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UN & CoE

January

February

27 March – The Council of Europe Commissioner for Human Rights issues a statement, with reference to his visit to Estonia, according to which all children should be granted citizenship automatically at birth even when their parents are stateless

March

17 April – The United Nations Committee on the Rights of the Child (UNCRC) issues General comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health and General comment No. 16 on State obligations regarding the impact of the business sector on children's rights

23 April – The Parliamentary Assembly of the Council of Europe adopts a Resolution on fighting child sex tourism and a Resolution on ending discrimination against Roma children

April

29 May – The UNCRC issues General comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts and General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration

May

June

8 July – The UNCRC issues its Concluding observations on the combined third and fourth periodic reports of Slovenia

July

20 August – The CoE Commissioner for Human Rights warns that child labour remains a serious concern in Europe

August

September

1 October – The Parliamentary Assembly of the CoE adopts a Resolution on violations of the physical integrity of children

9 October – The CoE Commissioner for Human Rights warns that austerity measures weaken children's rights protection

16 October – The Committee of Ministers of the CoE adopts a Recommendation on ensuring full inclusion of children and young persons with disabilities in society

29 October – The UNCRC issues its Concluding observations on the combined third and fourth periodic reports of Luxembourg and of Lithuania

October

22 November – The CoE Commissioner for Human Rights warns that more systematic consideration should be given to the best interests of the child in migration and asylum policies and procedures

November

December

EU

January

20 February – The European Commission adopts a recommendation on *Investing in children: Breaking the cycle of disadvantage*

February

12 March – The European Commission adopts a *Communication on enhancing maternal and child nutrition in external assistance*

March

6 April – The deadline passes for transposing into national law the Directive on preventing and combating trafficking in human beings and protecting its victims, which also includes child victims

24 April – The European Commission adopts the green paper *Preparing for a fully converged audiovisual world: Growth, creation and values, covering also the protection of children*

April

May

12 June – The European Parliament and the Council of the European Union adopt a regulation on mutual recognition of protection measures in civil matters, also covering children with protection measures

12 June – The European Parliament adopts a resolution on the European Commission Communication *Towards social investment for growth and cohesion – including implementing the European Social Fund 2014–2020*, urging the Commission and the Member States to take immediate action to fight child poverty

13 June – The Council of the EU adopts Conclusions on an EU Framework for the provision of information on the rights of victims of trafficking in human beings

26 June – The European Parliament and the Council of the EU adopt the recast Asylum Procedures Directive, Reception Conditions Directive, Dublin Regulation and Eurodac Regulation including child-specific provisions on access to child-friendly asylum procedures and reception conditions

26 June – Regulation (EU) No. 610/2013 amending parts of the Schengen Borders Code is published, requiring that training curricula for border guards shall include specialised training for detecting and dealing with situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking

27–28 June – EU leaders at the European Council meeting in Brussels endorse a comprehensive plan to combat youth unemployment

June

July

August

12 September – The European Parliament adopts a resolution on the situation of unaccompanied minors in the EU, identifying the areas in which further efforts are to be made at national and EU levels to strengthen the protection of this group of particularly vulnerable children

September

October

27 November – The European Commission adopts a proposal for a directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings

25 November – The European Commission adopts a Communication to the European Parliament and the Council, *Towards the elimination of female genital mutilation*

November

17–18 December – The European Commission organises the eighth European Forum on the Rights of the Child on the role of child protection systems

18 December – The deadline passes for transposing the Directive on combating the sexual abuse and sexual exploitation of children and child pornography

December

4

The rights of the child and the protection of children



Poverty and violence harm the lives of too many children across the European Union (EU). To tackle the pressing and persistent problem of child poverty, the European Commission issued a recommendation setting forth a common approach. EU Member States will need to put this framework into practice. Yet, across many Member States, education budgets that contribute to children's well-being have fallen prey to crisis-driven cuts. Similarly, budget cuts to child protection services may put at risk safety nets needed by children afflicted by violence, even as new technologies, especially the internet, increase the risk of some types of violence. The EU and a number of Member States have taken steps to combat violence and child sexual abuse, as well as other forms of violence affecting children; 2013 marked the deadline for Member States to transpose two related directives. In another high-priority field, the treatment of children was often inappropriate in judicial proceedings, as crime victims or witnesses, and in civil proceedings, although recent legal reforms are expected to improve the situation.

