

More children could be at risk of poverty or social exclusion in many EU Member States as a result of the economic crisis, a topic that continued to be at the forefront of European Union (EU) policy debates in 2012. EU Member States had to take measures to address cases of malnutrition, as well as make budgetary cuts that had an impact on education, healthcare and social services, which are important for children. Despite EU and Member State efforts, domestic violence, sexual abuse and trafficking continued to affect children living in the EU. In addition, children continued arriving in the EU as asylum seekers with or without their families. Almost one out of three asylum seekers arriving in the EU in 2012 was a child and there is concern in some Member States that their protection remains a challenge.

The new Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure¹ was opened for signature in February 2012. The Optional Protocol provides children, groups of children or their representatives with the possibility to bring a complaint before the UN Committee on the Rights of the Child. As of 31 December 2012, 13 EU Member States (Austria, Belgium, Cyprus, Finland, Germany, Italy, Luxembourg, Malta, Portugal, Romania, Slovakia, Slovenia and Spain,)

had signed the Optional Protocol (see also Chapter 10 on EU Member States and international obligations).²

In relation to the EU's accession to international instruments, the European Parliament³ recommended that the EU explore how to accede to the United Nations Convention on the Rights of the Child (CRC),⁴ as it has done with the United Nations Convention on the Rights of Persons with Disabilities.⁵

The Council of Europe Strategy for the Rights of the Child⁶ (2012–2015), a part of its cross-cutting programme

- 1 UN, Optional protocol to the Convention on the Rights of the Child on a communications procedure (CRC-OP3), 9 June 2011.
- 2 Ibid
- 3 European Parliament (2012).
- 4 UN, Convention on the Rights of the Child (CRC), 2 September 1990.
- 5 UN, Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006.
- 6 Council of Europe, Committee of Ministers (2012a).

Key developments in the area of children's rights

- The European Parliament and Council of the European Union adopt a Directive establishing minimum standards on the rights, support and protection of victims of crime, strengthening the protection of children who are victims of crime.
- The European Commission addresses the issues of child trafficking and sexual abuse of children on the internet through the adoption of two European strategies: the EU Strategy towards the Eradication of Trafficking in Human Beings and the European Strategy for a Better Internet for Children.
- Eurostat data show that in 2011 children were at greater risk of poverty or social exclusion than the rest of the population: 27 % of children faced that risk. To help address this problem, the European Commission is preparing to adopt a Recommendation on Child Poverty with a focus on access to resources, services and child participation.
- EU Member States continue to prepare legal and policy reforms in the fields of crime, family and child protection.
 A number of reforms have been stopped or delayed, however, in part because of the economic crisis.

'Building a Europe for and with children', was adopted on 15 February 2012. The strategy aims to achieve the effective implementation of existing standards on children's rights and will provide guidance, advice and support on how best to:

- bridge gaps between standards and practice in promoting child-friendly services and systems in the areas of justice, health and social services;
- eliminate all forms of violence against children;
- guarantee the rights of children in vulnerable situations, such as those with disabilities, in detention, in alternative care, migrant or Roma children; and
- promote child participation.

Several national parliaments have debated the explicit inclusion of the rights of the child in national constitutions. For example, a number of legislative proposals were under discussion in **Germany**,⁷ while in November 2012 referendum the Irish approved an amendment to the constitution giving voice to children in legal proceedings affecting them and recognising children's rights in general.⁸

4.1. Violence against children

Violence against children in the form of physical, sexual or psychological abuse occurs in diverse settings, including in the family, in the community or on the internet. In 2012, EU Member States addressed violence against children through legislation, policies or by improving service delivery.

The EU adoption of a comprehensive strategy on

violence against women and girls⁹ is, however, still pending. The directive establishing minimum standards on the rights, support and protection of victims of crime, which was adopted in 2012 (see also **Chapter 9** on rights of crime victims),¹⁰ supplements the 2011 EU directive, which helps combat sexual abuse and sexual exploitation of children and child pornography.¹¹ The 2012 directive establishes protection guarantees for child victims of crime, such as special consideration for the vulnerability of children in court proceedings, the use of appropriate methods to avoid the risk of victimisation and the need for trained professionals.

7 Germany, Entwurf eines Gesetzes zur Änderung des Grundgesetzes – Gesetz zur grundgesetzlichen Verankerung von Kinderrechten, 26 June 2012; Germany, Stellungnahme der Bundesregierung zu der Entschließung des Bundesrates Kinderrechte im Grundgesetz verankern, 19 July 2012. On 1 June 2012, **Finland** ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. With the exception of the **Czech Republic** and **Ireland**, all EU Member States and **Croatia** have now ratified this instrument. The UN High Commissioner for Human Rights presented a thematic report on violence against women and girls with disabilities, which highlights the lack of systematised and disaggregated data.¹²

FRA ACTIVITY

Combating hostility and violence against children with disabilities

FRA is conducting research on hostility and violence against children with disabilities in the EU. This will contribute to filling data gaps in this under-researched area (see also **Chapter 5** on equality and non-discrimination and **Chapter 9** on rights of crime victims).

The FRA project, Children with disabilities: targeted violence and hostility, seeks to address the under-reporting of abuse, lack of support and poor awareness of rights among disabled children, which FRA research has uncovered.

The project will identify the related legal and policy framework and determine how information about such hostility is collected. The project will look for promising practices to see how some EU Member States are addressing the problem.

For more information, see: Children with disabilities: targeted violence and hostility, available at: http://fra.europa.eu/en/project/2012/children-disabilities-targeted-violence-and-hostility

The 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence, which also covers violence against girls, is the only legally binding instrument on the matter at European level. Six Member States signed the Convention in 2012, but none had ratified by the end of

▶ the year (see also **Chapter 10**).¹³

The Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence¹⁴ also aim at promoting the development and implementation of a holistic national framework for safeguarding the rights of the child and protecting children from all forms of violence.

The Council of Europe Committee of Ministers approved a recommendation in June 2012 on the protection

⁸ Irish Times (2012).

⁹ European Commission (2010b).

¹⁰ Directive 2012/29/EU, OJ 2012 L 315/55.

¹¹ Directive 2011/92/EU, OJ 2011 L 335/1.

¹² UN, Human Rights Council (HRC) (2012).

¹³ Council of Europe, Convention on preventing and combating violence against women and domestic violence, CETS No. 210, 2011.

¹⁴ Council of Europe, Committee of Ministers (2009).

and promotion of the rights of women and girls with disabilities, noting the need to improve their access to justice and their protection from exploitation, violence and abuse¹⁵ (for more information on access to justice, see **Chapter 8** of this Annual report).

"Where the social integration of persons with disabilities is concerned, a conceptual and methodological sea change has taken place in international law since the end of the 20th century, as people with disabilities are no longer considered as patients or objects of charity but as holders of rights and full citizens who, when interacting with social and environmental barriers, may be prevented from participating in society."

Recommendation CM/Rec(2012)6 of the Committee of Ministers to Member States on the protection and promotion of the rights of women and girls with disabilities (Adopted by the Committee of Ministers on 13 June 2012)

The European Committee of Social Rights published its conclusions on Articles 17 and 7, paragraph 10, of the Revised European Social Charter in January 2012. Article 17 concerns the right of children and young persons to social and legal protection, including against all forms of corporal punishment in all settings, rights of children in institutions, young offenders, and effective right to education. Article 7, paragraph 10, guarantees special protection against the physical and moral dangers to which children are exposed, such as sexual exploitation of children.

As regards the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, known as the Lanzarote Convention, the Committee of the Parties to the Convention agreed in 2012 that the first monitoring round would focus on "sexual abuse of children in the circle of trust". A questionnaire to be addressed to the Parties was expected to be adopted in March 2013.

The Lanzarote Committee is also mandated to facilitate the collection, analysis and exchange of information, experience and good practices between states to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children. The committee thereby plays an observatory role on the protection of children against sexual exploitation and sexual abuse.

The protection of children from sexual abuse and exploitation on the internet remains an important concern in the EU. The European Commission adopted a European Strategy for a better Internet for Children¹⁶ in May 2012. The strategy aims at:

• stimulating quality content online for young people;

- stepping up awareness and empowerment; creating a safe environment for children online; and
- fighting child sexual abuse and child sexual exploitation.

The European Economic and Social Committee¹⁷ welcomed the strategy, noting the need for more precise rules and adequate sanctions to tackle child pornography more effectively and to address data protection and privacy issues.

"The Internet is an extraordinary place for children – yet while online exploration opens a world of possibilities, it can also expose unwary users to possible dangers. We have a shared vision of the opportunities and of the steps that should be taken to empower and protect children online and better secure our public and private networks."

Joint Declaration, US Department of Homeland Security and the European Commission, 20 November 2012

Promising practice

Fighting sexual abuse on the internet

Vihjeliin is a free online service of the Estonian Union for Child Welfare, which enables internet users to report illegal content online, such as sexual abuse or exploitation of children and child trafficking. This service is developed in cooperation with several non-government organisations (NGOs), the Ministry of Social Affairs, Police and Border Guard Board and it is part of the Estonian Development Plan for Reducing Violence 2010–2014.

