

REALISING THE RIGHTS  
OF EVERY CHILD EVERYWHERE:

# Moving forward with the EU



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**Moving forward with the EU**

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**Disclaimer**

This publication aims to contribute to a European debate on children and child rights issues. It includes a wide range of opinions and views that do not necessarily reflect the positions of Eurochild, UNICEF or the European Commission.

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# Contents

CONTENTS	02
ACKNOWLEDGMENTS	05
PREFACE	07
<b>Viviane Reding</b> , European Commissioner for Justice, Fundamental Rights and Citizenship and European Commission Vice-President	08
<b>Roberta Angelilli</b> , Italian Member of the European Parliament, Vice-President of the European Parliament	09
<b>Kristalina Georgieva</b> , European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response	10
INTRODUCTION & KEY FINDINGS	11
<b>SECTION 1</b> THE EU AND CHILDREN'S RIGHTS: STATE-OF-PLAY AND THE WAY FORWARD	15
<b>Paul F. Nemitz</b> , Director for Fundamental Rights and Union Citizenship, DG JUSTICE of the European Commission <i>"Evolving European child rights policy"</i>	16
<b>Edward McMillan-Scott</b> , British Member of the European Parliament, Vice-President of the European Parliament <i>"Preventing child abductions – the need for an EU-wide alert system"</i>	18
<b>Maria Herczog</b> , Member of the UNCRC Committee and President of Eurochild <i>"The EU can be stronger on child rights and make better use of the UN's work"</i>	20
<b>Morten Kjaerum</b> , Director of the European Agency for Fundamental Rights (FRA) <i>"How are European children doing? A brief look at what research is telling us"</i>	22
<b>Frances Fitzgerald</b> , Minister for Children and Youth Affairs in Ireland <i>"Putting children's rights at the heart of Ireland's reform programme"</i>	24
<b>SECTION 2</b> CHILDREN'S WELL-BEING IN EUROPE: JOINING UP EU, NATIONAL AND LOCAL ACTION	27
<b>Lieve Franssen</b> , Director Social Policy & Europe 2020, DG EMPLOYMENT of the European Commission <i>"Investing in children – now and for the future"</i>	28
<b>Gordon Alexander</b> , Director of the UNICEF Office of Research-Innocenti <i>"Monitoring: An obligation as well as a precondition of good policy-making for children"</i>	30
<b>Sebastian Sedlmayr</b> , Head of Child Rights Advocacy and Education at the German Committee for UNICEF <i>"A friendly home town for every child - the Child-Friendly Cities initiative"</i>	32
<b>Daniel Kropf</b> , Executive Vice-Chair of the Universal Education Foundation <i>"Learning for Well-being: a framework that can deliver change for children"</i>	34
<b>Bernard de Vos</b> , Ombudsman of Children's Rights in the French Community of Belgium and Chairman of the European Network of Ombudspersons for Children <i>"Poor and migrant children face daily rights violations throughout Europe"</i>	36

<b>SECTION 3</b> REALISING THE RIGHTS OF THE MOST DISADVANTAGED CHILDREN	39
<b>Myria Vassiliadou</b> , EU Anti-Trafficking Coordinator, DG HOME of the European Commission <i>"Eradicating child trafficking: an integrated approach"</i>	40
<b>Michele LeVoy</b> , Director of The Platform for International Cooperation on Undocumented Migrants (PICUM) <i>"From systematic discrimination to protection of all children regardless of residence status in the EU"</i>	42
<b>Delphine Moralis</b> , Secretary General of Missing Children Europe <i>"Missing Children: In need of an embedded European approach"</i>	44
<b>Delia Pop</b> , Director of Programmes at Hope and Homes for Children <i>"With EU funding and influence, the end of institutional care for children is in sight"</i>	46
<b>Liz Ayre</b> , Director of the European Network for Children of Imprisoned Parents <i>"Bridging the policy gap for children separated from a parent in prison"</i>	48
<b>Cédric Foussard</b> , Director of International Affairs of the International Juvenile Justice Observatory (IJJO)	
<b>Francisco Legaz Cervantes</b> , founding Chairman of the IJJO <i>"Against the detention of children: a better approach"</i>	50
<b>Pierre Gassmann</b> , Country Director of the Roma Education Fund Romania	
<b>Eugen Crai</b> , Country Director of the Roma Education Fund Romania (until January 2013) <i>"Roma children in Romania – when will we be able to speak of a saved generation?"</i>	52
<b>Camille Latimier</b> , Human Rights Officer at Inclusion Europe	
<b>An-Sofie Leenknecht</b> , Human Rights Officer at the European Disability Forum <i>"Invisible children? A perspective on children with disabilities"</i>	54
CHILD RIGHTS MANIFESTO	57
ABOUT THE PUBLISHER	61
<b>About UNICEF</b>	62
<b>About Eurochild</b>	63



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# Preface

**Viviane Reding**  
*European Commissioner  
for Justice, Fundamental  
Rights and Citizenship  
European Commission  
Vice-President*



## Viviane Reding

Child helplines across Europe receive over five million calls from distressed children every year. Every fifth child in the EU is at risk of poverty and there are 250,000 cases of missing children recorded annually. These figures are an acute reminder of why the Member States and the EU must act together.

The needs, rights and well-being of children are a priority for me personally and for the European Commission. The Lisbon Treaty and the Charter of Fundamental Rights of the European Union give us the means to act and implement the EU Agenda for the Rights of the Child.

Policy-makers at all levels, social workers, health professionals, lawyers and judges, teachers, academics, researchers, and civil society must work hand in hand to provide a protective and enabling environment for children and to ensure children's views are respected.

Our joint efforts should focus on the sharing of expert knowledge and data, early intervention

and prevention of violations of rights as well as effective access to justice. This approach would help to ensure that decisions taken are always in the best interests of the child.

The Commission will continue to play its role in addressing the sometimes complex needs of diverse groups of children, bearing in mind that much remains to be done at Member State level.

Let us not, in the current economic situation, make the rights of the child less of a priority. Delivering on the needs, rights and well-being of children is not an option. It is our common duty.

**Roberta Angelilli**  
*Italian Member of the  
European Parliament  
Vice-President of the  
European Parliament*



## Roberta Angelilli

Protecting children's rights and investing in their future is a fundamental prerequisite for sustainable growth and for a just society. However, progress has been patchy and the situation of children in many countries is far from satisfactory. Children are not only vulnerable due to their age and dependency, they are the first to be affected by economic and financial downturns, budget cuts, natural disasters and humanitarian crises.

Members of the European Parliament bear a special responsibility to improve the lives and protect the rights of children in Europe and the world. With the entry into force of the Lisbon treaty, the powers of the European Parliament to adopt and review legislation, policies and programmes that - directly and indirectly - concern children, grew immensely.

The European Parliament has a say and its members can make a difference across a range of different policy areas. These include considerations

of child labour in trade agreements, the definition of the best interest of the child in the area of justice or migration policies, non-discrimination, measures to combat trafficking or sexual violence, food security and nutrition, and access to education, health and information.

The year 2014 provides a historic opportunity for the European Union to review and strengthen the tools, means and institutional mechanisms in place to protect children as individuals and fulfil the European Union's legal commitments to place children at the heart of everything we do.

Our responsibility towards children is shared with the European Commission and member states, but as the only directly elected institution, members of the European Parliament bear a special duty to be champions of children's rights.

**Kristalina Georgieva**  
*European  
Commissioner  
for International  
Cooperation,  
Humanitarian Aid and  
Crisis Response*



## Kristalina Georgieva

In disasters and conflicts, children are the most vulnerable victims. They can be separated from their family or orphaned. Without resources to protect themselves, they suffer disproportionately from undernutrition and illness, and have higher mortality rates.

During conflicts, boys and girls can be killed or injured, recruited by armed groups, or forcibly displaced. The violence experienced can have long-term psychological effects and undermine their future. Long-lasting crises such as the conflict in Syria risk creating “lost generations”, extending the conflict and perpetuating violence and instability, since children will have known only violence.

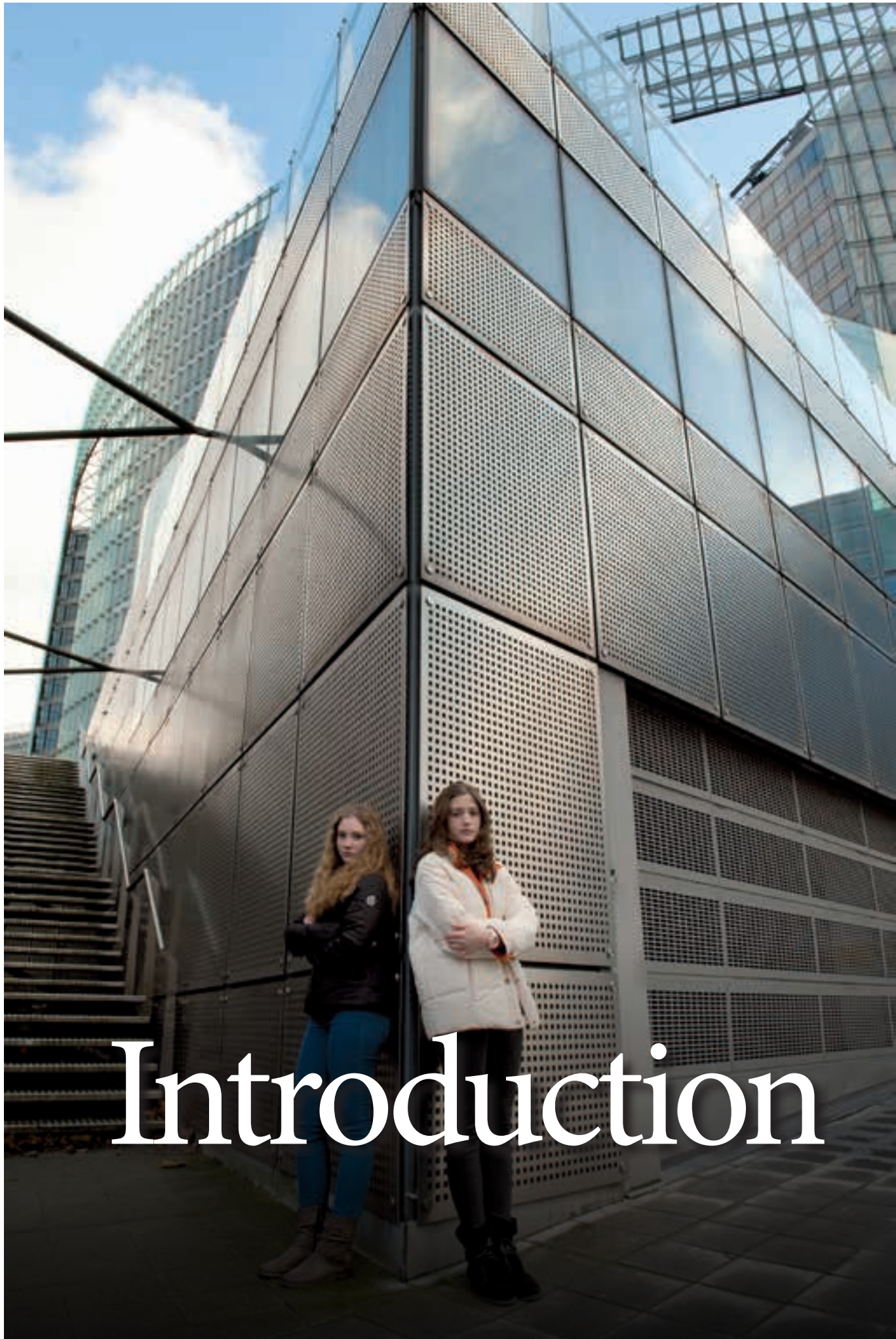
A substantial part of the EU humanitarian budget goes to child-focused relief organisations and ensures that children in need get shelter, medical assistance and protection. But alongside such immediate needs, we are also working on ensuring that children do not turn into a lost generation.

When the EU received the 2012 Nobel Peace Prize for its contribution to peace on the European continent, we decided to turn the award

into a tool to generate more peace by bringing education and hope to child-victims of conflict; the ‘EU Children of Peace’ initiative was born out of the conviction that every child, everywhere, should have the opportunity to reach their potential and grow up in peace.

The projects supported through the initiative have already created practical benefits for more than 100,000 conflict-affected boys and girls in Asia, Africa and Latin America. We reach out to them through actions against the recruitment of child soldiers, mine-risk education activities and investment in schools and child-friendly spaces; we provide school material and uniforms and psychological support to help the kids who grew up in conflict cope with the traumas they have suffered. This support enables boys and girls, even in conflict settings, to learn, play, cultivate their talents and find a sense of normality.

‘EU Children of Peace’ will continue in the years to come as both the legacy of the EU’s Nobel Prize and a lasting symbol of Europe’s commitment to peace and prosperity. Europe will also continue to stand for solidarity, especially with those who need it the most: children. Our commitment to them today is stronger than ever.



