achievements in the field of the promotion and protection of children rights in 25 years, but that a gap between principles and everyday reality for children is far from being bridged, participants discussed:

- International standards for the National Human Rights Institutions for the protection of children rights;
- Models of ombudsmen for children, advantages and challenges;
- Models of cooperation between Ombudsmen for children and civil society organisations;
- Models of communication between Ombudsmen for children and children; and
- International and regional cooperation of the National Human Rights Institutions in the protection of the rights of the child.

Independent monitoring bodies play an important role in the implementation of the Convention on the Rights of the Child, and its importance have been underlined by the UN Committee on the Rights of the Child in its General Comment no2 and in the Paris Principles adopted by the United Nations Human Rights Commission in 1992. Existence of such bodies is not a choice, but an international obligation of every state party. In order for such a body to be fully functional, it has to be, among other things; **independent, with a strong and clear mandate, accessible, specialized and professional**.

Conference participants expressed a view that there is **no single model in protection of the child rights**, as establishing and functioning of an institution is a process that greatly varies depending on a country’s social and political culture, as well as its democratic





maturity. Many however acknowledged that a specialized ombudsman for human rights is more visible to children, likely to have more resources for dealing with children rights at its disposal and allows for specialisation in the field. On the other hand, a separate **division integrated into a general ombudsman office** may benefit from dealing with children rights cases in broader context, as it creates opportunity for multidisciplinary approach to violation of children rights.

Regardless of the model, the **independence** of the national human rights institutions for children is fragile in numerous cases. In many cases it is closely interlinked with the issue of financing, as institutions are financed by the authorities who established them in the first place due to international pressure. In some situations, the governments lack understanding of the ombudsman's mandate and role, leading them to deem those institutions as their opponents and critics, rather than valuable partners.

It was recognized by many that the role of the **civil society organisations (CSO)** is very important. CSOs have a potential to influence standards and the level of protection of children in a society, and provide information and education on human rights. When partnered, the National Human Rights Institutions (NHRI) for children and civil society organisations can achieve much more in reaching common goals than when acting independently. For NHRIs, civil society is a valuable source of information as those



organisations may be present in the field; they may maintain direct contact with the target group and have their own monitoring infrastructure in place. However, when establishing such cooperation, a NHRI should take care that it chooses the most adequate partner.

National Human Rights Institutions for children must find suitable model **direct communication with children** in their work and be examples of child participation for other segments of the society. That communication is most commonly established for a purpose of **intervention** by responding to a complaint, **education** on the role of ombudsman and child rights, and **learning**, a process in which ombudsmen learns from children about their ideas and opinions. This communication has to be two-sided, precise, clear and, above all, honest. Participants of the conference discussed positive examples of their work with the children, but some also acknowledge a need for increasing child participation in relation to many NHRIs around the world.

Regional and international cooperation can be of great importance for all National Human Rights Institutions for children, as it enables them not only to share experiences and knowledge, but also to replicate ideas and projects where feasible and pull together, in many cases scarce, resources towards reaching a common goal.

## **DAY 1 – Role of National Human Rights Institutions in protection of child rights; models, advantages and principles**

### **INTRODUCTION**

The conference on National Human Rights Institutions for Children brought together representatives of 16 independent human rights institutions, UN Committee on the Rights of the Child, Save The Children and child rights advocates from 27 countries and 4 continents, and a group of children from three different countries in the Balkans (Bosnia and Herzegovina, Serbia and Montenegro). Underlining an importance of the conference and its topic, hosts – Institution of the Human Rights Ombudsman in Bosnia and Herzegovina (BiH Ombudsman) and Save the Children North-West Balkans (SCNWB) – welcomed participants in the BiH Parliament's building and seats usually occupied by the state MPs. Conference was moderated by **Almedina Karić** from the BiH Ombudsman's office.

Opening speeches were delivered by the BiH Ombudsman for Human Rights **Jasminka Džumhur**, Principal Deputy Chair of the Joint Commission for Human Rights, Child Rights, Youth, Immigration, Refugees, Asylum and Ethnicity of BiH Parliament **Nermina Kapetanović** and the SCNWB Director **Andrea Žeravčić**.

Ms. Džumhur acknowledged the conference was an opportunity for the BiH Ombudsmen to share experiences and knowledge with colleagues from around the world, recognizing both achievements and challenges in promotion and protection of child rights. *“The conference gives us a chance not only to discuss advantages and weaknesses of various organisation models for promotion and protection of child rights, but also to discuss challenges before us ... due to global events such as conflicts ... in Syria, Ukraine, Palestine and other conflict zones,”* she underlined.

Ms. Kapetanović addressed the participants commending the work of the BiH Ombudsman and its persistence in raising awareness among representatives of authorities on the importance of applying the provisions of the UN the Convention on the Rights of the Child (CRC). Acknowledging many achievements in the field of promotion and



protection of child rights in the past 25 years, Ms. Žervačić however noted that *“a gap between set principles and everyday reality for children around the world is far from being bridged”*.

## PRESS CONFERENCE

After the introduction, Ms. Džumhur, Ms. Kapetanović and Ms. Žervačić addressed the press conference attended by representatives of over twenty media outlets from Bosnia and Herzegovina. Ms. Džumhur explained that the reason for the Ombudsman institution to co-organize the conference on National Human Rights Institutions for Children *“is a trend of perceiving children as objects of various abuses (...), instead of perceiving them as subjects.”* She added the conference was designed in a way which ensures that children voices are heard.



Ms. Kapetanović, Ms. Džumhur and Ms. Žervačić addressed the press conference

Ms. Žervačić stressed it was necessary to continue with joint efforts *“to raise awareness of a society as a whole, to strengthen capacities of professionals working with children so they are able to recognize violations and to protect children rights, but also to empower children to be bearers of their rights in true sense.”* Ms. Kapetanović underlined that complex structure of Bosnia and Herzegovina is major challenge in dealing with children rights, as fragmented competencies create unequal conditions for children throughout the country. She concluded that political will must be found among decisions makers to ensure that children rights are standardized in BiH.