The statistical data provided by this service show that from August 2011 to the end of 2012 there was a decline in the number of reports received regarding child sexual abuse images, from 63 to 10, and in adult pornography (18 years and over), from 505 to 60.

Vihjeliin is a member of the networks INHOPE and INSAFE, which are, respectively, an international network of organisations that provide online solutions to prevent the internet distribution of illegal content and an EU-funded network which unites organisations promoting the safer use of the internet.

For more information, see: http://vihjeliin.targaltinternetis. ee, www.inhope.org, www.saferinternet.org and Estonia, Ministry of Justice (Justiitsministeeriumi) (2010), Development plan for reducing violence for the years 2010–2014 (Vägivalla vähendamise arengukava aastateks 2010–2014), available at: www.just.ee/orb.aw/class=file/action=preview/id=49975/V%E4givalla+v%E4hendamise+arengukava+aastateks+2010-2014.pdf

¹⁵ Council of Europe, Committee of Ministers (2012b).

¹⁶ European Commission (2012a).

¹⁷ European Economic and Social Committee (2012).

In March 2012, the European Commission proposed establishing a new European Cybercrime Centre (EC3) at Europol, which would further strengthen child protection on the internet. In November, a new European Financial Coalition against Commercial Sexual Exploitation of Children Online (EFC), co-financed and supported by the European Commission, was launched to fight the sexual exploitation of children online through measures addressing online payments. In Proposition 1997,

The European Parliament adopted its own-initiative report *Protecting children in the digital world*²⁰ in November, calling for improved checks on children's privacy when using mobile phones, for filtering software and for better education of parents and teachers.

EU Member States undertook a number of legislative reforms relating to the rights of the child and the protection of children in 2012. **Romania** amended its Law on the prevention and combating of domestic violence,²¹ improving protection for children suffering domestic violence by allowing courts to inform local authorities on their own initiative when they consider that a child needs special protection.

Italy ratified the Lanzarote Convention on 19 September 2012 with a law²² that provides for increased penalties for perpetrators of domestic violence. The law also introduces a new provision concerning female genital mutilation (FGM); if a child's parents or guardian perpetrates this crime it can lead to loss of custody. **Portugal** also ratified the Lanzarote Convention in 2012.²³

In **Belgium**, a relevant decree for ratification is awaiting publication²⁴ after ratification by the

Flemish, German-speaking, Walloon Region and Brussels community institutions.²⁵

In **England and Wales**, the Domestic Violence, Crime and Victims (Amendment) Act 2012, ²⁶ which took effect on 2 July 2012, extended the offence of causing or allowing the death of a child or vulnerable adult to include causing or allowing serious physical harm to a child or vulnerable adult. The 2012 Act is intended to fill a recognised gap in the law in cases where, although it is clear that serious injuries short of death must have been sustained at the hands of one of a limited number of members of the household, there is insufficient evidence to point to the particular person responsible. It is intended to prevent those accused of causing serious physical harm to a child or vulnerable adult from escaping justice by remaining silent or blaming someone else.

Bulgaria,²⁷ the **Netherlands**,²⁸ **Slovenia**²⁹ and **Croatia**³⁰ all adopted national action plans to combat general domestic violence or specifically violence against children.

A number of EU Member States continued to investigate the issue of violence in institutions and compensation schemes for victims. **Bulgaria**'s State Agency for Child Protection inspected institutions for children deprived of parental care in May–June 2012 and found 46 cases of violence.³¹ **Germany** established a Residential Institution Fund in January 2012 to mitigate the damage suffered by persons abused in residential institutions.³²

A number of reforms of the criminal code initiated by Member States in 2011 entered into force or continued to be discussed during 2012. For instance, an amendment to the **Austrian** Criminal Code (*Strafgesetzbuch*)³³

¹⁸ European Commission (2012b).

¹⁹ For more information on the European Financial Coalition against Commercial Sexual Exploitation of Children Online, see: www.europeanfinancialcoalition.eu/.

²⁰ European Parliament (2012).

²¹ Romania, Law No. 25/2012 amending Law 217/2003 on the prevention and combating of domestic violence, 9 March 2012

²² Italy, Law No. 172 on the ratification and execution of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, 23 October 2012.

²³ Council of Europe, Convention on the protection of children against sexual exploitation and sexual abuse, CETS No. 201, (2007).

²⁴ Belgium, Proposal for a law approving the Treaty with the Council of Europe on the protection of children against sexual exploitation and sexual abuse, 2 December 2011.

²⁵ Belgium, Walloon Region, Decree on the approval, as concerns the matters for which the execution was transferred from the French Community to the Walloon Region, of the Treaty of the Council of Europe on the protection of children against sexual exploitation and sexual abuse, 26 April 2012; Belgium, Brussels Capital Region, Ordinance on the approval of the Council of Europe's Treaty on the protection of children against sexual exploitation and sexual abuse, 1 March 2012; Belgium, German-speaking Community, Decree on the approval of the Council of Europe's Treaty on the protection of children against sexual exploitation and abuse, 28 March 2011; Belgium, Flanders, Decree on the approval of the Council of Europe's Treaty on the protection of children against sexual exploitation and sexual abuse, 12 February 2012.

²⁶ United Kingdom, Domestic Violence, Crime and Victims (Amendment) Act 2012, 2 July 2012.

²⁷ Bulgaria, State Agency for Child Protection (2012a).

²⁸ Netherlands, State Secretary for Health, Welfare and Sport & Minister of Security and Justice (2011).

²⁹ Slovenia, Resolution of National Programme of Family Violence Prevention, 27 May 2009.

³⁰ Croatia, (2011), 'Nacionalna strategija zaštite od nasilja u obitelji, za razdoblje od 2011. do 2016. godin', February 2011.

³¹ Bulgaria, State Agency for Child Protection (2012b).

³² Germany, Residential Institution Funds (2012).

³³ Austria, Federal law by which the Criminal Code is amended – Criminal Code Amendment 2011.

enabled Austrian jurisdiction to apply to a number of offences, including genital mutilation, if the offence was committed abroad by an Austrian citizen or by a person with a habitual residence in Austria.

In Austria, it is a crime to intentionally view child pornography and carries prison sentences of up to two years.³⁴ The international police operation 'Carole' against child pornography identified 272 suspects in Austria.³⁵

Several operations were conducted in **Greece** in 2012 leading to the identification of websites with child pornographic material, for example on 31 August the police announced the results of operation 'Trojan Horse' which led to the arrest of 17 people and the confiscation of half a million electronic files containing child pornographic material.³⁶ Operation 'Cyber-touch' held in October 2012 led to the arrest of eight people,³⁷ with operation 'Gridlock' held in November 2012 leading to the arrest of a further eight.³⁸ The Greek police's cybercrime unit operates the 11012 hotline for confidential anonymous information on internet child pornography.

In Italy, the law ratifying the Lanzarote Convention addresses the acts of soliciting³⁹ and the incitement to commit crimes of paedophilia and child pornography. In the **United Kingdom**, registered sex offenders must notify the police of any foreign travel.⁴⁰ New legislation or amendments to the existing laws covering sexual abuse or exploitation were being discussed or pending approval in **Belgium**, **Lithuania**, **Luxembourg** and **Spain**.

Data availability is key to developing effective policies. The Office of the Children's Commissioner for England published an interim report⁴¹ in October 2012, relating to its Inquiry into Child Sexual Exploitation in Gangs and Groups. This report shows that at least 16,500 children were at risk of child sexual exploitation, between April 2010 and March 2011, while 2,409 children were confirmed as victims of sexual exploitation in gangs and groups in the period from August 2010 to October 2011.⁴²

These children came from a variety of social and ethnic backgrounds. Most were white girls, although there

was a higher rate of victimisation amongst black and minority ethnic children (28 %) than had been previously identified.⁴³ The majority of perpetrators were white males, according to the report.⁴⁴ Mobile phones, social networking sites and other forms of technology were identified as often being used in the grooming, control and pursuit of victims.⁴⁵

The **Greek** government announced the establishment of an Observatory for the Prevention of School Violence and Intimidation in November 2012. This observatory will design and implement measures for the prevention of school violence and bullying. It will also identify and refer such incidents to the competent authorities and publish relevant statistical data annually.46

In a March 2012 referendum, **Slovenia** rejected the new Family Code (*Družinski zakonik*), adopted in 2011 by the Slovenian National Assembly, which outlawed any form of corporal punishment and degrading treatment of children, and ensured the right to an advocate in proceedings. The law also stipulated that registered same-sex as well as non-registered same-sex partners should be treated on an equal footing with opposite-sex partners in all legal matters except in regard to marriage and joint adoptions.

