

7-1-2020

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### Recommended Citation

Moschos, George. 2020. "15 Years as a Public Defender of Children's Rights in Greece." *Societies Without Borders* 14 (1).

Available at: <https://scholarlycommons.law.case.edu/swb/vol14/iss1/4>

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Moschos: 15 Years as a Public Defender of Children's Rights in Greece

**15 years as a public defender of children's rights in Greece**

*George Moschos, former Children's Ombudsman of Greece*

The Greek legislator decided in 2003 to assign the mission of defence and promotion of children's rights to the independent authority, "The Greek Ombudsman", to create a new department with this purpose and a position of a Deputy Ombudsman for Children. I had the great honour of being the first to take up this position and serving for 3 consecutive terms, from July 2003 to January 2018.

The 30<sup>th</sup> anniversary of the UN Convention on the Rights of the Child gave reason to many children's rights institutions to evaluate their social impacts. Similarly, I am addressing today the question: Did our institution manage to contribute to significant changes in favour of children in the Greek society? The answer is not simple, but I can claim that major steps have been taken both at institutional and practical levels regarding the safeguarding and strengthening of the rights of the minors living in Greece.

Before referring to this experience, I would like to stress what I had learned while participating in the campaign for the establishment of a Children's Ombudsman in Greece. The first official Children's Ombudsman (Barneombudet) was created in Norway in 1981. Several other northern and western European countries followed, especially after 1989 and the adoption of the UN Convention on the Rights of the Child (UNCRC). In 2002, the Committee on the Rights of the Child (UN Committee on the Rights of the Child) in its 2<sup>nd</sup> General Comment<sup>1</sup> pointed out that "*every State needs an independent human rights institution with responsibility for promoting and protecting children's rights*", clarifying that "*the institution, whatever its form, should be able, independently and effectively, to monitor, promote and protect children's rights.*"

The function of the Children's Ombudsman differs from the general Ombudsman, as children cannot easily address an administrative authority, and thus should have their own ways of being approached, informed, express their opinion, complaints or concerns and be listened to by the authority, as it is required by Article 12 UNCRC.

The European Network of Ombudspersons for Children (ENOC), established in 1997, developed and published in 2001 its Standards, declaring that "*parliaments and governments should be encouraged to review the status of existing institutions in the light of the Standards and to ensure that the design of new institutions conforms with them and with the Convention on the Rights of the Child.*"

"The Greek Ombudsman" began its operation in 1998, and the institution was subsequently enshrined in the 2001 Constitution. A few years later, following a public debate about the creation of a Children's Ombudsman in the country, the parliament chose to incorporate the Children's Ombudsman into the already existing independent authority of the Ombudsman's Office, with a new legislation providing for its special functions. According to the law 3094/03, the Ombudsman acquired further "jurisdiction over matters involving private individuals, physical or legal persons, who violate children's rights." The law allowed the authority to investigate cases on its own initiative, to examine complaints submitted by children themselves, and to take actions in order to promote children's rights, without specifically referring to what kinds of activities these could be. The mission was going to be realized by the newly established Department of Children's Rights, organised and headed by the Deputy Ombudsman for Children, who, according to the law would be a "selected individual of recognized standing, with superior scientific qualifications and enjoying broad social acceptance." George Kaminiis, the Ombudsman appointed by parliament in 2003, following careful investigation, selected and proposed me to undertake the position and the organisation of the new department. We agreed that it would be well staffed by a multidisciplinary team of investigators (setting a target of 15 persons) and it would undertake

activities according to ENOC Standards, having special tools and support for approaching and listening to children and those working with them, organising visits all over the country and communicating through the media.

My former experience working with public and private bodies, communicating with children and participating in national and European networks and actions for and with children and youth, made me believe that the Children's Ombudsman had great prospects, but we had to work hard to gain recognition and respect. The Ombudsman himself and the skilled staff of all departments in the authority were very helpful in our first steps, but we also had to learn from abroad, so we searched for "the lights" of ENOC. We participated in all actions of the European Network of Ombudspersons for Children, visited counterparts and invited experienced colleagues to educate our team, especially regarding techniques of reaching and communicating with children, realizing how important it was to have a good understanding of their views in all matters affecting them.

The cutting-edge issues, already evident from the first year and included in our action plan were: informing society and especially children about our existence and role, communicating with children, disseminating and implementing UNCRC, recognising children's rights and strengthening their protection mechanisms, combating corporal punishment of children, improving referral and support mechanisms in cases of domestic violence, neglect and exploitation of children, management of school violence, schooling of all (in particular children with disabilities, Roma and migrant/refugee children), systematic hearing of children's opinion in all social fields, school democracy, monitor the situation of child welfare and young offenders' institutions, strengthening the implementation of foster care and protecting the rights of children in the media.

