

CLOSING THE GAP: ADVANCING CHILD RIGHTS IN EUROPE AND CENTRAL ASIA

Conference Report



Making Europe and Central Asia Fit for Children

Sarajevo 13 - 15 May 2004

Second Intergovernmental Conference

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ABBREVIATIONS

CRC	Convention on the Rights of the Child
CoE	Council of Europe
CEE	Central and Eastern Europe
CIS	Commonwealth of Independent States
EC	European Commission
EU	European Union
ICESCR	International Covenant on Economic, Social and Cultural Rights
MDGs	Millennium Development Goals
NGO	Non-Governmental Organization
NPA	National Plan of Action (for children)
OSCE	Organization for Security and Cooperation in Europe
OSI	Open Society Institute
PRSP	Poverty Reduction Strategy Paper
RNC	UNICEF/NGO Regional Network for Children
UN	United Nations
UNSSC	United Nations Special Session on Children
WFFC	World Fit for Children

EXECUTIVE SUMMARY

The Sarajevo Second Intergovernmental Conference on Children opened in the context of a growing sense of 'interconnectedness' across the region of Europe and Central Asia. The European Union has recently admitted 10 new member States. Almost all countries in the region are now on a path of economic growth. Reform of social policy is taking place in both eastern and western parts of the region – with increasing convergence on the kinds of problems encountered and solutions proposed. The number and range of channels of communication across the region is growing rapidly, expanding the public sphere and providing new opportunities for participation. The region continues to see progress in incorporating the Convention on the Rights of the Child into legal frameworks for children.

Contradictory trends are, however, at work. While Europe and Central Asia is among the richest regions in the world, child poverty persists and in some parts is increasing.¹ Exclusion and discrimination, whether on the basis of ethnicity, religion, disability or civil status, remains widespread. There are new threats to children emerging across the region. Some of these, such as violence against children, are not new in themselves but only recently have begun to receive public attention. Others are the result of increased movement of goods and people between States, where children often find themselves vulnerable and marginalized. And while the rise in communication channels provides opportunities, its quality has often declined, exposing children to the possibility of abuse and exploitation.

It is this striking gap between legal frameworks increasingly in place and the reality experienced by children that became one of the major themes of the Sarajevo Conference. There was a recognition that traditional approaches to a number of these problems are not working. The challenge of building a much stronger protective environment for children calls for new combinations of economic and social policy, while tackling discrimination or changing behaviours in families often means challenging deeply held attitudes and norms. Legal and policy frameworks need to be supported by system change, adoption of new standards, and communicative action. At the same time, it is vitally important that the problems are seen through the lens of children, to help see the gaps and remind adults of where systems are failing. Participation of children and young people takes on a new and important meaning. The need to look afresh at progress on children's rights in a rapidly changing world was strongly underlined.

The Conference itself was co-hosted by the Governments of Bosnia and Herzegovina and Germany, with support from UNICEF and funding from the European Commission and the World Bank. It brought together 45 countries, civil society organizations, intergovernmental organizations, United Nations agencies, children and young people to examine progress on child rights across the region, and discuss future directions.

Its specific aims were to track developments since the First Intergovernmental Conference on Children's rights in Europe and Central Asia in Berlin in 2001 as well as progress on the commitments made at the UN General Assembly Special Session on a World Fit for Children (WFFC) in 2002.

Twenty-four States took the floor to report on recent developments in their countries. A number of countries reported improvements in legislative frameworks, adoption of National Plans of Action, and new efforts to counter sexual exploitation and pornography, as well as the adoption of policies for young people, often in the face of HIV/AIDS. There was acknowledgement that there is now much greater awareness of children's rights across the region- with a striking rise in the number of Ombudspersons appointed to monitor children's rights since Berlin. It was also recognized that the challenges that remain are huge. Too many children still experience poverty and discrimination. The impact of conflict on children remains a continuing concern in many parts of the region, as does violence in its different forms. Each of these areas needs concerted action across departmental lines as well as substantially increased resources. There are still many unfilled promises to fill.

The main outcome of the Conference was The Sarajevo Commitment. This re-affirms earlier commitments made in Berlin ('The Berlin Commitment'), at the UN Special Session on Children ('A World Fit for Children') and to the Millennium Development Goals (MDGs). It turns its focus towards national action in each country, underlining the political leadership that will be needed to tackle issues such as child poverty and discrimination, as well as building physical and social capital for children.

¹ Recent evidence suggests that the numbers of children living in poverty in the EU ranges from 5 per cent to 15 per cent and is increasing in some settings. Child poverty in transition countries is declining, but the starting point has been very high-reaching 50 per cent in some countries – with levels are coming down only slowly.

The Commitment gives special attention to five specific areas that were identified as being of special relevance to progress on child rights in the region: 'Investing in Children'; 'Children Moving across Borders'; 'Combating Exclusion in Education'; 'Violence against Children'; and 'Cities Fit for Children'. Each of these topics was taken up in Working Groups.

Solutions were discussed and proposed under the broad umbrella of re-thinking the term 'Investing in Children'. Across the region, it is clear that income growth alone is not resulting in improved social outcomes for children. Indeed, there is no obvious correlation between GDP growth and trends in child poverty. The Convention on the Rights of the Child (CRC) calls for a different approach. One where strategies to reduce poverty and deprivation among children are constructed on the core obligation falling on states and formulated in a way which responds to national and international standards. One where social sector expenditure is viewed, by both the public and political leaders alike, not primarily as consumption expenditure, but as contributing to investment – in social capital, growth and equity.

It was noted that individual countries in the region are indeed making headway against child poverty. Where this has worked best, it has been through a mix of direct income support to the family as a pathway out of poverty, and a series of indirect support services and actions that attack deprivation and exclusion. The key to this success has been ensuring social and economic policy work in synergy, and function within the same vision. The not-so-good news is that too few States in the region are currently engaged in such efforts. UNICEF's Executive Director Carol Bellamy challenged participants to make Europe and Central Asia the first region in the world to eliminate child poverty.

One of the key elements of investing in children and a cross-cutting area in all working groups was the participation of children. Building on the experiences in Berlin, the UN Special Session on Children and other conferences, it was felt important to demonstrate that children's participation could be a part and parcel of all discussions, and made an integral part of the Sarajevo Conference. For this, a two-day preparatory meeting for young participants allowed familiarity with the substantive issues, and, through working closely with each of the working group Chairs, opportunities were ensured for children to make their contributions. Participation of children remains the part of the Convention (CRC) where progress in the region is still modest, and yet where Europe and Central Asia could be leading. Participation was also recognised as an area that needs constant re-appraisal and support.

Each year, tens of thousands of children moving across borders in Europe and Central Asia find themselves in a country other than their own, unprotected and vulnerable to exploitation. They are often 'invisible' to decision makers. A range of situations comes into focus. These include inter-country adoption, foster care, including sending children abroad for respite care, refugees, asylum seeking, family reunification, and trafficking. It was stressed that, regardless of the reason² for which they find themselves there, and regardless of their status within a country, children are first and foremost entitled to protection. Immediate practical actions that can be taken by States include ratification of the Hague Conventions, making much fuller use of existing international frameworks while urgently collecting data that is comparable on children moving across borders. In a climate where countries in the region are increasingly moving away from open borders to a much more restrictive access, international standards need to be respected, and enforced.

The prevalence of violence against children in societies is not well documented. Its scale, however, is known to be huge. Here again, the gap between legal frameworks and reality remains wide. Children continue to bear the brunt of violence of a form and degree that would be unacceptable if they were adults. It was emphasized that State accountability needs to be at the centre of any strategy to tackle such violence. This includes action in areas where the State has direct responsibility: in schools – where corporal punishment still remains legal in some countries and practised in others; in residential institutions; and in systems of juvenile justice. It was also recognized that the State has a major accountability in combating violence in the family. Here, it is essential to 'make the problem visible' and challenge the norms that underlie and condone such violence. Children's perspectives will be vital for shaping an effective response. Young participants in the Conference highlighted the importance of making available confidential services for children and the role of schools in making children aware of their rights. The UN Global Study on Violence against Children is seen as a major opportunity to take this

² An important distinction was made between children who move across borders to find or have some form of care in another country, and other kinds of movements, including migration, and asylum seeking etc. where the goal is not care but care is needed as a result of the re-location.

agenda forward – one that should be seized. In this area in particular, it is important to recognize the role that States play as path breakers and 'champions' with bold policies that inspire other countries to take action.

The school is the place where exclusion often finds physical expression, and where it is most acutely felt by children. The school is also an institution that can model and reinforce positive 'inclusive' behaviours that are required by the CRC. 'The Role of Education in Combating Social Exclusion' brought to the table a deep-set problem that is faced by all countries across the region, albeit in different forms and in different degrees. It was argued that tackling discrimination requires a re-assertion of human rights approaches within education. This, in turn, needs to be supported by broader political and social action. In particular, investments to guarantee free pre-school and basic primary education has to be prioritized, with integration of special needs education into mainstream education part of such prioritization. Disparities in access should be exposed by much more systematic dis-aggregation of key variables, such as gender, linguistic background, ethnicity and place of origin.

The last working group turned to urban areas and the opportunities that increasingly can be put in place for children's participation. Cities and local governance systems need to be made 'child friendly' by adopting municipal children's rights agendas. At the centre of success in making 'Cities Fit for Children' is often the opening of local decision-making processes to young people and ensuring that this participation is substantive. Mayors and local authorities have been found to be critical partners in implementing the goals set at the UN Special Session on Children and in monitoring them locally. National-level policies that empower municipal governments with adequate authority and resources to become child friendly, however, are often missing. Explicit mechanisms still need to be established for children's participation at the local governance level, such as children's parliaments, children's city councils, or other forums for effective involvement of young people.

Monitoring of child rights – and addressing gaps in data and knowledge in key areas – emerged as a major issue in each of the areas discussed and a challenge to be taken up for the region as a whole. Progress on WFFC will be the subject of a report by the UN Secretary-General to the General Assembly in 2007. Assessment on the time-bound goals set out in WFFC will therefore be required in 2006. For reporting to be adapted to the region's reality, indicators need to be carefully selected, and a clear monitoring framework put in place.

A consensus of the Conference was that the process initiated in Berlin, and followed up here in Sarajevo should continue: that it is important for States to meet together to share best practices and discuss common problems in implementation of child rights. The timing and location of the next meeting, and the best process to support it, will be discussed in the near future by the two co-hosts and UNICEF.

There was also a strong sense that the region is at a crossroads in time. Major transformations are underway across the region. It is crucial that these are made to work 'for' children. The Convention on the Rights of the Child is becoming a normative standard and benchmark for policy reform across the region. Economic growth offers an unprecedented opportunity. Yet the opportunity could easily be missed. Focus on action for and with children has to be strongly maintained, ensuring that the gaps between promises and children's' reality are indeed narrowed, and, as fast as possible, closed.

THE SARAJEVO COMMITMENT

Underlining the obligations undertaken by States of Europe and Central Asia in ratifying the Convention on the Rights of the Child as well as the two Optional Protocols to this Convention and stressing the need to accelerate the implementation of these legal instruments,

Emphasizing the importance for States of Europe and Central Asia which have not yet signed and ratified the two Optional Protocols to the Convention on the Rights of the Child to do so as a matter of urgency,

Recalling the *Berlin Commitment* adopted at the First Intergovernmental Conference on Children in Europe and Central Asia held in Berlin in May 2001, in which member States pledged to create a Europe and Central Asia 'fit for children',

Noting that the Berlin Conference has drawn particular attention to the special responsibility of the Region to promote the participation of children in decision-making processes, calling for a shift in attitudes to enable such a development,

Reaffirming the assessment of the situation in the Region made at the Berlin Conference, in particular that:

- despite contrasted trends, challenges facing children across the region of Europe and Central Asia are increasingly shared,
- child poverty in both parts of Europe and Central Asia is one of the greatest obstacles to the fulfilment of children's rights,
- discrimination and exclusion remain a reality for many children in the Region,
- despite legal protection in place in many countries, violence, abuse and exploitation continue to affect children across the Region,

Fully endorsing the United Nations General Assembly's Special Session on Children in New York in May 2002, where States committed themselves to the goals of *A World Fit for Children* and identified the following measures for follow-up action:

- strengthening national action in favour of children with a set of specific, time bound and measurable goals and targets, taking into account the rights of children as contained in the Convention on the Rights of the Child,
- establishing the necessary coordination and ensuring resource allocation for these goals,
- regularly monitoring and reviewing progress at the national level to address obstacles and accelerate action,
- underlining the importance of partnerships with civil society actors who have a unique role and contribution to make in advancing children's rights,

Concerned at developments that are leading to increased vulnerability of children and are threatening their rights and security, and urging States in the Region to take the necessary measures to end all forms of violence, abuse and exploitation of children, including trafficking,

We, the participants of the Second Intergovernmental Conference on Making Europe and Central Asia Fit for Children (Sarajevo, 13-15 May 2004), while welcoming progress achieved during the last three years:

1. Solemnly re-affirm our obligations under the Convention on the Rights of the Child and our commitments as contained in *The Berlin Commitment* of May 18th 2001 and in the UN Special Session on Children outcome document *A World Fit for Children* of May 10th 2002, and pledge ourselves in particular to:
 - a. provide leadership in adopting national plans of action by May 2005 and take concrete steps toward the implementation of their goals, ensuring monitoring and evaluation of these Plans, with the involvement of children;
 - b. take measures to establish or strengthen national structures and mechanisms for the implementation of children's rights, including, where appropriate, independent children's rights institutions;
 - c. make significant increases in investment in and for children, redirecting resources towards reducing child poverty, prioritising social equity and building physical and social capital for children;
 - d. monitor progress towards making Europe and Central Asia 'fit for children', both as an input into national policy and as a basis for the report to the UN General Assembly in 2007 by the UN Secretary-General;
 - e. strengthen the use of international cooperation mechanisms to protect children moving across borders, and where possible to prevent such movements that are not in the best interest of the child, and provide full protection to children found across borders, including support and reintegration in cases of return;
 - f. take concrete action to ensure that education is compulsory, free and of good quality and that social exclusion is addressed in education systems, both to improve the quality of education within schools and to take decisive action to tackle exclusion arising outside the school, with particular attention to the situation of children with disabilities, children of minorities and school leavers;
 - g. initiate and support actions aimed at ensuring state accountability to protect children from all forms of violence, including violence as a result of conflict, in the home, in the media and other technologies, through *inter alia*, the adoption of appropriate legislation, education and awareness-raising campaigns, the provision of confidential child protection services and the strengthening of monitoring and reporting mechanisms;
 - h. contribute actively to the United Nations Secretary-General's in-depth study on the question of violence against children at both national and regional levels;
 - i. encourage local authorities and communities to make their cities 'child friendly' in respect to infrastructure, access to services, safe living environments and involvement of children in local decision-making;
 - j. create an environment, processes and structures to facilitate the participation of children and young people in all areas affecting their lives;
2. *Decide* to continue working towards achieving these goals within Europe and Central Asia as well as within the United Nations, in partnership with civil society, children, media, United Nations and other development partners;
3. *Further decide* to systematically review progress achieved in attaining these goals and report progress as requested to the UN Secretary-General;

**We recommit ourselves to this task
because a world fit for children is a world fit for everyone.**

CONFERENCE PROCEEDINGS

OPENING SESSION

MS. LIDIJA TOPIC, Deputy Minister of Foreign Affairs of Bosnia and Herzegovina, formally opened the meeting, welcoming participants to the three-day Second Intergovernmental Conference on Children in Europe and Central Asia. She set the meeting in the context of, and as a continuation to the First Intergovernmental Conference on Children in the Region that had taken place in Berlin in May 2001. The task at hand is one of how to bring the Convention on the Rights of the Child as a reality into the lives of children.

The Chairman of the Council of Ministers of Bosnia and Herzegovina, MR. ADNAN TERZIC, added his welcome, noting that it was an honour to host this Second Intergovernmental Conference in follow-up to Berlin and the UN General Assembly Special Session on Children, in New York. Here was an opportunity for countries to meet and openly discuss and address issues relating to the lives and rights of children and to indeed create Europe and Central Asia as a region 'fit for children'.

Mr. Terzic underscored, however, that there have been at least three important changes in the environment of children since Berlin. That meeting took place before September 11th replaced the world we knew with another, far less secure, much less predictable one. Secondly, the impact of transition for many countries in the region continues to be significant. Thirdly, has been the integration process of EU membership with 10 new members currently adhering. The challenge is how to make each of these processes work 'for' children. He noted that Bosnia and Herzegovina itself still faces many challenges in the social sphere, but that cooperation between countries was of utmost importance in finding answers to these problems.

MS. KERSTIN MÜLLER, Minister of State, Federal Foreign Office, Government of Germany, speaking on behalf of Germany as co-host of the meeting, saw the Conference as an example of a successful regional process to promote children's rights. She called to mind that children's rights are indivisible and need to be seen as a whole. With all countries in Europe and Central Asia being members of the Organization for Security and Cooperation in Europe (OSCE), they shared a commitment to common standards and should be 'leaders' in promoting child rights. They also face a number of common issues such as trafficking, exploitation and violence that makes the sharing of State 'best practices' particularly important. Progress in the Region on child rights, she believed, has been positive. Countries have not only adopted the CRC in the last decade but set up important mechanisms for implementation at country level. Within the framework of the EU, new guidelines on children in armed conflict have also been agreed upon.

Ms. Müller underlined that investment in children is an investment in the future. The Millennium Development Goals for 2015 represent a global effort to secure basic rights across the world. She saw progress in that many countries in Europe have now signed and ratified the Optional Protocols to the CRC. She reminded however there will be both successes and failure ahead. Many children's lives have been saved but many remained threatened by exploitation. Her hope for the Conference was that it would lead to a strengthening of the *Berlin Commitment* and also integrate new topics such as violence against children into this agenda. In this context she welcomed the Secretary General's study on violence against children and expressed the hope that this study will constitute another milestone in the development of the UN's children's rights agenda. It was high time for this serious problem experienced by children to come into much greater focus.

MS. CAROL BELLAMY, UNICEF Executive Director, opened her remarks acknowledging the contribution and support of the Governments of both Bosnia and Herzegovina and Germany, and the additional funding of the Conference from the EC and the World Bank. It was indeed fitting that the meeting was

taking place in Sarajevo, a city steeped in more than 800 years of history and where young people remember only too well when adults forget their obligations to children. She traced the 'journey' that had begun in Berlin and the commitments that were made there and later at the UN General Assembly Special Session on Children to build 'a world fit for children'. It was extremely important that governments came together to review those commitments. She hoped that this review would continue at regular intervals; and indicated that UNICEF would be willing to support this.

Ms. Bellamy took it for granted that everyone gathered in Sarajevo wanted that world to come into being for the children of Europe and Central Asia. But is it within reach? The real answer, even in a region of such shared optimism and ambition as Europe and Central Asia, is that 'it depends'. It depends whether children and their families are rich or poor, whether they come from an ethnic minority or a family of migrants or refugees. It depends on whether they live in neglected rural areas, an urban slum, or a middle class suburb. But she also noted that from the Atlantic coast of Ireland through to the Pacific coast of the Russian Federation, it is often the same group(s) of children who do not have their rights fulfilled. Disparities, both between nations and within nations, persist. And factors that perpetuate disadvantage across generations continue to be powerfully present. If it is to have any impact, the Conference must address social exclusion, and that means thinking in terms of human rights.

With economic growth occurring in almost every State in the Region, Carol Bellamy called for a vision for children that goes beyond economics, beyond promises and pledges to ensure 'all rights' for 'all children'. She challenged the Conference. Europe and Central Asia is a region that can well afford to ensure that no child experiences severe deprivation. Can it be the first region in the world to eliminate child poverty?

MR. MICHAEL HUMPHREYS, Head of the EC Mission in Bosnia and Herzegovina, underlined the critical place of social policy as the EU underwent enlargement and the special place of education within this. There are now a number of instruments available to protect children. What is needed is a commitment to use them in a way that leads to practical action. The role of civil society becomes crucial.

Ms. DIANA NISTORESCU, Secretary-General of the NGO/UNICEF Regional Network for Children, speaking on behalf of NGOs in the Central and Eastern Europe, Commonwealth of Independent States and Baltic States (CEE/CIS/BS) Region, drew attention to the challenges and barriers faced in the 'Leave No Child Out' campaign launched against discrimination and exclusion in many countries. Only through partnerships will this new world for children come about. Ms. Nistorescu called for a new 'strategic partnership' across the Region around children between governments and civil society. Two young participants, GRESA BABOCI from Albania and BORIS TODIC from Bosnia and Herzegovina also addressed the opening plenary on behalf of the children attending. They described the kind of backgrounds the young participants all came from and their involvement in local projects. They also underlined that young people are committed and willing to work with adults ... as equal partners.

In her keynote address, Ms. VANESSA REDGRAVE, UNICEF Special Representative for the Performing Arts, spoke to the participants on a very personal level, as someone who herself had had her education rocked by war and had witnessed the effects of exclusion on children. She recounted how as a young girl, listening to the radio, she had first heard of the signature of the two human rights Covenants, an event that moved her deeply and was to change her life. She saw that here at last in the human rights treaties, was a bedrock to help tackle injustice and discrimination – and that, far from being dry and dusty documents, the Covenants gave enormous power.

Ms. Redgrave called for everyone to remember how essential it is to keep a spirit of kindness alive for children in a world that shows so much inhumanity – even in the darkest moments. She referred to a 12-year-old Roma child she had met that morning in Sarajevo who when asked to draw his dream, replied that 'my first dream is to finish school, my second dream is to have a job; my third dream is that the other children are able to go to school and finish.' It is this concern for the other children in his

community that needs to be guarded and preserved. The commercial world is turning to young people as consumers, but the world is also bringing young people together, particularly in the wish for and search for peace, and in music. Vanessa plea was that music and art should remain a part of young people's education as one way to escape the otherwise stifling grip of consumerism. Clips from a video taken recently in Mostar showed musicians and other artists working with disabled children, using music and drama as a bridge across language and cultures for those whom society so often still excludes.

PLENARY SESSION – CHALLENGES FOR CHILD RIGHTS ACROSS THE REGION

MS. MARIA CALIVIS, UNICEF Regional Director for Central and Eastern Europe, Commonwealth of Independent States and Baltic States, opened the Plenary Session with an overview of 'Monitoring Progress for Children in Europe and Central Asia'. Her presentation was a call for monitoring of child rights to be taken much more seriously in the Region, and the need for a new framework to track progress on issues that were of greatest importance for children in the Region. This should build on what is already in place but would importantly extend into a number of new areas – including the specific themes chosen for the Conference.

Ms. Calivis emphasized that, unless there is a sustained drive *against* the underlying determinants of deprivation, child poverty, discrimination, and violence, and *for* the promotion of children and young people's participation, progress on other rights will be limited and remain constrained. We need to understand these processes better, and why it is that children are falling between the cracks.

She noted that there has indeed been progress since Berlin. Consistent advances are being made in health, in micronutrients, and in reforming child-care systems, moving away from big, impersonal, residential care institutions and finding family-based care options for children that cannot be taken care of by their parents. There has also been a major new political commitment to tackling the threat of HIV/AIDS. And progress is underway towards the mortality reduction goals of the MDGs (although serious challenges in child survival remain in parts of the Region). Where we are not seeing clear progress often relates to child protection: on the numbers of children who are caught in trafficking networks; on the child who moves across borders and finds him or herself in an uncertain and often unprotected future; and the child suffering violence in the home. These are also the areas where we find the biggest gaps in data.

It is often not just a matter of statistics. She argued that there is need for a different starting point, asking for information on the effectiveness and failures of the systems intended to protect each child. We need to change the question from 'How many?' to 'Why?' At the same time, there is an opportunity for the Region to take the lead in developing a framework of monitoring that is closely tailored to the situation of children in Europe and Central Asia. Ms. Calivis reminded that the MDGs will only be achieved if there is leadership. This is, or could be, a 'decade of opportunity' for the Region. Will children reap their share of the benefits?

MS. MAUD DE BOER BUQUICCHIO, Deputy Secretary-General of the Council of Europe, addressed the major challenges in child rights facing the Region. She began her assessment with a metaphor. As adults, through our stories to children, we design a magic world, where everything is possible, where 'Good' always defeats 'Evil'. It is a world that children, sooner or later, realize is different from the reality they encounter. Making the gap between their dreams and that reality as small as possible becomes the measure of our success in fulfilling the obligations we have made to children. That gap needs to be the focus of our attention.

To assess how large those gaps remain, Ms. Buquicchio turned to the three key legal instruments: the European Convention on Human Rights, the European Social Charter, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. And to focus on substantive challenges, she chose three key areas of commitment that have been made:

First, how far have we come on our promise to 'put children first'? For this, banning ill-treatment, violence and abuse against children in the family and in public institutions, safeguarding family ties, ensuring the rights of juveniles in custody, prohibiting child labour, and protecting children's health... all become key indicators.

Secondly, how far on the imperative of 'zero tolerance on any harm against children'? Ms. Buquicchio emphasized that children are not 'mini persons' with 'mini rights'. On the contrary, the vulnerability of children entitles them to a special and reinforced protection. Protection of children against all forms of violence, abuse and exploitation is an essential part of those rights and needs all our commitment and attention. Corporal punishment is an example of where action through use of legal instruments has been effective. It is feasible that Europe and Central Asia becomes a continent free of corporal punishment. Ms. Buquicchio particularly welcomed the UN Global Study on Violence against Children. The Council of Europe has recently elaborated an action plan in this area – where violence is often garbed in the respectability of culture and religious practice – and looks forward to collaboration with other partners around the study. Sexual exploitation and trafficking are related areas where new instruments are available, but where we must do better.

The third challenge is to ensure participation of children. The Council of Europe has been particularly active in promoting participation, including in the Council of Europe itself, and through promotion of children ombudspersons as an institution. Children nearly always prove to be reliable partners and excellent strategists in such forums. The complexity of issues related to children's participation does, however, require constant renewal and coordination of all actors involved. Together, the challenges facing child rights will require new investment of resources, redoubling of efforts and stronger coordination between States, international institutions, NGOs and society as a whole. There is a need for much more education in democratic citizenship (with 2005 already designated as the European Year of Citizenship). Should there be need for additional international obligations, or even new Conventions, this avenue should also be examined and, if necessary, taken. The gap, however, between words and reality remains wide.

INTERVENTIONS BY DELEGATIONS

Twenty-six delegations took the floor to share their views on what they saw as major challenges in child rights or to share developments that have taken place in their countries the three years since Berlin.