Local media showed great interest in the conference



## SESSION: INTERNATIONAL STANDARDS FOR NATIONAL HUMAN RIGHTS INSTITUTIONS IN THE PROTECTION OF CHILD RIGHTS

### Presentation by Peter Guráň, member of The UN Committee on the Rights of the Child

*Role of independent National institutions for protection of human rights in protection and promotion of child rights*

Mr. Guráň stressed that independent monitoring bodies play very important role in the implementation of the Convention on the Rights of the Child (CRC). He reminded that key role played by such institution has been clearly underlined in the General Comment no2, which is closely related to the „Paris Principles“. Noting that the General Comment no2 was endorsed 13 years ago, Mr. Guráň informed participants that the Committee is currently reviewing it to ensure that it is up-to-date with current global trends and events.

Based on experiences and examples of good practices, the Committee on the Rights of the Child established a set of criteria and principles for functioning of the independent bodies for protection the children rights. Some of these principles are as follows:

- **independence** – independent monitoring bodies should be free of direct or indirect influence of the governmental and state structures. Its staff and members of executive board shouldn't be members of political parties and official state structures. Representatives of the governmental departments may participate only in an advisory capacity, without any voting and decision making powers.
- **strong and clear mandate** – NHRIs should, if possible, be constitutionally entrenched and must at least be legislatively mandated. The mandate should be as broad as possible to promote and protect children rights and guarantee active role in process of preparing and implementing new legislation and by-laws.
- **accessibility** – NHRIs should be geographically and physically accessible to all children living in a territory of a respective state, have open complain procedure and ensure communication in child friendly manner.
- **specialization** – all activities of the bodies should be oriented towards promotion and protection of child rights. For this reason the Committee strongly recommended establishment of special bodies and where not feasible, of the special departments with clear mandate and budget.
- **professionalism** – a process of establishing such a body should be consultative, inclusive and transparent. Staff should include experts with experience. A pluralistic representation of the various elements of civil society should be ensured, while the child participation in various forms is strongly recommended.

Mr. Guráň warned that in many cases worldwide, institutions fail to meet one or more of criteria. In terms of establishing these bodies he underlined that this process should include representatives of civil society, concluding that it is important for the independent monitoring institutions to involve children in their work and serve as example for the society.

### Presentation by Trond Waage, UNICEF Innocenti Research Centre

*Independent Human Rights institutions on children*

Mr. Waage presented a global UNICEF study on independent human rights institutions for children published in 2012. The study underlines importance of the independent institutions in promoting systems that are effective in delivering results for children and in bringing an explicit children's focus to traditional adult-oriented governance systems. As NHRIs act as accountability mechanism, they fill gaps in checks and balances and make sure that the impact of policy and practice on children's rights is understood and recognized. Mr. Waage talked about various models of the institutions, their relation with governments, research community and civil society. On the latter, he acknowledged CSOs are „critical friends working alongside with the independent institutions but also pointing out where performance needs strengthening.“

Mr. Waage stressed that **there is no “the one and only” model in protection the child rights**, explaining that establishing and functioning of an institution is dynamic process that greatly varies depending on country's social



and political culture, and democratic maturity, among other things. Speaking in the context of the Convention's 25th anniversary, he pointed out numerous changes that occurred such as extensive changes in national laws and policies, set up of high level governmental mechanisms promoting coordinated child related activities, and promotion of international and regional initiatives to consolidate standards on the child rights protection and enhance cross border cooperation. A challenge, however, is to ensure that the governments, as a result of the pressure from civil society and other stakeholders, do not start hunting for more child rights indicators noted in toolkits, guidelines, national plans, reporting forms and tick-off boxes, i.e. to avoid governments becoming protectors of status quo.

“Modern child's life conditions are rapidly changing, and rapid change implies that the models of policy must develop accordingly,” Mr. Waage stressed adding that a traditional perception of a child as adult-in-making, vulnerable, incomplete and dependent being, should be adjusted. Instead, children should be empowered through holistic investment approach starting from viewing **child as a citizen and agent of change**. Children are resources with their own ideas, creativity, expectations, demands and inspiring ability to influence decisions, thus investing in children should be perceived as a question of good governance and economics and an instrumental step for the development of society.



Mr. Waage and Mr. Gurán answer questions following their presentations

### Discussion:

Agreeing that much has been achieved in the field of protection of child rights in the past 25 years, former **Nepal** Human Rights Commissioner *Gauri Pradhan* said that while many national and international objectives were achieved in the country, there is still a gap between principles and practice. *Dargie Teshome Abera* from SC in **Somalia** wondered about ways to ensure NHRIs' independence especially since they are facing with limited financial resources that mainly come from the authorities that establish such institutions as result of pressure from the Committee. Institutions are also lacking knowledge and expertise in terms of applying international standards. *Linda Bukasen* from SC **Norway** and *Judas*