The European Court of Human Rights (ECtHR) underlined the obligation of national authorities to ensure the effective criminal investigation of sexual abuse cases concerning children.

In *C.A.S.* and *C.S.* v. Romania, the ECtHR found a violation of Article 3 (prohibition of inhuman or degrading treatment and effective investigation) and of Article 8 (right to respect for private and family life and the home) of the European Convention on Human Rights,⁴⁷ concerning a fiveyear investigation into the rape of a seven-year-old boy. In its final judgment, the ECtHR recognised that states have an obligation to ensure the effective and prompt criminal investigation of cases involving violence against children.

4.2. Child trafficking

Following the 2011 Directive on preventing and combating trafficking in human beings and protecting its victims, ⁴⁸ the European Commission adopted a strategy for the period 2012–2016. This strategy envisages

³⁴ *Ibid*.

³⁵ Austria, Ministry of Interior (2012).

³⁶ Greece, Greek Police Headquarters (2012).

³⁷ Greece, Ministry of Public Order and Citizen Protection (2012a).

³⁸ Greece, Ministry of Public Order and Citizen Protection (2012b).

³⁹ Italy, Law No. 172 on the ratification and execution of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, 23 October 2012.

⁴⁰ United Kingdom, The Sexual Offences Act 2003 (Notification Requirements) (England and Wales), 2012.

⁴¹ Berelowitz S., et al., The Office of the Children's Commissioner (2012).

⁴² *Ibid.*, pp. 9-10.

⁴³ *Ibid.*, p. 14.

⁴⁴ *Ibid.*, pp. 15-16.

⁴⁵ Ibid., p. 12.

⁴⁶ Greece, Ministry of Education and Religion, Culture and Sports (2012).

⁴⁷ ECtHR, C.A.S. and C.S. v. Romania, No. 26692/05, 20 March 2012.

⁴⁸ Directive 2011/36/EU, OJ 2011 L 101/1.

two concrete actions related to child trafficking: developing guidelines on child protection systems and preparing best practice models on the role of guardians and/or representatives of child victims of trafficking.

Promising practice

ConTratTo: Taking an integrated approach to tackle human trafficking

In **Italy**, the Tuscany regional administration has set up an integrated system against human trafficking that supports victims, who are often very young, and promotes good practice tackling trafficking in the region, *ConTratTo* (*Contro la tratta in Toscana*, Against human trafficking in Tuscany).

The project brings together the public and private sectors, as well as non-governmental organisations to tackle the problem using a global approach and move away from separate and uncoordinated measures targeting only specific groups.

The system includes a toll-free regional phone line (800-186086) that is open 24 hours a day, helps victims and provides information to all interested parties. The region also provides first assistance and care for victims in appropriate structures and supports them with appropriate healthcare, psychological, linguistic and legal assistance.

Other important actions within the ConTratTo integrated system include: mapping and monitoring the human trafficking phenomenon, organising awareness raising campaigns and offering training for the operators working with victims.

For more information, see: www.minori.it/minori/lotta-alla-tratta-la-risposta-della-toscana

Finland, Germany and **Lithuania** ratified the Council of Europe Convention on Action against Trafficking in Human Beings, adding to the earlier ratifications by 20 EU Member States and Croatia. In addition, **Austria**, ⁴⁹ **Latvia**, ⁵⁰ the **Netherlands**, ⁵¹ **Slovenia** ⁵² and **Croatia**, ⁵³ put in place national action plans against trafficking.

A number of EU Member States either amended or were in the process of amending their legislation in

2012 to comply with the Directive on trafficking, which must be transposed into national law by 6 April 2013. More specifically Cyprus submitted an action plan aimed at preventing human trafficking and ensuring its prosecution, which sets out the measures taken to execute the judgement in the Rantsev v. Cyprus and the Russian Federation case.⁵⁴

Even if **Denmark** did not take part in the adoption of this directive and is therefore not bound by it or subject to its application, the Danish Government still decided to align national law with the directive by amending the Criminal Code.⁵⁵ he amendment expands the forms of trafficking that are criminalised and allows the prosecution of cases of human trafficking and sexual exploitation of children committed abroad by Danish citizens and by persons with a permanent residence in Denmark. Lithuania also amended its Criminal Code⁵⁶ to broaden the definition of trafficking.⁵⁷ **Estonia** enacted a law criminalising trafficking in March 2012.

4.3. Child-friendly justice

The EU Agenda on the Rights of the Child⁵⁸ adopted in 2011 recognised the promotion of child-friendly justice and the use of the Council of Europe Guidelines on Child-friendly Justice⁵⁹ as EU priorities in the field of the rights of the child.

In October 2012, the European Network of Ombudspersons for Children dealt particularly with child-friendly justice in its annual conference under the Cyprus Presidency of the Council of the European Union.⁶⁰

Several EU Member States amended their procedural laws to make children's involvement in justice procedures more child-friendly. In **Hungary**, for example, a new law requires that courts use language appropriate to age when they communicate with children through summons, warnings or notices.⁶¹ In the **Czech Republic**, the legislative procedure for the new law on victims of criminal offences was in its final stage in 2012. This law considers children to be particularly vulnerable and therefore requires the use of specially trained staff in

⁴⁹ Austria, Federal Ministry for European and International Affairs, Task Force on Anti-Trafficking (2012).

⁵⁰ Latvia, Ministry of the Interior (2009).

⁵¹ Netherlands, Ministry of Justice and Security (2011).

⁵² Slovenia, Inter-departmental working group for combating trafficking in human beings (2012).

⁵³ Croatia, National Committee for Combating Trafficking in Human Beings (2012).

⁵⁴ Council of Europe, Committee of Ministers (2012c).

⁵⁵ Denmark, Act No. 275 of 27 March 2012 amending the criminal code, 23 September 2012.

⁵⁶ Lithuania, Lithuanian Criminal Code, 147, 147-1, 157, 303 and the Annex and Supplement 147-2 of the Code, 30 June 2012.

⁵⁷ Lithuania, Government of Lithuania (2012).

⁵⁸ European Commission (2011).

⁵⁹ Council of Europe, Committee of Ministers (2010).

⁶⁰ For more information about the 16th Annual Conference of the European Network of Ombudspersons for Children, see: www.cy2012.eu/index.php/en/political-calendar/event-728.

⁶¹ Hungary, Act LXII of 2012 on the Amendment of Certain Laws Connected to the Implementation of Child-friendly Justice Norms, 30 May 2012.

questioning children, as well as allowing for the use of audiovisual equipment.

FRA ACTIVITY

Is justice 'just' for children?

FRA carried out fieldwork research in close collaboration with the European Commission in 2012 to assess how the Council of Europe Guidelines on Child-Friendly justice are applied.

The research included interviews with 574 judges, lawyers, social workers, psychologists and other professionals on the involvement of children in justice proceedings and sought to identify practices and procedures of child participation as victims or witnesses in court proceedings in 10 EU Member States (Bulgaria, Estonia, Finland, France, Germany, Poland, Romania, Spain and the United Kingdom) and Croatia. At the interviews researchers gave respondents the Council of Europe Guidelines, which have now been translated into 22 EU languages.

The research findings will feed into the European Commission's work on collecting statistical data on children's involvement in judicial proceedings in the EU.

For more information, see: http://fra.europa.eu/en/project/2012/children-and-justice

In other EU Member States, concerns were raised over the way children were treated in judicial procedures. This was the case in **Spain**, where a report published by Save the Children⁶² in November 2012 argues that judicial procedures need to be better adapted to children's needs.

Financial and human resource issues hampered efforts to improve the involvement of children in judicial procedures in **Romania**. In October 2012, the Superior Council of Magistracy decided, due to a lack of resources, against establishing specialised children's tribunals.⁶³

Listening better to children in court proceedings

In **Poland**, the NGO 'Foundation Nobody's Children' and the Ministry of Justice established a system of visiting, inspecting and certifying institutions with child-friendly hearing rooms.

The certification is granted to institutions that comply with a standardised set of criteria.

The programme, established in 2007, has certified 54 institutions.

For more information, see: http://dzieckoswiadek.fdn.pl/ przyjazny-pokoj-przesluchan

Sweden's *Barnahus* ('Children's house') is a programme under which the judicial system, social services and health services collaborate in joint investigative interviews of child victims of abuse. Trained expert staff conduct such interviews in purpose-built interview rooms that allow observation by representatives of the police, prosecution and defence and child protection services via closed-circuit television.

The Department of Sociology of Law at Lund University evaluated the practice, showing that it had strengthened children's evidence submitted in court.

For more information, see: The Swedish Association of Local Authorities and Regions (SALAR), available at: www.skl.se/vi_arbetar_med/socialomsorgochstod/barn-och-unga/nyhetsarkiv/ifo_barn_och_unga

4.4. Asylum-seeking and migrant children

The European Commission adopted its first interim report on the implementation of the Action Plan on Unaccompanied Minors 2010–2014 in September 2012.⁶⁴ The report takes stock of the progress made and identifies the main areas for improvement in the best interests of the child, such as the need for collecting data on the situation of these children, the need for preventing unsafe migration and trafficking, the need to provide better access to procedural guarantees and the need to find durable solutions.