# Introduction

# Realising the rights of every child everywhere: Moving forward with the EU

THIS COMPENDIUM DEMONSTRATES THE COMMITMENT OF DIFFERENT ACTORS TO STRENGTHENING EU ACTION ON CHILDREN'S RIGHTS. WE HOPE IT ALSO INSPIRES ACTION AND AN EVEN MORE AMBITIOUS VISION FOR THE EU TO PLAY A LEADING ROLE IN REALISING THE RIGHTS OF EVERY CHILD EVERYWHERE.

## The child rights context in 2014

Eurochild and UNICEF publish this compilation of articles at a critical juncture in the history of the European Union (EU). The 2014 European Parliament elections and appointment of a new College of Commissioners will see new leaders shaping future European work and priorities. The EU multi-annual financial framework (2014-20) is moving into its operational phase, while Europe 2020 - the EU's 10-year strategic vision - will come under scrutiny through a mid-term review.

2014 also marks the 25th Anniversary of the United Nations Convention on the Rights of the Child (UNCRC), which has been ratified by all 28 EU Member States. Now is therefore the right time to take stock of achievements and progress so far, reflect on lessons learnt and gather ideas and recommendations on what can be further improved in the future.

It is undeniable that EU legislation, policy and funding have enormous impact on the lives of children inside and outside the EU. The last decade has witnessed significant progress in strengthening the EU's role in promoting and realising children's rights and channeling resources to children - especially the most disadvantaged. The coming into force of the Lisbon Treaty in 2009 marked a turning point in the EU's ability to realise the rights of children, with Article 3 containing the EU's first explicit commitment to protect and promote the rights of the child in EU internal and external actions.

The authors contributing to this compilation have a strong interest in supporting the EU deliver on its child rights commitments. Some authors are working inside the institutions and have been among the architects of strengthening EU actions to realise children's rights. Others represent organisations working with and for children in their communities.

Whilst recognising the enormity of the challenge in addressing daily rights violations against children and the multitude of actors sharing responsibility, the views presented herein also highlight the critical contribution of the EU to supporting an enabling environment where the rights of every child everywhere can be realised and all children are given the opportunity to fulfil their potential.

## The important role of the EU on child rights

Although Article 3 of the Lisbon Treaty does not bring new competences to the EU, it enables more proactive interventions to ensure that EU action enhances children's rights and strengthens coordination across the EU.

The 2011 EU Agenda on the Rights of the Child outlined a clear framework for EU action. Its implementation has resulted in significant progress in a number of key areas of action and legislation, including establishing missing children hotlines, promoting child-friendly justice, improving data collection and integrating a child rights' lens in external action, to mention just a few.

Thanks largely to the impressive work of the child rights coordinator and other dedicated child rights champions, important steps have been taken to track EU action impacting children's rights and to strengthen mainstreaming efforts. Most of the action points identified in the Agenda have now been implemented, or are close to being implemented.

## Future direction and priorities

The question now arises about how the European Commission will consolidate and build on this precious experience to move forward with an ambitious European strategy on the rights of the child as called for in the 2010 Stockholm programme. The



EU has demonstrated leadership in a number of pressing priority areas; now is the time for the EU to truly become a global child rights champion by further strengthening its capacity to mainstream child rights in everything it does.

At present, the power and capacity of the children's rights coordinator to lead action across all departments of the European Commission is limited. Similarly, while mainstreaming tools such as the fundamental rights check are becoming more systematically used, there is still a lack of awareness across the EU of the relevance of children's rights and how they can be taken into account in decision-making processes.

Increased attention needs to be paid to ensure the full and effective implementation, enforcement and evaluation of the existing child rights framework at all levels – European, national, local – and at all stages of the inter-institutional procedure involving the European Parliament, the Council and the Commission.

**Jana Hainsworth,**  
*Secretary General, Eurochild*

2014 presents a unique opportunity for the EU to make a difference in children's lives. The promotion of children's rights is not only a specialist policy area designed to protect specific vulnerable groups of children. There are no child-neutral policies - a child rights approach needs to be applied in internal market, trade, finance and infrastructure policy, as well as the more obvious areas of education, health, employment and welfare.

Putting children's rights at the heart of development co-operation and EU external relations is also key to building inclusive and sustainable economies and political systems in third countries, and ultimately a peaceful world. Targeted action designed to protect the most vulnerable and marginalised children needs to be embedded in a comprehensive, integrated and forward-looking child rights strategy.

**Philippe Cori,**  
*Director, UNICEF, Brussels*







# 1 The EU and children's rights: state-of-play and the way forward

This section presents several perspectives on the current framework for action on children's rights at EU level.

These articles acknowledge the significant progress made since adoption of the Lisbon Treaty (2009) and the EU Agenda on the Rights of the Child (2011), while also highlighting important opportunities for further consolidating progress and developing a more integrated and coherent approach to implementing children's rights.

# Evolving European child rights policy

THE COMMISSION HAS FULFILLED MANY OF THE OBJECTIVES SET OUT IN THE EU AGENDA FOR THE RIGHTS OF THE CHILD. EU CHILD RIGHTS POLICY IS EVOLVING IN THE RIGHT DIRECTION. HOWEVER, THERE ARE STILL CONSIDERABLE CHALLENGES TO BE MET, WHICH WILL BE ADDRESSED THROUGH AN INTEGRATED APPROACH.

## EU policy frameworks and legislation

The EU Agenda for the rights of the child (EU Agenda) has guided the work of the European Commission since 2011 and provides a framework for the protection and promotion of the rights of the child.

Our child rights policy is evolving. In recent years, the importance of integrated child protection systems has become more and more apparent, especially in cross-border aspects. In 2014, we will link up several current initiatives under the umbrella of EU Guidelines supporting integrated child protection systems. We aim to bring this forward by capitalising on the results achieved through the implementation of the EU Agenda so far.

The most important achievement in the last few years is the breadth of new legislation in areas where the EU has competence to act – notably in the areas of justice and home affairs. We now have stronger legal provisions and safeguards for children who are victims of crime, victims of sexual abuse and exploitation, and victims of trafficking. A legislative proposal on the procedural rights of child suspects has also been tabled in late 2013.

We have also developed comprehensive strategies and policy initiatives on the eradication of trafficking in human beings and on unaccompanied children, as well as, most recently, on child wellbeing through the Recommendation on investing in children: breaking the cycle of disadvantage.

## Supporting policy-making

The need to embed better data collection in policy and legislative measures has been a guiding principle and will continue in cooperation with the Fundamental Rights Agency of the European Union. We gathered available data and, more importantly, identified data gaps on missing children (EU27) – published in December 2013, and children's involvement in civil, administrative and criminal judicial proceedings (EU28). To highlight

the importance of child participation in respecting the rights of the child, we have mapped legislation, policy and practice on the child's right to be heard in EU28.

The Commission has reinforced cooperation with stakeholders to make better use of the vast pool of knowledge and expertise through the annual European Forum on the Rights of the Child. In 2013, we also established an informal Member State expert group on the rights of the child to continue to support Member States' efforts by promoting exchange of best practice, co-operation and communication with and among the national authorities. Finally, partnership with the European Parliament has been instrumental in delivering many of the above-mentioned results.

## Ongoing challenges

There are many challenges ahead. Some are old and some are new. The continuing depressed economic climate exacerbates the situation for many children. We know that budget cuts tend to hit the most vulnerable the hardest. We still have major gaps in terms of basic services such as the provision of affordable and accessible childcare. Increased use of the internet and digital media presents both a threat and an opportunity for children. Children's rights continue to be violated in many different areas and children - and those responsible for their care - still lack information on the rights of the child, 25 years after the Convention on the Rights of the Child (UNCRC) was adopted. Legislation is not enough; its implementation needs to be monitored.

## Future priorities

As to the future, the EU should support national child protection systems, maintain a focus on children when they are vulnerable, and facilitate the exchange of good practice and increased co-

ordination among actors and across policy areas. I would underline the need for rigorous gatekeeping when screening Commission policy and legislative proposals. More collective efforts need to be made to ensure that the child's best interests are a primary or paramount consideration. We should invest more in early intervention and prevention.

In the EU Agenda, we said that *'the action of the EU should be exemplary in ensuring the respect of the provisions of the Treaties, the Charter of Fundamental Rights of the European Union and of the UNCRC with regard to the rights of children'*. We will continue to strive to fulfil that objective, always in partnership with Member States and other actors.



**Paul F. Nemitz**

*is Director for Fundamental Rights and Union Citizenship in the JUSTICE Directorate-General of the European Commission. His responsibilities include free movement of people in Europe, data protection and children's rights.*

*Previously Mr Nemitz has held posts in the Legal Service of the European Commission, the Cabinet of Commissioner Nielson, and in the Directorates General for Trade, Transport and Maritime Affairs. He has a broad litigation experience before the European Courts and has published extensively on EU law.*

# The European Parliament as a child rights champion

TO ENSURE CHILDREN'S RIGHTS ARE AN INTEGRAL PART OF EU POLICY, WE NEED COMMITTED MEMBERS OF THE EUROPEAN PARLIAMENT, AN EFFECTIVE SYSTEM AND A LEGISLATIVE STRATEGY DEDICATED TO CHILDREN'S RIGHTS. THE EUROPEAN PARLIAMENT'S WORK ON PREVENTING CHILD ABDUCTIONS AND ESTABLISHING AN EU-WIDE ALERT SYSTEM ILLUSTRATES THE NEED TO WORK TOGETHER, COMMUNICATING AND SHARING BEST PRACTICES.

## The Rights of the Child in European Law

Until the Lisbon Treaty came into force in 2009, the rights of the child were not formally recognised at all in the EU. Article 3 of the Lisbon Treaty states that, "The Union shall... promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child."

The rights of children within the EU are also enshrined in Article 24 of the EU's Charter of Fundamental Rights: "Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity."

Article 24 continues: "In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his and her parents, unless that is contrary to his or her interests."

In 2011, European Justice Commissioner Viviane Reding released the EU Agenda on the Rights of the Child, which also aims to ensure children's effective access to justice and appropriate representation. Children's rights deserve an EU-wide coherent response, with all institutions and civil society working together to achieve this.

## The European Parliament as a child-rights champion

In 2011, along with fellow Vice-President Roberta Angelilli, our child rights mediator, and other

MEPs, I helped launch the European Parliament's Alliance for Children in partnership with UNICEF and a group of non-governmental organisations. The aim of the Alliance is to raise the profile of children's issues within the Parliament, mainstreaming child rights in all policy areas.

Now we want to get more members on board with the Alliance and build a legislative strategy on children's rights. The European Parliament should be in a position to champion the rights of the child. As part of that, I believe it is crucial to strengthen relations and communication with the European Commission on children's rights.

Before the last European elections I called for the EU to create an office in the European Parliament specifically dedicated to children's rights. I will continue to push for this position as I feel it is essential to be able to focus directly on children.

## Campaigning for a missing child alert system

As a Member of the European Parliament, I have long campaigned for improved children's rights across Europe, and have largely focused on child abduction cases. Thousands of children go missing across the EU each year, and that is something that is now being addressed.

I campaigned alongside Kate and Gerry McCann, the parents of Madeleine who went missing in Portugal in 2007. In this context, I co-tabled a written declaration in 2008 calling on Member States to introduce an EU-wide missing child alert system. The aim of the system is to rescue children during the first crucial hours after abduction or becoming victims of human trafficking.

The proposal, which gained the support of a majority of MEPs, calls for the immediate forwarding

to the relevant news media, border authorities and customs and law enforcement agencies of information on a missing child.

The European Commission is now following up and pushing for a European missing child alert system. The ultimate aim is to establish child rescue alerts in all EU member states, linked to allow easier cross-border communication when a child goes missing.

### **Matching the US Model**

The proposed European system aims to be similar to the Amber Alert system in the US, which has rescued more than 600 children since its foundation in 1996 - most in the crucial first 72 hours.

A key difference in the US is that they have the National Centre for Missing and Exploited Children (NCMEC). Established as a centre for research and publicity, the NCMEC is ready to assist families and law enforcement agencies 24 hours a day whenever a child goes missing. In the most serious cases of abduction, it is also able to send specially trained, retired law enforcement professionals to provide support to law enforcement agencies.

We urgently need something similar to this in the EU and harmonised across Member States. At present, only France and Belgium have similar arrangements. Alert systems must be established in all 28 countries if we are to create an EU-wide response. As the EU gets bigger, so will the problem of borders. However, to really impact on the problem of child abduction, exploitation and trafficking in the EU, we need to get every country involved in the missing child alert, communicating and sharing best practices.



### **Edward McMillan-Scott**

*is a British Member of the European Parliament and one of the Parliament's 14 Vice-Presidents.*

*As Vice-President, his portfolio includes Democracy & Human Rights, and Transatlantic Relations. A parent and grandparent, he has long campaigned for better child rights across the EU.*

# The EU can be stronger on child rights and make better use of the UN's work

**D**ESPITE ITS RELATIVE WEALTH, IMPLEMENTATION OF CHILDREN'S RIGHTS IS STILL WEAK ACROSS THE EU. THE EU INSTITUTIONS COULD SUPPORT INDIVIDUAL MEMBER STATES BETTER BY ADOPTING A LESS FRAGMENTED APPROACH AND DOING MORE TO MONITOR, EVALUATE AND PROMOTE GOOD PRACTICE. THE UNCRC REPORTING MECHANISMS CAN BE A VITAL RESOURCE IN THIS CONTEXT.