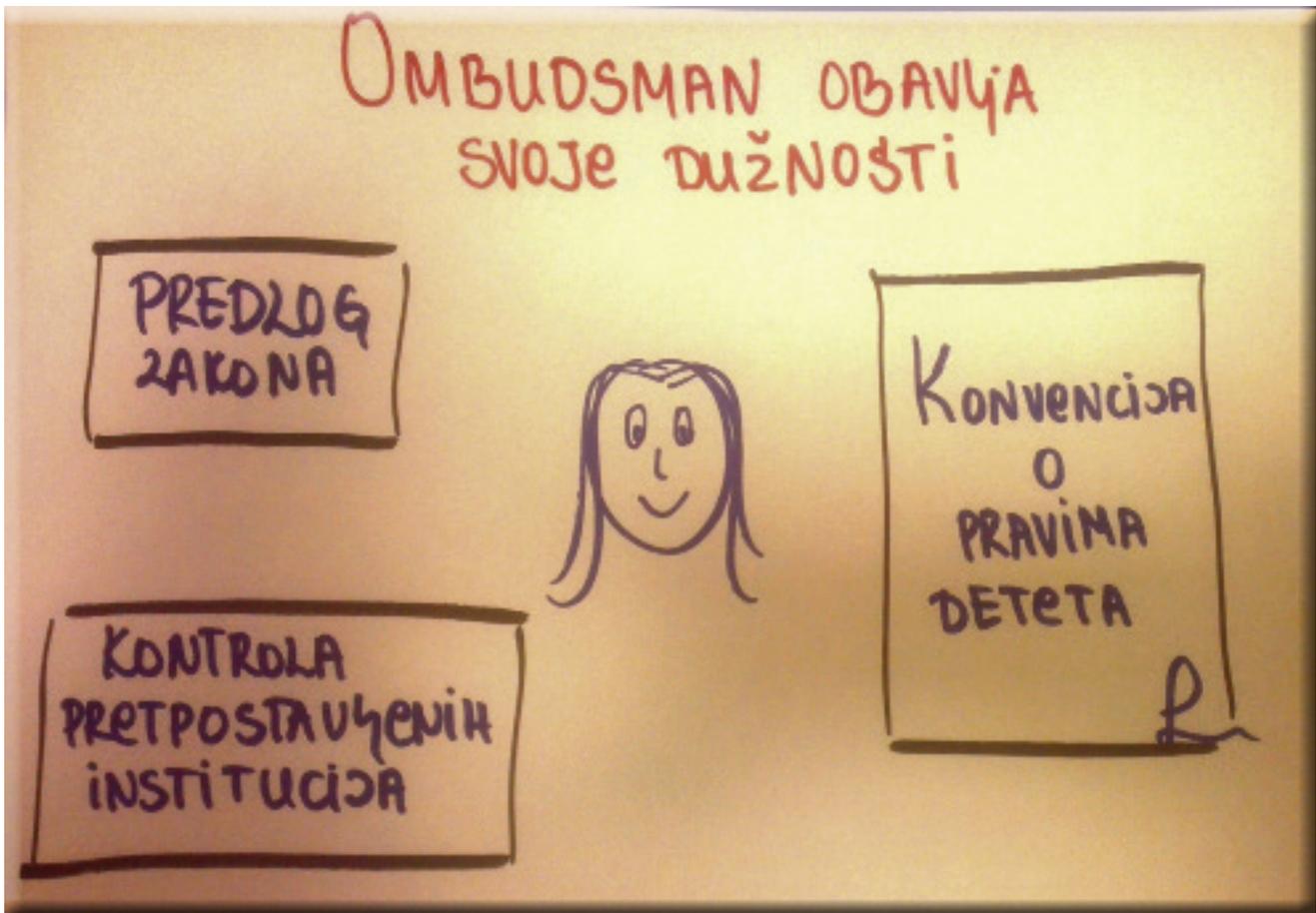
*Massique* from SC **Mozambique** raised the question on relation between institution's funding and independence.

Mr. Gurán answered that issues of **finances and independence** are big and important questions which have to be dealt with on individual basis. He reminded that establishing an independent monitoring system is clearly defined obligation for the CRC state party which also envisages ensuring funds for its operations. Whenever this is not a case, the Committee sends a clear message and continues to insist that above mentioned criteria are met. Still, he concluded, it is not just financing that is important but also process of **hiring staff** in those institutions. Mr. Waage added that it is difficult to define independence, concluding that while the Committee may issue recommendations, it is up to governments, civil society and other stakeholders at local level to find solutions and implement them in the best interest of children.

## SESSION: MODELS OF OMBUDSMEN FOR CHILDREN – ADVANTAGES AND CHALLENGES

Moderator: Jasminka Džumhur, BiH Ombudsman for Human Rights

The second session of the day was dedicated to brief presentation of various models of national human rights institutions for children, followed by discussion on their advantages and challenges.



### Froydis Heyerdahl, Senior Advisor, Ombudsman for Children, Norway

After a long process, in 1981 Norway became the first country in the world to establish an Ombudsman for Children. Today the institution has a clear mandate and enjoys a significant degree of independence in a sense of establishing its priorities and not having to deal with political pressures. Talking about independence, Ms. Heyerdahl added that advocating for NHRIs' independence should also include civil society organisations and media. In addition, a mandate of the Norwegian ombudsman for children cannot be renewed, which she noted is a welcome development an ombudsman can now work without having to worry about re-appointment. Procedure of confirming the ombudsman includes children who take part in proposing a candidate and interviewing those short-listed. Beside child participation, institution is also committed to being more visible in the field and accessible to children by ensuring that child-friendly materials are available to them through social media.

Norwegian Ombudsman for children has no mandate to process individual complaints, but only to forward them to those dealing with such issues.

### Cairo Arafat, Ombudsman for Children, Palestine

*“When we launched the office of Ombudsman for children, we had the idea of changing the world but reality quickly woke us up from that dream. Instead, I focus on all that is possible to do about child rights protection in Palestine,”* Ms. Arafat – who is doing her work as Ombudsman on voluntary basis - stated at the beginning of her presentation. *“Nobody is against child rights, but nobody*



*is doing much about it either,”* she added explaining that at this stage, stakeholders are familiar with conventions, articles, abbreviations, yet things get stuck when it comes to applying them in the practice.

The biggest problem in Palestine is the fact that children are aware they have certain rights, but also know that those rights can be violated without consequences. Despite the fact that children constitute about 50% of Palestine’s total population, protection of their rights is still sensitive issue many are reluctant to deal with. For instance, Ombudsman cannot say to children that nobody can use corporal punishment over them, as legislation allows for such practice. This is why the institution started from focusing on lobbying and advocating efforts which however did not give significant results until the institution brought in their counterparts from Slovenia and Croatia to share their experiences. In addition to stakeholders in the authorities and civil society, Ombudsman actively interacts with children.

Palestine opted in favour of the Ombudsman for Children integrated in general ombudsman office, using its existing infrastructure and offices. Today office works in three key areas: lobbying and raising awareness among policy makers, monitoring and reporting with strong participation of children, and preparation of annual state of child rights reports. Office plans to next work with authorities on achieving set indicators.

### **Aleksandra Marin - Diklić, Assistant Ombudsman for Human Rights, Bosnia and Herzegovina**

Division for Child Rights Protection within the BiH Ombudsman office was established in 2009. Since the very beginning, the division has worked with Save the Children, learning from SC own experience and capacity building opportunities. Owing to the project aiming to strengthen capacities within this division, Ms. Marin-Diklić said that staff members were trained in project implementation, organization of workshops and communication with children. As a result, Ombudsman is carrying out projects to ensure institution maintains direct contact with children, such as the “Ombudsman in Your School” project that included visits to over 80 primary and secondary schools in Bosnia and Herzegovina.