In 2012, the main areas of concern across EU Member States included guardianship or legal representation and the administrative detention of children alone or with their families (see also the section on alternatives to

detention in Chapter 1 of this Annual report). The Council of Europe Committee of Ministers is closely supervising the issue of detention of unaccompanied minors in the

Promising practice

⁶² Save the Children Spain (2012).

⁶³ Romania, Superior Council of Magistracy (2013).

⁶⁴ European Commission (2010a).

Table 4.1: Asylum applicants by age group (*), 2012 (%), by EU Member State

EU Member State	Total	Distribution of age groups as a share of total (in %)						
		0-13	14-17	18-34	35-64	64 and over	Unknown	
EU-27	319,185	20.7	6.8	51.1	20.3	0.9	0.2	
AT	17,425	22.4	12.1	49.4	15.6	0.5	0.0	
BE	28,105	21.2	7.5	50.6	20.1	0.6	0.0	
BG	1,385	11.3	8.0	60.4	19.0	1.3	0.0	
CY	1,635	9.4	2.9	66.4	20.6	0.4	0.4	
CZ	740	17.4	2.2	41.6	37.6	1.2	0.0	
DE	77,540	28.4	7.5	43.0	20.0	1.0	**	
DK	6,045	17.8	8.5	53.5	19.2	0.9	0.0	
EE	75	7.8	6.5	50.6	35.1	0.0	0.0	
EL	9,575	2.9	2.4	82.7	11.9	0.1	0.0	
ES	2,565	13.3	4.4	61.5	20.3	0.5	0.0	
FI	3,095	18.5	7.1	52.8	20.5	0.7	0.3	
FR	60,560	19.1	3.1	52.3	24.7	0.9	0.0	
HU	2,155	18.1	11.4	57.7	12.4	0.3	0.0	
IE	955	24.6	4.6	49.3	21.2	0.3	0.0	
IT	15,715	6.3	5.3	73.4	14.9	0.1	0.0	
LT	645	9.9	3.4	59.6	26.8	**	0.0	
LU	2,050	29.5	4.9	45.5	19.7	0.4	0.0	
LV	205	13.1	2.9	55.8	28.2	0.0	0.0	
MT	2,080	3.4	8.2	80.0	8.1	**	0.3	
NL*	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	
PL	10,750	35.6	4.3	39.1	20.2	0.7	0.0	
PT	295	8.5	9.9	58.0	23.5	0.0	0.0	
RO	2,510	3.8	5.9	78.2	12.0	0.2	0.0	
SE	43,865	22.1	10.6	45.0	20.7	1.6	0.0	
SI	305	14.8	17.8	46.7	20.4	**	0.0	
SK	730	6.3	6.8	71.0	15.9	0.0	0.0	
UK	28,175	13.8	5.6	55.3	21.7	1.0	2.5	

Notes: * Data not available for the Netherlands (due to the transition to a new computing system, since January 2012, the Netherlands has been temporarily unable to provide statistics on asylum applications disaggregated by citizenship, age and on first instance decision. n.a. means data are not available.

Source: Eurostat (2013), Data in focus 5/2013: Population and social conditions, p. 6, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-13-005/EN/KS-QA-13-005-EN.PDF

context of execution of the judgment in the case of *M.S.S v. Belgium and Greece*.⁶⁵

In **Cyprus**, the Ombudsman's Office published a report on legal representation of unaccompanied asylumseeking children in May 2012.⁶⁶ The report recommended changes in legislation to ensure the legal representation of unaccompanied asylum-seeking children.

With respect to administrative detention, Human Rights Watch reported in 2012 that unaccompanied children in **Malta** were still kept in detention pending the outcome of age determination procedures.⁶⁷

In the **United Kingdom**, the Children's Commissioner for England raised a number of concerns about the treatment of unaccompanied asylum-seeking children upon

^{**} Two or fewer applicants recorded in the reference period.

⁶⁵ See Council of Europe, Committee of Ministers (2012d).

⁶⁶ Cyprus, Ombudsman (2012).

⁶⁷ For more information on the Human Rights Watch report, see: www.hrw.org/node/108990.

arrival in its report, Landing in Dover.⁶⁸ The report found that children were detained for a significant time period while interviews were carried out, and that children who did not claim asylum during their interview were returned to France. The United Kingdom's Border Agency has since ceased this practice of returning children.

The Children's Commissioner recommended that, except for gathering basic information, no interviews should be conducted with children upon arrival. Interviews should instead wait until children have been referred to local child protection services and have had adequate rest and time for recovery, as well as the opportunity to obtain legal advice and representation.

4.5. Family and parental care

The EU's role regarding family matters is limited and mainly concerned with ensuring that judicial decisions in one Member State can be implemented in another and used for establishing relevant jurisdiction. Council Regulation 2201/2003 (known as Brussels II bis) regulates such issues on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility. ⁶⁹ The European Commission continued its assessment of how the regulation is applied, with a view to amending it in 2013.

A number of reforms in the area were in evidence in EU Member States in 2012, but in some cases, budgetary constraints limited the level of public spending available to implement them. In **Poland**, for example, the new Act on Family Support and Substitutional Care⁷⁰ entered into force on 1 January 2012, aiming to offer support to vulnerable families through family assistants, aid families and coordinators of the family substitutional care. Due to budgetary constraints the local governments claimed not to be able to fulfil some of the new obligations. In consequence, the government proposed to delaying some of the new obligations until 2015 in an amendment to the Act, which was adopted in March 2012.⁷¹

A number of reforms in other EU Member States concern the placement of children in foster care in preference to institutional settings. In **Finland**, a new law entered into force at the beginning of 2012 stipulating that in decisions on the placement of children, family care homes should be preferred to institutional care.⁷² The Finnish National Audit Office in its review of child protection sys-

tems found shortcomings in foster care, family support and the availability of mental healthcare services.⁷³

The **Czech Republic**'s Chamber of Deputies voted in favour of a draft amendment⁷⁴ to the Law on Social and Legal Protection of Children in November 2012, which the president had previously vetoed.⁷⁵ The proposed changes aim at improving social care for vulnerable children in their own families or in foster care families by improving foster parents' training, as well as support and relief services.

In **Hungary**, an amendment to the Child Protection Act⁷⁶ foresees that state care for children under 12 (except in special cases, such as children with disabilities) should be provided in foster families and not in institutions.⁷⁷

The Office of Public Defender of Rights in **Slovakia** released a report in November 2012⁷⁸ on the protection of the rights of children found abroad unattended by their parents. The report found that in some cases, public authorities had failed to act in a timely fashion in a child's best interest.

In October 2012, the **Danish** government announced⁷⁹ that from 1 November 2013 it would enforce a reform of the social supervision system (*socialtilsyn*) responsible for institutions including childcare facilities and homes for children with disabilities would be enforced to ensure high-quality services.

In **Croatia**, the Foster Care Act⁸⁰ was enacted in July 2012 and was harmonised with the Social Care Act,⁸¹ in an attempt to enhance the number of foster families by making the criteria they must fulfil more accessible.

In the **United Kingdom**, the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children entered into force on 1 November 2012.⁸²

⁶⁸ Matthews, A., The Office of the Children's Commissioner (2012).

⁶⁹ Council Regulation (EC) No. 2201/2003, OJ 2003 L 338.

⁷⁰ Poland, Act on Family Support and Substitutional Care, 9 June 2011.

⁷¹ Poland, Act on amendments to the act Family Support and Substitutional Care, 27 April 2012.

⁷² Finland, Child Welfare Act 417/2007.

⁷³ Finland, National Audit Office (2012).

⁷⁴ Czech Republic, Amendment to the law on social and legal protection of children, 1 January 2013.

⁷⁵ Czech Republic, President of the Czech Republic (2012).

⁷⁶ Hungary, Act CXCII of 2012 on the Taking Over of Certain Specialized Social and Child Protection Service Provider Institutions by the State and on the Amendment of Certain

⁷⁷ Hungary, Act XXXI of 1997 on Child Protection and the Operation of Guardianship Authorities.

⁷⁸ Slovakia, Office of Public Defender of Rights (2012).

⁷⁹ Denmark, Danish government, et al. (2012).

⁸⁰ Croatia, Act on Amendments to the Foster Care Act, 13 July 2012.

⁸¹ Croatia, Social Care Act, 16 March 2012.

⁸² United Kingdom, Ministry of Justice (2012).

4.6. Child poverty

The European Commission's Social Protection Committee endorsed the advisory report *Tackling and preventing child poverty, promoting child well-being* in 2012.⁸³ The report presents an in-depth analysis of key EU and national policy tools and developments in relation to child poverty and social exclusion. It proposes that the future European Commission Recommendation, initially planned for 2012, should support EU and national efforts to contribute to enhancing political commitment, strengthen the evidence base of policy development, drive policy change by mainstreaming child poverty issues, and structure and prioritise EU action to create synergy.