Many countries reported National Plans of Action in follow-up to WFFC that are now in place (Armenia, Austria, Bulgaria, Denmark, Finland, Georgia, Romania, Russian Federation, Serbia and Montenegro, The former Yugoslav Republic of Macedonia). Others described the introduction of new laws and legal frameworks especially relating to protection of children including the adoption of the Optional Protocols to the CRC (Armenia, Bulgaria, Croatia, Denmark, Kazakhstan, Lithuania, Romania, Russian Federation, Spain, Sweden, Turkmenistan). The focus of these actions has been to counter sexual exploitation, trafficking, and pornography and cyber crime on the web – all growing areas of concern.

Specific areas of action included measures to address discrimination (the Holy See); action against violence against children that include bans on corporal punishment (Lithuania, Spain, Sweden) and action against exclusion more generally (Georgia). Human rights education in schools was reported (Austria, Azerbaijan). Developments in more mainstream development areas remain important

components of national follow-up, including education (Armenia, Austria, Kazakhstan, Lithuania, Russian Federation, Turkmenistan), and on children still unable to learn in their own mother tongue (Georgia) and the integration of disabled children in education (Bulgaria). Tajikistan reported its focus on high mortality among children. Turkey is giving special focus to girls' education. Adoption of policies for young people often in the face of HIV/AIDS was also reported (Austria, Azerbaijan, Turkey, Uzbekistan).

A number of States reported on the establishment of Ombudspersons (Croatia, Finland, The former Yugoslav Republic of Macedonia). The Region has, in fact, seen a remarkable increase in the number of countries that have appointed Ombudspersons since Berlin, with this institution playing an important role in the monitoring of child rights. Denmark described specific legislation that has been put in place to protect children moving across borders with the unaccompanied child immediately granted a residence permit and given support.

Other countries reported progress on children living in institutions (Republic of Moldova, Romania) or in improvements in its social welfare system (Bulgaria, Russian Federation, Sweden, Switzerland). The Holy See underlined the importance of the 'family' in efforts to build WFFC. Finland drew attention to its adoption of 'child-friendly' budgets and the coordination of services put in place to support this. The impact of conflict on children (Austria, Azerbaijan, Georgia) and the threat of HIV/AIDS to children and the need for partnerships with young people were also highlighted (Finland, Kazakhstan). It was argued that many of these areas are highly related to each other, and require cooperation across sectors, and often across countries.

The NGO coalition Euronet called for specific focus on child poverty in the Region, and promotion of the right of children to be involved in local and regional decision-making. They also called for the inclusion of child rights in the draft European Constitution; along with the appointment of an 'EU Representative for Children's Rights'. WHO drew attention to the potential of the new European Strategy for Adolescence as a means of linking health with other determinants of children's deprivation, and encouraging investment in early child development.

A number of countries (Croatia, Georgia) indicated their support for the continuation of a regional process of consultation on child rights. Lithuania expressed its willingness to host a follow-up meeting to Sarajevo in Vilnius in 2007.

The substance of these plenary interventions pointed to positive developments: much increased awareness of child rights across the Region; and an increased commitment and cooperation by governments around child rights. On the negative side, there was a reminder of the scale of the challenge that remains ahead. This includes the continuation of armed conflicts, sexual exploitation and violence. Too many children are still discriminated against; too many disabled are left out of schools and community life; too many children are not benefiting from economic recovery. It was underlined that the roots of many of these threats are deep. And the fact that we live in complex societies; with ethnic conflict and continued economic struggle, means necessarily that it will be complex issues that are to be faced. These require concerted and intersectoral action. Implementation of child rights concerns *all* sides of government.

WORKING GROUPS

1. Investing in Children

Chair: *Ljerka Maric*, Minister of Finance and Treasure, Bosnia and Herzegovina
Panellists: *Gordana Matkovic*, Centre for Liberal-Democratic Studies, Serbia and Montenegro;
Ashot Yesayan, Deputy Minister, Ministry of Labour and Social Issues, Armenia
Resource Persons: *Furio Rosati*, Coordinator, ILO/UNICEF/World Bank Project on Child Labour;
Petra Hoelscher, Research Fellow at the Department of Applied Social Sciences, Centre for Comparative Research on Social Welfare, University of Stirling, UK; *Fabio Sabatini*, UNICEF Regional Programme Officer, Policy and Planning, CEE/CIS and Baltic States

Many countries in the East are recording poverty rates as high as 50 per cent, or more. Even in EU countries, studies show that there is an increase in the incidence of poverty in Western Europe, with levels ranging from 5 per cent in Nordic countries to 15 per cent in the United Kingdom. Several participants noted that their countries are doing a great deal of social planning and embarking on reforms of the social welfare system in order to tackle the persistent problem of poverty. Many governments in the West are also beginning to better understand the complex linkages between poverty and social exclusion, and that improving the financial situation of the family is not always correlated with the improvement of children's well-being.

Children's perception of poverty was very clear and poignant: *'a child in poverty is a child with no hope'* and *'to be poor is to be looked down on by others, like rubbish'*.

Framing the Issue

Both in Western and Eastern Europe and Central Asia, there is a weak correlation between economic growth and reduction of poverty, especially among certain, identifiable, sections of the population. In fact, economic growth, which is a recent phenomenon in the eastern part of the Region, is bringing with it increasing social and economic gaps. This, coupled with the withdrawal of the economic and social role of the State, puts children in the East at increasing risk of a 'stunted' development. Experts cite social alienation and exclusion as now becoming endemic in some countries.

While poverty patterns vary between sub-regions and even within them, there are common risk factors for children – lack of market participation by their parents, single parenthood and having many siblings.

It was agreed that the emergence of new models of economic and social development must be based on a 'social contract' that has as foundation the rights of children and reflect accepted norms and standards among that particular society as to what entitlements children have. Investment in children must then be planned to correspond as closely as possible to that vision, and to enable as much as possible the delivery of funds, goods and services that will enable all actors in society to effectively perform their roles in caring for children and young people.

Young people present in the working group believed that being part of such 'social contract' for children would make them feel valuable, and give them a greater sense of responsibility. They also feel that being the subject of social investment would increase their sense of national identity and belonging to their country.

Identifying the Gaps

Many questions were raised concerning the strategies necessary to move Investing in Children forward, in a more systematic manner which goes beyond *ad hoc* solutions and addresses 'systems' and 'norms' in order to:

- better link economic and human development benefiting marginalized groups of children;
- tackle social exclusion in an effective manner;
- choose between so many conflicting priorities;
- measure progress and ensure that reforms are achieving stated objectives;
- increase and ensure participation of children and young people, and others, in the budgetary process;
- enlist the full cooperation of the international community in implementing an 'investment for children plan'.

The following gaps in achieving the above strategies were identified:

- a) There is currently an inadequate political understanding of returns on investment in children, as there is a tendency to see it as a 'current' or out-of-pocket expenditure rather than real investment.
- b) Most countries are faced with limited resources to develop information systems and sound methodology for Investing in Children, and to demonstrate what works best for children. Many instruments have been tried out (NPAs, child budgets, etc.) but their impact in terms of return on investment is not yet well documented.
- c) There is a lot of energy being invested in decentralization of social welfare systems. There seems to be, however, little clarity on the best way to implement it, and efforts should be made to solve the 'Decentralization Dilemma': Are governments first to decentralize, or first set standards and mechanisms? In all cases, there was agreement that allocations should be proportional to the needs and capacities of each locality.
- d) Governance remains weak in many countries and it is not always supportive of transparent and participatory processes.
- e) Generally, there is little experience so far on necessary intersectoral and long-term approaches to Investing in Children.

Recommendations

The following actions were proposed:

- Raise awareness of Investing in Children as a tool for the realization of child rights and economic and social growth among politicians, civil society, media, and the private sector.
- Strengthen the national analytical and monitoring capacity to improve the knowledge base on the overall situation of children, particularly excluded groups, and in order to enhance the ability of available systems to monitor both progress and outcomes for children.
- Expand the participation of civil society, especially young people, in the Investing in Children process.
- Find appropriate balance among the roles of the State, the family and civil society.
- Pursue innovative approaches for Investing in Children – for system change, good governance and sustainability.
- Create an enabling international environment that will foster, rather than undermine, national effort to implement an 'Investment in Children Plan'.

The working group also identified some concrete steps to be taken in the short- to medium-term:

- Identify champions and partners for specific issues related to Investing in Children, both at country, sub-regional and regional levels to demonstrate what works and to foster further analysis and understanding.
- Set up networks of Ministry of Finance and other ministries for planning investment in children.
- Promote discussion on Investing in Children within country and organize further experience exchange among countries.
- Publish the excellent background paper and identify solid base of reference materials.
- Arrange technical sub-regional meetings.
- Review and adapt monitoring systems to include specific questions on Investing in Children and to measure outcomes for children.

2. Children Moving across Borders

Chair: *Johannes Dahl-Hansen*, Ambassador, Danish Embassy to Bosnia and Herzegovina

Panellists: *Michel Bravo*, Senior Policy Officer on Minors, Immigration Policy Department, Ministry of Justice, Netherlands; *Madeline Rees*, Head, Office of High Commissioner for Human Rights, Bosnia and Herzegovina

Resource Persons: *Nigel Cantwell*, Consultant; *Judita Reichenberg*, UNICEF Regional Child Protection Adviser, CEE/CIS and Baltic States

Legally or illegally, voluntarily or not, tens of thousands of children every year move, or are moved, across national borders of European and Central Asian countries. In the 'Children Moving across Borders' working group, participants discussed issues of inter-country adoption, foster care, including sending children abroad for respite care and *kafalah* (to live with parents), refugees, asylum seeking, family reunification, and trafficking. The discussion focused on the need to address the protection of children vis-à-vis these variety of situations.

Framing the Issues

In general, movement of children across borders can be divided into two broad categories:

(a) Children who move across borders in order to find or have some form of care in another country and the form of care is known to those initiating and/or organizing the move, as in cases of inter-country adoption and foster care. International foster care is not a very known practice, but involves tens of thousands children each year from the countries of the former Soviet Union going to Western Europe for short periods. Although the economic situation of almost all countries in the Region is improving, inter-country adoption has increased. The discussion focused on the issues of why care is provided abroad and whether it is necessary and desirable, and

(b) Other kinds of movement of children across borders include migration, refugees/asylum seekers and trafficking, where the goal is not care, but care will be needed as a result of the relocation. Whether legal migration or illegal smuggling and trafficking, the movement is usually coerced by conflict, violence, poverty, lack of access to education, unemployment or discrimination. Separated from their families, often not speaking the language, children while in the countries of transit or destination are vulnerable to discrimination, lack of access to social services, deprivation of liberty and domestic, labour or sexual exploitation. Since care is per se not foreseen in the process of movement, there is a need to examine care and protection provided in the countries of transit or destination, as well as in the process of repatriation and return to the country of origin.

Identifying the Gaps

The following were identified as the main gaps in the protection of children moving across borders:

- a) **Lack of quantitative and qualitative data** on all forms of movement of children across borders. This is related to the lack of regulation of international foster care and illegal nature of movement of refugees/asylum seekers and trafficking. Further, a lack of information and cooperation between governments at border posts where children are crossing borders was noted.
- b) **Limited understanding of pull factors** for adoption/foster care and/or exploitation of children in Western Europe. Organized crime clearly benefits from making huge profits on smuggling and trafficking, as well as the illegal sale of children for adoption.
- c) **Insufficient understanding of push factors** for increasing number of children leaving Eastern Europe and Central Asia. Growing economic disparities and poverty among socially excluded groups as well as family violence were identified by participants as contributing

factors. Weak child protection systems in the countries of origin may also explain the number of inter-country adoptions and increasing migration and trafficking of children.

- d) **Gap between law and practice.** While legal frameworks and international standards for protection of unaccompanied children, children refugees and asylum seekers, and child victims of trafficking exist, their interpretation and implementation remains problematic. Furthermore, in many EU states, the overall anti-immigration political climate has contributed to an erosion of principles that should protect asylum seekers. In the United Kingdom and the Netherlands, for example, children are now placed in detention centres; temporary residence permits are no longer extended on humanitarian grounds once the child reaches the age of 18.
- e) **Reconciling different State obligations,** including the right to control entry, residence and expulsion of aliens and the obligation to ensure protection of children. According to the CRC, the best interest is a *primary, not the primary* consideration, except in cases of adoption. The ramifications of this relativity needs to be further explored, especially as States often justify detention of children on the grounds of control of entry of aliens and to protect children from exploitation, without considering if it is in the child's best interest.
- f) **Lack of regulation for international foster care.** International foster care is arranged privately and escapes government oversight, such that when a placement breaks down, the child is in vulnerable situation in the country of destination.

Recommendations

Participants discussed and agreed on the following recommendations for governments to strengthen protection for children moving across borders:

- **Collect and report comparable data on children moving across borders.**
- **Ratify the Hague Conventions,** which provide an international cooperation framework for resolving specific issues of children moved across borders.
- **Make full use of existing international cooperation mechanisms,** and promote protection by concluding bilateral and multilateral agreements.
- **Focus on prevention,** to prevent parents and children from being coerced to leave their countries. Prevention should address conflict, poverty, discrimination, family violence, access to quality basic services and social protection, and equal opportunity for employment. Making migration for education and work abroad legal and safe for children would also reduce the number of those crossing border illegally. For example, the new Romanian child protection legislative package focuses on preventive measures to keep children with families and to provide alternative services within Romania to inter-country adoption.
- **Consult and involve children in the design of protection measures.** Consider children as subjects and not as objects of protection and assistance. Within the EU, there are examples of migrant children organizing themselves into NGOs. Such initiatives need to be involved into policy discussions.
- **Put protection first – explore new alternatives to deprivation of liberty.** Regardless of the situation or their status within a country, children are first and foremost entitled to protection as children under the CRC. Governments must ensure that children are not treated as criminals but as children and as victims, guided by the key principle of the best interest of the child. Alternatives to detention must be explored, including periodic reporting to legal guardianship or 'probation' monitoring.
- **Anticipate cut-off age (18) within protection systems.** Protection measures cease to apply once the child reaches the age of 18. However, the need for assistance does not stop then, and often adolescents find themselves unprepared for the world at the age of 18. In Belgium, for example, financial assistance for education stops at 18, even if the child is still in the middle of the school year, thus preventing completion of education.