Another important result of the cooperation with SC is capacity of the Division to produce sound and well research reports on various topics, such as children in conflict divorces, preschool education, health protection, youth in conflict with law, etc. Institution is also maintaining close cooperation with CSOs and invests efforts to increasingly include media. Noting that the Division for Child Rights Protection is the Ombudsman’s most visible department, Ms. Marin-Diklić concluded by stressing advantages of its participation in networks such as CRONSEE (Children’s Rights Ombudspersons’ Network in South and Eastern Europe) and ENOC (European Network of Ombudsman for Children).

### **Ivana Milas Klarić, Ombudsman for Children, Republic of Croatia**

In case of Croatia, a long process of establishing an NHRI for children resulted in having an independent and specialized office of the Ombudsman for Children. Ms. Milas Klarić noted that the Office has three regional offices to ensure its visibility to children. She expressed pride in the Institution’s Young Advisors Network established in 2010. It is comprised of about 25 children age 12 to 17, selected on a basis of the public invitation the Ombudsman publishes in media targeting children and through schools. Children come from various parts of the country and have versatile backgrounds.

For Ms. Milas Klarić, having a specialized ombudsman for children is the best model for Croatia, arguing that it ensures that children are in focus and not marginalized by overwhelming number of other human rights cases, office is more recognizable for children, while volume and number of topics that the institution can work with is much more extensive than that would perhaps be the case with a general ombudsman. In a conclusion, she noted that while the institution enjoys independence, such status should not be taken for granted considering that economic crisis may prompt decision makers to reconsider this status to save funds.

### **Tone Dolčić, Deputy Ombudsman, Republic of Slovenia**

Slovenia’s Ombudsman for Human Rights – part of which is a separate department for child rights - will mark its 20th anniversary in December. Mr. Dolčić noted that the model of integrated department within the general ombudsman



is not perfect, but still it is a feasible model as it allows handling child rights protection cases in broader context. In addition, department benefits from joint administrative and technical services, rational work division, equal approach to processing cases, etc. On the other hand, Mr. Dolčić acknowledged validity of visibility argument, noting that general ombudsman is not as recognizable as the separate institution of ombudsman for children would be.

All working in the child rights department attended training in mediation as such skills assist in certain conflict cases. Under the law, Ombudsman – including child rights department – is entitled to submitting a request to the Slovenia Constitutional Court for assessment of constitutionality of laws. While it is incredibly useful, Department uses this mechanisms rarely, perhaps 3 times a year, as it is aware that prior to addressing the Constitutional Court all other remedies should be exhausted.

### **Nevenka Stanović, Deputy Ombudsman for Children, Montenegro**

Montenegro works in a same model as Slovenia do, with a child right department working within the general human rights ombudsman office. After explaining organisation inside her department, Ms. Stanović explained that a focus of their efforts is to ensure direct communication with children by including them in research, child rights promotion, etc. Result of this communication, Ms. Stanović said, made them realise that children are the best advocates of their rights and that they are interested in talking about most diverse topics.



### **Gordana Stevanović, Deputy Ombudsman for Child Rights and Gender Equality, Republic of Serbia**

As it is the case with Montenegro and Slovenia, Serbia's ombudsman for child rights also operates within a general ombudsman office. Ms. Stevanović noted that about 10% of all complaints submitted to the Office are dealing with the child rights. She was pleased to note that all recommendations dealing with individual child rights cases were implemented, expressing a belief that two important factors in ensuring this success are media and public pressure. On the other hand, ensuring that recommendations referring to systematic changes are implemented go less smoothly and there is much more that needs to be done when it comes to policies, legislation, bylaws, etc.

Ms. Stefanović concluded that sometimes Ombudsman faces a problem caused by politicians' misperception of the



institution as overly critical or, in extreme cases, of being an enemy of the state. Moderator underlined this point stressing that it is often forgotten that Ombudsman serves as a communication channel between those whose rights are being violated and authorities, with latter sometimes lacking an understanding of what this requires.

**Presentation on behalf of Dr. Katefalirwe Amooti Wa Irumba, National Human Rights Commissioner, Uganda**

*\*As Dr. Irumba was unable to attend the conference, a presentation on his behalf was delivered by Save the Children official from Uganda, Timothy Balikenga*

Uganda has no ombudsman office, but the state Human Rights Commission established by the Parliament which, among other things, receives complaints related to human rights – including child rights – violations. Majority of those cases are about denying social care and lack of adequate response by social welfare centres. One of the Commission's key activities is investing efforts to harmonise its domestic legislation with international conventions on human rights, including child rights. Office engages in research, education and documentation, also reaching out to young people to inform and educate them.

In addition, Commission also monitors impact of policies, followed by preparation of the reports that are submitted to the Parliament. Reports include non-binding recommendations and guidelines for various stakeholders, including parliamentarians in cases when their activities may marginalize or violate child rights. Institution is investing an effort to ensure that some staff members are specialized and exclusively work on the rights of specific groups of citizens, including children.

When it comes to the protection and promotion of child rights, the biggest challenge the office is facing is a conflict between Uganda's traditions and culture and internationally defined rights.

**Cynthia María Guerra García, Director for the Education and Child Rights Promotion Department in the Ombudsman Office, Guatemala**

Child Rights Department in Guatemala operates within general ombudsman institution. In the country in which 50% of population are children, Department is focusing on educating all vulnerable groups and state officials in a way that would later ensure that they further educate their peers and colleagues. As there is widespread lack of understanding of human rights concept among people, Department has been focused on education and awareness raising activities. Another noted problem is the fact that many programmes carried out by authorities are not institutionalized, meaning that projects get interrupted or halted when those in power change.

One of the advantages of this model, Ms. García explained, is having dedicated persons in almost every office ensuring Department's visibility and ability to reach out to as many children as possible. This seems particularly important considering that the largest number of cases the institution opened in this year was referring to children and youth. Department has also been recognized within the state as credible mechanism and in some cases it was invited to intervene in situations and locations where even local law enforcement forces were not allowed. Additionally, operating within the general ombudsman allowed the Department to easily engage with other institutions when needed, coordinate with authorities and act anonymously.

