

# **DEVELOPMENT AND IMPORTANCE OF AN INSTITUTE OF OMBUDSMAN FOR CHILDREN**

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## **Key words**

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It has been more than 18 years since the Convention on the Rights of the Child entered into force. This document declares the idea that children are fully entitled with rights as other human beings and full-value members of society. My article covers the topic of an institute of ombudsman for children which is one of possible ways how to protect those rights.

“Ombudsman” is a Scandinavian term which has been adopted into other languages. We shall not be surprised that the first ombudsman for children was established in Scandinavian country too. It was the Norwegian Parliament that recognised the fact that advocacy for children is necessary for the first time, in September 1981.

The first Norwegian Ombudsman took his office in 1962, Ombudsman for Consumer Affairs in 1972 and Ombudsman for Equal Status of Men and Women in 1979. Existing welfare system, the lack of maternal and child health divisions and other standard offices focused on children's interests and comprehensive family social support system – those were the conditions that made the Norwegian Parliament to adopt new model as the first country in the world. The legislation providing the purpose of the Ombudsman for children stated that the Ombudsman was to “promote the interests of children vis-à-vis public and private authorities and follow up the development of conditions under which children grow up” with the only prohibition - individual conflicts within the family cases which had been brought to the court.

Objections against the proposal can be summarised under four main headings:

- the Ombudsman might undermine the authority of parents
- other authorities might renege on their own responsibilities in relation to children
- the Ombudsman would be too expensive
- the office could be bureaucratic

Nevertheless the Parliament decided to legally establish the authority that would give a voice to children. With the total staff of four people (one staff member per million Norwegians and 250,000 children) and annual budget of \$US 300,000 the office was able to show how important it's functioning is. The recognition of the usefulness, the professional status and the popular standing in the eyes of public increased. While it handled approximately 2,500 complaints annually during the first 8 years, the number was 20,000 in 1999. 75 per cent of Norwegian 7-years-olds knew about the Ombudsman and by the age of 14 this percentage increased to over 90 per cent. The conclusion was that only 2 per cent of the sampled population wanted the Office to be abolished.

All the positive effects of the establishment of the office of Ombudsman for Children in Norway were proved also by the fact that this functioning model was transformed into many legal orders all over the world. We can divide these international developments into three groups:

- ombudsmen for children modified to suit the situation in a different country but having the common characteristic of being established by public initiative and having an official relationship to government (Costa Rica, New Zealand, Germany, Austria, ...)
- responsibilities similar to the Norwegian model but being established by private initiative, without official standing (Sweden, Great Britain, Belgium)
- other ways which have little or no similarities with the structural model

Positive experience from all these countries served as inspiration for proposals that has already been made on the international level, for example Ombudsman for Children in War Zones or within the UN or EU.

Concept of new ombudsman-type institution is discussed in Czech Republic nowadays. The situation of children's rights protection is permanently criticised by Committee on the Rights of the Child and by number of non-governmental organisations. In their opinion our system of protection is divided into competencies of four ministries so can

hardly be coordinated and complex. They find it helpful to constitute new institution which would have the rights of children as the main area of its interest. Existing Ombudsman offers instruments that can work in cases of children's rights violation but the office doesn't employ a single specialist on this area. The other difficulty is that the office covers quite large area of problems and doesn't have enough space to work here effectively.

Opponents object the uselessness of constituting an institution with exactly the same competencies as Ombudsman we already have. This way would be too bureaucratic and expensive. They find it more effective to create a special section in an existing office.

This discussion show us how complicated the area of children's rights is. Notes that were made about the situation in Norway show us that the ombudsman for children is one way of their protection and that it's a working way. The best solution is hard to find. In any case it shall make efforts to solve the problem in details and from all its aspects.

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