Legal and administrative provisions should be made to ensure a smooth transition to independence.

- **Upgrade competencies and establish accountability of government authorities.** To comply with international obligations, governments have to establish quality procedures and provide for guidance of their application. Often the quality of procedures is very low; a participant from Finland cited an example: when asked about training on interviewing minors, a head of police in one North European country replied, "You know, we are all fathers and mothers, we know how to talk to children." Training should be conducted for all professionals responsible for assisting children.
- **Develop regulations, quality standards, monitoring for international foster care.** There is a need for oversight or at least establishment of a registration process for this practice, which is currently done on a private level and therefore not subject to regulation by authorities. Using existing systems for monitoring is preferable to setting up new one. For example, in Sweden, an agreement between the Ministry of Social Welfare, the National Board, municipalities and private organizations provides for cooperation among organizations that bring children from the Russian Federation into Sweden to check families where children are placed.

3. Violence against Children

Chair: *Thomas Hammarberg*, Secretary-General, Olof Palme International Center, Sweden

Co-Chair: *Khairinisso Mavlonova Usupovna*, Deputy Prime Minister, Chair of National Commission on Child Protection, Tajikistan

Panellists: *Renate Blum-Maurice*, Director, Child Protection Centre, Cologne; *Londa Esadze*, Chair, NGO-Independent Board of Advisors, Parliament of Georgia; *Amaya Gillespie*, Director, UN Study on Violence against Children

Resource person: *Peter Newell*, Coordinator, Global Initiative to End All Corporal Punishment of Children, UK

Children have the same right to physical integrity and protection from violence as any other person. Yet that obvious right to physical integrity – a principle laid out in Article 19 of the CRC and supported by other articles such as Article 37 – and a right taken for granted for adults, is far from being established for children in many countries in the Region. This is so despite the fact that Europe has one of the strongest human rights regimes. Why is this still the case? What are the special features of violence against children that block decisive action? In order to move ahead, it is crucial to understand what those blocks are and identify concrete steps that will narrow the gap between the clear pledge of the CRC and the reality experienced by children.

Framing the Issue

‘State accountability in addressing violence’ was taken as the starting point of the discussion – and forms a backdrop in terms of authority and responsibility to consider where action is most needed. This gave the focus to violence in institutions where children grow up, in schools (including corporal punishment), in institutions of juvenile justice where young offenders are kept, or on the streets. It also includes the large amount of violence that occurs within the family and yet which remains so often invisible to public policy.³ In all of these settings, it was argued that children have less legal protection than adults. The fact that most violence against children is perpetrated by parents makes it harder to challenge. Indeed, few countries have commissioned detailed, confidential, studies that are often the only way to bring this difficult issue into the public domain.

The CRC, together with standards set out by the Council of Europe, gives explicit recognition to the fact that State obligation goes beyond its own State institutions and does not stop at the door of the family. Measures need to be taken by authorities themselves – many of which are not costly and can have multiplier effects. Banning corporal punishment in schools, for instance, has an impact well beyond schools in as much as it challenges the attitudes in society that underlie such violence. Just as challenging routine violence against women in the home is found to be crucial to counter domestic violence, so too is the case for children.

State action needs to include a regulatory framework that embraces private, non-state actors, and allows for confidential complaints procedures and services for rehabilitation and family support. Rigorous inspection machinery is also required, along with training at all levels. When a violation does occur, child-friendly, accessible complaints procedures and access to the courts need to be in place. And when States fail in their responsibility, regional human rights mechanisms have an important role to play.

Children’s experience is critical to formulating strategies against a problem such as violence. Important perspectives on how violence is experienced by children came from the young delegates in the working group. They highlighted that a child, in experiencing violence, feels shame and humiliation,

³ The discussion did not go into issues related to violence against children in conflict settings.

but also fear. Fear of a child who is beaten up in an institution by the person whose role is there to protect her, or by someone in her own family whom she knows that she has to go on living with. Children are often afraid that the violence will recur, or that if she turns for help outside, that the family itself may be stigmatized. Or simply that the situation he or she is in may get worse. One of the young participant's main messages was that children often don't know who to turn to for help, or how to find someone whom they can trust.

In each of these areas, the UN Study on Violence against Children provides an important opportunity to deepen understanding of what works in combating violence in its different forms.

Lessons from Recent Experience

Three case studies gave reality to the discussions. Germany's adoption of a new legal framework to address domestic violence are an important part of what has been described as fulfilling the 'right to an upbringing without violence'. Experience is still new but is clearly important in its boldness to tackle violence in a society that still regards discipline as very much a parental 'right' and 'duty' and where suspicion of the State's interference in family life is still strong. In Georgia, violence is being addressed as part of a wider set of laws that have been adopted under moves towards 'compliance of Georgia with the CRC'. In Tajikistan, where the Government is in the process of launching its strategy to counter violence, high level political commitment has played a key role.⁴

One important lesson from all these experiences is the huge change in attitudes that is always involved in such efforts, and the need for action on many fronts – both at national and local level. Here, TV and press have proved less important in adding scale than in reaching 'difficult-to-reach' groups. There is considerable pedagogic work to be done with parents – to help them raise their children without violence. Parents who mistreat children have often themselves been mistreated, and need, rather than punishment, support.

Germany's experience also underlined the role of carefully designed research to support social change initiatives. This can allow better understanding of the change that is being achieved.⁵ Used carefully, it also has a spill over effect of drawing attention in the public to the positive changes underway and building support for further change.

The young participants reminded that children and young people do not report violence unless there is a 'safe' space to do so. Sensitive, confidential and supportive services which they can trust need to be established so that children do in fact feel safe to come forward. A further important lesson relates to the role of States as 'path breakers'. The fact that Sweden had already taken similar action proved a crucial support and encouragement to German policy makers as they moved to adopt similar strategies. This insight needs to be build into regional or sub-regional strategies.

Human rights standards do have an important role in this process. At the same time, while legal frameworks are important, they are just the beginning of the battle to change norms and values. A first task is often to ensure recognition that violence is made visible and recognized as a serious problem. The young participants argued strongly for more education on human rights in schools, more training of teachers and of parents on children's rights, and 'hot lines' where they can call and talk. Above all, that the right not to be abused is popularized widely among children themselves. 'Children do not know about these rights'.

⁴ Other experiences included use of peer-to peer education, creative use of TV and radio programmes by young people, efforts by young parliamentarians, and use of 'case reviews' by professionals.

⁵ One of the findings in Germany was that following the local level campaign, severe forms of violence declined. However other forms of behaviour, including psychological violence such as shouting at the child, remained high and may have increased (although caution should be used in interpreting these changes as the campaign was over a relatively short period).

The UN Study on Violence against Children provides a specific channel to translate these recommendations into action and an opportunity to make inroads on that invisibility. Action is planned at both national and regional levels. A Questionnaire has been circulated to countries to capture the extent and different dimensions of violence experienced by children, as well as experiences from national strategies. A regional consultation in Europe and Central Asia is planned for early 2005 and will bring policy makers, researchers and young people together to discuss possible strategies and identify gaps in data and knowledge.

Recommendations

The strongest message coming out of the working group was the urgent need to bridge the gap between standards and reality; and the challenge of changing peoples perceptions of what are acceptable ways of raising and behaving towards children. More bleakly, there is the sense that in Europe and Central Asia, there are standards in place and yet reality does not seem to be changing. Strategies within countries to promote the 'right to an upbringing without violence' should, then, centre on:

- explicit legislation banning violence against children, including corporal punishment, with the aim of setting up a new standard/ ethic in society on violence against children;
- ensuring access to quality child protection systems and services, including confidential advice and support;
- targeted efforts to change cultural norms that condone violence;
- making the school a 'violence-free' environment – with the school seen as one of the keys to changing attitudes in society;
- building capacities and underlining the accountability of parents/caregivers in addressing violence;
- children participating in the design of laws and policies that affect them.

Recommendations for **immediate follow-up** action include:

- States and civil society making a major push towards revealing the currently 'invisible' violence (through widely promoting evidence, carrying out research studies, advocacy etc.);
- Governments adopting bold policy frameworks as an example to inspire others;
- Countries taking full advantage of the regional consultations for the UN Study at national and regional levels to explore issues and identify feasible actions;
- Building real partnerships with children – in research and publishing, legislation, and design of services.

4. The Role of Education in Combating Social Exclusion

Chair: *Tamar Beruchashvili*, State Minister, Ministry for European Integration, Georgia

Co-Chair: *S. Kulash*, Deputy Minister, Ministry of Education and Science, Kazakhstan

Panellist/speakers: *Sreto Tomasevic*, Minister, Ministry of Education, Zenica-Doboj Canton, Bosnia and Herzegovina

Resource Person: *Christina Mc Donald*, Programme Manager, Roma Education Initiative, Open Society Institute, Hungary

The effects of exclusion operate in concert, are cumulative and long term and intergenerational. The working group examined what kind of school is needed to counter the effects of exclusion, especially by modelling in school life the kind of social inclusion that is demanded in the CRC. It also considered what are the pull and push factors that lead to continuation of exclusion of certain groups from schooling, and how these broader factors need to be taken into account by states in developing strategies.

A strong consensus emerged to endorse the principles of 'child-friendly schools'. These principles guide the 'ethos' of inclusive formal education environments. They could equally apply to home-based pre-school education settings, which provide opportunities to broaden access to more affordable early years schooling, and should also extend to non-formal and out-of-school education activities. The important additionality which accrues to the education process when State parties maintain open dialogue with those civil society groups who specialize in human rights monitoring and empirical research was also emphasized.

The work of the Open Society Institute (OSI) with civil society to advance 'inclusive education change' reminded that:

- in some countries almost one third of Roma women have never attended school. A serious gender dimension to exclusion needs to be addressed in the Region through the teaching of empowerment education;
- the importance of recognizing mother tongue tuition for minority children to ease their transition and of the overwhelming evidence that learning outcomes improve drastically when education is inclusive;
- the very high relative cost of segregated education systems for those with special needs compared to the high pay back to society if investment in pre-school, primary and the mainstreaming of special needs education is prioritized.

The group also heard an eloquent account from Bosnia and Herzegovina of experience in dealing with divided post-war community education services and the legacy of war which still impacts Bosnia and Herzegovina. There are still those who continue to project prejudice, working on fear, and breed hatred and aggression. Such parents are violating their own children's rights and some local authorities are supporting this from the shadows. Human rights approaches to education alone are not sufficient to tackle this. "We need enormous passion to make this work, to build more bridges than walls between communities".

The discussions in the group were informed by vivid experiences of young participants. These:

- urged promotion of democratic decision-making fora within schools, noting that young people are ready to take their responsibilities seriously in fighting discrimination within the school environment;
- called for urgent attention by local authorities to the development of safe out-of-school activities in order to help fight delinquency, promote livelihood skills and wider teaching of human rights

principles as part of the formal education curriculum. "When we know our rights, we know what we must defend and who we must support in achieving these rights";

- re-affirmed the need for broader human rights education, noting the need for every child to be considered as unique potential;
- gave a specific reminder, from a member of the Roma community, of the need for respect from and support to teachers, with whom children spend one half of their lives in school. And recognition of the way corruption within the school administrative system devalues education and de-motivates children. "We are ready to take our responsibilities but need your support to stop this".

The problem of funding bias towards elite schools and higher education institutions, and how this drains valuable resources away from children in remote areas and services to improve early years and primary education access featured strongly in the discussion. There was a call for adequate and equitable financing of education services to ensure fully inclusive goals are reached for each unique individual child. The independence, mobility and confidence achieved by physically disabled children educated in mainstream schools were highlighted, along with the need to develop civil society organizational capacity well beyond the capitals of our countries.

Three main sets of conclusions emerged:

- a) 'Quality inclusive education' requires the adoption of a human rights framework. Education is a key factor in achieving basic capabilities not only through primary and secondary education but throughout life. A human rights framework must be applied as the cross-cutting axis of quality education addressed to system, school and student levels;
- b) it is *never* too early or late to break the cycle of exclusion. Good schools not only deliver learning achievement but counteract exclusion by modelling in school the ethos reflected in human rights treaties. Schools have an obligation to adapt to the needs of the child not vice versa. 'Education' (basic literacy, numeracy and employable skills) and 'schooling' (social and language skills) are equally important to achieve social inclusion;
- c) early childhood interventions are the best investment in combating poverty and social exclusion. Rates of return to society are maximized by investments in pre-school, basic primary education and integrating special needs education into mainstream education. Engagement of civil society by State parties in all aspects of formal and non-formal education yields the most sustainable education outcome results.