From the beginning we agreed on a number of methodological axes for the development of our work, including, inter alia, the interdisciplinary approach to all the cases and issues that we dealt with, the continuous cooperation with as many public agencies as possible, as well as with experienced and specialized non-governmental bodies, the participation in networks and development of partnerships, the realization of many visits to places where children were, even without invitation and sometimes without prior notice. We sought to point out malfunctions and shortcomings and at the same time to highlight good practices and positive actions. We set as our major objectives: accessibility, visibility, flexibility and credibility of the institution. In the Department of Children's Rights, we committed ourselves to meet regularly, to design together, to exchange opinions, to evaluate every step and to seek our continuous self-improvement, listening carefully to critiques and advises by children and adults.

We have worked at all levels, from our contact and mediation with children, parents and professionals in the field, to the highest levels of the administration, ministers and the Parliament itself, where we were regularly invited to inform relevant Committees, to respond to questions and to present our findings and suggestions. Through the Annual Report of the Ombudsman, which included a separate section with data on the action of the Department of Children's Rights, but also through various other means of communication, we informed the administration and the general public about our views on the situation of the rights of the child in our country.

We referred a considerable number of cases to the prosecutors for minors, when there was a need for their intervention, and we constantly tried to cooperate with them in many ways, in order to strengthen the public protective mechanisms for children.

A key pillar of action of the Children's Ombudspersons internationally is communication with children and hearing their views. During the investigation of the complaints that we received, we tried to listen to and understand the opinions of the children, although this was not always easy,

as it was mostly parents and other adults who were addressed formally to the authority and only 5-10% of the complaints were submitted by children. Consequently, we developed from the first year a system of visits to schools and institutions where we met groups of children with and without the presence of the adults responsible for them. We also created a special child-friendly space in our offices, where we accepted a child or a group of children and discussed issues that interested them. We developed a special telephone line where children or adults could call us for assistance in rights' violation cases. We visited schools, institutions, care homes or care facilities for children and camps, upon invitation or in consultation with the competent body or by our own decision, with or without notice of those responsible. We made hundreds of such visits during which we sat in a circle with the children and discussed freely or focused on issues of common interest. In addition, we organised consultation meetings with children, called "Dialogue Days", where, after preparation, children from different schools or other settings participated, and we organised the debate in plenary and small groups on various issues. From the activation of the Children's Ombudsman until the end of 2017, we made nearly 1000 visits and meetings with groups of children, which means that during this time we contacted more than 20,000 children directly.

We designed and printed child-friendly information material and posters on our work and on the UNCRC. These were sent out by post and distributed during our meetings and visits, as well as on the occasion of speeches to the general public and seminars to professionals that we often organised in different cities .

One of the most interesting means of hearing children's views was the establishment of "Youth Advisory Panels," which we did for the first time in January 2009, following the model of other ENOC members. After an invitation made across the country, we gathered requests and we selected groups of children ages 13 to 17 from all regions. We met with them about 3 times a year for two years, but we also communicated with them consistently, through an online forum. We asked their views on issues that we were dealing with, but also educated these children in the exercise of a role of observers and active citizens. Later, when our resources were limited, we kept the Panel only in Athens, but we continued to hold meetings and Dialogue Days in other various cities. Members of our YAP in addition to their actions in Greece participated in similar actions of the European Network of Young Advisors of ENOC. In addition, we organised projects with the participation of children. For example, a project in which teenagers from remote areas participated in discussions via electronic forums and contributed to the writing of a theatrical work presented later at the Teenage Theatre Festival in Athens by another group of students. We participated actively in various creative festivals and workshops, on artistic expression, drama, cinema for and by children (Olympia Festival), school radio, etc. We also contributed for 4 years to the organisation of the Youth Parliament, proposing methodologies and issues and coordinating groups of adolescents in their discussions and activities.

Our website, which had the symbolic name [www.0-18.gr](http://www.0-18.gr) (unfortunately not operating at the moment), was a very important tool for the exercise of the Children's Ombudsman's mission. There we gathered all the information on children's rights, actions, reports and opinions, having also a section for children and a special page where they could ask questions and receive answers even anonymously if they wanted.

As pointed out earlier, networking was one of our basic methodological principles in the exercise of the Children's Ombudsman's mission. We contributed in the formation and coordination of various networks, to promote institutional and attitude changes, the most important of which were:

*"The Network for the Prevention and Combating of Corporal Punishment of Children"*, which undertook a campaign and succeeded the change of legislation, prohibiting the exercise of physical violence by parents to their children (Law 3500/06, Article 4).

*"The Network of NGOs monitoring the implementation of UNCRC"*, which prepared and submitted to the UN Committee on the Rights of the Child an Alternative Report on the implementation of UNCRC, examined in 2012. We acted as external co-ordinator for them, while we prepared our own Parallel Report submitted by our institution to the Committee.