Child poverty in the EU is an issue of growing concern. According to 2011 Eurostat^{8,4} figures, 27 % of children are at risk of poverty or social exclusion, a higher percentage than the rest of the population. The situation in Member States is particularly affected by the economic crisis. On 24 October 2012, the European Commission proposed⁸⁵ setting up a fund with a budget of €2.5 billion for the period 2014–2020 to help the most deprived persons, including children, in the EU by supporting Member State schemes to provide food, clothing and other essential goods. The issue of child poverty was also the theme of conferences organised during 2012 by the Presidencies of the EU Council (Denmark⁸⁶ and Cyprus⁸⁷).

"We therefore must maintain a focused and dedicated approach to fighting child poverty. Our choices today will – quite literally – shape the future of Europe, where today's children have grown up. We must not abandon or diminish our ambitions because of the economic crisis. Or because the task ahead of us seems too overwhelming."

Karen Hækkerup, Danish Minister of Social Affairs and Integration, Conference on children's rights and the prevention of child poverty, EU Presidency, Copenhagen, 19 March 2012

The economic crisis affected children in a number of EU Member States, both through the reduction of family incomes and through budgetary cuts in state social expenditures. A United Nations Children's Fund (Unicef) study, Childhood in Spain 2012-2013: The impact of the crisis on children, 88 argued that budgetary cuts were affecting services for children, including health, education and social services.

In **Portugal** a decree adopted in June 2012 significantly reduced various benefits with severe financial implications for families with children.⁸⁹

The Italian Society of Paediatrics, 90 major children's medical networks and children's rights associations raised concern over the impact of budgetary cuts in the social and healthcare sectors in **Italy**. The President of the Authority for Childhood and Adolescence 91 said that almost two million children were living in families in poverty in Italy, drawing on data 92 published by ISTAT, the national statistical office.

The economic situation in **Greece** became particularly difficult in 2012. The UN Committee on the Rights of the Child in its Concluding Observations on the State Report of Greece⁹³ expressed deep concern about the right to life, survival and development of children and adolescents whose families are quickly losing their livelihoods and access to state-funded social services, including healthcare and social security. The Committee noted in particular its concern about youth unemployment and school drop-out rates, especially among Roma children.

The Greek Ombudsman's Parallel Report to the UN Committee on the Rights of the Child notes an increase in child beggars or children working as street vendors. 94 The Greek National Committee of Unicef published a report in March 2012 95 that expresses particular concern regarding child poverty and malnutrition, noting incidents of students fainting at school.

The **Finnish** government announced on 22 March 2012 that the annual index-based increase in child benefits would be discontinued between 2013 and 2015, as part of the government's efforts to save €1.2 billion in public spending for 2013–2016. The Constitutional Law Committee considering the proposal concluded that the economic recession is an acceptable reason for reducing social benefits provided that this does not infringe on constitutional obligations. It considered the reduction of child benefits, estimated at 8 % by 2015, as acceptable. The amendment of the Child Benefits Act (*lapsilisälaki/barnbidragslag*, Act No. 796/1992, legislative amendment Act No. 713/2012) takes effect as of 1 January 2013.

In the **United Kingdom**, a report by the Secretary of State for Work and Pensions⁹⁶ shows that a target to halve child poverty by 2010 has not yet been met, although the number of children living in relative income poverty

⁸³ Social Protection Committee (2012).

⁸⁴ For more information, see: http://europa.eu/rapid/ press-release_STAT-13-28_en.htm.

⁸⁵ European Commission (2012c).

⁸⁶ For more information, see: http://eu2o12.dk/en/Meetings/ Conferences/Mar/Europe-de-l-Enfance.

⁸⁷ For more information, see: http://www.cy2012.eu/en/events/child-poverty-and-well-being-conference.

⁸⁸ UNICEF (2012a).

⁸⁹ Portugal, Decree-Law 133/2012, 27 June 2012.

⁹⁰ Italy, Italian Society of Pediatrics (2012).

⁹¹ Italy, National Authority for Children (2012).

⁹² Italy, National Institute for Statistics (2012).

⁹³ UN, Committee on the rights of the child (2012).

⁹⁴ Greece, Greek Ombudsman (2012).

⁹⁵ UNICEF (2012b).

⁹⁶ United Kingdom, Department for Work and Pensions; Department for Education (2012).

in 2010–2011 was reduced to 2.3 million, 600,000 short of the target.

4.7. Child participation

Child participation is a right enshrined in the UN CRC and the Charter of Fundamental Rights of the European Union.

The Council of Europe issued a Recommendation on the participation of children and young people under the age of 18 in March 2012,⁹⁷ setting out a number of key principles and measures for EU Member States, such as sharing good practices regarding participation; the provision of child-friendly mechanisms for children to make complaints; the organisation of public information and education programmes to raise awareness about the right to participate; and the improvement of professional capacity.

To support member states with the implementation of the Recommendation, the Council of Europe began developing a self-assessment tool on the participation of children and young people under the age of 18. FRA is contributing to the development of the tool's draft indicators to enable the collection and subsequent evaluation of the inclusion of children's participation in relevant sectors (justice, health, education) where decisions may affect children directly.

Denmark amended the law regulating the National Council for Children (*Børnerådet*),98 which now states explicitly that the Council should involve children's views in its work. In 2012, the Council of the European Union published the outcome of its initiative to ask more than 1,000 children aged five and six years about their views on kindergartens.99

One of the indicators for effective child participation is children's direct access to human rights complaints mechanisms. Only a few EU Member States collect data broken down by age to reflect complaints directly from children.

The French Public Defender of Rights reported in 2012 that, for example, the office received a total of 1,496 complaints regarding violations of the rights of the child in 2011, out of which 120 were made by children themselves.¹⁰⁰

The Dutch Children's Ombudsman was contacted 690 times between April and December 2011 about

human rights infringements, with children lodging 128 of these complaints on issues including youth care, education, police and justice, divorce and the situation of migrant children.¹⁰¹

Promising practice

Meeting the Minister: asking children about their views on new laws and policies

The Office of the Children's Rights Director in England facilitated a series of meetings between the Children's Minister and groups of children to enable the Minister to hear directly children's views on a range of topics that concern them. Meetings have focused on such issues as the new Children's Homes Charter, the separation of children in care from their siblings and contacts, education of children in care, adoption, fostering and residential care.

The meetings' results can be found on the website of the Office of the Children's Rights Director. These outcomes also feed directly into official policy documents and reports, such as consultation papers and white papers, allowing the voice and views of children to be openly heard and considered in the government's work. Government policy that departs from the views expressed by the children consulted will require careful justification. It is therefore possible to track the views expressed by children and their impact on policy and legislative developments.

For more information, see: www.rights4me.org/

Outlook

Acknowledging the fact that investing in children and breaking the chain of disadvantage across generations is the way forward, the EU legislature is expected to continue its efforts to minimise the damaging effects of the economic crisis on children. An upcoming Recommendation on Child Poverty and Well-Being is likely to provide the EU Member States with a set of common principles for effective action in key areas like: access to adequate resources, access to affordable quality services and children's right to participation. A set of indicators is also envisaged to be developed in order to monitor child poverty and social exclusion at the national level. As austerity measures resulted in serious cuts to services such as childcare, it is expected that this recommendation will reinforce social investments.

Actions targeting unaccompanied and separated children will continue in 2013, on the basis of the

⁹⁷ Council of Europe, Committee of Ministers (2012e).

⁹⁸ Denmark, Act No. 598 of 18 June 2012 amending Act on the Rule of Law and Administration within the Social Field, 18 June 2012.

⁹⁹ Denmark, National Council for Children (2012).

¹⁰⁰ France, Defender of Rights (2012).

¹⁰¹ Netherlands, Children's Ombudsman (2012).

Action Plan on Unaccompanied Minors (2010–2014). The European Asylum Support Office (EASO) with the support of FRA will publish in 2013 a handbook on age assessment targeting this particular vulnerable group. EASO will also develop a new module on interviewing children as part of the European Asylum Curriculum to train officials working in the field of asylum across the EU. The FRA has been invited to join the Reference Group providing advice on the module.

Turning the rights of the child into reality in the field of justice is an essential action item under the EU Agenda for the Rights of the Child and the Council of Europe Strategy for the Rights of the Child (2012–2015). A directive on special safeguards for suspected or accused persons who are vulnerable, including children, is planned to be tabled in 2013. It recognises the multiple challenges that confront child offenders. These legislative initiatives will be complemented by extensive research at the EU level. The European Commission is planning to launch its report on criminal justice in the second quarter of 2013 and next year FRA will expand its fieldwork research within its Child-Friendly Justice project by interviewing children who have been involved in justice procedures.