In summary, the business of education needs to be approached in a radically different way – but there is a need to monitor progress and learn from mistakes to ensure that we do not fail to uphold universal education rights for every child. Indicators to monitor progress must be applied at three principle levels impacting upon socially inclusive education:

- | | | |
|---|---------------|--|
| → | System level | Legal and administrative policy systems |
| → | School level | Teacher training and didactic tool development |
| → | Student level | Motivate to learn, family/community environments |

Disaggregation of key variables, such as gender, linguistic background, ethnicity and place of origin become essential in the design of effective monitoring systems and should be accessible to all citizens. Young participants reminded the group that the participation of children and young people in the planning, setting of standards, monitoring and administration of 'child-friendly' schools is crucial.

Recommendations

Adoption of a Human Rights Framework for the Promotion of Socially Inclusive Education Systems

- Promote the implementation of human rights education as an essential component of quality education.
- Advance the adoption of international and national norms that establish education in human rights and public policies consistent with them.
- Support the integration of human rights into the curriculum of the formal education system and in other informal education activities.
- Support training of educators, parents, judges, law enforcement personnel and other duty-bearing agents of the State in human rights education.
- Support the adaptation of school textbooks so that references are consistent with the fundamental values of gender equity and respect of ethnic diversity.

Financing and Investment in Education

- Endorse the 'Education for All' target to increase the proportion of the national budget devoted to education to a target 6 per cent of GDP.
- Promote the progressive introduction of a *per capita* funding basis for basic education up to compulsory age and eliminate all hidden costs.
- Support the participation of children, teachers and parents in the formulation of policies, local budget plans to finance primary and secondary education.
- Prioritize investments to guarantee free pre-school, basic primary education and the integration of special needs education into mainstream education.
- Improve donor coordination to make more efficient use of funds provided and to rationalize the allocative process in favour of the priorities set out above.

'Schools Fit for Children'

- Support the adoption of 'child-friendly schools' principles.
- Promote home-based alternatives to pre-school education rather than deny children the opportunity to a formal early years education.
- Promote the wider engagement of civil society by State parties in all aspects of formal and non-formal education.
- Ensure that the safety and security of the school environment is considered when promoting child-friendly schools.

Participation

- Recognize that children and young people are ready to assume their responsibilities and apply their unique insights to participate substantively in the building of socially inclusive education services.
- Promote the establishment of School Councils and other democratic model institutions so that children can learn to make decisions in a democratic process without discrimination.
- Promote media literacy and journalism skills in school to enable students to participate more effectively in social dialogue on human rights issues.

Measuring Progress

- Develop monitoring, evaluation and reporting systems which address system, school and student levels of progress towards socially inclusive education reform.
- Urgently promote the disaggregation of key variables, such as gender, linguistic background, ethnicity and place of origin to expose disparities in terms of access, affordability, achievement and outcome.
- Ensure that budgetary provisions for education and all related outcome monitoring indicators are accessible to all citizens.
- Promote the creation of children's Ombudsperson structures to monitor socially inclusive education reforms and outcomes, combined with interministerial commissions to oversee State party commitments to action.
- Support empirical research to establish evidence of the economic pay-back gained by investing in socially inclusive education as outlined in these recommendations.

UNICEF and other partner organizations were called upon to compile a Resource Manual for all countries in the Region addressing the above recommendations

5. Cities Fit for Children

Chair: *Renzo Berti*, Mayor of Pistoia, Italy

Co-chair: *Zinaïda Kyianytsia*, Deputy Minister, Ministry of Family, Children and Youth, Ukraine

Panellist: *Ina Behmane*, Executive Director on Social Issues, Saldus District Council, Latvia

Resource person: *Eliana Riggio*, Project Officer, UNICEF Innocenti Research Centre, Florence

'Cities Fit for Children' (CFC) adopt a variety of approaches to best respond to local needs and conditions. However, no city is truly child friendly if children do not participate in decision-making processes. In keeping with this practice, young people played a prominent role in the CFC group discussion. "We know our problems better than any adult," stressed Ketil Arveladze. Her introductory remarks acted as a reminder to participating adults to listen to young people: "Old and young, we are all equal."

Presentations drawn from CFC experiences in different European contexts enriched the working group discussion. These included:

- '*Pistoia a city that loves children – and tries to do something for them*', by Mr. Renzo Berti, Mayor of Child-Friendly Pistoia, Italy
- A presentation on how local government institutions support child-friendly processes in Ukraine by Ms. Zinaïda Kyianytsia, Deputy Minister of Family, Children and Youth
- '*On the Way to Reach Self-Government Fit for Children*', by Ina Behmane, Executive Director on Social Issues, Saldus District Council, Saldus Region, Latvia.

The experience of Mayor Sergiy Stec'ko about the work that his city, Starokostantyniv (Ukraine), is carrying out in favour of children added further insight from the viewpoint of local authorities. Mayor Stec'ko explained how his municipal statute was revised to commit the city government to children and how a municipal child-friendly budget was established.

Framing the Issue

In order for European and Central Asian cities and local authorities to play an effective role in meeting goals set for children at the UN General Assembly Special Session on Children, it is important to recall and take into account that:

- a) Cities represent the most appropriate scale for children's participation. Young people can only rarely effectively participate in national-level decision-making processes. They can however gain feasible access to avenues for participation closer to where they live, the family, schools, neighbourhoods and city halls. Mechanisms to encourage children's participation locally are hence necessary.
- b) A number of child-friendly cities have been developing city-wide strategies setting goals and establishing monitoring systems to meet children's rights locally.
- c) The unique opportunity offered by cities for coordination and intersectoral integration of policies and programmes needs to be strengthened to meet the rights of children in a holistic manner.
- d) Citizens, including young citizens, are not sufficiently aware of children's rights and goals to be able to play an active role in meeting them.
- e) The responsibilities assigned to Mayors and local authorities as a result of ongoing decentralization processes are normally not matched with appropriate authority, empowering policies and adequate resources.
- f) The private sector is a driving force in most cities. By making the private sector socially responsible, cities will be able to tap an important resource for children.

Young people stressed that children's parliaments and other such forums should connect and network to allow exchange of opinions and experiences among young people engaged in the cities of the Region.

Recommendations

Recommendations for action included:

- Promote 'Child-Friendly Cities' in all countries in the Europe and Central Asia Region and ensure that, in at least 50 per cent of them, actions are taken to mobilize coordinated/multisectoral activities to meet WFFC goals at the local level.
- Promote the creation of multisectoral municipal budgets for and by children.
- Establish municipal CRC-based legal and institutional frameworks.
- In all countries, establish mechanisms for children's participation at the local governance level, such as children's parliaments, children's city councils, or other forums for effective involvement of young people in decision-making processes.
- In all countries, establish ombudsperson institutions, in consultation with young people and in a way to ensure that such institutions reach out to children locally.
- Link municipal children's strategies to Nation Plans of Action for children.
- Establish local-level monitoring systems for and by children.
- Connect children's parliaments and other such forums operating in the Region to allow for young people to share experiences and extend mutual support in developing cities and communities fit to their needs and rights.
- Involve Mayors, Mayors' Associations and local authorities as key partners in achieving goals set at the UN General Assembly Special Session on Children at the local level.
- Encourage partnerships and strengthen mechanisms for coordination among municipal sectors, NGOs (including RNC) and other stakeholders (such as families, schools, children's groups etc.) to support the development of good governance processes for children and strengthen intersectoral integration of policies and programmes impacting on young people.
- Promote national-level policies that empower municipal governments to become child friendly with adequate authority and resources, and ensure complementarity of efforts at national and local levels.

Next Steps proposed included:

- Develop best practice models for (a) child participation and (b) intersectoral coordination and partnerships at the municipal governance level in the Region.
- Develop a concept paper on how to increase permanent forums for child participation and foster networking of such children's forums in the Region – to be prepared by young people.
- Expand partnerships for children with the private sector.

CHILDREN'S PARTICIPATION

In total, 26 children and young people from 15 countries took part in the Conference. Almost all of these were under 18 years and had a variety of experience in NGOs, youth parliaments, city councils, school-based programmes and the media.⁶ One of the most successful features of the Conference was the way in which children were able to play an active role in the proceedings and shape its discussions. The children participated in the Opening Session – with two of the children addressing the plenary, along with the main speakers. Their most important contribution, however, was in the working groups.

Building on the experience of children's participation in Berlin, it was felt that it was now time to go beyond having a separate focus on participation and aim to ensure that children's participation was a natural part of the conference proceedings.

This meant two important steps were needed. First was to ensure that selection of the children was appropriate. Attention to the selection of young people meant that all had experience in areas related to themes of the Conference. The number of children participating in Sarajevo was also larger allowing between five to six children to concentrate on any one theme.

Second was to ensure that the children were well prepared and were able to deal with the kind of settings – and challenges – that conferences such as this presented. This involved discussing what to expect in terms of process; ensuring that expectations were both positive yet realistic. For this a two-day preparatory meeting for the children was facilitated by UNICEF staff, back-to-back with the main Conference. This offered a chance for young people to exchange views and experiences and prepare their inputs to the Conference, highlighting their ideas and views on the various thematic areas and explore ways in which young people could participate and get their views across.

Each of the five thematic working groups were asked to ensure that appropriate space was made available for the children's contribution and to make their interventions most natural and effective. Each working group took a different approach. Some used the children as a sounding board for the introductory presentation; others gave a block of time for young people to react to the discussion so far; others waited for what seemed appropriate moments in the discussion to bring in young people's views but carefully ensured that these were reflected in the recommendations.

Having most children between 15 and 17 years implied approaches that reflected that age span were needed. Accompanying adults were available to support (and often help with translation). The fact that these were mature adults or UNICEF staff from country offices who had experience in working with young people proved important. Organizing the preparatory meeting with children immediately before the main Conference meant that energy levels were high and momentum could be sustained. A further, underlying factor that contributed to success was that the children found that meeting and working with young people their own age. There was a sense of common understanding, despite the diversity of backgrounds and perspectives as well as the different settings from which the young people came.

CLOSING SESSION

Following feedback from the working groups, the Conference reviewed the Outcome Document in plenary. Draft versions of the Outcome Document had been circulated to all participants in the lead up

⁶ Included in the group of youth participants were two young reporters from the Russian Federation and Poland/Germany, who wrote articles, carried out interviews and worked on feature stories around children's rights and the topics of the Conference to share with mass media throughout the Region.

to the Conference. A number of comments that had been received prior to the cut-off date were now incorporated in the revised draft before the Conference.

With the plenary session chaired by Ms. LIDIJA TOPIC, the Outcome Document was adopted by consensus as '**The Sarajevo Commitment**'. The choice of the title as Commitment was made both to make reference to *The Berlin Commitment*, but now also to look forward to translate these rights into practice in the coming days.

UNICEF Regional Director for Europe, MR. PHILIP O'BRIEN, summed up on behalf of UNICEF. He underlined that the Berlin Conference had been the first time that countries in the industrialized West of Europe had come together on equal terms with countries in transition to discuss the situation of children across the Region. That meeting had been to look forward to the UN General Assembly Special Session on Children and ensure that Europe and Central Asia perspective shaped the global process. Here in Sarajevo, this second meeting had had a very different purpose of looking forward to the decade ahead and particularly to ensure that political commitment would be brought to bear behind child rights in each and every country across the Region – to indeed make the coming decade 'a decade of hope' for children. The last two days had suggested that it had indeed been worth the effort of bringing everyone together around substantive themes of special concern to the Region.

He reminded that it is important to look ahead to the commemorative meeting of the UN General Assembly planned for 2007. This will review progress on National Plans of Action and on the specific time-bound goals agreed at the UN General Assembly Special Session on Children. If this is to be the subject of a special report by the Secretary-General, careful analysis of progress in the Region will be required, before 2006.

UNICEF is of the view that the process carried further here in Sarajevo should continue, in a focused way, concentrating on the unfilled promises and on where practice fell far short of commitments made. Mr. O'Brien paid a special tribute to Lidija Topic, whose central role in both conferences had been outstanding. He gave appreciation to both host governments, to participating government delegations and from civil society, and to the children and young people who had made the Conference such a success.

Director-General for Global Issues, the United Nations, Human Rights and Humanitarian Aid in the German Ministry of Foreign Affairs, MR. HANS-JOACHIM DAERR, speaking as co-host and on behalf of Germany, remarked that we had all come to the meeting with expectations. From his perspective, all of these had been fulfilled. We have seen an improved awareness of children's rights (with the Conference covering a lot of important ground); a strong reiteration of the commitments made in Berlin and in the UN Special Session on Children – a reiteration which is often needed in gatherings of this kind; detailed steps to monitoring progress; and working group reflections that were full of substance. Mr. Daerr agreed that this meeting should not be the last step in the process and that it should continue. Follow-up should be around tangible steps in implementation. He thanked participants for a 'very substantial and good conference', appreciating the impressive contribution of UNICEF and those who had worked hard to make it happen.

Ms. LIDIJA TOPIC brought the Sarajevo Second Intergovernmental Conference on Children in Europe and Central Asia to a close. On behalf of the Government of Bosnia and Herzegovina, she warmly thanked all the participants for their contribution and UNICEF for its careful preparation of the Conference. She also appreciated the excellent partnership that had taken place between Germany and Bosnia and Herzegovina, the one famed for its mastery of systems; the other for its mastery of improvisation. She noted that the capitals of the two countries, Berlin and Sarajevo, are both symbols of change. We cannot change the past but we can change the future, as neighbours, leaders and citizens.