## Implementation of the UNCRC in the EU

Unfortunately, implementation of the UNCRC across the EU 28 member countries is thus far very patchy. Too often we see that it is not so much the resources or capacity of a country that affects the quality of implementation, rather it is political will, traditions, awareness of rights, the power of civil society and the possibility for people – particularly children – to participate actively in society.

The EU is not able to ratify the UNCRC - it is open to signature by individual countries only. However, as a regional body with significant legislative, financial and political power, the EU has enormous influence that can either help or hinder respect for children's rights in its member states. However, the EU's efforts to promote and protect child rights are currently hampered by its fragmented approach.

There are some positive initiatives by which the EU is strengthening implementation of children's rights within Member States - progress is being made in promoting early childhood education and care, child friendly justice, and Roma inclusion, to name just a few. However, there is no overall strategic framework; and coherence between the different policy sectors is completely lacking.

## The potential of UNCRC reporting mechanisms

A first step to better support Member States on child rights would be to strengthen links with the UNCRC processes. Every country reports on a five-yearly basis to the Committee. The State and alternative reports contain a wealth of information and data which could be better used by the EU. By comparing and contrasting the Committee's Concluding Observations to each country, the EU could identify common challenges which can feed

into its own priority setting.

The General Comments (GC) – which offer detailed interpretation of specific articles of the Convention – are a vital resource for the EU. For example, the recent GC 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24) has relevance to a host of policy areas where the EU is active.

## The important role of civil society

Another important area of learning from the UNCRC processes is around the empowerment and responsibility of civil society. The Committee places enormous value on the alternative reports compiled by civil society, children's ombudsmen and children and young people themselves.

It is essential to gather different perspectives when analysing the situation in each country – particularly the views of those closest to the reality on the ground. Their involvement also contributes to raising awareness and building capacity. Implementation of the UNCRC is best where there is a powerful and active civil society.

Child Rights Connect – working to promote child rights globally – plays an important role in empowering and activating NGOs to contribute to monitoring and evaluation of UNCRC implementation. It does this on an ongoing basis as well as specific work done around the reports.

Eurochild – promoting children's rights and well-being in Europe – is mobilising its members to engage in EU processes such as Europe 2020, the structural funds and implementation of the EC Recommendation on Investing in Children. It specifically aims to bring a child rights perspective to these policy agendas.

However, I think too little importance is accorded to civil society within the EU. Whilst the EU pays lip service to civil dialogue, it does little to empower, engage and listen to organisations working on the ground with children and young people. This is particularly worrying at Member State level, where in some countries – such as my own, Hungary – civil dialogue is steadily eroding. So far EU efforts to hold its member states to account in their commitment to civil dialogue are very disappointing.

### **Essential monitoring and evaluation**

Finally, one of my biggest regrets as a researcher is the EU's failure to effectively evaluate and build on all the positive results of the projects it funds. Millions of Euros have been spent on innovative approaches and good practices through the DAPHNE and Fundamental Rights and Citizenship Programmes, for example. Other DGs have programmes which similarly impact children rights.

The EU urgently needs to carry out a meta-analysis of how these programmes complement one another and what the results have been. And instead of imposing such a heavy administrative burden on beneficiaries, the EU would do better to spend its resources on critically assessing the quality of the projects in terms of outputs and impact.

The UNCRC's General Measures of Implementation provide guidance on the administrative, legislative and financing framework necessary for effective implementation, monitoring and evaluation. In my view, the EU needs to build on this when deciding on its follow-up to the 2011 Communication 'An EU Agenda on the Rights of the Child'.



### **Maria Herczog**

*has been an elected member of the UNCRC Committee since 2007.*

*From 2004-2010 she was a member of the EU Economic and Social Committee. In 2010 she was elected as President of Eurochild; she is currently in her second term. She is a founding member and current chair of the Hungarian NGO 'Family, Child, Youth Association'.*

*An economist by training, she has researched child welfare, child protection, child rights and family matters for over 30 years and also teaches in higher education.*

# How are European children doing? A brief look at what research is telling us.

**D**ESPITE MANY NATIONAL AND EUROPEAN EFFORTS TO ENSURE THE RIGHTS OF CHILDREN, RESEARCH SHOWS THAT MANY EUROPEAN CHILDREN SUFFER POVERTY, DISCRIMINATION OR VIOLENCE. A STRENGTHENED EU FRAMEWORK FOR ACTION ON CHILDREN'S RIGHTS CAN MAKE A DIFFERENCE AT NATIONAL LEVEL.

## FRA research on vulnerable children

In the EU, there are children who enjoy a nutritious breakfast, lunch and dinner, go to school, play with their friends, go to the doctor if they are sick, and have a loving family who take care of their needs every day. But there are also those who cannot attend school; those who only go to the doctor in extreme cases; those who suffer bullying; and those who are afraid of going home.

Violence within the family is unfortunately widespread. Children are affected both by suffering violence as well as witnessing it. FRA research on gender-based violence against women in all EU Member States found that 41% of violent incidents against mothers are witnessed by a child. This disturbing figure is just one of a full set of the survey's findings which will be published in spring 2014.

FRA's research on access to healthcare for irregular migrants found that the right to health is not always meaningfully applied. Although emergency services in all ten countries surveyed would treat a pregnant irregular migrant in labour, the woman would have to pay for the assistance received in several countries. These costs are often unaffordable for a migrant family. In only two of the ten countries surveyed do irregular migrant children themselves have access to the same healthcare as national children.

FRA has also researched the situation of Roma in the EU. In two of the countries studied, one in ten Roma children of compulsory school age are working outside the home. Working conditions are generally unsafe as their occupation mostly consists of collecting objects for reselling or recycling, or begging on the street for money.

## Inadequate legal response

FRA has embarked on a multi-year project with the European Commission to analyse how accessible the justice system is for children affected by violence, abuse or discrimination. Preliminary findings show that national systems are not necessarily prepared to ensure an adequate response to children involved in civil or criminal proceedings.

Both professionals and children tell us that children are often not heard at all in civil proceedings that directly affect their lives. When they are heard, it is often done inappropriately, for example in the presence of the offender or in processes which are extremely long, formal and often not understandable to the child(ren) involved. Sometimes children are heard too many times, for example being asked to repeatedly retell a traumatic episode, causing additional trauma.

*"They have to listen to you, even if you are a child, I mean, you are a person, right? I mean, even if you are a girl you are also a person". (Girl, 16 years old, victim of sexual abuse)*

The economic situation in recent years has only exacerbated the situation, provoking a number of cuts in basic social services, education and health. Eurostat data shows that children are at greater risk of poverty or social exclusion than the rest of the population. In 2011, 27% of children (aged 0-17) in the EU-27 were at risk of poverty or social exclusion compared to 24.3 % of adults (18-64) and 20.5 % of the elderly (65 or over).

## The role of the EU

The EU is built on human rights values and is committed to guaranteeing the rights proclaimed in its Charter of Fundamental Rights. It has shown great



initiative and achieved results in establishing common EU standards for human rights in several areas, including the fights against human trafficking, discrimination, and racism and xenophobia.

On the rights of the child, the EU has established regulations, directives and action plans in different areas, such as unaccompanied children, a safer internet and sexual exploitation. It has also adopted the EU Agenda on the Rights of the Child. These efforts are very valuable. However, the situation in Member States shows that there are many children, in all European countries, whose fundamental rights are still not fulfilled in practice.

A review of the EU Agenda on the Rights of the Child is likely to happen in 2014. This provides an opportunity to renew and strengthen efforts in this field, by establishing a solid framework that addresses the fundamental rights of children. This framework should be comprehensive, based on evidence coming from the national level, and include the necessary human and financial resources to bring it to reality. National efforts will surely be more effective if driven by common objectives set within the EU.

### **Concluding message**

Those who are children today will be leading national and European institutions in the not-too-distant future. No matter how often we have heard this, it is still important to repeat it: our investment today will not only improve the situation for the children of today, but will also affect the adults that shape our society tomorrow.



### **Morten Kjaerum**

*is the Director of the European Agency for Fundamental Rights (FRA).*

*FRA is one of the EU's specialised agencies set up in 2007 to provide independent, evidence-based advice on fundamental rights to the EU Institutions and Member States.*

*FRA collects and analyses data and information, provides assistance and expertise, and carries out communication and rights-awareness activities. Before joining FRA, Morten Kjaerum served as Director of the Danish Institute for Human Rights. He has been a member of the UN Committee on the Elimination of Racial Discrimination and the President of the International Coordination Committee for National Human Rights Institutions.*

# Putting children's rights at the heart of Ireland's reform programme

IRELAND IS CURRENTLY PURSUING MAJOR REFORM OF ITS CHILD AND FAMILY SERVICES. AT THE HEART OF THIS EFFORT IS AN ACKNOWLEDGEMENT OF THE CENTRALITY OF THE RIGHTS OF THE CHILD, IN PARTICULAR RECOGNISING THE BEST INTERESTS OF THE CHILD AND LISTENING TO THE VOICE OF THE CHILD.

## Political reform in support of child rights

In 2011, Ireland established - for the very first time - a single, dedicated Government Department for Children and Youth Affairs. It was given responsibilities spanning child protection, early years and childcare, fostering and adoption, youth justice, youth work, and education welfare. I was honoured to be appointed to the position of the first senior Cabinet Minister with responsibility for this Department.

Its creation formed part of a determined effort by the new Government to focus on the well-being of our youngest citizens, and to respond to a shameful legacy of decades of child protection failings and under-investment in children's services.

Nevertheless, placing children at the heart of our policy agenda involves more than creating a new Department. It involves changing our constitution, reforming our child protection laws and transforming Ireland's child and family services. At the heart of this effort is an acknowledgement of the centrality of the rights of the child, in particular recognising the best interests of the child and listening to the voice of the child.

In 2012, the public voted on and adopted an amendment enshrining the rights of the child in our national Constitution. This marked an important step for Ireland - just as the Treaty of Lisbon did for the EU in declaring the promotion and protection of the rights of the child a key objective.

## Turning declarations into actions - gathering the evidence base

More important however, is the task of moving beyond declarations to actions. These promises need to be translated into practical implementation, both

at EU and national levels. The EU Agenda for the Rights of the Child is important in mapping out key principles which should underpin practical implementation of a rights-based approach.

One key principle is the recognition of the vital importance of evidence-based policy making. As Ireland's Minister for Children and Youth Affairs I am happy to report that we are collecting a wealth of data on children's lives and experiences, in particular through the 'Growing Up in Ireland' study commissioned by my Department.

I have also been greatly impressed by the depth and breadth of data being collated at European level. One important example is the UNICEF Global Report Card 11 on child well-being which was launched in Dublin during Ireland's EU Presidency.

Another example is the data collated by Child Helpline International based on 58 million calls to child helplines in Europe over 10 years. This data indicated, for example, that mental health concerns had increased dramatically between 2008 and 2012. The data further highlighted the increasing concerns across Europe as regards bullying and cyber-bullying: 94% of bullying cases are reported to have taken place in schools.

## Turning declarations into actions - implementing the EU Agenda

Another key principle of the EU Agenda is that Member States need to take concrete actions to realise children's rights. Informed by data on the benefits of child helplines, Ireland earlier this year became the latest EU Member State to establish the 116000 missing children hotline.

Ireland has also recently published an 'Action Plan on Bullying', including cyber bullying. I believe, how-

ever, there may be a greater role for the EU to tackle cyber-bullying.

The EU Agenda sets out a commitment to child-friendly justice, which is critical for the realisation of children's rights. This is also very much at the focus of our attention in Ireland; we are in the process of finally ending the detention of under-18 year-olds in adult prisons.

The EU Agenda commits Member States to protect vulnerable children, including through extended access to early childhood education. These principles are reflected in Ireland's ongoing reform efforts to establish a dedicated new Child and Family Agency tasked with developing integrated services in the area of child protection and family support. They are also reflected in preparations of Ireland's first-ever National Early Years Strategy.

### **Concluding remarks**

I am delighted that this exciting and innovative reform programme in Ireland has at its heart a rights-based focus very much reflective of the EU Agenda. I also strongly support the most recent 'Investing in Children' Recommendation presented by the European Commission, as yet another example of EU institutions integrating a rights-based approach.

Next year's European Parliament elections are an opportunity to further develop this rights-based approach and bring children's rights to the attention of decision makers, parliaments and the public at EU and national level. I would encourage UNICEF and the broader NGO sector to play its part in fostering a needed and welcome debate on children's rights and child well-being in Europe.



### **Frances Fitzgerald**

*is the first ever Minister for Children and Youth Affairs in Ireland. She was appointed in 2011.*

*Prior to this, Frances was a member of Seanad Éireann (Ireland's Senate); Fine Gael Spokesperson on Health; and Member of the Irish Parliament. She also served as Chair of the National Women's Council of Ireland (1988-1992) and Vice President of the European Women's Lobby.*

*Frances trained as a social worker and family therapist and has worked with inner-city communities in London and Dublin.*





## 2 Children's well-being in Europe: Joining up EU, national and local action

This section reflects on efforts at European, national and local levels to improve children's well-being.