The protection of children on the internet from all forms of violence remains a challenge for the year to come. In this regard, the adoption of a European Strategy for a better Internet for children was an important accomplishment in 2012. Still, challenges remain at the implementation level, as more precise rules and provisions regarding sanctions to tackle child pornography more effectively and to address data protection and privacy issues are needed. An important development foreseen for 2013 is the inauguration of a new European Cybercrime Centre that will coordinate at EU level the fight against cybercrime.

References

All hyperlinks were accessed on 2 May 2013.

Austria, Federal law by which the Criminal Code is amended – Criminal Code Amendment 2011 (Bundesgesetz, mit dem das Strafgesetzbuch geändert wird – Strafgesetznovelle 2011).

Austria, Federal Ministry for European and International Affairs, Task Force on Anti-Trafficking (Bundesministerium für europäische und internationale Angelegenheiten, Task Force zur Bekämpfung des Menschenhandels) (2012), Nationaler Aktionsplan zur Bekämpfung des Menschenhandels für die Jahre 2012–2014, available at: www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/3._ Nationaler_Aktionsplan_2012-2014_FINAL.pdf.

Austria, Ministry of Interior (Bundesministerium für Inneres) (2012), 'Operation "CAROLE" – bislang größte internationale Operation gegen Kinderpornografie in Österreich', Press release, 4 July 2012, available at: www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=67414D473978 6C624144513D&page=0&view=1.

Belgium, Proposal for a law approving the Treaty with the Council of Europe on the protection of children against sexual exploitation and sexual abuse (Wetsontwerp houdende instemming met het Verdrag van de Raad van Europa inzake de bescherming van kinderen tegen seksuele uitbuiting en seksueel misbruik), 2 December 2011.

Belgium, Walloon Region, Decree on the approval, as concerns the matters for which the execution was transferred from the French Community to the Walloon Region, of the Treaty of the Council of Europe on the protection of children against sexual exploitation and sexual abuse (Decreet houdende instemming, wat betreft de materies waarvan de uitoefening van de Franse Gemeenschap naar het Waalse Gewest is overgedragen, met het Verdrag van de Raad van Europa inzake de bescherming van kinderen tegen seksuele uitbuiting en seksueel misbruik, opgemaakt te Lanzarote op 25 oktober 2007), 26 April 2012.

Belgium, Brussels Capital Region, Ordinance on the approval of the Council of Europe's Treaty on the protection of children against sexual exploitation and sexual abuse (Ordonnantie houdende instemming met:het Verdrag van de Raad van Europa inzake de bescherming van kinderen tegen seksuele uitbuiting en seksueel misbruik, aangenomen te Lanzarote op 25 oktober 2007), 1 March 2012.

Belgium, German-speaking Community, Decree on the approval of the Council of Europe's Treaty on the protection of children against sexual exploitation and abuse (Decreet houdende instemming met het Verdrag van de

Raad van Europa inzake de bescherming van kinderen tegen seksuele uitbuiting en seksueel misbruik, gedaan te Lanzarote op 25 oktober 2007), 28 March 2011.

Belgium, Flanders, Decree on the approval of the Council of Europe's Treaty on the protection of children against sexual exploitation and sexual abuse (*Decreet Vlaamse Overheid houdende instemming met het Verdrag van de Raad van Europa inzake de bescherming van kinderen tegen seksuele uitbuiting en seksueel misbruik*), 12 February 2012.

Berelowitz, S., Firmin, C., Edwards, G. and Gulyurtlu, S., The Office of the Children's Commissioner (2012), "I thought I was the only one. The only one in the world" The Office of the Children's Commissioner's inquiry into child sexual exploitation in gangs and group – Interim report, London, The Office of the Children's Commissioner, available at: www.childrenscommissioner.gov. uk/content/publications/content 636.

Bulgaria, State Agency for Child Protection (Държавна агенция за закрила на детето) (2012а), 'Национален план за превенция на насилието над деца 2012-2014)', available at: http://sacp.government.bg/programi-dokladi/strategii-programi-planove/.

Bulgaria, State Agency for Child Protection (Държавна агенция за закрила на детето) (2012b), 'Тематична проверка на ДАЗД констатира 46 случая на насилие в домовете за деца, лишени от родителски грижи', Press release, 27 July 2012, available at: http://sacp.government.bg/novini/2012/07/27/tematichna-proverka-na-dazd-konstatira-46-sluchaya/.

Council of Europe, Committee of Ministers (2009), Recommendation Rec(2009)10 to member states on integrated national strategies for the protection of children from violence, 18 November 2009.

Council of Europe, Committee of Ministers (2010), Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice, 17 November 2010, available at: https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(2010)1098/10.2abc&Language=lanEnglish&Ver=app6&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383.

Council of Europe, Committee of Ministers (2012a), Council of Europe Strategy for the Rights of the Child (2012-2015), CM(2011)171 final, 15 February 2012, available at: www.coe.int/t/DGHL/STANDARDSETTING/cdcj/StrategyCME.pdf.

Council of Europe, Committee of Ministers (2012b), Recommendation Rec(2012)6 to member states on the protection and promotion of the rights of women and girls with disabilities, 13 June 2012, available at: www.coe.int/t/dghl/standardsetting/equality/o3themes/gender-equality/Rec_CM_2012_6_en.pdf.

Council of Europe, Committee of Ministers (2012c), Decision on Case No. 8: Rantsev against Cyprus and the Russian Federation, CM/Del/Dec(2012)1144/8/5, 6 June 2012, available at: https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(2011)1144/8&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864.

Council of Europe, Committee of Ministers (2012d), 1144th Meeting (DH), 4-6 June 2012.

Council of Europe, Committee of Ministers (2012e), Recommendation Rec(2012)2 to member states on the participation of children and young people under the age of 18, 28 March 2012, available at: https://wcd.coe.int/ViewDoc.jsp?id=1927229.

Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence, CETS No. 210, 2011, available at: www.conventions. coe.int/Treaty/EN/Treaties/Html/210.htm.

Council of Europe, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, 2007.

Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, OJ 2003 L 338 (*Brussels II bis Regulation*).

Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*) (2011), *Nacionalna strategija zaštite od nasilja u obitelji, za razdoblje od 2011. do 2016. godin*, February 2011, available at: www.ured-ravnopravnost. hr/site/preuzimanje/dokumenti/nac_strat/nacionalnastrategija-2011-2016.pdf.

Croatia, National Committee for Combating Trafficking in Human Beings (*Nacionalni odbor za suzbijanje trgovanja ljudima*) (2012), *Nacionalni plan za suzbijanje trgovanja ljudima za. razdoblje od 2012. do 2015. godine*, 2012, available at: www.mup.hr/UserDocsImages/nacionalni_programi/trgovanje_ljudima/2012/NACIONALNI%20 PLAN%20FINALNO.pdf.

Croatia, Act on Amendments to the Foster Care Act, 13 July 2012.

Croatia, Social Care Act, 16 March 2012.

Cyprus, Ombudsman (2012), Έκθεση της Αρχής κατά των διακρίσεων αναφορικά με καταγγελία της Ύπατης Αρμοστείας του ΟΗΕ για τους Πρόσφυγες (UNHCR) για το θέμα της νομικής εκπροσώπησης των ασυνόδευτων ανηλίκων αιτητών ασύλου, Press release, 9 May 2012.

Czech Republic, Amendment to the law on social and legal protection of children (*Novela zákona o sociálně* právní ochraně dětí), 1 January 2013.

Czech Republic, the President of the Czech Republic (*Prezident České republiky*) (2012), 'Opinion of the President to the Act amending Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended, and other related laws', Press release, 12 September 2012, available at: www.psp.cz/sqw/text/tiskt. sqw?o=6&ct=564&ct1=12.

Denmark, Act No. 275 of 27 March 2012 amending the criminal code (*Lov nr. 275 af 27. marts 2012 om ændring af straffeloven*), 23 September 2012, available at: www. retsinformation.dk/Forms/Ro710.aspx?id=141159.

Denmark, Act No. 598 of 18 June 2012 amending Act on the Rule of Law and Administration within the Social Field (Lov nr. 598 af 18. Juni 2012 om ændring af lov om retssikkerhed og administration på det sociale område), 18 June 2012, available at: www.retsinformation.dk/ Forms/Ro710.aspx?id=141955.

Denmark, National Council for Children (*Børnerådet*) (2012), *Indemiljø i børneperspektiv - en undersøgelse i Børnerådets Minibørnepanel*, 1 July 2012, available at: http://brd.dk/files/Brd.dk%20Filbibliotek/PDF%20 FILER/PANELRAPPORTER%20OG%20PIXIE%20(DONE)/Minibørnepanel/Indemiljø%20i%20børneperspektiv%20NET.pdf.

Denmark, Danish government, Red-Green Alliance (Enhedslisten), Liberal Party (Venstre), Conservative Party (Det Konservative Folkeparti), Danish People's Party (Dansk Folkeparti) and Liberal Alliance (2012), 'Aftale om Et Nyt Socialtilsyn', Press release, 25 October 2012, available at: www.sm.dk/data/Dokumentertilnyheder/2012/Aftale%20om%20et%20nyt%20 socialtilsyn.pdf.