ANNEX I – PROGRAMME

Thursday, 13 May

- 16:30** **Opening Session: Defining a Region Fit for Children**
Chair: Lidija Topić, Deputy Minister of Foreign Affairs, Government of Bosnia and Herzegovina
- § Adnan Terzić, Chairman of the Council of Ministers of Bosnia and Herzegovina
 - § Kerstin Müller, Minister of State, Federal Foreign Office, Government of Germany
 - § Carol Bellamy, UNICEF Executive Director
 - § Michael Humphreys, Head, European Commission Mission, Bosnia and Herzegovina
 - § Diana Nistorescu, Secretary-General, NGO/UNICEF Regional Network for Children
 - § Young people's message
- Keynote Address**
Vanessa Redgrave, UNICEF Special Representative for the Performing Arts
- 18:00** Closing of Opening Session
- 19:00** *Reception hosted by the Government of Bosnia and Herzegovina*

Friday, 14 May

- Plenary Session: Progress Achieved and Challenges Ahead**
Chair: Kerstin Müller, Minister of State, Federal Foreign Office, Government of Germany
- 09:00** **Monitoring Progress for Children in Europe and Central Asia**
Maria Calivis, UNICEF Regional Director, Central and Eastern Europe, Commonwealth of Independent States and Baltic States
- 09:15** **Overview of Key Child Rights Issues in Europe and Central Asia**
Maud de Boer Buquicchio, Deputy Secretary-General, Council of Europe
- 09:45** Plenary discussion on tracking progress since Berlin and the UN Special Session on Children
- 10:30** *Tea/coffee break*
- 11:00** Plenary discussion continued
- 12:00** Synthesis of major issues emerging from the discussions
- 12:15** Introduction to group work arrangements
- 12:30** *Lunch*

- 14:00** Working groups meet:
- § Investing in Children
 - § Children Moving across Borders
 - § Violence Against Children
 - § The Role of Education in Combating Social Exclusion
 - § Cities Fit for Children
- Tea and coffee will be made available during the session*
- 18:00** Conclude working groups
- 19:00** *Cultural event hosted by the Government of Bosnia and Herzegovina*
- 20:30** *Reception hosted by the Ambassador of the Federal Republic of Germany*

Saturday, 15 May

Plenary Session: Working Group Reports and Conclusions

Chair: Hans-Joachim Daerr, Director-General for Global Issues, the United Nations, Human Rights and Humanitarian Aid, Federal Foreign Office, Government of Germany

- 08:30** Feedback of groups (each group presents for 15 minutes followed by 15 minutes of discussion)
- 11:00** *Tea/coffee break*
- 11:30** **Concluding Session**
Chair: Lidija Topić, Deputy Minister of Foreign Affairs, Government of Bosnia and Herzegovina
- § Adoption of Outcome Document
 - § Closing statement on behalf of UNICEF
Philip D. O'Brien, UNICEF Regional Director, Geneva Regional Office
 - § Closing statements by Government of Germany and Government of Bosnia and Herzegovina
- 12:30** Conference ends

ANNEX II – PARTICIPANTS

Countries' Delegations

Albania

- **Armand SKAPI**, Director, UN Department, Ministry of Foreign Affairs
- **Arben CICI**, Ambassador, Albanian Embassy to Bosnia and Herzegovina
- **Antonela DHIMOLEA**, Desk Officer, UN Department, Ministry of Foreign Affairs
- **Shkelqesa MANAJ**, Chief of Child Labour Unit, Ministry of Labour and Social Affairs, shmanaj@sanx.net, mshkelqesa@hotmail.com
- **Etleva SHESHI**, Specialist on Children's Rights, Committee of Equal Opportunities, Ministry of Labour and Social Affairs, etleva_sheshi@yahoo.com

Andorra

- **Monica CODINA**, Minister, Ministry of Health and Welfare, mcodina.gov@andorra.ad
- **Elisabeth CARPA**, Director in Charge of Educational Systems, Ministry of Education, Culture, Youth and Sports, dir.se.edu.gov@andorra.ad
- **Marta MONLLOR JIMENEZ**, Head of Specialized Social Attention Area, Ministry of Health and Welfare, uase@andorra.ad, mtmonllor@hotmail.com
- **Teresa FEIXES BETBIU**, Social worker, Ministry of Health and Welfare, aaspinfancia@andorra.ad
- **Meritxell FONT**, Desk officer for UN, Ministry of Foreign Affairs, mfont.gov@andorra.ad
- **Marc VILA AMIGO**, President, National Committee for UNICEF, myilacom@andorra.ad

Armenia

- **Ashot YESAYAN**, Deputy Minister, Ministry of Labour and Social Issues,
- **Tatul HAKOBYAN**, Deputy Minister, Ministry of Health, THakobyan@armhealth.am
- **Aida TOPUZYAN**, Deputy Minister, Ministry of Education, Culture, Youth and Sports,
- **Karine SOUDJIAN**, Head of Human Rights Desk, Ministry of Foreign Affairs, k.soudjian@mfa.am
- **Karen HARUTYUNYAN**, Head of Interagency Council on Prevention of Child Abuse and Neglect, Fund for Armenian Relief, Children's Reception and Guidance Centre, analysethat2002@yahoo.com

Austria

- **Heidemaria GUERER**, Ambassador, Austrian Embassy to the Southern Caucasus and Central Asia, heidemaria.guerer@bmaa.gv.at
- **Ingrid PECH**, Head, Unit for Protection of Minorities, Federal Ministry of Foreign Affairs, ingrid.pech@bmaa.gv.at
- **Maria ORTHOFER-SAMHABER**, Desk Officer responsible for Children's Rights, Federal Ministry of Social Security, Generations and Consumer Protection, maria.orthofer@bmsg.gv.at
- **Christine KISSER**, Federal Ministry of Education, Science and Culture, christine.kisser@bmbwk.gv.at

Azerbaijan

- **Intigam BABAYEV**, Deputy Minister, Ministry of Youth, Sports and Tourism, ibabayev@hotmail.com
- **Tunzala AYDAMIROVA**, Attache, Department of Human Rights, Democratization and Humanitarian Problems, Ministry of Foreign Affairs, antunzala@yahoo.co.uk

Belarus

- **Vladimir KURENKOV**, Advisor, Belarus Embassy in Belgrade
- **Larisa KURENKOVA**, Belarus Embassy in Belgrade

Belgium

- **Jan DEBOUTTE**, Deputy Political Director, Ministry of Foreign Affairs, jan.deboutte@diplobel.fed.be
- **Radouane BOUHLAL**, Attache, Ministry of Foreign Affairs, radouane.bouhlal@cfwb.be
- **Joost VAN HAELST**, Coordinator on Child Rights, Ministry of the Flemish Community, joost.vanhaelst@wvc.vlaanderen.be

Bulgaria

- **Shereen MESTAN**, Chairperson, State Agency for Child Protection, sacp@sacp.government.bg
- **Rositza ATANASOVA**, Head of Department for Child Protection Methodology, Ministry of Labour and Social Policy, mzd@mlsp.government.bg
- **Sabina SABEVA**, Director, Directorate for Programmes and International Cooperation, State Agency for Child Protection, ssubeva@sacp.government.bg

Croatia

- **Josip VRBOSIC**, Ambassador, Croatian Embassy to Bosnia and Herzegovina, josip.vrbosic@mvp.hr
- **Dubravka SIMONOVIC**, Head, Department of Human Rights, Ministry of Foreign Affairs, dubravka.simonovic@mvp.hr
- **Milena KOREN**, Social Worker, Ministry of Family, Veterans Affairs and Intergenerational Solidarity, milena.koren@mobms.hr
- **Nives TIGANJ**, Croatian Embassy to Bosnia and Herzegovina, nives.tiganj@mvp.hr

Czech Republic

- **Alois BUCHTA**, Ambassador, Check Embassy to Bosnia and Herzegovina, czechemb@bih.net.ba
- **Jan SCHULTS**, First Secretary, Check Embassy to Bosnia and Herzegovina, czechemb@bih.net.ba

Denmark

- **Johannes DAHL-HANSEN**, Ambassador, Danish Embassy to Bosnia and Herzegovina, sarajevo@um.dk
- **Helene BACH**, Programme officer, Danish Embassy to Bosnia and Herzegovina, sarajevo@um.dk
- **Steen Malthe HANSEN**, First Secretary, Danish Embassy to Bosnia and Herzegovina, sarajevo@um.dk

Estonia

- **Merle TOMBERG**, Chief Specialist, Ministry of Social Affairs, merle.tomberg@sm.ee

Finland

- **Anna-Maija KORPI**, Ambassador, Finnish Embassy in Belgrade, anna-maija.korpi@formin.fi
- **Marjaana PELKONENE**, Senior Officer, Ministry of Social Affairs and Health, marjaana.pelkonen@stm.fi
- **Inka HETEMIKI**, Programme Manager, National Committee for UNICEF, inka.hetemiki@unicef.fi

France

- **Henry ZIPPER DE FABIANI**, Ambassador, French Embassy to Bosnia and Herzegovina, france-1@bih.net.ba
- **Patrick MIDY**, Chargé de mission, Interministerial Delegation for Family
- **Jean-Pierre FONTAINE**, Chief, Cabinet of the Interministerial Delegation for Family
- **Benoit SCHNEIDER**, First Secretary, French Embassy to Bosnia and Herzegovina, france-1@bih.net.ba

Georgia

- **Tamar BERUCHASHVILI**, State Minister, Ministry for European Integration, tberucha@caucasus.net
- **Nino OKRIBELASHVILI**, Deputy Minister, Ministry of Labour, Health and Social Affairs, okribeli@hotmail.com
- **Petre METREVELI**, Member of the Parliament, Parliament of Georgia, unesco@mfa.gov.ge
- **Londa ESADZE**, Chair, NGO-Independent Board of Advisors, Parliament of Georgia, londaesadze@hotmail.com
- **Kate ARVELADZE**, Youth delegate, Speaker at Youth Parliament, youthparliamentge@yahoo.com
- **Nino DEDALAMAZISHVILI**, Youth delegate, Journalist Section Youth House, niniko_d@hotmail.com

Greece

- **Joanna MANGANARA**, Minister Counsellor, Ministry of Foreign Affairs, do4@mfa.gr

Holy See

- **James REINERT**, Official, Pontifical Council for Justice and Peace, pcjustpax@justpeace.va
- **Marica LUCIC**, Director, Children House Josip Stadler, nunbosnia@lsinter.net

Hungary

- **Istvan VARGA**, Ambassador, Hungarian Embassy to Bosnia and Herzegovina, hung.emb@bih.net.ba
- **Imre NEMETH**, Head of Department, Ministry for Children, Youth and Sports, imre.nemeth@gyism.hu
- **David MIHALIK**, Advisor, Ministry for Children, Youth and Sports, david.mihalik@gyism.hu
- **Gyorgy BAGO**, First Secretary, Hungarian Embassy to Bosnia and Herzegovina, hung.emb@bih.net.ba

Italy

- **Massimiliano MONNANNI**, General Secretary of Interministerial Human Rights Committee, Ministry of Foreign Affairs, massimiliano.monnnanni@esteri.it
- **Adriana CIAMPA**, Public Manager, Ministry of Labour and Social Affairs, aciampa@welfare.gov.it
- **Donata BIANCHI**, Sociologist, National Centre for Children's Rights, bianchi@minori.it
- **Roberta D'ARCANGELO**, Cooperazione Italiana, Italian Embassy to Bosnia and Herzegovina, uti@bih.net.ba
- **Nicola BAZZANI**, Second Secretary, Italian Embassy to Bosnia and Herzegovina, nicola.bazzani@esteri.it
- **Grazia PAOLERI**, Country Coordinator, NGO Ai. Bi. Amici dei Bambini in Sarajevo, bosnia.erzegovina@aibi.it

Kazakhstan

- **Kulash SHAMSHIDINOVA**, Deputy Minister, Ministry of Education and Science, vice_edu@edu.gov.kz
- **Argyngazy KARAIGANOV**, Deputy Head of Secretariat, National Commission on Family and Women Affairs under the President of Kazakhstan, argyn@global.kz

Kyrgyzstan

- **Gaisha IBRAGIMOVA**, Deputy Head, Department of Social Policy, President's Administration, ibragimova@monk.bishkek.gov.kg, gules2003@mail.ru

Latvia

- **Iveta ZALPETERE**, Head of Secretariat, Ministry for Children and Family Affairs, iveta.zalpetere@bm.gov.lv

- **Ramona STRAZDA**, Acting Head of Human Rights Policy Division, Ministry of Foreign Affairs, ramona.strazda@mfa.gov.lv
- **Ina BEHMANE**, Executive Director on Social Issues, Saldus District Council, i.behmane@saldus.lv
- **Ance BUZOVEROVA**, Youth delegate, Students' self-government of Saldus District Project
- **Rudolfs PRAULINS**, Youth delegate, Students' self-government of Saldus District Project, adiitais@tvnet.lv

Lithuania

- **Violeta MURAUŠKAITE**, Understate Secretary, Ministry of Social Security and Labour, VMurauškaite@socmin.lt
- **Audra MIKALAUSKAITE**, Head of Youth and Children Division, Ministry of Social Security and Labour, AMikalauskaite@socmin.lt
- **Evaldas KARMAZA**, Director, NGO Child House, Evaldas.Karmaza@fsf.vu.lt

Monaco

- **Rainier IMPERTI**, Permanent Mission to the United Nations, ambassademonaco@aol.com

Netherlands

- **Michel BRAVO**, Senior Policy Officer on Minors, Immigration Policy Department, Ministry of Justice, j.m.bravo@minjus.nl

Norway

- **Eva Irene TUFT**, Assistant Director, Norwegian Agency for Development Cooperation (NORAD), eva.tuft@norad.no
- **Vigdis HALVORSEN**, Higher Executive Officer, Norwegian Agency for Development Cooperation (NORAD), vigdis.halvorsen@norad.no