Contributors highlight several reasons for optimism. The EC Recommendation on Investing in Children (2013) promotes an integrated, child-rights-based approach to breaking cycles of disadvantage. Data collection and monitoring have improved. Local initiatives are making an important difference to children's day-to-day lives.

Nevertheless, they also stress that the current crisis is worsening the situation of many vulnerable and poor families and children across Europe. It will take on-going commitment and investment to deliver the rights and well-being of all Europe's children.

# Investing in children Now and for the future

THE COMMISSION'S RECENTLY ADOPTED RECOMMENDATION ON INVESTING IN CHILDREN CAN BE A POWERFUL TOOL FOR MOBILISING ACTORS AND GUIDING POLICY REFORMS IN THE WIDER CONTEXT OF SOCIAL INVESTMENT IN GENERAL. WHAT WE NEED NOW IS TO KEEP UP THE MOMENTUM TO ENSURE INVESTING IN CHILDREN AND SOCIAL INVESTMENT IS A PRIORITY ACROSS EUROPE.

## A life-course approach prioritises children

The Social Investment Package adopted by the Commission this year responds to the social, demographic and economic challenges facing Europe by promoting social policies that invest in human capabilities throughout the life course.

It is therefore quite natural that high level of priority was given to children within the Package, through a Recommendation entitled *Investing in children - breaking the cycle of disadvantage*, which sets out ways to ensure successful social investment in children. The Recommendation is innovative in underlining the importance of integrated policy strategies using a children's rights-based approach. It invites Member States to ensure that work pays for parents on low income and that income support is efficient and effective so as to be compatible with a life in dignity. It stresses the need for access to services such as early childhood education and care (ECEC), health, parenting support and housing services as well as children's participation in sport, cultural activities and also decision-making processes that affect their lives. Indicators are proposed which can be used by Member States and the Commission to monitor progress towards these objectives.

## Turning words into action

A clear demonstration of its positive impact is found in Belgian's first ever plan to fight child poverty, adopted in June 2013. Explicitly inspired by the Recommendation, it integrates a multi-level approach within the 140-point action plan.

While turning the Recommendation into action is thus primarily the responsibility of Member States, the Commission is mobilising the range of EU instruments available, such as guidance during the Europe-

an semester process, EU funds, policy expertise, and analytical tools to support the Member States.

By monitoring policy reforms and proposing country-specific recommendations (CSRs) to those countries lagging behind the jointly agreed targets, the Europe 2020 strategy is the key instrument to support Member States to step up their investment in children. Following the adoption of this year's CSRs by the European Council in 2013, 14 Member States received recommendations linked to investing in children. These are focused on child poverty and income support (BG, HU, IT, LV, RO, UK), social services for children (BG, EE, RO), early childhood education and childcare (AT, CZ, DE, EE, ES, IT, MT, PL, UK, SK), and inclusive education or early school leaving (AT, BG, CZ, HU, ES, IT, MT, PL, SK). This was a major step in putting child well-being on the political agenda and efforts must now turn to maintaining this in 2014 and beyond.

## EU funding to support reforms

The European semester is also an important starting point in defining which investment priorities Member States will put forward when using EU structural and investments funds for the period 2014-2020. The Commission intends to use this new programming period as a lever to trigger national policy reforms, for instance by providing guidance to promote investment in high-quality ECEC, integrated intervention in early childhood (bringing together care, education, parenting support and health services), transitions to quality alternative care services for children removed from parental care, as well as support to parents at particular risk of poverty, such as lone parents. Other financial programmes will also play a role, namely the Programme for Employment and Social Innovation which will support Member States' efforts in the de-

sign and implementation of social reforms, and the Fund for European Aid to the Most Deprived, which will address children's material deprivation through for instance the provision of food and goods adapted to their needs.

### **Building knowledge, sharing practice**

Improving our collective knowledge on how to address these policy challenges is essential for further progress to be made. The Social Open Method of Coordination will complement and deepen action under Europe 2020, helping Member States share best practices, following up on the in-depth review that took place last year. New steps are being discussed with Member States so that we can better measure children's health as well as social gradients and obstacles in access to childcare. We are evaluating the use of conditional cash transfers and their impact on children's outcomes, putting particular focus on good practices but also possible challenges and approaches to avoid. Last but not least, a pilot knowledge bank in the form of a web-based *European Platform for Investing in Children* has been created, which collects and disseminates "evidence-based" innovative best practices in areas such as ECEC or parenting support.

### **Stakeholder involvement is key**

The strength of the Recommendation lies in the involvement of diverse stakeholders during its preparation. Consolidating this partnership with public authorities, social partners and civil society will be essential throughout its implementation phase, as the active involvement of many stakeholders is already proving. Right now we must maintain the momentum, just as we have done recently at the annual Convention of the European Platform against Poverty and Social Exclusion. At a time when so many important political choices are being made, I have high hopes that the new year will provide ample opportunities to drive forward the implementation of the Recommendation and improve children's well-being across Europe.



### **Dr. Lieve Fransen,**

*MD, PhD, Director Social Policy & Europe 2020*

*Since mid-November 2011, Dr. Lieve Fransen is the Director responsible for Europe 2020: Social Policies in Directorate-General Employment, Social Affairs and Inclusion of the European Commission. Dr. Fransen has devoted herself to promoting social justice and the values of solidarity. During a distinguished career in international public health, Dr. Fransen has worked as Public Health Advisor in Mozambique, Kenya, Rwanda and Cape Verde Islands; as Task Manager of a research programme on pregnant women and new-borns in Rwanda; and as Director of a research programme on sexual and reproductive health in Kenya and in the Tropical Institute in Antwerpen, Belgium.*

*Dr. Fransen is a Medical Doctor with a PhD on Social Policies.*

# Monitoring: An obligation as well as a precondition of good policy-making for children

**T**O TACKLE CHILD POVERTY AND SOCIAL EXCLUSION, COUNTRIES NEED ROBUST MONITORING SYSTEMS FOR CHILDREN THAT CAN IDENTIFY THE IMPACT OF POLICIES ON CHILD WELL-BEING, TAKE CHILDREN'S VIEWS INTO ACCOUNT AND ENSURE ALL CHILDREN ARE STATISTICALLY VISIBLE. ONLY WITH THE RIGHT DATA AT THE RIGHT TIME CAN CHILDREN'S RIGHTS BE REALISED.

## Lessons from UNICEF's monitoring work

The European Commission's recent Recommendation 'Investing in children: Breaking the cycle of disadvantage' explicitly sees children as right holders and an essential part of Europe's 2020 Strategy. Monitoring progress is going to be an essential part of determining that strategy's success. But are current monitoring systems for children fit for purpose? How can we make sure that we have the data we need?

For over 10 years, UNICEF's Innocenti Report Card series has been monitoring progress in children's lives in rich countries. Its very first report identified child poverty as a neglected but critical area for policy attention. Since then, child well-being has increasingly become a focus of social inclusion efforts at European and national level.

**Six lessons** emerge from that experience: First, the importance of **comparative data**. National level monitoring systems need to be at the heart of tracking progress for children. By comparing performance across countries of similar resources and capacities, the UNICEF Report Cards series allowed the question to be asked why it is that some countries do much better than others. To what extent are these differences susceptible to policy?

Recent times have seen a welcome shift to define child poverty in terms beyond income poverty. This is now expanding to indicators of material deprivation – measured as the proportion of children who do not benefit from a set of material goods that a developed society considers 'normal' for a child to grow up with.

**Inequalities matter.** While much data is gathered on income distribution, few measures of inequality specifically focus on children or young people. Countries need to be monitoring not only how many and which children are 'left behind' but how far behind they are.

A recurring theme of the Report Card series has been just how critical a **child's early years** are for outcomes later in life. The early years represent a window of opportunity to build skills and competences that if missed cannot be easily built back. Yet so often it is in this period that disadvantage becomes entrenched.

A striking lesson from the Report Card series concerns **invisible children**. We do not have any systematic information on: children living in institutions; children of imprisoned parents; Roma children who may not be registered at birth; street children; or undocumented children.

While the EC Recommendation urges Member States to focus on vulnerable children, there is no information in the EU-SILC database, making it almost impossible to identify and monitor their situation. They are statistically invisible.

We also need to **listen better to children** themselves in gathering data about them. The Convention on the Rights of the Child demands that we take into account the views of children in all areas that affect their lives. Children's own assessments are central to monitoring well-being.

The most recent Report Cards include data on what children say themselves about their lives. Such subjective well-being indicators help us to



better understand the crucial role close relationships - with family and peers - play in determining well-being among children.

Under the Convention, states are bound to consider the **impact of all measures on children**, and ensure that 'the best interests of the child are a primary consideration'. Unfortunately, during the recent crisis, while data on children existed, it wasn't available or timely enough to influence EU policy. There are no systematic statistics on the impact of recession on the poorest families. Children have paid the price. Every policy change should be preceded by an assessment of what happens to households with children or to children themselves. This is not as unrealistic as one might think.

There is good news. The 2009 module of EU-SILC is a unique source of measures of deprivation specific to children. It provides a strong case for designing an official child deprivation indicator to monitor the implementation of the Recommendation. It is crucial that child specific indicators become a regular feature of the annual EU-SILC.

Australia has developed national monitoring systems that capture progress at the level of the individual child. Recent work by the OECD tracks how childcare is funded, who pays for it and what are the distributional consequences. More countries need to follow in their path.

### **Right data at the right time**

We need a systematic focus on invisible children; and we need monitoring systems that work both for the short and the long run - gathered at both national level and across countries. The right data at the right time can move mountains. Putting in place a robust monitoring system that supports the 'Investing in Children' Recommendation would be a worthy present marking the 25th anniversary of the Convention in 2014.



### **Gordon Alexander**

*has been Director of the UNICEF Office of Research-Innocenti based in Florence, Italy, since March 2011. Prior to that Mr Alexander served UNICEF in a number of senior positions in Central and Eastern Europe, Asia and the Middle East. Between 1998 and 2000, he served as Senior Country Programme Advisor of UNAIDS in India. He joined UNICEF in October 1973 as a United Nations Volunteer based in Mumbai, India.*

# A friendly home town for every child: UNICEF's Child-Friendly Cities Initiative

THE WELL-BEING OF CHILDREN DEPENDS GREATLY ON WHERE A CHILD GROWS UP. EFFORTS TO COMBAT CHILD POVERTY AND IMPROVE CHILD WELL-BEING NEED TO REFLECT THE DIVERSITY OF LOCAL SETTINGS. UNICEF'S CHILD-FRIENDLY CITIES INITIATIVE, AS SHOWN BY THE GERMAN EXAMPLE DESCRIBED HERE, AIMS TO MAKE CITIES AND COMMUNITIES MORE RESPONSIVE TO CHILDREN'S NEEDS AND VIEWS.

## The impact of where a child grows up

We have known for a long time that where a child grows up makes a measurable difference to their life in areas such as education and health outcomes, standard of living or risk behaviour. This is most obvious between communities in developed countries and those in the developing world.

However, as we collect more data on child well-being at the local level, we begin to understand that it also makes a huge difference where a child grows up within the same country, and even within communities.

Whilst nationwide approaches to combating child poverty are necessary to implement child rights, their impact is often limited by not taking into account this local diversity. National or European programmes need to be flexible enough to buffer and reconcile diverse local settings.

## Child-Friendly Cities

Child-Friendly Cities is a global initiative of UNICEF, rolled out in several European countries, including Germany. It embraces the manifold aspects of child well-being - including relative income poverty - and focuses on developing the foundations for the well-being of children in their very personal and local environment.

To follow the Child-Friendly Cities approach means to improve the situation of all children, with a focus on the least advantaged. But there is also a healthy, competitive aspect: children who feel happy, safe and free in their home town or community are less likely to leave and/or more

likely to return home after studying to settle as adults. Building a Europe for children is the best investment in Europe's future.

UNICEF's Innocenti Research Institute has identified the main building blocks for creating a child-friendly community. The first and most important is the participation of children. The opinions of the children that live in a community are indispensable to determining actions to become more child-friendly. They are the corrective necessary to avoid designing programmes that fail to meet the needs of those they are meant for.

Other building blocks include a child-friendly legal framework, a city-wide children's rights strategy, a child rights unit, systematic child rights impact assessments, a children's budget and a regular 'state of the children' report capturing changes in children's lives at local level. Additionally, you need measures to raise awareness on child rights and support independent advocacy for children.

## Child-Friendly Cities in Germany

Germany is currently doing well economically; unemployment rates are low, youth unemployment is among the lowest worldwide and relative child poverty has also decreased. However, the diversity of local settings means there is still a need to focus on child poverty in German communities.

A child growing up in a small town like Weil am Rhein close to the Swiss border may need different services and support than a child raised in a big city like Cologne. A family receiving social

welfare support may be better off in a small town with comparatively low living expenses than a family living in a city like Munich or Frankfurt, where living costs are considerably higher.

At the same time, living in a big city offers more cultural services, access to better quality schools or facilities for special needs of children with disabilities that may not be available in rural areas. Ensuring that every child has equal opportunities requires understanding these unique contexts and local environments where children grow up.