On the other hand, Department has only 5 people specialized in child rights and its resources are very much focused on urban areas. As Ombudsman's presence in rural areas is not sufficient, many people cannot benefit from their services, which is why the office decided to establish mobile field offices in the next few years. Finally, Department is putting more effort to ensure children participate in their work.

**Tran Hoa Mai, Vietnam Association for Protection of Child's Rights (VACR)**

Ms. Mai presented the model of child rights monitoring mechanisms in Vietnam, stressing that the her office is currently advocating for change of the law on child rights protection and establishing of a separate body to protect



and represent children. The office has been well integrated at the international scene, with established mechanism for monitoring child rights protection operating in line with the Committee's recommendations. She stressed that there is a large number of organisations in Vietnam dealing with child rights with whom they cooperate, as well as media which are important not only in promotion of child rights but also individual cases. Ms. Mai noted a trend in decreasing number of the child rights violations, giving also a credit to civil society sector which plays an important role through consultations, information sharing and acting as informal monitoring body for those in charge of implementing child rights policies.

Speaking about challenges, Ms. Mai stressed that numerous stakeholders have to be better coordinated in order to avoid overlaps. In this sense, she noted efforts the Commission invested to overcome this by sharing reports, holding regular meetings with CSOs and decision makers. Another issue that needs to be addressed is the fact that officials – but also general public - are still inadequately informed and educated about child rights. Vietnam's commissioner is also dealing with a problem of presence in the field, i.e. visibility of the institution. Finally, Ms. Mai expressed hope that Vietnam will have ombudsman for children in a year or two.

### Discussion:



After listening to 10 presentations by NHRIs from around the world, participants posed questions to the panellist either asking for additional information about their work and experience, or opening some news ones. For instance, *Silvia Pina* from the SC in **Sierra Leone** asked panellists about their advice on what the NHRIs for children could do in emergency situations, such as it is the case with Sierra Leone and Ebola outbreak. An epidemic has significant influence on lives of children, as they have not been attending school since June, health system is collapsing and children movement is very limited. *Elasto Hilarious Mugwadi* from the Human Rights Commission in **Zimbabwe** raised a similar point, noting that in many African countries the

institutions are struggling with cases of severe child rights violations, such as kidnapping of 300 girls by Nigeria's Boko Haram group, or restrictive environment as it is the case in Maldives whose human rights commissioner is being tried for being critical of the authorities. Mr. Mugwadi wondered what NHRIs in those countries, as well as their counterparts elsewhere, could do in such situations. Moderator recognized the problem, remembering her own experience during the war in Bosnia and Herzegovina which put focus on survival, adding that all other things however must not be forgotten.

Which model to choose is a question of efficiency, concluded moderator at the end of the session reminding everyone that they took part in discussion on models in extremely different countries, from Montenegro whose population is little over 620,000 to Vietnam which is inhabited by 90 million people. Ms. Džumhur noted that regardless of the model and organisation within the NHRIs for children, they all employ P5 principles: protection, promotion, prevention, participation and partnerships. Regardless of how different contexts are in various countries, institutions are engaged in similar type of activities such as report writing, education and training, working with media, field visits, etc.



She concluded that Slovenia's experience with ombudsman having an option to address the Constitutional Court directly should be replicated elsewhere. On the other note, all ombudsmen institutions recognized importance of involving media in the child protection and a necessity of employing a multi-disciplinary approach in all its activities. At the end, she stressed that there should be further discussion on the role of NHRIs in emergency situations.

## DAY 2: The importance of cooperation of National Institutions for Human Rights with other actors in the protection of the rights of the child

### SESSION: MODELS OF COOPERATION BETWEEN OMBUDSMEN FOR CHILDREN AND CSO

Moderator Marija Gabelica-Šupljika, Deputy Ombudsman for Children, Croatia

Role of the civil society organisation is very important, stressed Ms. Gabelica-Šupljika at the beginning of the session. Recalling mechanisms and protocols serving as basis for this cooperation, she also noted that second issue to be discussed is that of impact of joined efforts by CSOs and NHRIs when it comes to children rights.

Pannelists of the session:

- Tone Dolčić, Deputy Ombudsman, Republic of Slovenia
- Diani Cabrera, National Coordinator on Child Rights Governance, Save the Children Guatemala
- Berina Ceribašić, CSO "Our Children" Sarajevo,
- Olgica Bajić, CSO "Open Club" Niš

#### Presentations:

Speaking about his experience in working with the CSOs in **Slovenia**, Mr. Dolčić noted that a difference between those organisations and ombudsman is in the fact that the former ones employ more activists approach. Some CSOs also have more opportunities for regular director contact with the people, which is of great use to the ombudsman as information obtained in this communication points out to gaps in legislation. Mr. Dolčić gave an example of the domestic violence law whose deficiencies become visible owing to communication with civil society organisations who spoke to Ombudsman about their field experience, providing invaluable input. Slovenia is also piloting a project called the Child Advocacy Project, implemented together with CSOs, in which a child is allocated a person that is able to help child's voice is heard or well represented in certain cases, for instance in divorces.

Moderator commented that such involvement of CSOs is extremely beneficial; giving an example of the meeting **Croatia's** Ombudsman for Children sets up every year bringing together civil society and representatives of the state institutions to jointly discuss problems and review the situation. She added that based on feedback received from both sides, such type of meeting is useful for all.

There are 158 civil society organisations working in some way with child rights in **Guatemala** whose children have long been neglected due civil war that run from 1960 to 1996. In its aftermath, the country is struggling with poverty, said *Diani Cabrera* from SC in Guatemala. She said that the first thing that was done after the war was over is to work on legal regulations for child rights, whereas such hard and demanding process demanded cooperation between NHRIs and CSOs.

Last two panellists came from CSOs with experience in working with NRHIs. They talked about types of cooperation and results of such cooperation. *Berina Ceribašić* from "Our Children" from Sarajevo, **Bosnia and Herzegovina** told about cooperation with SC which started in 2003 with a focus on monitoring the CRC implementation. Despite the fact that this was huge challenge for the organisation, it joined with another CSO in the country and SC to produce



the first Alternative report that also included input from child-led groups. She expressed belief that the report was also an important milestone in terms of cooperating with the authorities as well as the BiH Ombudsman office, with whom it delivered a joint presentation before the UN Child Rights Committee.