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ 2011 L 101/1.

Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ 2011 L 335/1.

Directive 2012/29/EU the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ 2012L 315/55.

European Commission (2010a), Communication from the Commission to the European Parliament and the Council – Action Plan on Unaccompanied Minors 2010 – 2014, COM(2010) 213 final, Brussels, 6 May 2010.

European Commission (2010b), Opinion on EU strategy on violence against women and girls, final, Brussels, December 2010, available at: http://ec.europa.eu/justice/gender-equality/files/opinions_advisory_committee/2010_12_opinion_on_eu_strategy_on_violence against women and girls en.pdf.

European Commission (2011), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region – An EU agenda for the rights of the child, COM(2011) 60 final, Brussels, 15 February 2011.

European Commission (2012a), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – European strategy for better internet for children, COM(2012) 196 final, Brussels, 2 May 2012, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0196:FIN:EN:PDF.

European Commission (2012b), Communication from the Commission to the Council and the European Parliament – Tackling crime in our digital age: establishing a European Cybercrime Centre, COM(2012) 140 final, Brussels, 28 March 2012.

European Commission (2012c), 'Commission proposes new fund for European aid to the most deprived', Press release, 24 October 2012, available at: http://ec.europa.eu/commission_2010-2014/andor/headlines/news/2012/10/20121024_en.htm.

European Court of Human Rights (ECtHR), *C.A.S. and C.S. v. Romania*, No.26692/05, 20 March 2012.

European Economic and Social Committee (2012), Opinion of the European Economic and Social Committee on the 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — European Strategy for a Better Internet for Children', TEN/489, COM(2012) 196 final, 18 September 2012, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ. do?uri=0J:C:2012:351:0068:0072:EN:PDF.

European Parliament (2012), Report on protecting children in the digital world, P7_TA(2012) 0428, Brussels, 24 October 2012.

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ 2011 L 101/1.

European Parliament, Directorate-General for Internal Policies (2012), EU Framework of Law for Children's Rights, Briefing paper, PE462.445, Brussels, April 2012.

Finland, Child Welfare Act (*lastensuojelulaki 417/2007/barnskyddslagen 417/2007*).

Finland, National Audit Office (Valtiontalouden tarkastusvirasto/Statens revisionsverk) (2012), 'Tuloksellisuustarkastuskertomus 6/2012 Lastensuojelu', Helsinki: Valtiontalouden tarkastusvirasto'.

France, Defender of Rights (*Défenseur des droits*) (2012), *Rapport annuel 2011*, June 2012, available at: www. defenseurdesdroits.fr/sites/default/files/upload/ddd_raa_2011.pdf.

Germany, Residential Institution Funds (Fonds Heimerziehung) (2012), 'Aktuelle Beschlüsse der Lenkungsausschüsse Fonds "Heimerziehung West" und Fonds "Heimerziehung in der DDR", Press release, 30 October 2012, available at: www.fondsheimerziehung.de/aktuelles/aktuelle-meldungen.html.

Germany, Entwurf eines Gesetzes zur Änderung des Grundgesetzes – Gesetz zur grundgesetzlichen Verankerung von Kinderrechten, 26 June 2012, available at: http://dip21.bundestag.de/dip21/btd/17/101/1710118.pdf.

Germany, Stellungnahme der Bundesregierung zu der Entschließung des Bundesrates Kinderrechte im Grundgesetz verankern, 19 July 2012, available at: www.bundesrat.de/nn_8336/SharedDocs/Drucksachen/2012/0401-500/431-12.html.

Greece, Greek Police Headquarters (Αρχηγειο Ελληνικησ Αστυνομιασ) (2012), Άποτελέσματα της Πανελλαδικής αστυνομικής επιχείρησης της Δίωξης Ηλεκτρονικού Εγκλήματος, με την κωδική ονομασία «Trojan Horse» για την καταπολέμηση της παιδικής πορνογραφίας μέσω διαδικτύου & δημοσιοποίηση στοιχείων πέντε εκ των συλληφθέντων', Press release, 31 August 2012, available at: www.astynomia.gr/index.php?option=ozo_content&lang='..'&perform=view&id=19427&Itemid=95 o&lang=.

Greece, Greek Ombudsman (Συνήγορος του Πολίτη) (2012), 'Parallel Report to the UN Committee on the Rights of the Child', April 2012, available at: www.synigoros.gr/resources/parallel-report-un--3.pdf.

Greece, Ministry of Education and Religion, Culture and Sports (Υπουργείο Παιδείας και Θρησκευμάτων, Πολιτισμού και Αθλητισμού) (2012), Έυνέντευξη Τύπου του Υφυπουργού Παιδείας κ. Θρησκευμάτων, Πολιτισμού και Αθλητισμού Θ.Π.Παπαθεοδώρου σχετικά με τη δημιουργία Παρατηρητηρίου για την Πρόληψη της Σχολικής Βίας και του Εκφοβισμού΄, Press release, 14 November 2012, available at: www.minedu.gov.gr/index.php?option=com_content&view=article&id=5751%3A14-11-12-synenteyksi-

typoy-toy-yfypoyrgoy-paideias-k-thriskeymaton-politismoy-kai-athlitismoy-thppapatheodoroy-sxetika-me-ti-dimioyrgia-paratiritirioy-gia-tin-prolipsitis-sxolikis-bias-kai-toy-ekfobismoy&catid=80%3Adeltia-typoy&Itemid=806&Iang=el.

Greece, Ministry of Public Order and Citizen Protection (Υπουργείο Δημόσιας Τάξης και Προστασίας του Πολίτη) (2012a), Έυρεία αστυνομική επιχείρηση, με την κωδική ονομασία « CYBER-TOUCH», για την καταπολέμηση του φαινόμενου της παιδικής πορνογραφίας μέσω διαδικτύου΄, Press release, 16 October 2012, available at: www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=21242&Itemid=974&Iang.

Greece, Ministry of Public Order and Citizen Protection (Υπουργείο Δημόσιας Τάξης και Προστασίας του Πολίτη) (2012b), Έυρεία αστυνομική επιχείρηση, με την κωδική ονομασία «GRIDLOCK», για την καταπολέμηση του φαινόμενου της παιδικής πορνογραφίας μέσω διαδικτύου', Press release, 28 November 2012, available at: www.astynomia.gr/index.php?option=ozo_con tent&lang=%27..%27&perform=view&id=22664&Item id=989&Iang.

Hungary, Act CXCII of 2012 on the Taking Over of Certain Specialized Social and Child Protection Service Provider Institutions by the State and on the Amendment of Certain Laws (2012. évi CXCII. törvény egyes szakosított szociális és gyermekvédelmi szakellátási intézmények állami átvételéről és egyes törvények módosításáról).

Hungary, Act LXII of 2012 on the Amendment of Certain Laws Connected to the Implementation of Child-friendly Justice Norms (2012 évi LXII. törvény a gyermekbarát igazságszolgáltatás megvalósulásához kapcsolódó egyes törvények módosításáról), 30 May 2012.

Hungary, Act XXXI of 1997 on Child Protection and the Operation of Guardianship Authorities (1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról).

Irish Times (2012), 'Children's rights campaigners welcome result', 11 November 2012, available at: www.irishtimes.com/newspaper/breaking/2012/1111/breaking28.html.

Italy, Italian Society of Paediatrics (*Societa' Italiana di Pediatria*) (2012), 'Manifesto per il diritto alla salute e al benessere dei bambini e degli adolescenti in Italia', Press release, 26 June 2012.

Italy, Law No. 172 on the ratification and execution of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (Lege n. 172 Ratifica ed esecuzione della Convenzione del Consiglio d'Europa per la protezione dei minori contro lo sfruttamento e l'abuso sessuale, fatta a Lanzarote il 25 ottobre 2007), 23 October 2012.

Italy, National Authority for Children (*Autorità Garante* per l'Infanzia e l'Adolescenza) (2012), Bambini e adolescenti: affrontare il presente, costruire il futuro, Rome, 18 April 2012.

Italy, National Institute for Statistics (*Istituto Nazionale di Statistica*) (2012), *'La povertà in Italia'*, Press release, 17 July 2012.

Latvia, Ministry of the Interior (*lekšlietu ministrija*) (2009), *Valsts programma cilvēku tirdzniecības novēršanai 2009.-2013.gadam*, 27 August 2009, available at: http://polsis.mk.gov.lv/LoadAtt/file580.doc.

Lithuania, Government of Lithuania (2012), 'Dėl apsisprendimo laikotarpio, per kurį užsienietis, kaip esanti ar buvusi su prekyba žmonėmis susijusių nusikaltimų auka, turi priimti sprendimą, ar bendradarbiauti su ikiteisminio tyrimo įstaiga ar teismu, suteikimo tvarkos aprašo patvirtinimo', 18 April 2012.