In January 2013, six German communities joined the Child-Friendly Cities Initiative that had been recently started by the German UNICEF Committee in partnership with Deutsches Kinderhilfswerk. The six pilot cities - Cologne, Hanau, Regensburg, Senftenberg, Weil am Rhein and Wolfsburg – are a mix of big and small communities in Germany's East and West.

The Child-Friendly Cities Initiative is supported by the Federal Ministry of Family Affairs and the Federal Ministry of Urban Development, as well as experts from different fields. It is designed around UNICEF's building blocks.

### **The ongoing challenge**

Creating a child-friendly environment requires rules and regulations that are mindful of child rights and well-being, the collection of comparable data, the definition of the 'child's best interest' and a commitment to meet the cross-sectoral demands rooted in the Convention on the Rights of the Child.

These are immense challenges for local administrations not used to dealing with children as individual holders of rights. To translate these principles into daily practice, to convince local stakeholders, and to make local authorities understand what the implementation of child rights means, much more is needed.

Some communities have taken the challenge and committed to invest and build child-friendly cities and local environments. Their efforts to build a Europe worth living in for children need to be matched by similar commitments and initiatives at national and European level by institutions that share the same objectives. Europe-wide efforts to improve child well-being need to be equally context-sensitive and informed by the children's own experiences and views.



### **Sebastian Sedlmayr**

*is Head of Child Rights Advocacy and Education at the German Committee for UNICEF. He prepared and co-founded the German Child-friendly Cities Initiative. He has been advocating for the full implementation of the Child Rights Convention in Germany and beyond. He has also established an online portal for connecting children with Members of Parliament.*

# Learning for Well-being: a framework that can deliver change for children

THROUGH A CONSORTIUM OF PARTNERS, LEARNING FOR WELL-BEING HAS IDENTIFIED FIVE PRINCIPLES FOR HOW POLICIES AND PRACTICES SHOULD BE DEVELOPED, IMPLEMENTED AND MONITORED TO IMPROVE THE WELL-BEING OF CHILDREN. APPLYING THESE PRINCIPLES CAN INFORM POLICY-MAKING AT ALL LEVELS TO ADDRESS THE ROOT CAUSES OF COMPLEX SOCIETAL PROBLEMS.

## Trends in children's well-being

Across the EU an estimated one in five children suffers from a developmental, emotional or behavioral problem. Reliance on psychotropic medication for treatment is increasing, a trend already witnessed in the US.

Poverty and social exclusion among families with children is also on the rise. Latest Eurostat figures indicate 26 million children are affected – more than one in four!

Furthermore education and health outcomes, including awareness, services and self-care practices related to mental health and emotional well-being, are still too often determined by social class. The economic crisis and resulting austerity measures appear to be deepening existing inequalities in society.

## The need for systemic solutions

Against this background there is a need for policies and practices that provide a more systemic approach to addressing the root causes of complex problems such as poverty and social exclusion, discrimination, poor mental health, early school leaving, and health inequalities.

Investment in children and childhood is not only about allocation of resources. It also requires a change of mindset in how, when, where and why we provide services and, in the process, a transformation in how we think about children.

As stated in the recent conclusions from the Lithuanian Presidency Conference on *Mental Health: Challenges and Possibilities*: "Health systems still spend too small a proportion of their budgets on promotion and prevention, and have not developed sufficient cooperation with other sectors."

The emphasis on health promotion is congruent

with a shift of mindset in which nurturing well-being, as process and outcome, becomes the central purpose for the various service systems that impact the lives of children. That refocusing of purpose offers the possibility for truly joined up action that can be more efficient and more effective in impacting the lives of children.

## Learning for Well-being – a holistic vision

Learning for Well-being is a 'work in progress' of a consortium of NGOs, researchers, practitioners and foundations aiming to highlight the interconnectiveness of these problems and situations, and the necessity for cooperation across multiple service providers and sectors.

Learning for Well-being proposes a vision of inclusive societies where children and young people are recognized as competent partners who must participate actively in decisions about their own lives to enhance well-being for all. It offers a holistic definition of well-being, derived from major declarations by international and European organisations: *'a journey of realizing one's unique potential through physical, emotional, mental and spiritual development in relation to self, others, and the environment'*.

The principles of Learning for Well-being - summarized in *Learning for Well-being: a policy priority for children and youth in Europe (2012)* - were developed over a five-year period of research and consultation involving professionals from a range of sectors: health, education, social welfare, justice, media, culture, and youth groups.

This work has been further distilled into a 'Learning for Well-being Charter' which outlines five principles:

1. Children need to be treated as competent partners.
2. Achieving well-being is understood as a process

as well as an outcome.

3. It is the quality of relationships that matters most to children's well-being.
4. Health is much more than disease prevention or treatment.
5. Education needs to nurture the individual capacities of every child.

### **Relevance to policy and practice**

Our expectation is that if the Charter principles are applied in policy making and in delivery of services to children and families we will achieve: more integrated and coordinated policies and decision-making; more cooperation across sectors; more meaningful engagement of children and youth in decisions affecting their lives and to policy discussions; and more innovative and effective evaluation and monitoring of the changes we want to see.

Together with Eurochild, we will collect evidence to map national level policies against these principles. The analysis should also inform EU-level policy making and contribute to a more joined-up approach.

### **Learning for Well-being – a broad partnership**

Going forward Learning for Well-being will continue to bring together children, youth and adults with different experiences and expertise. Our activities aim to: influence policies and funding; collect and promote inspiring practices; offer mutual learning opportunities; and develop measurement, monitoring and evaluation methods. We offer a testing ground for engaging with children and youth as equal partners, and developing multi-sectoral cooperation.

Organisations actively contributing to Learning for Well-being in Europe include: Eurochild, EUCIS-LLL, ELIANT, EIESP, Alliance for Childhood, EPTO, IAS-WECE, Evens Foundation and Initiative of Change. UEF would like to thank them for the inspiration and energy they bring to the partnership.



### **Daniel Kropf**

*is Executive Vice-Chair of the Universal Education Foundation and convener of the Learning for Well-being Consortium.*

*He is founder of Education for Life - a Dutch Foundation - and is on the board of several European organisations that promote respect for social and cultural diversity.*

*A healthcare entrepreneur, he has established, chaired or directed several healthcare businesses specialising in topics including biofeedback, cognitive behavioural therapy and tools for genetic diagnostics, cell therapy and sequencing.*

# Poor and migrant children face daily rights violations throughout Europe

CHILDREN'S OMBUDSMEN ACROSS EUROPE ARE CONCERNED ABOUT THE IMPACT OF POVERTY ON THE ENJOYMENT OF OTHER RIGHTS AMONG A GROWING NUMBER OF CHILDREN. THE SITUATION OF MIGRANT CHILDREN IN EUROPE IS PARTICULARLY UNACCEPTABLE. SAFEGUARDING THE RIGHTS OF CHILDREN IN SUCH VULNERABLE SITUATIONS REQUIRES THE RIGHT POLITICAL CHOICES.

## ENOC

The European Network of Ombudspersons for Children (ENOC) has been active and growing for about 20 years. It now counts more than forty members from all corners of the EU and the Council of Europe. I have had the honour to serve as ENOC President from September 2013 to 2014.

Our members are becoming increasingly engaged at the European level, which is growing in importance next to national and regional aspects of children's rights. They use the ENOC platform to share good practices and exchange ideas in all areas of child rights.

The International Convention on the Rights of the Child - the world's most signed and ratified international treaty - is the reference point for our work.

## The situation of children in Europe

Europe is not considered the worst place to be a child. In many corners of the world children's safety and well-being is heavily compromised by war and famine, child labour is the norm, and physical and psychological security cannot be taken for granted.

At first glance, the situation of children on the European territory appears acceptable. However, a closer look at the European situation gives a different picture. Can it be acceptable that in our industrialised countries, some children - particularly those from the most disadvantaged families - still do not enjoy the whole range of rights guaranteed by the Convention?

Children in Europe experience grave violations of their rights in the field of education and teaching. Children with disabilities experience degrading and inhuman treatment. Family violence is much too

widespread. However, besides all these issues, two areas of acute concern to ENOC are relevant to all countries we work in: the impact of poverty on the enjoyment of rights; and the unacceptable situation of migrant children.

## Poverty and access to rights

We see how poverty affects the enjoyment of all other recognised rights. Well-being cannot be attained whilst a family is beset by financial difficulties. From the food the child eats and the clothes the child wears to the relations she has with her parents, friends and community - every aspect of a child's life is affected by inequality and stigmatisation.

Europe is currently witnessing massive impoverishment. Economic and financial crisis, massive redundancies and the lack of decent housing are just some elements that irreversibly cripple children's futures, leaving little margin for parents' ability to shield them from the detrimental effects.

At the same time, the perception that poverty is the result of personal responsibility continues to flourish, hampering an effective societal response. Poor families are perceived to have made bad choices in life, which further perpetuates their marginalisation and exclusion from society.

Children born to these families are doomed to grow up in the shadow of their parents who, while struggling to give them the best possible start in life, are often considered as incompetent and incapable.

Whereas the economic crisis is present in all European countries, studies have shown that some countries succeed in offering families and children better guarantees and hope for a dignified life. Poverty in Europe is not a death sentence. However, safeguarding and promoting the rights of chil-

dren experiencing poverty still depends on the right political decisions being made.

### **The situation of migrant children**

The unacceptable situation of migrant children was the focus of ENOC's 2013 Annual Conference. It is another thematic area that should be treated as a social emergency. Whether accompanied by their parents or not, migrant children find themselves in precarious situations, often forced to live a life deprived of education, play, childhood and, ultimately, a future.

Unquestionably, the situation of Roma children is particularly worrying. Coming from EU Member States or countries that are considered 'safe', they can only rarely enjoy the minimum standards of care guaranteed to asylum seekers. Left on the street, these children do not benefit from basic safeguards, such as residency, healthcare or safety.

In the absence of decent conditions of reception for migrant families and children, other basic rights, such as the right to schooling, health, play or culture, can never be realised. In the interest of these children, Europe must oblige each and every one of its Member States to provide non-discriminatory access to education, health and social protection to migrant families and persons belonging to minorities.

The European Network of Ombudspersons for Children is fully aware of the ambitious goals that the EU and its Member States must meet to guarantee children's future. As ENOC President, I shall do my best to ensure that the priorities outlined above are firmly on the agenda of decision-makers in 2014 and beyond.



### **Bernard de Vos**

*is the General Delegate (Ombudsman) of Children's Rights in the French Community of Belgium. He is current Chairman of ENOC, the European Network of Ombudspersons for Children (Sept 2013- Sept 2014). Bernard De Vos was Director of a youth service in Brussels for over 15 years. He has created several innovative services in the field of youth protection and assistance and is the author of several books and articles on childhood and youth issues.*







# 3

## Realising the rights of the most disadvantaged children

This section provides perspectives from representatives of different groups of disadvantaged children. Contributors highlight that a comprehensive approach is by no means inconsistent with targeted action towards particularly vulnerable groups of children. All refer to the need to develop effective social welfare and child protection systems that are inclusive and focus on prevention and early intervention. Several acknowledge how coordination and sharing of best practices at EU level – combined with specific EU action – helps to strengthen efforts to improve the lives of the most disadvantaged children.

# Eradicating child trafficking: an integrated approach

**W**E NOW HAVE AN INTEGRATED AND COMPREHENSIVE EU APPROACH TO PREVENTING TRAFFICKING OF CHILDREN, WHICH PLACES CHILDREN AT ITS HEART AND TAKES A GENDER-SPECIFIC APPROACH. BUT WE CANNOT WASTE A SECOND TO IMPLEMENT IT. WE OWE IT TO THE CHILDREN WHO HAVE BEEN SCARRED FOR LIFE AND TO THOSE WHO CAN STILL BE PROTECTED FROM BECOMING VICTIMS OF SUCH A HEINOUS CRIME.

## The reality of child exploitation

As I write these lines, children worldwide are falling victims to unscrupulous traffickers exploiting their bodies and souls in deplorable forms – from child prostitution to sex tourism, from child labour and forced begging to organ removal and child marriage. Deprived from their childhood, these children are scarred for life.

The collection of reliable and comparable data is a daunting exercise. According to the first EU Statistical Data Report, 15% of identified or suspected victims of trafficking in the EU are children – 12% girls and 3% boys. This however is only the tip of the iceberg. EU data further show that internal trafficking, within countries and inside the EU, is on the rise.

Child trafficking is pervasive in all societies. This is the reality we live in. Traffickers, especially in times of economic crisis, continue to target the most vulnerable in our societies; and children are particularly vulnerable. I am convinced that it is only by working together that we can eradicate trafficking – the slavery of our times.

It is our moral duty to ensure that all relevant actors work in synergy to comprehensively address the needs of victims, but also to prevent children from becoming victims in the first place. The EU now follows an integrated and comprehensive approach to preventing the trafficking of children, placing children at its heart.