*Olgica Bajić* from “Open Club” Niš, **Serbia** briefly introduced participants with the role and mandate of her organisation which has focused on building partnerships towards protection and realization of child rights, including the cooperation with the state human rights ombudsman. This CSOs cooperates with other independent institutions, including Ombudsman, through exchange of information, research, report writing, joint presentations at various events, campaigns, etc. For an example, the CSO supported Ombudsman’s efforts to ensure ratification of the CRC Optional Protocol 3 which has been put forward in the parliamentary procedure in October 2014. Another example is cooperation between the Ombudsman and Open Club in advocating in favour of banning corporal punishment of children in Serbia. Ms. Bajić concluded by noting that it is often the case that the decision makers respond better to children who are advocating for their rights, rather than adult advocates.

### Discussion:

Moderator opened a floor for discussion, expressing a belief that CSOs have immense potential to influence standards and level of protection of children in a society, as well as in providing informal education on human rights. They are many examples of good practice, but also challenges.

*Eshetu Bekele* from SC in **Ethiopia** stated that CSOs has important role in empowering citizens, including children, but also noted that in many African countries, Ethiopia included, space for civil society operation is shrinking as governments are imposing on very punitive and restrictive laws. Ms. Bajić from Serbia recalled her own experience in the 90s when the then ruling regime was suffocating civil society. She noted it took many years to change the situation, concluding that much depends on local organisations and their willingness to overcome such circumstances. *Dilli Guragai* from SC in **Nepal** followed up stating that while CSOs often group around each other in the restrictive environment, they also tend to be very spread out in society where there is no such pressure creating an entirely different problem. Namely, he noted that such fragmented civil society sector is a major problem for organisations such as Save the Children which is trying to implement systematic changes.



*Judas Massigue* from SC in **Mozambique** referred to presentation from Serbia and efforts of the Niš-based CSO to empower children and youth ensuring their voices are heard. He wondered whether such activities also include the work with the other side, decision makers, to facilitate the process and ensure that they react positively. *Olgica Bajić* responded that the organisation did invest effort in educating policy and decision makers, ensuring that they are sensitized on child rights related issues.

Massigue also praised cooperation between CSO and Ombudsman in preparation of the alternative report. *Diani Cabrera* followed up on the point, noting that the SC in **Guatemala** participates in various networks both at national and regional levels, finding it very useful. SC also monitors realization of the child rights, presenting its findings to both the Government and CSOs, Cabrera said concluding that continuous communication between the stakeholders is also important to ensure that everyone is on the right path and adapt whenever required.



*Pedro Hurtado Vega* from SC in **Nicaragua** noted that CSOs are key players when it comes to field work and efforts to implement budgeting in children, which is strategic issue in Latin American countries. *Tone Dolčič* from **Slovenia** added that Ombudsman may also act as a link between the government and civil society, as authorities sometimes fear CSOs whereas it is important to make them realize that those organisations could be of help. This point was also endorsed by *Godwin Kudzotsa* from SC in **Zimbabwe** who reiterated that it is not an easy task to ensure the state and civil society sector cooperate, as in some countries the governments see CSOs as opposition.

*Cairo Arafat* said that Ombudsman for Children in **Palestine** sometimes creates communication channel between the authorities and CSOs, stressing that in this relation it is important for civil society organisations to be focused in their work. While there are positive experiences, she also underlined that one should be careful as it is a job of the Ombudsman to influence the Government to assume their responsibilities, not to shift them over to CSOs. Ombudsman asks CSOs to show the authorities what are the best ways to work with children and apply child participation principles, but sometimes – she concluded – it is sufficient to act solely as catalyst.

*Almedina Karić* from **Bosnia and Herzegovina's** Human Rights Ombudsman agreed, adding that the NHRI needs to be independent not only of the state, but also of the CSOs. Ms. Karić went on asking whether there should be set criteria to act as guidelines when choosing a CSO partner. On this note, moderator (**Croatia**) commented that while there many extremely good civil society organisation, there are also those that are not guided by the best interest of the child. Such organisations often see Ombudsman as an enemy, demand resignations when the office does not support their stances and believes leading her to conclude that there should be more discussion on criteria for cooperation with CSOs in terms of things that are acceptable and those that are entirely unacceptable. *John Njoka* from the SC **East Africa** Regional Office added that while there are many good non-governmental organisations across Africa, there are also those who are sometimes driven by the funds. He concluded that institutions should make a difference between CSOs that are stakeholders and those that are strategic partners.

Discussion also included a number of questions and reflections regarding the child participation. Children must not be used as decoration, instead their true and full participation should be ensured as children are experts for their own life, *Linda Bukasen* from SC **Norway** stressed. *Hana Rabat* from **Lebanon** expressed an opinion that including children in monitoring may be effective. She gave an example of monitoring process involving children who gather information related to their situation. They fill out questionnaires, conduct interview with their peers, enter data and analyse them, and finally write the report. They also present it to the local authorities, warning about cases of violations of child rights. Children also prepare their advocating plans. In her experience, local authorities better respond to information gathered and processed by children themselves.



## SESSION: MODELS OF COMMUNICATION BETWEEN OMBUDSMAN FOR CHILDREN AND CHILDREN

### Moderator Nives Jukić, Ombudsman BiH

Moderator kicked off a session stressing that children are still not sufficiently involved in the work of NHRIs, noting that majority of decisions are still made without them. She then introduced the panellist:

#### Presentations:

#### Nevenka Stanković, Deputy Ombudsman for Children, Montenegro

In 2010, **Montenegro's** Human Rights Ombudsman was given a recommendation by the Committee to make efforts to become more accessible and visible for children. At that stage, Ms. Stanković noted, Ombudsman believed that it was doing a good job in communicating with children through various workshops and school visits, while the number of complaints was increasing. Yet, a comprehensive analysis led to a conclusion that this communication was one-sided. This is why a decision was made to make changes, primarily by reaching out to children especially those that seemed to have little contact or knowledge of the Ombudsman's work. They prepared leaflets, set up mail boxes in schools, held continuous workshops with children, established direct contact with streets and refugee children, and started cooperating with CSOs in Ombudsman promotion campaign. These efforts resulted in much higher level of child participation.