Lithuania, Lithuanian Criminal Code, 147, 147-1, 157, 303 and the Annex and Supplement 147-2 of the Code (*Lietuvos Respublikos baudžiamojo kodekso 147, 147-1, 157, 303 straipsnių ir priedo pakeitimo ir papildymo ir Kodekso papildymo 147-2 straipsnių įstatymas*), 30 June 2012.

Matthews, A., The Office of the Children's Commissioner (2012), Landing in Dover – The immigration process undergone by unaccompanied children arriving in Kent, London, The Office of the Children's Commissioner.

Netherlands, Children's Ombudsman (*Kinderombudsman*) (2012), *Wij laten van je horen: de Kinderombudsman. Jaarverslag 2012*, 15 May 2012.

Netherlands, Ministry of Justice and Security (Minister van Veiligheid en Justitie) (2011), 'Actieplan rijksbrede aanpak loverboyproblematie', Letter sent to House of Representatives (Tweede Kamer der Staten Generaal), No. 5717699/11, 20 December 2011.

Netherlands, State Secretary for Health, Welfare and Sport & Minister of Security and Justice (Staatssecretaris van Volksgezondheid, Welzijn en Sport & Minister van Veiligheid en Justitie) (2011), Letter sent to House of Representatives (Tweede Kamer der Staten-Generaal), No. J-3092758, 28 November 2011.

Poland, Act on Family Support and Substitutional Care (*Ustawa o wspieraniu rodziny i pieczy zastępczej*), 9 June 2011.

Poland, Act on amendments to the act Family Support and Substitutional Care (*Ustawao zmianie ustawy o wspieraniu rodziny i pieczy zastępczej*), 27 April 2012.

Portugal, Decree-Law 133/2012 (*Decreto-lei* n.º 133/2012), 27 June 2012, available at: www.cite.gov.pt/pt/destaques/complementosDestqs/Declei_133_2012.pdf.

Romania, Law No. 25/2012 amending Law 217/2003 on the prevention and combating of domestic violence (Legea nr. 25/2012 pentru modificarea şi completarea Legii nr.217/2003 privind prevenirea şi combaterea violenței în familie), 9 March 2012.

Romania, Superior Council of Magistracy (SCM) (2013), Opinion 25491/1154/23.10.2012 of the SCM, 23 October 2013, available at: www.csm1909.ro/csm/linkuri/29_10_2012__52416_ro.pdf.

Save the Children Spain (2012), Los niños y las niñas ante la Administración de Justicia en España, Spain, Save the Children Espana, available at: www.savethechildren.es/docs/Ficheros/561/Informe_INFANCIA_Y_JUSTICIA.pdf.

Slovakia, The Office of Public Defender of Rights (Kancelária verejného ochrancu práv) (2012), Správa verejnej ochrankyne práv o ochrane práv maloletých detí občanov Slovenskej republiky, ktoré sa v cudzine ocitli bez starostlivosti rodičov, November 2012, available at: www.vop.gov.sk/files/ochrana_prav_deti.pdf.

Slovenia, Inter-departmental working group for combating trafficking in human beings (Medresorska delovna skupina za boj proti trgovini z ljudmi) (2012), Akcijski načrt Medresorske delovne skupine za boj proti trgovini z ljudmi za obdobje 2012–2013, 12 April 2012, available at: www.vlada.si/fileadmin/dokumenti/si/THB/AKCIJSKI_NACRT_2012_-_2013.doc.

Slovenia, Resolution of National Programme of Family Violence Prevention (*Resolucija o nacionalnem programu preprečevanja nasilja v družini 2009–2014*, ReNPPND0914), 27 May 2009.

Social Protection Committee (2012), Advisory Report to the European Commission on tackling and preventing child poverty, promoting child well-being, Brussels, 27 June 2012, available at: http://ec.europa.eu/social/BlobServlet?docld=7849&langId=en.

United Kingdom, Domestic Violence, Crime and Victims (Amendment) Act 2012, 2 July 2012, available at: http://www.legislation.gov.uk/ukpga/2012/4/pdfs/ukpga_20120004_en.pdf.

United Kingdom, Department for Work and Pensions and Department for Education (2012), *Child Poverty in the UK: the report on the 2010 target*, London, June 2012, available at: http://media.education.gov.uk/assets/files/pdf/c/child%2opoverty%2oin%2othe%2ouk%2othe%2oreport%2oon%2othe%202010%2otarget.pdf.

United Kingdom, Ministry of Justice (2012), 'Improving the protection of children across borders', Press release, 1 November 2012, available

at: www.justice.gov.uk/news/press-releases/moj/improving-the-protection-of-children-across-borders.

United Kingdom, The Sexual Offences Act 2003 (Notification Requirements) (England and Wales), 2012, available at: www.legislation.gov.uk/ukdsi/2012/9780111521410/contents.

United Nations Children's Fund (UNICEF) (2012a), 'La Infancia en españa 2012-2013. El impacto de la crisis en los niños', Press release, 24 May 2012, available at: www. unicef.es/actualidad-documentacion/publicaciones/la-infancia-en-espana-2012-2013.

UNICEF (2012b), 'Situation of children in Greece' (Η Κατάσταση των παιδιών στην Ελλάδα 2012), Athens, March 2012, available at: www.unicef.gr/pdfs/Children_in_Greece_2012.pdf.

United Nations (UN), Committee on the rights of the child (2012), Concluding observations on Greece, 13 August 2012.

UN, Convention on the Rights of the Child (CRC), 2 September 1990.

UN, Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006.

UN, Optional protocol to the Convention on the Rights of the Child on a communications procedure (CRC-OP₃), 9 June 2011.

UN, Human Rights Council (HRC) (2012), Report of the Office of the United Nations High Commissioner for Human Rights. Thematic study on the issue of violence against women and girls and disability, 30 March 2012, available at: www.ohchr.org/Documents/Issues/Disability/ThematicStudyViolenceAgainstWomenGirls.pdf.

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UN & CoE

January

February

14 March – Turkey becomes the first Council of Europe member state to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

21–23 March – Council of Europe Steering Committee on Human Rights installs a drafting group comprised of experts from member states (CDDH-AGE) to explore possibilities for adopting a non-binding document on the human rights of the elderly

March

April

May

13 June – Council of Europe Committee of Ministers adopts the Recommendation on the protection and promotion of the rights of women and girls with disabilities

26 June – Council of Europe Parliamentary Assembly adopts the Resolution Multiple discrimination against Muslim women in Europe: for equal opportunities

June

July

21-24 August – United Nations Open-ended working group on ageing calls for better protection for older people's rights

August

14 September – United Nations Human Rights Office publishes booklet, Born free and equal, on the human rights of Lesbian, Gay, Bisexual and Transgender (LGBT) persons worldwide

September

22 October – United Nations Committee on the Rights of Persons with Disabilities publishes its Concluding observations on Hungary

October

November

11 December – United Nations Secretary-General calls for an end to violence and discrimination based on gender identity and sexual orientation

December

EU

18 January – 'European Year for Active Ageing and Solidarity between Generations' opening conference is held

January

February

5 March – European Commission issues progress report on Women in economic decision-making in the EU

13 March – European Parliament adopts the Resolution on equality between women and men in the European Union – 2011

29 March – European Parliament adopts the Resolution on the EU citizenship report 2010: Dismantling the obstacles to EU citizens' rights

March

April

24 May – European Parliament adopts the Resolution on the fight against homophobia in Europe

24 May – European Parliament adopts the Resolution with recommendations to the Commission on the application of the principle of equal pay for male and female workers for equal work or work of equal value

May

11 June – FRA issues opinion on proposed EU regulation on property consequences of registered partnerships

11 June – European Commission issues report on *Discrimination against trans and intersex people on the grounds of sex, gender identity and gender expression*

19 June – European Commission adopts the *EU strategy towards the eradication of trafficking in human beings 2012–2016*

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July

August

September

25 October – European Parliament and Council of the European Union adopt a directive on establishing minimum standards on the rights, support and protection of victims of crime in the EU (EU Victims' Directive, 2012/29/EU)

26 October – European Parliament publishes study on a potential EU Roadmap for LGBT equality

29 October – Council of the European Union adopts an EU-level framework as required by Article 33 (2) of the UN Convention on the Rights of Persons with Disabilities (CRPD)

October

6 November – European Parliament Civil Liberties, Justice and Home Affairs Committee (LIBE) adopts annual resolution on fundamental rights

6 November – Court of Justice of the European Union (CJEU) rules that national provisions in Hungary requiring the sudden compulsory retirement of judges, prosecutors and notaries when they reach the age of 62 violate the Employment Equality Directive (2000/78/EC).

8 November – European conference on domestic violence against women takes place in Cyprus

November

7 December – Council of the European Union makes a Declaration on the European Year for Active Ageing and Solidarity between Generations (2012): The Way Forward

December