## An EU Strategy to eradicate human trafficking

In June 2012, the European Commission adopted the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016). This integrated policy framework sets out 40 concrete and time-

bound actions to achieve the eradication goal. These are structured around five priority areas: a) identifying, protecting and assisting victims of trafficking; b) prevention of human trafficking including the reduction of demand; c) increased prosecution of traffickers; d) and policy coherence; and e) increased knowledge and better response.

Prevention is essential. This is why the EU Strategy invests in learning more about vulnerability factors and how we can work together to fight poverty, social exclusion and discrimination. Gender also matters; we need to pay attention to the different needs of girls and boys and try to tackle the whole cycle of trafficking in a gender-specific manner.

The EU Strategy recognises that a systemic approach is required for effectively addressing child trafficking. All relevant actors must be involved, from civil society organisations to healthcare and labour inspectors, from border guards to childcare and protection authorities. Comprehensive child-sensitive protection systems that ensure inter-agency and multi-disciplinary coordination are essential in catering to the diverse needs of different groups of children, including victims of trafficking.

## A European Directive against human trafficking

The 2011 European Directive on preventing and combating trafficking in human beings (2011/36/EU) focuses – for the first time – not only on law enforcement, but also on prevention, protection and building partnerships. The Directive recognises the gendered nature of trafficking, especially as regards child victims, and sets forth a robust protective and preventive framework.

All children are considered vulnerable, regardless

of their status; assistance, support and protection should be provided to them unconditionally. The Directive further introduces important principles, including the presumption of childhood, child participation and the obligation to find durable solutions based on an individual assessment of the best interests of the child.

### **Next steps**

I sincerely believe that the Directive can make a real difference and even save the lives of victims, if meaningfully applied by all Member States. But we cannot afford to waste a second. The time to act is now. The legal and policy framework is in place and we must focus now on implementation.

Furthermore, to be more effective in the future, we have to evaluate past actions. It is vital to understand what worked and what did not. This is why my office is reviewing projects funded for addressing trafficking in human beings, so that we ensure the most effective way forward.

In 2014, the European Commission will fund the development of guidelines on child protection systems. These will aim to contribute and assist Member States in responding to the needs of all children, including child victims of trafficking. Together with the European Union Agency for Fundamental Rights, the Commission will also present a best practice model on the role of guardians or representatives of child victims of trafficking.

We have come a long way, but still a lot remains to be done. We must be ambitious. We owe it to the children who have been irretrievably deprived of their childhood; and we must prevent more from falling victims of such a heinous crime.



### **Dr Myria Vassiliadou**

*is the EU Anti-Trafficking Coordinator within the Directorate-General Home Affairs of the European Commission.*

*Dr Vassiliadou is mandated to improve coordination and coherence between EU institutions, EU agencies, Member States and international actors, as well as to provide strategic policy guidance.*

# From systematic discrimination to protection of all children regardless of residence status in the EU

CURRENT LAW, POLICY AND PRACTICE SYSTEMATICALLY VIOLATE THE RIGHTS OF CHILDREN ON A DAILY BASIS BECAUSE OF THEIR OR THEIR PARENTS' MIGRATION STATUS. THE EUROPEAN UNION SHOULD PLAY A DECISIVE ROLE IN ADDRESSING RIGHTS VIOLATIONS AND MAKING CHILD RIGHTS A REALITY FOR ALL CHILDREN IN THE EU AND NEIGHBOURING COUNTRIES.

## Children with irregular residence status

The principle of non-discrimination is a cornerstone of our understanding of human rights and one of the guiding principles of the Convention on the Rights of the Child, which has been ratified by all EU Member States. However, discrimination on the basis of migration or residence status prevails unabated across migration policy and practice.

This discrimination raises specific concerns for the many children living in Europe - in diverse situations - affected by an insecure or irregular residence status. For example, a child may have migrated regularly with a parent but become undocumented when their parent lost their job, fled an abusive partner or had their application for asylum rejected.

On the other hand, a child may have migrated irregularly, unaccompanied or accompanied by other adults, to join a parent who had migrated previously and not qualified for official family reunification. Or a child may have been born an 'undocumented migrant' - born to undocumented parents in Europe.

## The impact of this discrimination

Discrimination on the basis of migration or residence status leads to serious violations of children's - as well as adults' - fundamental human rights.

Law and policy across Europe mandates children's imprisonment, separation from their families through the detention and deportation of parents, and denial of their access to basic social rights such as education and health care - rights to which Europe ironically promotes universal access in other regions of the world.

A 2011 Fundamental Rights Agency report on health-

care found that most EU Member States only provide emergency care to undocumented migrants, and have no additional protections for undocumented children. Only three Member States provide equal access to healthcare services for undocumented as national children in their laws. Two other member states also provide equal access but only until age 14 and 16. Maternal health services (pre- and post-natal care and delivery services) are similarly limited.

From both an individual and a public policy perspective, restricting access to health services for a group of local residents has many significant negative impacts. The impact of poor health - particularly during early years - on development, active inclusion throughout a person's life and health outcomes has been well-documented.

## Progress in the role of Europe

European institutions have an important role to play in ensuring respect for the rights of these children. For example, they can work to share good practices, establish standards and guidelines, and dispel misconceptions about the impacts of inclusive social policies on the existence and size of undocumented migrant populations.

Many of the policies that affect the well-being of children according to their residence status are also partially developed and regulated at EU level. Particularly relevant are the policies aiming to reduce irregular migration - such as detention - and common policies for regular migration which lead to children and parents losing their status.

The Fundamental Rights Agency has highlighted fundamental rights considerations linked to en-

forcement practices – in particular the need to separate the provision of services, protection and justice from immigration control. Developed in discussion with Member States, these guidelines should be implemented across the EU.

The European Commission Recommendation *Investing in Children: Breaking the Cycle of Disadvantage* has urged Member States to adapt their health systems to ensure all children can enjoy their right to health, with specific attention paid to undocumented children. This represents an important step towards EU policy-making that protects the rights of all children living in the EU, even if they or their parents are undocumented.

Access to the other services mentioned - early childhood education and care; education; a safe, adequate housing and living environment; alternative care when without parental care and protection from family separation due to poverty - is equally key to child well-being, as recognised across relevant EU policy documents.

#### **Time to deliver on commitments**

The systematic rights violations faced by children due to their residence status must be addressed. Restrictions on children's rights in the context of migration cause significant harm and impede the developmental potential of migration for individuals, communities and the wider society.

There is a worrying debate concerning access to social services and increasing anti-migrant sentiment in some EU Member States. Yet, the UN Convention on the Rights of the Child - alongside practical recommendations from its Committee - provides a clear legal imperative and practical guidance for rectifying this situation.

The challenges facing children affected by an insecure or irregular residence status have received more attention in recent years. However, it is time for this good work and the political commitment to child rights to deliver a comprehensive and inclusive approach. Child rights need to be mainstreamed into all relevant policy areas, including the area of freedom, security and justice.

The EU has the opportunity to champion the progress made to date and take a decisive role by integrating the recommendations of the UNCRC Committee into a framework for action on child rights in the coming years.



#### **Michele LeVoy**

*has been Director of The Platform for International Cooperation on Undocumented Migrants (PICUM) since April 2006.*

*She first joined PICUM in March 2002 as a researcher on the organisation's first EU project on solidarity towards undocumented migrants in Europe.*

*Michele was previously coordinator of an International Masters Degree Programme in Human Ecology at the Vrije Universiteit Brussel.*

*She has worked with resettled refugees in Chicago, USA, and with migrants in Brazil.*

# Missing Children: in need of an embedded European approach

AS MANY AS 250,000 CHILDREN GO MISSING IN EUROPE EVERY YEAR. MOST ARE CHILDREN WHO RUN AWAY FROM CONFLICT AND ABUSE, ARE ABDUCTED BY A PARENT, OR ARRIVE IN EUROPE UNACCOMPANIED AND SEEM TO SIMPLY DISAPPEAR. EU EFFORTS HAVE PROVEN THEIR VALUE, BUT A HOLISTIC APPROACH REQUIRES MORE POLICY DEVELOPMENT AND FUNDING.

## Europe's missing children

Research published by the European Commission in 2013 states that 250,000 children are reported missing in the EU annually: one child every two minutes. Around 50-60% of reported missing children are children who run away from conflict, abuse and neglect within their family or care institutions.

While on the run, 1 in 12 faces serious harm, including sexual exploitation. Many run away repeatedly. The more frequently they run away, the higher the risks they take to survive, and the less those in charge tend to look for them.

About 25% of the children reported missing are those abducted by a parent following one of the 170,000 annual bi-national divorces within the EU. Children often become a pawn in the game of adults. For some, the emotional and psychological distress will last beyond young adulthood.

A third group concerns unaccompanied minors arriving in the EU, who go missing after being placed in a shelter, often unsuited to their needs. Belgian research on the issue mentions that 1 in 4 children goes missing within 48 hours after arrival and 1 in 10 is assumed to have been picked up by traffickers. Many of them are never seen again.

A small minority of missing children are those we know about from the media, including criminal abductions for which immediate and specialised police efforts are needed.

## EU tools for missing children

The EU Agenda on the Rights of the Child has greatly contributed to addressing issues of missing children. European Conferences have been organised annually by Commissioner Reding with the EU Presidencies and Missing Children Europe. These events

are an opportunity to discuss the state of play, challenges and innovative solutions for finding missing children.

The EU has successfully promoted specific tools such as the 116 000 hotlines, established at national level within a European network. The hotlines work in partnership with other stakeholders to provide multi-agency responses to missing children. These were operational in all but one EU Member State by the end of 2013 – as well as in Albania and Serbia.

The added value of a coordinated European approach is clearly demonstrated by the hundreds of parents and children calling the hotline each day, and by the numerous concrete cases of life-saving interventions following the launch of an alert. The initiative has also been the seed for the development of additional prevention, support and protection measures.

Alert mechanisms used for children whose life is in immediate danger have been developed in a dozen Member States. EC funding has helped to establish these systems and to improve their cross-border co-operation. Funding has been provided through two specific Daphne calls for proposals.

## The need for stronger coordination

But much more needs to be done. In order to tackle the upstream and downstream causes and effects of child disappearances, an embedded and coordinated take on the problem of missing children is needed, focusing on services, research, prevention and laws.

Simply launching a hotline is not enough. Sustained European funding is needed to allow continued investment in service quality, the monitoring and evaluation of services, peer training, and cross-border coordination. A specific challenge is that aware-

ness of the hotline remains low - according to dedicated Eurobarometer surveys, European efforts have improved awareness, but only from 1% in 2011 to 8% in 2012.

Recent cases of missing children whose lives were at risk illustrate the need for better cross-border coordination between national authorities and private stakeholders involved in child alert mechanisms. Clear guidelines are needed to define how national systems work together when they need to.

Poor and inconsistent data impacts awareness and services. Follow-up is needed to roll out good practices identified in the EC Study on 'Mapping, data collection and statistics on missing children in the EU'.

The issue of international parental abductions needs particular European action. Questions regarding the child-friendliness of court decisions should be considered during revisions of the 'Brussels II bis Regulation' - which addresses cross-border Family Law conflict. Bi-cultural co-mediation has also proven effective, although finding trained mediators for international cases is challenging. EU action could address this need.

Missing unaccompanied migrant minors also need urgent coordinated European action. Continued international coordination should include identification, registration and guardianship, focused on developing a life project for each child arriving on our shores.

### **Concluding message**

Vice-President Reding stated at the 7th Forum on the Rights of the Child that "the effective and smooth functioning of the child protection systems is necessary so that children in the greatest need of protection do not slip through the net." Children that go missing are in the greatest need of protection possible. Only continued European investment, including policy development and funding, can prevent them from slipping through the net.



### **Delphine Moralis**

*is Secretary General of Missing Children Europe. She coordinates a European network of hotlines for missing children, and manages the Europol-chaired European Financial Coalition against Commercial Sexual Exploitation of Children Online.*

*Missing Children Europe is the European Federation for missing and sexually exploited children, representing 27 organisations in 22 countries. Its mission is to protect children from any kind of violence, abuse or neglect that is caused by or results from them going missing.*

# With EU funding and influence, the end of institutional care for children is in sight

**D**ECADES OF EVIDENCE ON INSTITUTIONAL CARE ARE CONCLUSIVE: IT DOESN'T 'CARE' AT ALL. IT IS DAMAGING TO CHILDREN WITHOUT EXCEPTION AND TOTALLY INCONSISTENT WITH RESPECT OF THEIR RIGHTS. THE EU NOW HAS A CRUCIAL ROLE TO PLAY IN TRIGGERING CHILD PROTECTION REFORMS AND ENDING INSTITUTIONAL CARE FOR CHILDREN IN EUROPE ONCE AND FOR ALL.

## The reality of institutional care

Across Europe there are hundreds of thousands of children confined to institutional care – a type of residential care characterised by depersonalisation, rigid routines, closed doors and a lack of warmth, love or affection – where they are stigmatised, isolated and discouraged from maintaining or reconnecting with their own parents and families.

A decade ago I was working on the ground in Romania. At the time there were over 100,000 children in the child protection system in the country. The vast majority were in institutional care. These places were as close to hell as you can imagine.