In 2012, acting upon a proposal made by children, Montenegrin Ombudsman for Human Rights commenced preparations to design and print comics about the children rights. At first, the institution was somewhat surprised that children were so eager to use comics to convey their messages, deeming that children today had very little interest in comics considering modern technologies. Yet, they decided to launch a project involving children in all its stages: Ombudsman invited children to propose topics for comic, by describing a certain situation from their immediate environment (school, family or local community) in which children rights were violated.

Ombudsman institution reviewed all submissions, looking for the most commonly described problems and situations. This way it selected topics for scenarios of the comics. Children were again asked to participate by submitting scenarios; and child-produced scenarios were selected for a final version of the comics. They were also involved in the selection of the best cartoonist. Finally, the comics were such a success that it has become a part of official education with support of the Ministry of Education.

#### Ahmed Pjano, Director of Programmes in North West Balkans, Save the Children

Mr. Pjano presented the SCNWB research on efficient communication between Ombudsmen for Children that are part of CRONSEE network and children which singled out examples of best practices. Research showed that Ombudsmen communicate with children mainly for the purpose of *intervention* (responding to a complaint), *education* (teaching children about their rights, role and competencies of Ombudsman), *learning* (creating opportunities in which Ombudsman learns from children about their opinions and ideas) and *participation* (involving children in planning, evaluating and promoting Ombudsman's activities). In all these examples, institutions recognized that the direct communication with children is absolutely necessary.

When it comes to **intervention**, most ombudsmen determined that their communication with children has become more frequent and/or of better quality than that was the case previously mainly due to introducing innovative communication channels and reaching out to the children through visits to schools, communities, etc. There is still much space for improvements as number of complaints submitted directly by children remains relatively low, however even small numbers of complaints may be an important tool in formulation of recommendations that would eventually influence bigger number of children.

In terms of **education**, Ombudsman communicate with children to raise their awareness on the rights stemming from the CRC and ways to protect them, and the role of Ombudsman and what it can do for children (and how to



file complaint). In order to achieve the best results in their work, these institutions should also create opportunities to **learn** from children on their opinions, views, beliefs and problems. This is particularly important in terms of setting strategic priorities for the institutions of Ombudsman in terms of focusing its rather scarce resources, but also in deciding on the best approach in addressing a particular issue. In this process, children are in fact used as experts.

A level of child **participation** has increased in the work of the institutions of Ombudsmen, as they find new ways of involving children and making them interested. Children determine messages of the campaigns; draw images used on posters and disseminate the materials among their peers. They take active part in conducting a research project, by participation in formulating questionnaires, administering them to their peers and even analysing the data. They are being asked to evaluate Ombudsmen's activities, and their assessment is considered when planning the future projects or meetings. Preconditions for structural child participation is to ensure that children understand a purpose of an activity, know who made decision on their participation and why, play justified role and volunteer to take part.

Mr. Pjano concluded by stressing that direct communication with children is necessary and irreplaceable; communication has to be two-sided; communication style has to be clear, precise, open, direct and continuous. He ended by saying that before all, communication has to be honest.

### Children views

For a duration of the two-day conference, a group of children from various child-led groups **Bosnia and Herzegovina**, **Montenegro** and **Serbia** in parallel held their own sessions to exchange their experiences in relation to the child rights promotion and protection, and communication with NHRIs. Those discussions resulted in preparation of joint stances, which they then shared with all other conference participants.



Through a brief performance, children presented the following stances:

- We want to be involved in projects concerning the child rights. Even when we are not education enough, we still can provide a valuable contribution;
- When a child sees that an ombudsman helped him/her, their trust in the institution increases;
- There should be zero-tolerance policy for violation of child rights;
- Child rights professionals must take more time to reach out to children in communities, instead of spending all their time in office expecting a child to come to her/him. Meanwhile, many children are not even aware of the fact that their rights are being violated.

### Discussion:

Conference participants all expressed great pleasure in having had an opportunity to listen to children and their input. Children's presentation was followed with a number of questions they received and answered.

Asked on their advice to child rights professionals, children noted that including them in their work can be of great value. They gave an example of a project implemented in Nis, Serbia which targeted street children.



Children share their stances with other conference participants

Instead of adults, it was children from child-led groups who worked with street children which gave more results as street children demonstrated much more willingness to openly talk to their peers. Further discussing how they feel about being a part of child-led groups and attending events such as this conference, children all expressed pleasure in having such opportunities adding that preventing children to participate is a violation of their right.

Children also talked about ways they work with representatives of the local authorities, noting that there are both good and bad examples. In either case, they noted that

adults – officials, but also education workers - need to be more educated about the child rights, while both children and adults needed better knowledge and understanding of the ombudsman institution.

“*What is your advice for adults when it comes to communication with children?*” was asked by the conference participant to which a clear answer was given: “*Children seek attention; they want to be listened to just like you are listening to us now. We do not want to be an obligation only, we want the attention.*”



Wrapping up the session, moderator concluded that it is necessary for child rights professional to gain knowledge and learn to use new technologies to communicate with children.

## **SESSION: INTERNATIONAL AND REGIONAL COOPERATION OF NATIONAL INSTITUTIONS FOR HUMAN RIGHTS IN THE PROTECTION OF THE RIGHTS OF THE CHILD**

**Moderator: Cairo Arafat, Ombudsman for Children, Palestine**

In the previous discussions, conference participants supported or stressed importance of regional and international cooperation of the NHRIs in the protection of the rights of the child for a number of reasons, such as sharing experiences and resources. Such cooperation is also found to be useful tool in talking to governments.

Panellist in the session:

- Gordana Stevanović, Deputy Ombudsman for Child Rights and Gender Equality, Serbia
- Yamileth Mejia, National Coordinator of Children and Family within the National Commission of Human Rights, Honduras
- Gauri Pradhan, Former Commissioner of the National HR-Commission, Nepal
- Elasto Hilarious Mugwadi, Zimbabwe Human Rights Commission

### **Presentations:**

Ms. Stevanović presented the **Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE)** established in 2006. This informal network of the NHRIs for children gathering 14 institutions aims to enable exchange of good practice, experiences and opinions, and facilitate in reaching stances. Cooperation among members is of both informal (individual contact, joint meetings and activities) and formal nature (annual conferences, thematic meetings). CRONSEE has become an important structure which enabled all its members to enhance and strengthen their child rights protection capacities through this cooperation. Network also offers opportunities for cooperation at the operational level with direct impact on children, such as Network's research projects. In a conclusion, Ms. Stevanović expressed her opinion that regional cooperation and networking is a very important, as many things can be better done in this way. Additionally, she stressed that having institutions act together make them stronger players in their own countries as governments are sometimes more willing to act when approached from this perspective.