*"The Network Against School Violence"*, which contributed to the establishment of 6<sup>th</sup> March as a National Day against Violence at School and organised a great deal of training and public awareness activities.

*"The Network for the Rights of Children on the Move"* with the participation of 3 intergovernmental and 15 non-governmental organisations, exchanging useful information and issuing proposals for institutional measures on issues such as access of refugee children to schools and protective custody / detention of unaccompanied minors.

The cases that we investigated annually ranged from around 300 at the beginning to around 900 in 2017. The majority of cases (around 35%) were thematically connected with education, followed by cases on health and welfare, parental custody, abuse – neglect - exploitation, rights of migrants and refugees, registration and identity, living conditions, social participation and recreation, media, policing, etc. Several of the reports that we issued after the examination of cases have been positively used to promote institutional changes, such as the reports on malfunctioning care institutions, especially institutions for children with disabilities (in particular on the case of Lechaina, where children were placed in caged beds), on therapeutic centres for adolescents with mental disorders, the escaping of street children from a care institution (Aghia Varvara), the provision of parallel support for children with disabilities in schools, and the age assessment of unaccompanied minors. In some cases, the Ombudsman issued Special Reports which, according to the law, were sent to the government and the Chair of Parliament. The most important of these reports were "The detention and deportation of foreign minors" (2005), "The rights of children living in child protection institutions" (2010) and the "Report on children on the move in Greece" (2017).

In addition to the above, we could mention numerous interventions that we made during these years that have influenced legislative and administrative measures and contributed to raising public awareness of children's rights issues and, as a whole, made the Greek society more sensitised to the recognition of children's rights and the need for their protection. Selecting some of our most important interventions, I could recall the ones aiming at:

- Adjustment of legislation and administrative practices securing the exercise of the right to education by all children, regardless of their legal status, origin and state of health;
- Strengthening democracy and participation practices in schools;
- Securing equal rights of children with special educational needs and disabilities, Roma children, children of Muslim minority in Thrace and migrant/refugee children;
- Preventing and combating violence and racism at school and strengthening human rights education;
- Promoting health and sexuality education in schools -although the latter with little success;
- Claiming the strengthening of community social services and support families at risk;
- The adoption and implementation of Law 3500/06 on domestic violence and in particular on sensitizing teachers how to react in cases of child abuse and neglect;

- Sensitisation on the rights of children of divorced parents, the need to operate family courts and family mediation services and to strengthen joint custody provisions;
- Protection of trafficked children from exploitation and promotion of their safe repatriation according to their best interest assessment;
- Dealing with the consequences of the economic crisis and tackling child poverty;
- Promoting the principles of child friendly justice in legislation and in practice;
- Campaigning and promoting measures to strengthen foster care;
- Regular supervision of all institutions for children and promoting deinstitutionalization;
- Training volunteers on children's rights;
- Monitoring and supporting systematically the rights of children on the move, especially after 2015, when large numbers of refugee children arrived in Greece;
- Campaigning for the elimination of young offenders' detention and the strengthening of implementation of community measures;
- Interventions on children's rights in the media and protection of children online;
- Recognition and realization of the right of all children to express their opinion freely.

Throughout these years we were connected and exchanged ideas with our European colleagues, participated in all activities of ENOC, used the Council of Europe valuable instruments, programmes and activities related to our work, collaborated with EU institutions, UNICEF, the UN Special Representative on Violence against Children and other international organisations, like Eurochild, participated in conferences, exchanges, campaigns and gained a lot of ideas and inspiration to fulfil our mission in the best possible way.

Looking back, I feel that we have taken important steps, although in crucial issues our country seems to be still lacking essential safeguards for children, such as strong local social services supporting children and their families in need or in crisis. Children's rights are nowadays much more apparent in public discourse and better enshrined in legislation. However, there are still lots of challenges regarding the actual implementation of laws and rhetoric declarations of governments and decision makers. Training of professionals and strengthening of services for children are essential to see children's rights being consistently guaranteed, supported and protected. Parental advice and training are also needed to cultivate positive parenting and eliminate domestic violence, oppression and neglect. And most importantly, all persons working with and for children should learn to more systematically listen to children, consider their opinion, involve them in dialogue, and cultivate mutual understanding and respect.

Finally, regarding the Children's Ombudsman institutions, I would dare to express the opinion that stronger institutional safeguards are needed, in order to protect their special character and function as independent public defenders of children's rights, meeting ENOC standards and avoiding deviations or weakening of their mandate, that may be caused by the imposed prioritization of different, irrelevant interests.

My hope is that the paths that we opened with the assistance of thousands of children and professionals in our country will stay open and will help the next generations claim even further, strong measures to clarify, strengthen and consolidate children's rights in all settings.

**REFERENCE**

UN Committee on the Rights of the Child (CRC) .2002. *General comment No. 2: The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child*, 15 November 2002, CRC/GC/2002/2.