In crumbling mausoleum-like buildings, hundreds of babies lay staring silently at the ceiling. They had quickly learnt that no one would comfort them when they cried. The older children had replaced a total lack of physical contact with self-stimulation – rocking back and forth or hitting, biting and scratching themselves.

At that time, we achieved three landmark institution closures in the country. Since then I have seen these places scaled down, redesigned and reformulated. EU money has been used to give them a lick of paint or otherwise improve material conditions. However, we have seen the slow realisation across Europe that the outcomes for children are the same. It is pointless redecorating hell.

## The impact of institutional care

Decades of evidence on institutional care are conclusive: it doesn't 'care' at all. It is damaging to chil-

dren without exception and totally inconsistent with respect of their rights.

Children who grow up in institutional care suffer severe delays in their physical, cognitive and emotional development. Many of them fall victim to trafficking, exploitation, homelessness and depression on leaving the care system.

What is more, institutional care is a poor investment in the long term. The children concerned tend to have lower educational achievement and are more likely to end up in unemployment.

## Working to end institutional care

The injustice of children in care has demanded action. Standing in that room of silent babies ten years ago, the end of institutional care could not have seemed further away. But today, the end of institutional care for children in Europe is possible and within our reach.

Many national governments have made significant progress towards deinstitutionalisation. Romania committed to closing all of its institutions for children and reduced the number of children in institutional care to less than 9,000, out of 67,000 children deprived of parental care.

The Bulgarian Government has committed to a phased programme of reform. Several other governments have legislated against the placement of infants in institutions and partnered with NGOs to close some institutions.

However in many cases, progress at national level has stalled as a result of competing priorities or a lack of know-how, political will or resources. Auster-



ity measures and the overall European economic outlook threaten to undermine progress by de-prioritising investment in children and the development of quality alternative care.

Decisions to make short-term savings in social care budgets are likely to result in increasing the numbers of children separated from their parents, raising the cost of child protection systems in the short, medium and long terms.

### **The crucial role of the EU**

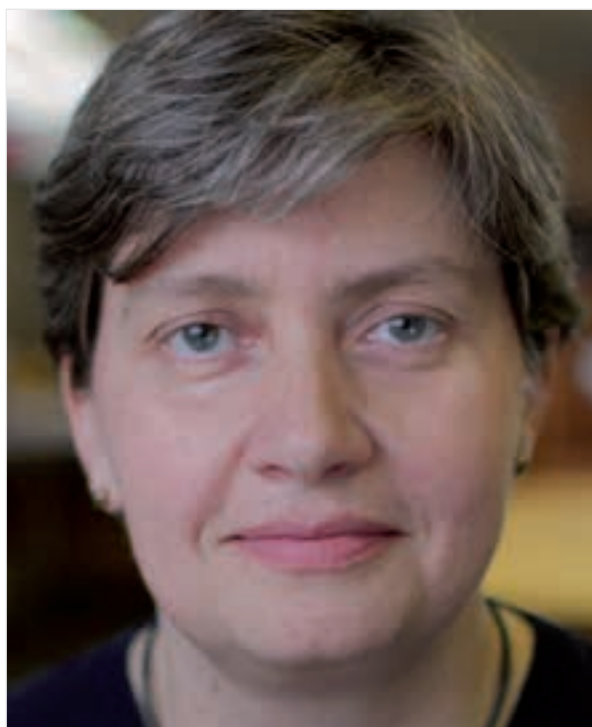
The process of deinstitutionalisation (DI) has already secured a place on the EU political agenda. In particular, clauses on DI have been included in the Structural Funds regulations, creating a window of opportunity to mobilise governments across Europe to access the funding they need to continue reforms.

There is now a great deal of knowledge and experience regarding the process of DI and the development of services that support families and provide family-based alternatives for children. Much can be gained from these experiences if learning can be harnessed and shared across the EU.

These experiences highlight four key conditions for success:

1. Political commitment to create lasting change at local and national level;
2. In-country know-how to implement reforms and make sure change is sustainable;
3. Funding to cover transition costs and a commitment to reallocate budgets – from institutions - to prevention services and high quality alternative care; and
4. Civil society involvement in the planning and delivery of reform and services to ensure that children's voices are central to decision-making.

The EU has a crucial role to play in supporting these reforms at national level to accelerate progress towards ending institutional care. The newly adopted regulations for use of Structural Funds present a unique opportunity for the EU to assume a key role, providing the additional investment needed to accelerate reform, leading the transfer of knowledge and experience, and keeping DI high on the political agenda.



### **Dr Delia Pop**

*is Director of Programmes at Hope and Homes for Children.*

*She is a member of high-level advocacy groups in the US and Europe and has contributed to the transformation of child protection and care systems at national and regional level in 15 countries across Europe and Africa.*

*Born and educated in Romania, Delia is a medical doctor who has worked for 15 years with children trapped in the institutional care system and families at risk of separation.*

# Bridging the policy gap for children separated from a parent in prison

CHILDREN WITH PARENTS IN PRISON HAVE COMMITTED NO CRIME, YET THEIR LIVES ARE AFFECTED IN MANY WAYS. RECOGNISING THE BEST INTEREST AND RIGHT TO FAMILY LIFE OF THESE CHILDREN REQUIRES MORE DATA AND POLICIES MINDFUL OF THEIR IMPACT ON CHILDREN IN EU MEMBER STATES AND AT EU LEVEL.

## Imprisoned parents: the impact on children

An estimated 800,000 children in the EU are separated from an imprisoned parent each year. Having a mother or father in prison impacts a child's life in many ways. Children may suffer instability and disruption of the vital parent-child bond; they may witness their parent's violent arrest or be bullied at school. Not all children of prisoners experience such extreme trauma or stigma, yet all must cope without their parent in daily life.

Take Ben, whose father is serving a prison term. Ben hears he's won a special football award. He wants to ring his dad to tell him, but Ben can't phone in. He hopes his dad will call, but often the prison phones are broken or his father has run out of credit. Ben will have to wait until the next prison visit, if the family car makes it; there is no public transport to the prison.

There are systemic hurdles to contact with an imprisoned parent, including: lack of appropriate visit facilities; visiting hours that conflict with school hours; and limited modes of contact, including restrictions on physical contact. The experience of children with parents in prison depends greatly on a country's criminal justice system and operation of its prisons.

A recent EU-funded study on *'Children of Prisoners: Interventions and mitigations to strengthen mental health'* indicated that 25% of prisoners' children are at risk of increased mental health difficulties. Research has also suggested that regular, direct contact with an imprisoned parent helps promote resilience in children.

## Applying the best interests of children

Meeting children's multiple needs in home, prison, school and social environments involves a

complex array of criminal justice and welfare sectors. Although recognition of the best interests and right to family life of children with parents in prisons has advanced, the development of policy and meaningful action in the EU and Member States has not kept pace.

Further awareness of child rights within prison and criminal justice systems is urgently needed: their right to maintain contact with their imprisoned parent, for example, grounded in UNCRC Article 9, must not be reduced to a disciplinary measure. Security concerns must not prevail over children's well-being.

Despite UNCRC Article 3.1, children are seldom taken into account in decisions such as sentencing. Courts could, for example, consider the repercussions of a parent's prison sentence on children's lives, as currently suggested in Scotland. A child's right to contact with an imprisoned parent could also be highlighted in determining eligibility for the transfer of prisoners to foster rehabilitation.

Child-friendly prison design, regulations and schemes can also help children and parents reconnect. Facilities for visits can be sensitive to children's age and needs; IT can provide for spontaneous exchanges about meaningful events; and prisoner-parent support groups can help reaffirm a sense of parenthood and enable prisoners to help their children better.

## Improving knowledge and understanding

One of the most urgent issues to be addressed is national data collection. Few EU countries record any data on prisoners' parental status, and the actual number of affected children is unknown. Countries recording data often do so unsystem-

atically and base it on self-reporting by parents, some of whom are wary that their child may be taken into care.

The lack of reliable data also limits the information about other problems children with parents in prisons may face, such as problems at school or bullying. These challenges reinforce the need for national monitoring bodies to help promote systematic data collection and ensure the needs of prisoners' children are seen and met.

Prisoners' children would be treated more sensitively if training were available for everyone who interacts with them. Police forces can mitigate trauma by ensuring that an arresting officer has child-specific training - taking children into another room so as not to witness their parent being handcuffed, or explaining what has happened in a child-sensitive manner. Prison officers need to know how to buffer the violence of the harsh prison world. School teachers sensitised to what a child is experiencing will be better equipped to provide support.

### **Concluding remarks**

Children of prisoners were only recently added to the EC's list of vulnerable children, thanks largely to efforts by DG Justice. An EU-wide response could foster partnerships that help protect a child's right to mental health and introduce the child's perspective from arrest to resettlement. This could be through a soft governance mechanism like the Open Method of Coordination to facilitate the exchange of good policy and practice.

Children with imprisoned parents have committed no crime, yet serve their own sentence, often with little or no support. Prison is a difficult topic for them and for society: this invisible community of children needs greater attention. Only in this way will these children be granted the freedom to be children.



### **Elizabeth Ayre**

*is director of the European Network for Children of Imprisoned Parents (formerly Eurochips), a Paris-based organisation working with eighteen member organisations across Europe to develop support and policy initiatives for children separated from a parent in prison.*

# Against the detention of children : a better approach

**D**EPRIVING CHILDREN OF LIBERTY IS NO EFFECTIVE POLICY; PREVENTION, DIVERSION AND REHABILITATION IS BETTER – FOR CHILDREN AND SOCIETY. BUT ACROSS EUROPE CHILDREN CONTINUE TO BE DETAINED. A EUROPEAN FRAMEWORK WOULD HELP TO ENSURE THAT LESSONS ARE LEARNED AND APPLIED TO BETTER PROTECT CHILDREN WHEN THEY COME INTO CONFLICT WITH THE LAW.

## The many costs of detaining children

Detaining children is harmful and costly; detention does not prevent reoffending and is the most expensive way of dealing with children in conflict with the law. Furthermore, the stigma of association with the criminal justice system can harm a child for life. Depriving children of their liberty can lead to long-term and costly psychological and physical damage; overcrowding and poor detention conditions threaten their development, health and well-being. This has been amply demonstrated in ‘Save Money, Protect Society and Realise youth potential’, a recent study by the International Observatory of Juvenile Justice.

Children and young people across Europe are therefore in need of protection and special care when they come into conflict with the law. The decision to bring a child before a juvenile justice system needs to be taken carefully; any contact with the criminal justice system is likely to affect a child’s future in many ways.

Unfortunately, politicians and the media often talk of a rise in criminality among young people; measures are then quickly proposed such as lowering the age of criminal responsibility or applying tougher sentences. Such talk of an increase in youth crimes is actually not borne out by the facts. The best remedy against this kind of ‘emotional politics’ are reliable, comparable and official data.

## Better alternatives to detention

Prevention or diversion from judicial proceedings in the case of petty offences should always be the first option. Alternatives outside court, such as mediation or restorative – community-based – justice, offer a more immediate, less formal and more cost-efficient response to offending behaviour.

Such alternatives allow juveniles to better understand

the consequences of their acts, to take responsibility for their deeds and to accept the reparation owed to victims. They also give a voice to children as recommended by the Council of Europe’s Guidelines on Child Friendly Justice.

Prevention, protection and inclusion are intimately linked; young offenders are often themselves victims of neglect, abuse or social exclusion, growing up in problematic social contexts. A high percentage of children in conflict with the law come from deprived and marginalised communities and their exposure to crime often reflects the failure of the state to protect them in the first place.

The legal responses to their acts should primarily aim to educate and to facilitate social integration; not to repress. Experiences in many countries confirm that the majority of juveniles, if treated justly and humanely, grow out of crime after their teenage years. Reducing the number of children in pre- and post-trial saves money in the long-run, protects society and benefits the young people that national youth justice systems are supposed to serve.

## Implementing international standards

The Committee on the Rights of the Child clearly states in General Comment 10: “The protection of the best interests of the child means that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders.”

The Council of Europe in its Rules for Juvenile Offenders Subject to Sanctions or Measures (2008) equally demands that deprivation of liberty in general and overcrowding in particular must be avoided to ensure good treatment and inclusion.

Article 37 of the Convention on the Rights of the Child



**Dr. Francisco Legaz Cervantes**

*is the founding Chairman of the International Juvenile Justice Observatory (IJJO).*

*He has promoted a wide range of initiatives supporting children and young people at risk of social exclusion and in conflict with the law, working with bodies at international, state and local levels.*



**Cédric Foussard**

*is the Director of International Affairs of the International Juvenile Justice Observatory (IJJO).*

*He has coordinated different international and EU initiatives to promote child-friendly justice. He has made a notable contribution to strengthening the exchange of knowledge, and good practices, between professionals, administrations, universities and international bodies involved in juvenile justice.*

(CRC) as well as the Beijing Rules and Riyadh Guidelines make it clear that deprivation of liberty should only be used as a measure of last resort and for the shortest period of time possible

Many European countries seek to abide by these international standards and principles and wish to provide alternatives for children in conflict with the law. In practice, however, institutions depriving juveniles of liberty are overcrowded and children who should not be detained in the first place are held in police custody or kept in pre-trial or post-trial detention far too long; often because of a lack of alternatives.