Poland

- **Leszek HENSEL**, Ambassador, Polish Embassy to Bosnia and Herzegovina, amsar@bih.net.ba
- **Jakub WOLASIEWICZ**, Government Agent for Cases before European Human Rights Court, Ministry of Foreign Affairs, jakub.wolasiewicz@msz.gov.pl
- **Magdalena WANTOLA-SZUMERA**, Head of Unit, Ministry of National Education and Sport, wantola@menis.gov.pl
- **Anna POREBSKA**, Ministry of National Education and Sport, porebska@menis.gov.pl
- **Lech TRANDA**, National Committee for UNICEF, lt@plusnet.pl
- **Sylwia CUGIER**, Polish Embassy to Bosnia and Herzegovina

Republic of Moldova

- **Eugenia GONCIAR**, Head of Unit, State Chancellery, carina_djp@yahoo.com
- **Carina BLANOVSCI**, Attache, Ministry of Foreign Affairs, carina.blanovschi@mfa.md
- **Domnica GINU**, Manager, Secretariat of National Council for Child Rights Protection, ginu_domnica@mail.ru
- **Daniela POPESCU**, President, Alliance of NGOs for Child and Family Social Protection, daniela01md@yahoo.md, office@aliantacf.net.md

Romania

- **Vali Sonia BOTEZATU**, Under-Secretary of State, National Authority for Child Protection and Adoption, vali_sonia_botezatu@anpca.ro
- **Nicoleta PREDA**, Superior Counsellor, National Authority for Child Protection and Adoption, nicoleta_preda@anpca.ro
- **Violeta Steluta ELEFTERIE**, Principal Counsellor, National Authority for Child Protection and Adoption, violeta_elefterie@anpca.ro

Russian Federation

- **Aleksander GRISHCHENKO**, Ambassador, Russian Embassy to Bosnia and Herzegovina, rusembbih@lsinter.net
- **Tamara FRALTSOVA**, The State Duma, reznik@duma.gov.ru
- **Anatoly BABOSHKIN**, The State Duma
- **Nina REZNIK**, Counsellor, The State Duma
- **Boris CHERNENKO**, Third Secretary, Ministry of Foreign Affairs, dgpch@mid.ru
- **Victoria VOSTRETSOVA**, Second Secretary, Russian Embassy to Bosnia and Herzegovina, rusembbih@lsinter.net

Serbia and Montenegro

- **Jusuf KALAMPEROVIC**, Deputy Prime Minister, Government of the Republic of Montenegro, kalamperovic@mn.yu
- **Vesna PIPERSKI-TUCAKOV**, Deputy Minister, Ministry of Labour, Employment and Welfare of the Republic of Serbia, vesna.pt@minrys.sr.gov.yu
- **Mirna NIKCEVIC**, Assistant, UN Department, Ministry of Foreign Affairs of the Republic of Montenegro, miranikcevic@yahoo.com
- **Vesna JANJEVIC-POPOVIC**, Advisor to Minister, Ministry of Education and Sport of the Republic of Serbia, vesnajanjevic@mps.sr.gov.yu

Slovakia

- **Juraj MACHAC**, Ministry of Foreign Affairs, juraj_machac@foreign.gov.sk
- **Jan PETRIK**, Slovak Embassy in Zagreb

Slovenia

- **Zora TOMIC**, National Committee for UNICEF, info@unicef-slo.si
- **Ana CERGIC**, National Committee for UNICEF, info@unicef-slo.si
- **Branko OMERZU**, State Secretary
- **Lea JAVORNIK-NOVAK**, Ministry of Labour
- **Jasna LHOTKA**, Advisor, Ministry of Foreign Affairs, jasna.lhotka@gov.si

Spain

- **José Luis CASTELLANOS DELGADO**, Ministry of Labour and Social Affairs, jcastellanos@mtas.es
- **María Gracia JUSTE ORTEGA**, Ministry of Labour and Social Affairs, majuste@mtas.es
- **Juan MERIN REIG**, Platform of Organizations for Childhood, poi@plataformadeinfancia.org

Sweden

- **Carin JAHN**, Director, Social Welfare Department, Ministry of Social Affairs, carin.jahn@social.ministry.se
- **Thomas HAMMARBERG**, Secretary-General, Olof Palme International Centre,
- **Agneta BJORKLUND**, Desk Officer, Ministry of Social Affairs, agneta.bjorklund@social.ministry.se
- **Anna WRANGE**, Desk Officer, Ministry of Foreign Affairs, anna.wrange@foreign.ministry.se

Switzerland

- **Urs BREITER**, Ambassador, Swiss Embassy to Bosnia and Herzegovina, vertretung@sar.rep.admin.ch
- **Lisa MAGNOLLAY**, Swiss Agency for Development and Cooperation, Ministry of Foreign Affairs, lisa.magnollay@deza.admin.ch
- **Jean-Marie BOUVERAT**, Federal Office for Social Security, Ministry of Interior, jean-marie.bouverat@bsv.admin.ch
- **Sabina VIGANI**, Political Division IV-Human Security, Ministry of Foreign Affairs

Tajikistan

- **Khayrinisso MAVLONOVA**, Deputy Prime Minister, Chairperson of National Commission on Child Protection
- **Lyutfi VAZIROVA**, Executive Secretary, National Child Protection Commission
- **Giyosidin KARAEV**, Director, NGO Nasli Navras, naslinavras@mail.ru
- **Daler NAKIBOV**, Youth delegate, Child Reference Group, National Commission on Protection, dal-nak@yandex.ru

The former Yugoslav Republic of Macedonia

- **Veselinka IVANOVA**, Chairperson, National Commission for Child Rights, Ministry of Education
- **Biljana STAFANOVSKA-SEKOVSKA**, Chief of Department for Human Rights, Ministry of Foreign Affairs
- **Zorica SINADINOVSKA**, Head, Statistics Department, Ministry of Interior
- **Redzep SALIU**, Advisor, Macedonian Embassy to Bosnia and Herzegovina, mac.e.sa@lsinter.net

Turkey

- **Melek Sina BAYDUR**, Ambassador, Turkish Embassy to Bosnia and Herzegovina, turska@bih.net.ba
- **Talat HALMAN**, Chairman, National Committee for UNICEF, turkedeb@bilkent.edu.tr
- **Gulgun MUFTU**, Child Rights Programme Coordinator, International Children's Centre, gulgunmuftu@tinet.net.tr
- **Kadriye YURDAKOK**, University Hacettepe
- **Ebru EKREM**, Third Secretary, Turkish Embassy to Bosnia and Herzegovina, turska@bih.net.ba
- **Eren YANIK**, Youth delegate, High School Istanbul
- **Hazal HURMAN**, Youth delegate, Children Network

Turkmenistan

- **Akja NURBERDIYEVA**, Deputy Chair of the Parliament
- **Guljamal EZIZOVA**, Head of Prevention and Treatment Department, Ministry of Health and Medical Industry
- **Oguljahan ALAMYSHOVA**, Senior Specialist for Pre-School Education, Ministry of Education
- **Rejepmurad GELDIYEV**, Director of Information Centre at Ministry of Health, Ministry of Health

Ukraine

- **Zinaida KYIANYTSIA**, Deputy Minister, Ministry of Family, Children and Youth, kyianytsia@dksm.gov.ua
- **Sergiy STECKO**, Deputy Mayor, City of Starokostantyniv, stkrada@sk.km.ua
- **Ella LAMAKH**, Head, Democracy Centre NGO, ella@winrock.kiev.ua
- **Hanna KOVALENKO**, Youth delegate, Chairperson of Children Parliament, City of Starokostyantyniv, smdd@sk.km.ua
- **Nataliya FIIALKA**, Counsellor, Ukrainian Embassy in Zagreb

United Kingdom

- **Ian CLIFF**, Ambassador, British Embassy to Bosnia and Herzegovina, britemb@bih.net.ba
- **Katharine FELTON**, Foreign and Commonwealth Office, katharine.felton@fco.gov.uk
- **Jenny GRAY**, Department for Education and Skills, jenny.grey@dfes.gsi.gov.uk

Uzbekistan

- **Svetlana INAMOVA**, Deputy Prime Minister, Cabinet of Ministers, ashilakadze@unicef.org
- **Furkat BARATOV**, Director of Research Centre, Ministry of Economy

- **Yelena KUZMINA**, First Deputy Director, 'You are not alone' NGO
- **Sakhiba RAKHMONOVA**, Youth delegate, Speaker at Youth Parliament

Host Countries' Delegations

Bosnia and Herzegovina

- **Adnan Terzic**, Chairman, Council of Ministers
- **Ljerka MARIC**, Minister, Ministry of Finance and Treasure,
- **Lidija TOPIC**, Deputy Minister, Ministry of Foreign Affairs, Lidija.Topic@mvp.gov.ba
- **Branimir MANDIC**, Minister Councillor, Ministry of Foreign Affairs, Branimir.Mandic@mvp.gov.ba
- **Esad SULJIC**, Minister Councillor, Ministry of Foreign Affairs, Esad.Suljic@mvp.gov.ba
- **Saliha DJUDERIJA**, Head of Division, Human Rights Division, Ministry for Human Rights and Refugees, saliha@mhrr.org
- **Minka SMAJEVIC**, Advisor, Human Rights Division, Ministry for Human Rights and Refugees
- **Almira JERKOVIC**, Advisor, Human Rights Division, Ministry for Human Rights and Refugees
- **Dragana ANDJELIC**, First Secretary, Ministry of Foreign Affairs, Dragana.Andjelic@mvp.gov.ba
- **Valentina MARINCIC**, Minister Councillor, Ministry of Foreign Affairs, Valentina.Marincic@mvp.gov.ba
- **Mihajlo SUZNJEVIC**, First Secretary, Ministry of Foreign Affairs, Mihajlo.Suznjevic@mvp.gov.ba
- **Jasminka USTAMUJIC**, Second Secretary, Ministry of Foreign Affairs, Jasminka.Ustamujic@mvp.gov.ba
- **Marijana ZUBONJA**, Advisor, Ministry of Foreign Affairs, Marijana.Zubonja@mvp.gov.ba

Germany

- **Kerstin MÜLLER**, Minister of State, Federal Foreign Office
- **Hans-Joachim DAERR**, Director-General for Global Issues, UN, Human Rights and Humanitarian Aid, Federal Foreign Office
- **Peter ROTHEN**, Head of Human Rights Division, Federal Foreign Office
- **Claus MÜLLER**, Office of the Minister of State, Federal Foreign Office
- **Ebba SCHOLL**, Desk Officer, Human Rights Division, Federal Foreign Office, GF08-6@auswaertiges-amt.de
- **Arne FREIHERR VON KITTLITZ UND OTTENDORF**, Ambassador, German Embassy to Bosnia and Herzegovina
- **Christian PLATE**, First Secretary, German Embassy to Bosnia and Herzegovina, pol-2@sarj.auswaertiges-amt.de

Representatives of International Organizations

- **Maud DE BOER BUQUICCHIO**, Deputy Secretary-General, Council of Europe, France, adrienne.ingledow@coe.int
- **Sonja MOSER-STARRACH**, Head of Mission, Council of Europe, Bosnia and Herzegovina, coe@bih.net.ba
- **Elda MORENO**, Administrator, Private Office of the Secretary-General, Council of Europe, elda.moreno@coe.int
- **Michael B. HUMPHREYS**, Head of Delegation, European Commission, Bosnia and Herzegovina
- **Charles WHITELEY**, European Commission, Belgium, Charles.Whiteley@cec.eu.int
- **Marion ELY**, Legal Officer, Hague Conference on Private International Law, me@hcch.nl
- **Amela EFENDIC**, Programme Manager, International Organization for Migration, Bosnia and Herzegovina

- **Werner WNENDT**, Senior Deputy High Representative, Office of the High Representative to Bosnia and Herzegovina
- **Paolo ARTINI**, Senior Protection Officer, UNHCR, Bosnia and Herzegovina
- **Garine HOVSEPIAN**, Associate Protection Officer, UNHCR, Bosnia and Herzegovina, hovsepia@unhcr.ch
- **Scott HAYS**, Security Officer, UNRFSCO, Bosnia and Herzegovina
- **Haris HUKOVIC**, Security Officer, UNRFSCO, Bosnia and Herzegovina
- **Mikael OSTERGREN**, Regional Adviser, Child and Adolescent Health and Development, WHO, Regional Office for Europe, Denmark, mmo@euro.who.int