Ms. Mejia from in **Honduras** discussed how the international cooperation makes a difference in a case of her institution, *Comisionado Nacional de los Derechos Humanos*. Commission is a member of the **Ibero-American Ombudsman network (Federación Iberoamericana del Ombudsman - FIO)**. The key focus of FIO is to enhance cooperation between Ombudsman institutions within the Ibero-American community, to provide them with a forum for the exchange of experiences and to promote and strengthen the concept and the institution of the Ombudsman. At the moment the FIO includes member institutions on a national, regional and local level from 20 different countries. Joining this network, Ms. Mejia noted, offered the Commission in Honduras ideas on how to develop their own practice and further cooperation. In addition, Commission is also cooperating with the agencies inside UN system, such as UNICEF and UNDP, and with the EU organisations on environmental issues. Moderator noted in addition to benefits, cooperation at regional and international levels may also sometimes become a problem due to focus shifting. This is especially true, Ms. Arafat added, when foreign donors impose on their own priorities.

Mr. Pradhan from Nepal talked about the country's National Human Rights Commission established in 2000 which has since engaged in various mechanisms of regional and international cooperation. At the bilateral level, the Commission has developed relations with their counterparts in 8 other countries in the region. While there is no formal regional network, there are efforts to establish a sound regional platform by holding informal annual meetings



of the Commissions, each time in different country, and to use the opportunities offered by the **South East Asia** Regional Forum (ASEAN). Giving an example of the successful international cooperation, Mr. Pardhan described Commission's work with the International Labour Organisation on abolishing the child labour by 2016, and the cooperation with Save the Children, especially in the field of capacity building.

**Zimbabwe** is new kid on the block when it comes to the NHRIs, said Mr. Mugwadi explaining that while the institution was established in 2010, it was only this year that it started working and hiring people with financial support from the EU, Denmark and Norway. He expressed an opinion that in terms of the regional and international cooperation, it is not sufficient to rely only on one institution in the region, but rather to engage in and strive to create and strengthen networks. He argued that such type of association helps NHRIs in their respective countries to achieve much more especially when working in complex political and economic society such as Zimbabwe which is facing a challenge of handling traditions, culture traits and religious beliefs and international child rights standards which are in some cases in conflict.

Summing up the session, Cairo Arafat noted that a regional and international cooperation and networking should commence inside a respective NHRI, who should first clearly map out its activities and resource, as well as partnerships. Furthermore, the institution should be clear about a common goal around which others would group, Ms. Arafat concluded.

## SESSION: PLANS FOR FUTURE AND NEXT STEPS

The last session of the conference was dedicated to summing up discussions of the past two days, as well as plans



for the future. On behalf of the organiser, Aleksandra Marin-Diklić from the BiH Ombudsman welcomed UN Committee's work on revising the General Comment no 2. She also stressed that all participant concluded that there is no one single model that all countries should endorse; instead a focus should be on effectiveness of the model given a context of a respective country. Hadi Strømmen Lile from SC **Norway** followed up on this note stating that it perhaps a global study should be conducted on various models, posing a question whether there is one best model and looking more deeply into the issue of institutions' independence.

**Bosnia and Herzegovina** Human Rights Ombudsman Nives Jukic followed by noting that it is necessary for every NHRI for children to maintain direct communication with children, underlining it is important that these institutions considering using modern technologies and communications channels preferred by children to reach them as much as possible. Talking about Institution's future plans, she committed to initiating a discussion on how to include children more in the work of Ombudsman and to replicating comics project from Montenegro.

Representatives of **Serbia, Montenegro** and **Slovenia** all welcomed a unique opportunity this conference offered by bringing together professionals from all around the world, which enabled them to learn about practices and

experiences from the countries they knew very little about to date. *Vesela Acevska* from the Ombudsman office of the Republic of **Macedonia** said that she was particularly grateful for children being part of the conference, noting she will long remember children reminding adults that they are not only the future of a country, but also its present.

John Njoka noted that it was very useful to discuss different models, hoping that the outcome would be to encourage everyone to try and improve on successful models from elsewhere. As for those working outside of NHRIs for children, he noted that events like this are good opportunity to strengthen the support to networks or individual National Human Rights Institutions. *Azmeraw Belay* from SC in **Ethiopia** welcomed discussion on various models, but noted that there is a question how to ensure the highest degree of independence for them. Silvia Pina from SC in **Sierra Leone** said that the most important part of the conference was session with children, reminding everyone that their true participation is a principle that everyone should adopt.

For representatives from **Nepal**, conference was an interesting experience as they are in the middle of the constitutional reform and struggling with a decision on whether to establish a specialized ombudsman for children or to integrate such division within more general institution. *Marie Dahl* from the SC **Middle East and Europe** Regional Office was glad to attend the event for learning purpose, also praising the fact that many institutions are focused at the visibility issue.

Getting to know colleagues from different countries and continents was a benefit almost all participants stressed, especially those who are either new in this field of the work or whose institutions have only recently started working in the field of child rights. Representatives of **Mozambique** said they the conference inspired them for interventions they plan to focus on and also reminded them of the importance to focus on communication with children. They also plan to influence the NHRI in the country to engage in establishing a regional network. In case of **Lebanon** which has no NHRI for children, this was also an opportunity to learn about other experiences and plan for a future. **Albania** participants noted it was very good to hear about best practices in terms of the regional cooperation.

Participants were also satisfied with raising some new questions important for the work of the NHRIs for children, such as its role in crisis situations. Additionally, some agreed that it is worthy to follow up on an issue of cooperation with CSOs with a goal of helping children in the best and quickest way.

The last comment came from children who said they had great time and were extremely pleased of having a space to present their stances. *“It was great that our presentation was followed by Q&A session. We could have gone on like that whole day,”* they concluded enthusiastically.





## LIST OF PARTICIPANTS

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