**The role of the EU**

The EU can play an important role in building the evidence base for reducing the detention of children. This evidence-based policy-making is recommended by the EU Agenda for the Rights of the Child and the

recent EU Study on Children's Involvement in Judicial Proceedings.

In its Opinion on 'The prevention of juvenile delinquency', the European Economic and Social Affairs Committee describes an efficient juvenile justice system as one which prevents crime, takes decisions which are in a child's best interest, treats children fairly, respects their rights, and addresses the root causes of offending and rehabilitates as well as reintegrates children so they can become the citizens of tomorrow.

To achieve this, European institutions and Member States need to have a clear vision of the desired outcomes of youth justice policies, followed by an effective strategy. An EU Directive on Juvenile Justice to promote 'child-friendly' justice systems, while improving outcomes for young people and protecting society, would be highly recommended.

# Roma children in Europe: saving the next generation

THERE IS GROWING EVIDENCE OF WHAT WORKS IN PROMOTING ROMA INCLUSION. AS ILLUSTRATED IN ROMANIA, ACCESS TO QUALITY EDUCATION AND STRICT ENFORCEMENT OF ANTI-DISCRIMINATION LAWS ARE KEY TO END SOCIAL EXCLUSION.

## The situation of Romanian Roma

According to the 2011 population census, the Roma population of Romania officially numbers 619,000. In reality, however, estimates range from 1.5 million to 2.5 million, with children representing almost half that number. Historical persecution and fear of stigmatisation make Roma traditionally reluctant to disclose their ethnicity.

The Roma community is by far the most disadvantaged group in Romania. World Bank figures for 2010 show that 67% of Romania's Roma population lives in poverty. The European Agency for Fundamental Rights found in 2009 that one in four Roma have experienced one or several forms of discrimination when accessing healthcare or private services, or when looking for work.

The marginalisation and dismal socio-economic situation of Roma is not unique to Romania. Poverty, prejudice, discrimination and social exclusion are the daily reality for most of Europe's estimated 10-12 million Roma.

## EU and national strategies – a positive step

Addressing this situation requires political will at central and local level, and a robust policy framework based on evidence and data collection, policy formulation, adequate budgetary allocation, implementation capacity, and monitoring capacity and mechanisms.

The 2011 EU Framework for National Roma Integration Strategies aims to end the unacceptable economic and social marginalisation of Roma by fostering their integration through legislation and policies at national, regional and local levels. It focuses in particular on education, employment, housing and healthcare.

Through the EU Framework, all EU Member States are encouraged to develop comprehensive strategies for

Roma integration. In response, the Romanian Government adopted a national 10-year strategy for the social inclusion of Romanian citizens belonging to the Roma minority, 2012-2020.

## Quality education as a key to inclusion

In Romania, as in many other countries, education has been widely perceived as the key entry point for Roma inclusion. Progress to date, however, is fragmented and patchy. The gap between Roma and non-Roma children with regard to school-attendance and school drop-out rates remains high.

Only 22.6% of Roma children aged 6 years are enrolled in kindergartens (Romani CRISS 2011) compared to a national average of 79.7% (UNICEF 2012). The gap widens again in secondary education: only 9% of Roma aged 18-30 graduate from high school compared to 41% of non-Roma. Only 2% of Roma pursue higher education, in contrast with 27% of non-Roma (Gabor Fleck, Cosima Rughinis, 2008), whilst up to 14% of Roma children aged 7-13 years have never been to school.

The first and only longitudinal and comparative survey (Claudiu Ivan, Iulius Rostas, 2013) on Roma children in the education system - finalised by the Roma Education Fund - shows that by simply belonging to the Roma ethnic group, a child is six times more at risk of school drop-out than a non-Roma child living in a family with a comparable socio-economic status.

The reasons for non-attendance and school drop-outs among Roma children range from their poor economic situation to blatant discrimination and school segregation, the quality of teaching or curricula, and problems related to school infrastructure. Some problems are specific to the Roma communities; others reflect structural problems in the Romanian education system and social services.

### Turning political commitment into reality

Given the new EU Framework and national strategy on Roma inclusion, there is reason for hope in Romania and in Europe. However, the current budgetary allocations from the Romanian state budget - and not from external sources - confirm that statements of political will do not necessarily translate into concrete action on the ground.

By now there is growing evidence of what works in promoting Roma inclusion and what does not. We have learned in Romania that flexible and locally adaptable solutions are required to respond to the diverse needs of different Roma communities. The Romanian experience also confirms that strict enforcement of anti-discrimination laws and access to quality education are essential for Roma inclusion.

The experience of the EU-funded project "Equal Opportunities in Education for an Inclusive Society" - implemented by REF Romania and partners - shows that school drop-outs can be effectively reduced by offering Roma students and their families a comprehensive package of educational and social assistance interventions. The school drop-out rate in lower secondary education among beneficiaries of the project was reduced to 6.3% compared to 26.4% in the control group.

Ensuring that Roma children have an equal chance in life also requires close co-operation among all stakeholders: the EU, national governments, local authorities, social service providers, Roma communities and NGOs. We owe it to current and future generation of Roma children in Europe to ensure equal and unfettered access to quality education for all.



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# Invisible children? A perspective on children with disabilities

CHILDREN WITH DISABILITIES ENCOUNTER ADDITIONAL BARRIERS TO FULL INCLUSION AND PARTICIPATION IN SOCIETY THAN THEIR NON-DISABLED PEERS. RATIFICATION OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES PROVIDES A UNIQUE OPPORTUNITY TO RE-AFFIRM THE EU'S COMMITMENT TO RESPECT THE RIGHTS OF CHILDREN WITH DISABILITIES.

## Obstacles faced by children with disabilities

Children with disabilities have the same rights as other children, but they face many obstacles in everyday life that prevent them from exercising those rights.

Communication barriers can prevent children with disabilities from their right to express their views and participate in decisions concerning them. Children with disabilities are seen as less credible and their views are often not taken seriously.

Lack of communication support - such as sign language interpretation - can prevent the views of children with disabilities from being taken into account in judicial proceedings - this is the case in Belgium, for example. Furthermore, complaints mechanisms are rarely accessible to disabled children who cannot therefore enjoy the right to effective remedies.

Despite widespread legislation and policies on inclusive education throughout EU Member States, only a minority of disabled children attend mainstream schools; in Germany, for example, the figure is 20%.

Lack of resources and support for children and teachers, inaccessible infrastructures and teaching materials etc. are slowing down access to mainstream education for all. The situation is aggravated by austerity measures taken as a result of the financial crisis. In Ireland, for instance, the Inclusive Education Law was deferred indefinitely in 2008 for financial reasons.

## Risks and threats

Many children with disabilities see their right to family life violated by institutionalisation, when adequate support to families could prevent the separation of children and families.

Alternative care models, even when they exist in law, are often dysfunctional due to lack of funding or effective implementation. Hungary and Greece

are just two examples of countries in the EU where this is the case.

Children with disabilities are at greater risk of violence and abuse, particularly, but not only, within institutions. Research indicates that cases of violence rarely lead to complaints and therefore remain unrecorded.

A 2008 Finnish study on child abuse reported that the magnitude of violence against children with intellectual disabilities is difficult to estimate owing to challenges such as communication support. As a result of scarce data, both preventive and investigative measures to protect disabled children against abuse are patchy.

## Rights of Persons with Disabilities

Ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) provides a unique opportunity to tackle the obstacles and threats faced by children with disabilities.

The Convention has been ratified by the European Union and almost all its Member States. As such, it provides for a two-track approach to tackling rights violations of children with disabilities. Ideally, the actions of the EU and its Member States should complement and strengthen each other.

Implementation at the EU level of an international treaty as complex and unprecedented as the CRPD requires a robust policy framework and a detailed plan of action. The European Disability Strategy 2010-2020 provides such a framework, mainstreaming EU obligations under the CRPD across eight relevant areas of EU policy work.

The multiple discrimination (discrimination on more than one ground) faced by many children with disabilities is addressed in a limited number of areas, such as community-based services, access to education and training and participation in society.





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**Harmonisation with the Agenda for the Rights of the Child**

The 2011 EU Agenda for the Rights of the Child recognises the particular vulnerability of children with disabilities and highlights the need to provide them with special protection. However, it falls short of a specific forward-looking action plan to promote the full participation of children with disabilities in society.

The completion of the European policy framework on children's rights with a strong disability perspective in line with the CRPD requirements ought not to be delayed. Among others, the framework should include continued support to national de-institutionalisation efforts.

The framework should promote the development of quality standards for alternative family care - through the use of the European Structural Funds - and the

setting of benchmarks and exchange of good practices between schools and teachers in relation to the provision of support for children with disabilities in mainstream schools.

An EU policy framework on children's rights also requires mechanisms for the active involvement of children with disabilities and their families in the development of all disability-related policies, along with participatory research on forms of violence and abuse against children with disabilities.

In 2014, the European Union will submit its first ever report on the implementation of the UNCRPD to the Geneva-based Committee of International Experts. We are hopeful that the first concrete steps to specifically promote and protect the rights of children with disabilities at EU level will soon follow.





# Child Rights Manifesto



The Child Rights Manifesto is the combined effort of 13 international and European child rights organisations and networks, together with UNICEF. It calls on all future members of the European Parliament to make a commitment to be a **Child Rights Champion**.

The manifesto explains what is meant by the vision of *'realising the rights of every child everywhere'*. It means:

- Ensuring that every child can exercise the rights set out in the UN Convention on the Rights of the Child (UNCRC).
- Treating every child first and foremost as a child, irrespective of social or ethnic background, gender, ability or migration status.
- Recognising the value of children's own views and experience, and enabling them to participate meaningfully in all decisions affecting their lives.
- Addressing the root causes of child rights violations by tackling poverty, discrimination and social exclusion and protecting against violence, abuse, exploitation and neglect.
- Investing in early childhood, health care, quality education as well as community-based care and rehabilitation services.
- Ensuring that children grow up in stable, secure and caring relationships by supporting families and caregivers.
- Providing inter-sectorial, integrated and child-focused responses to address the individual and collective needs of children.
- Taking a long-term view and assessing the impact of our decisions today for future generations.

The Manifesto gives recommendations on what the European Parliament can do to stand up for the interests of children in every aspect of its work, including to:

- Create a permanent mechanism in the European Parliament with explicit responsibility for protecting and promoting children's rights across all policy sectors in internal and external affairs.
- Exercise the European Parliament's budgetary control to ensure EU funds work in the best interests of children both internally and externally.
- Raise awareness within the European Parliament and among European citizens about children's rights and how EU policy, legislation and funds affect the lives of children in Europe and globally.
- Make proactive efforts to engage children in decision-making, monitoring and evaluation through promoting their involvement within constituencies and in EU debates, and ensuring their access to relevant and age-appropriate information.

The European Parliament also has an important role in holding other EU institutions to account for the implementation of existing legal obligations. It should be at the forefront of advancing new and more ambitious EU legislation and policy on children's rights and ensuring greater coherence between the stated objectives of EU internal and external action and the actual impacts on children's lives, be they direct or indirect.



[HTTP://CHILDRIGHTSMANIFESTO.EU/](http://childrightsmanifesto.eu/)

[#CHILDRIGHTSCHAMPION](https://twitter.com/childrightschampion)





# About the publisher



## About Eurochild

Eurochild is a network of organisations and individuals working in and across Europe to promote the rights and well-being of children and young people.

Our vision is of a society where children and young people grow up happy, healthy and confident and respected as individuals in their own right.

Our mission is to promote the rights and well-being of children in policy and practice through advocacy, membership exchange and research.

Our work is underpinned by the UNCRC. The network is co-funded by the European Union's programme for employment and social innovation.

[WWW.EUROCHILD.ORG](http://WWW.EUROCHILD.ORG)





## About UNICEF

The fundamental mission of UNICEF is to promote the rights of every child, everywhere, focusing especially on the most disadvantaged.

UNICEF works in more than 190 countries and territories to help children survive and thrive, from early childhood through adolescence.

UNICEF supports child health and nutrition, good water and sanitation, quality basic education for all boys and girls, and the protection of children from violence, exploitation, and AIDS.

UNICEF is funded entirely by the voluntary contributions of individuals, businesses, foundations and governments.

[WWW.UNICEF.ORG/EU](http://WWW.UNICEF.ORG/EU)



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**REALISING THE RIGHTS  
OF EVERY CHILD EVERYWHERE:**

## Moving forward with the EU

2014 is both the 25th Anniversary of the United Nations Convention on the Rights of the Child and a year when Europe's political leadership is renewed – with elections to the European Parliament and the appointment of a new College of European Commissioners.

Now is therefore an important moment to take stock of the achievements and progress made so far towards the realisation of child rights, to reflect on the lessons learnt, and to gather ideas and recommendations for what can be further improved in the future.

This publication gathers a wide range of European voices and opinions on the subject of children and child rights. Authors include several working inside EU institutions and others representing organisations working with and for children in their communities. By collecting different views, Eurochild and UNICEF hope to inspire action and an even more ambitious vision for the EU to play a leading role in realising the rights of every child everywhere.



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