NGOs Representatives

- **Andrey MAKHANKO**, 'Ponimanie', Belarus, office@ponimanie.org, amakhanko@ponimanie.org
- **Suada HUSEINBEGOVIC**, Social worker, "Mi za djecu", Bosnia and Herzegovina, mi_za_djecu@hotmail.com
- **Mikhail BARANNIKOV**, Member of Coordination Advice, All Russian Union of NGOs 'The Civil Society for Children of Russia', barannikov@pionerka.ru
- **Ruzica IVIC**, Children's House Sarajevo
- **Olgica KIKIC**, Children's House Sarajevo
- **Mieke SCHURMAN**, Euronet, The European Children's Network, Belgium, mieke.schurman@tiscali.nl
- **Virgil-Cristi MIHALACHE**, European Roma Rights Centre, cristi@errc.org
- **Sara BOYCE**, Children's Human Rights Advisor, Human Rights Consortium, North Ireland, saraboyce@childrenslawcentre.org
- **Ellen MOURAVIEFF-APOSTOL**, Main Representative at UN Geneva, International Federation of Social Workers, Switzerland, mouravieff-apostol@econophone.ch
- **Diana NISTORESCU**, Secretary-General, NGO/UNICEF Regional Network for Children, Romania, rnc@dial.kappa.ro, fonpc@dial.kappa.ro
- **Nabil SEYIDOV**, President, NGO Alliance for Child Rights, Azerbaijan, relfuture@azdata.net, nzseidov@yahoo.com
- **Kamelia ANGELOVA**, Advocacy Consultant at Human Rights Project, NGO Network, Bulgaria, hpr@netel.bg
- **Jean-Francois GIOVANNINI**, Réseau suisse des droits de l'enfant (ONG), Switzerland
- **Senija TAHIROVIC**, Programme Director, Save the Children Norway, Bosnia and Herzegovina, st.scn@smartnet.ba
- **Gorana FLAKER**, Director, SEECRAN (South East European Child Rights Action Network), Slovenia, gorana.flaker@guest.arnes.si

Youth Representatives

- **Andia KULLOLLI**, Youth Parliament, Albania, andiakullolli@yahoo.com
- **Gresa BABOCI**, Youth Parliament, Albania, gresababoci@hotmail.com
- **Inge SCHROIJEN**, NGO 'What Do You Think?', Belgium, inge-schroijen@hotmail.com
- **Nadjija SATOVIC**, School Programme Role of Education in Roma Population, Bosnia and Herzegovina, naki91@yahoo.com
- **Amra CORAK**, NGO 'Nasa Djeca' Zenica, Bosnia and Herzegovina
- **Boris TODIC**, NGO 'Zdravo da ste' Banja Luka, Bosnia and Herzegovina, kastel@blic.net
- **Mirza DELIBEGOVIC**, Global Youth Reporters Programme, Bosnia and Herzegovina, mirzadelibe@hotmail.com
- **Kate ARVELADZE**, Speaker at Youth Parliament, Georgia, youthparliamentge@yahoo.com
- **Nino DEDALAMAZISHVILI**, Journalist Section Youth House, Georgia, niniko_d@hotmail.com
- **Konstantin STERN**, International Child Rights Workshops, Germany, band@hersch.de

- **Noel HENRY**, UNICEF volunteer, Germany, nc-henry@net.cologne.de
- **Michael GROMEK**, Youth Press Coordinator for German/Polish activities, Germany, Michael@jungepresse-online.de
- **Mattia ZACCARO**, UNICEF volunteer, Italy, mattia8700@katamail.com
- **Jazgul IBRAIMOVA**, Children's Club 'Save', SCF UK, Kyrgyzstan, yaza@yahoo.com
- **Ulan MURZAEV**, Reproductive Health Alliance volunteer, Kyrgyzstan, rhakchu@infotel.com
- **Ance BUZOVEROVA**, Students' self-government of Saldus District Project, Latvia
- **Rudolfs PRAULINS**, Students' self-government of Saldus District Project, Latvia, adiitais@tvnet.lv
- **Stanislav NIKONOV**, Drug Abuse Prevention Centre, 'The Peer' Youth Club, Russian Federation,
- **Ekaterina TSVETKOVA**, Drug Abuse Prevention Centre, 'The Peer' Youth Club, Russian Federation, katusha_1989@list.ru
- **Maria SIROTKINA**, Journalist, Russian Federation, SiMa200@yandex.ru
- **Daler NAKIBOV**, Child Reference Group, Tajikistan, dal-nak@yandex.ru
- **Vlatko BOGOEVSKI**, The World Bank, The former Yugoslav Republic of Macedonia, vlatko_1983@yahoo.com
- **Orcun DOGAN**, The World Bank, Turkey, orcundogan@yahoo.com
- **Eren YANIK**, High School Istanbul, Turkey
- **Hazal HURMAN**, Children's Network, Turkey
- **Hanna KOVALENKO**, City of Starokostyantyniv, Ukraine, sydd@sk.km.ua
- **Sakhiba RAKHMONOVA**, Speaker at Youth Parliament, Uzbekistan

Youth Delegation Adults

- **Maud DOMINICY**, UNICEF, Belgium, mdominicy@unicef.be
- **Olgica DRINIC**, NGO 'Nasa djeca' Zenica, Bosnia and Herzegovina,
- **Maya KURTSIKIDZE**, UNICEF, Georgia, mkurtsikidze@unicef.org
- **Susanne SCHAAL**, Germany, Susanne.Schaal@gmx.de
- **Chris SCHUEPP**, UNICEF, Germany, Cschuepp@unicef.org
- **Andrea RUGGERI**, UNICEF, Italy, a.ruggieri@unicef.it
- **Marianne OHLERS**, UNICEF, Kyrgyzstan, mohl原因@unicef.org
- **Anna CHERNYAKHOVSKAYA**, UNICEF, Russian Federation, achernyakhovskaya@unicef.org
- **Leigh Ellen SONTHEIMER**, World Bank, Turkey, lsontheimer@worldbank.org
- **Nilgun ATALEY**, UNICEF, Turkey, nataley@unicef.org
- **Lala URUMBAEVA**, Uzbekistan

UNICEF

New York Headquarters

- **Carol BELLAMY**, Executive Director
- **Vanessa REDGRAVE**, Special Representative for the Performing Arts
- **Yuri OKSAMITNIY**, Senior Programme Officer, yoksamitniy@unicef.org

Geneva Regional Office

- **Philip D. O'BRIEN**, Regional Director, pobrien@unicef.org
- **Wivina BELMONTE**, Chief, Communication Section, wbelmonte@unicef.org
- **Kenneth MASKALL**, Senior Programme Officer, kmaskall@unicef.org
- **Lesley MILLER**, Project Officer, Child Protection, lmiller@unicef.org
- **Cristina ROCCELLA**, Consultant, croccella@unicef.org
- **Brian KELLEHER**, IT technician, bkelleher@unicef.org

Regional Office for Central and Eastern Europe, Commonwealth of Independent States and Baltic States, Geneva

- Maria CALIVIS, Regional Director, mcalivis@unicef.org
- Shahnaz KIANIAN-FIROUZGAR, Regional Deputy Director, skianian-firouzgar@unicef.org
- Gordon ALEXANDER, Senior Policy Adviser, galexander@unicef.org
- Evelyn GELDOLF, Regional Communication Officer, egeldof@unicef.org
- Judita REICHENBERG, Regional Adviser, Child Protection, jreichenberg@unicef.org
- Fabio SABATINI, Regional Programme Officer, Planning and Policy, fsabatini@unicef.org
- Diane WIDDUS, Project Officer, Health, dwiddus@unicef.org
- Christoph SCHUEPP, Consultant, cschuepp@unicef.org
- Nigel CANTWELL, Consultant, ncantwell@unicef.org
- Gregory GRIMSICH, Consultant, ggrimsich@unicef.org
- Martine DELETRAZ, Principal Secretary, mdeletraz@unicef.org

Bosnia and Herzegovina Office

- Helena EVERSOLE, Representative, heversole@unicef.org
- Yulia KRIEGER, Programme Officer, ykrieger@unicef.org
- Erna RIBAR, Communication Officer, eribar@unicef.org

Country Offices

- Juan AGUILAR, Special Area Representative, Almaty, jagUILar@unicef.org
- Carel DE ROOY, Area Representative, Moscow, cderooy@unicef.org
- Ann-Lis SVENSSON, Area Representative, Belgrade, asvensson@unicef.org
- Niloufar POURZAND, Programme Officer, Tajikistan, npourzand@unicef.org
- Andro SHILAKADZE, Programme Coordinator, Uzbekistan, ashilakadze@unicef.org

Innocenti Research Centre, Italy

- David PARKER, Deputy Director, dparker@unicef.org
- Eliana RIGGIO CHAUDHURI, Project Officer, eriggio@unicef.org
- Furio ROSATI, Coordinator of ILO/UNICEF/WB Project on Child Labour, frosati@unicef.org

Working Groups Members

1. Investing in Children

- Ljerka MARIC, Minister, Ministry of Finance and Treasure, Bosnia and Herzegovina – *Chair*
- Gordana MATKOVIC, Centre for Liberal-Democratic Studies, Serbia and Montenegro – *Panellist*, gogaj@eunet.yu
- Ashot YESAYAN, Deputy Minister, Ministry of Labour and Social Issues, Armenia – *Panellist*
- Petra HOELSCHER, Research fellow, Department of Applied Social Sciences, Centre for Comparative Research on Social Welfare, University of Stirling, UK – *Resource person*, petra.hoelscher@stir.ac.uk
- Furio ROSATI, Coordinator, ILO/UNICEF/World Bank Project on Child Labour, UNICEF Innocenti Research Centre, Italy – *Resource person*, frosati@unicef.org
- David PARKER, Deputy Director, UNICEF Innocenti Research Centre, Italy – *Rapporteur*, dparker@unicef.org
- Fabio SABATINI, Regional Programme Officer, UNICEF Regional Office, CEE/CIS/Baltic States, Switzerland – *Rapporteur*, fsabatini@unicef.org

2. Children Moving across Borders

- **Johannes DAHL-HANSEN**, Ambassador, Danish Embassy to Bosnia and Herzegovina, Denmark – *Chair*, sarajevo@um.dk
- **Michel BRAVO**, Senior Policy Officer on Minors, Immigration Policy Department, Ministry of Justice, Netherlands – *Panellist*, j.m.bravo@minjus.nl
- **Madeleine REES**, Head, OHCHR, Bosnia and Herzegovina – *Panellist*, mrees@ohchr.org
- **Nigel CANTWELL**, *Consultant*, UNICEF, UK - *Resource person*, cantabene@hotmail.com
- **Judita REICHENBERG**, Regional Adviser, Child Protection, UNICEF Regional Office, CEE/CIS and Baltic States, Switzerland - *Resource person*, jreichenberg@unicef.org
- **Yulia KRIEGER**, Programme Officer, UNICEF, Bosnia and Herzegovina – *Rapporteur*, ykrieger@unicef.org

3. Violence against Children

- **Thomas HAMMARBERG**, Secretary-General, Olof Palme International Center, Sweden – *Chair*
- **Khairinisso MAVLONOVNA**, Deputy Prime Minister, Chair, National Commission on Child Protection, Tajikistan – *Co-Chair*
- **Renate BLUM-MAURICE**, Director, Kinderschutzbund, Germany – *Panellist*, R.BlumMaurice@kinderschutzbund-koeln.de
- **Londa ESADZE**, Chair, NGO-Independent Board of Advisors, Parliament of Georgia, Georgia – *Panellist*, londaesadze@hotmail.com
- **Amaya GILLESPIE**, Secretary-General's Study on Violence against Children, Switzerland – *Panellist*, agillespie@unicef.org
- **Peter NEWELL**, Coordinator, Global Initiative to End All Corporal Punishment of Children, UK – *Resource person*, peter@endcorporalpunishment.org
- **Gordon ALEXANDER**, Senior Policy Adviser, UNICEF Regional Office, CEE/CIS and Baltic States, Switzerland – *Rapporteur*, galexander@unicef.org

4. The Role of Education in Combating Social Exclusion

- **Tamar BERUCHASHVILI**, State Minister, Ministry for European Integration, Georgia – *Chair*, tberucha@caucasus.net
- **Kulash SHAMSHIDINOVA**, Deputy Minister, Ministry of Education and Science, Kazakhstan – *Co-Chair*, vice_edu@edu.gov.kz
- **Sreto TOMASEVIC**, Minister, Ministry of Education, Zenica Dobož Canton, Bosnia and Herzegovina – *Panellist*
- **Christina McDONALD**, Programme Manager, Roma Education Initiative, Open Society Institute, Hungary - *Resource person*, cmcdonald@osi.hu
- **Kenneth MASKALL**, Senior Programme Officer, UNICEF, Geneva Regional Office, Switzerland – *Rapporteur*, kmaskall@unicef.org

5. Cities Fit for Children

- **Renzo BERTI**, Mayor, Municipality of Pistola, Italy – *Chair*, r.berti@comune.pistoia.it
- **Zinaiida KYIANYTSIA**, Deputy Minister, Ministry of Family, Children and Youth, Ukraine – *Co-Chair*, kyianytsia@dksm.gov.ua
- **Ina BEHMANE**, Executive Director on Social Issues, Saldus District Council, Latvia – *Panellist*, i.behmane@saldus.lv
- **Eliana RIGGIO CHAUDHURI**, Project Officer, UNICEF Innocenti Research Centre, Italy – *Rapporteur, Resource person*, eriggio@unicef.org

LIST OF DOCUMENTS

Background Papers

Sabatini Fabio and Alexander Gordon, *Investing in Children: An Obligation to Build a Just Society*, May 2004

Cantwell Nigel, *The Protection of Children Moving across Borders*, March 2004

Newell Peter, *Violence against Children*, April 2004

Crighton Johanna, *The Role of Education in Combating Social Exclusion*, March 2004

Riggio Eliana, *Making Cities Fit for Children*, April 2004

Homans Hilary, *Children's Participation in Decision-Making*, April 2004

Statements

Opening Address by Adnan Terzic, Chairman of the Council of Ministers, Bosnia and Herzegovina

Opening Address by Kerstin Müller, Minister of State, Federal Foreign Office, Germany

Opening Address by Carol Bellamy, Executive Director, United Nations Children's Fund, to the Second Intergovernmental Conference on 'Making Europe and Central Asia Fit for Children', Sarajevo, 13-15 May 2004

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