At the international level, the UN Committee on the Rights of the Child was particularly active during 2013, releasing four general comments. One of the most relevant is the comment dealing with the 'best interests of the child', which is one of the principles included in Article 24 of the EU Charter of Fundamental Rights. The committee noted that this is a dynamic concept encompassing various issues that continuously change, so the general comment does not prescribe what is 'best' for the child in any given situation, but rather aims to provide a framework for assessing and determining a child's best interests in each case. The other general comments relate to child rights and business, the right to health and the right to play.

The Optional Protocol to the Convention on the Rights of the Child on a communications procedure,¹ which allows individual children to file complaints about violation of their rights directly to the committee, was opened for signature in February 2012. By the end of 2013, only four EU Member States had ratified the protocol: **Germany, Portugal, Slovakia** and **Spain**. The protocol will enter into force in April 2014, after reaching a total of 10 ratifications worldwide.

4.1. Europe takes steps to improve access to child-friendly justice

Europe aims to ensure the rights of children in the justice system and provide for their needs, given that responses are often inappropriate

Key developments in the area of children's rights

- The European Commission adopts a recommendation providing EU Member States with a common framework to act against child poverty.
- The deadlines for transposing the Human Trafficking Directive and the Directive on sexual abuse, sexual exploitation and child pornography are reached in 2013. During 2012 and 2013, a majority of EU Member States reform civil and criminal law, thereby affecting the way children access justice.
- The EU continues to adopt measures against violence against women and girls, such as the Regulation on mutual recognition of protection measures and the Communication on the elimination of female genital mutilation.
- Justice systems in EU Member States are not properly responding to the specific needs and rights of children in criminal and civil proceedings.

and lacking sensitivity to childrens' specific needs. Ensuring child-friendly justice and the implementation of the [Council of Europe Guidelines](#) on child-friendly justice² are among the objectives of the *EU agenda for the rights of the child*.³

The rights of children involved as victims or witnesses in criminal proceedings have thus been strengthened through the victims package, mainly the 2012 Directive on establishing minimum standards on the rights, support and protection of victims of crime⁴ and the Directive on sexual abuse and exploitation of children and child pornography, which established a number of procedural guarantees.⁵

December 2013 was the deadline for EU Member States to transpose the Directive on sexual abuse and exploitation and child pornography to national law. Member States should ensure that child victims of crimes covered by this directive receive appropriate assistance before, during and after the criminal proceedings; they should avoid unjustified delay; they should train professionals responsible for interviewing children; and they should organise hearings without the presence of the public. Under the EU Victims' Directive, Member States will have to ensure that special protection measures are available for all child victims participating in criminal proceedings. Such protection measures include, for example, the possibility of recording all interviews audiovisually and that interviews must be carried out by trained professionals and in premises designed or adapted for that purpose. Member States have to transpose this directive by 16 November 2015.

"[...] I could never give my full testimony, I could never say everything about how I feel, what is on my mind or what bothers me and other things. And then they interrupted me constantly [...]"

Croatia, 14-year-old boy, involved in a child custody proceeding (FRA, 2013, Research on child-friendly justice)

The EU promotes child-friendly justice for children victims of crime but also for children suspected or accused of crimes. The European Commission has adopted a proposal for a Directive on procedural safeguards for children suspected or accused in criminal proceedings.⁶ The proposal includes several measures to protect children's rights, the core measure being mandatory access to a lawyer at all stages of the proceedings with the exception of certain minor offences. Children shall also benefit from other safeguards, such as being promptly informed about their rights, being assisted by their parents (or other appropriate persons), the right to an individual assessment, the right to receive medical examination and being kept separately from adult inmates if deprived of liberty. Moreover, deprivation of liberty should be considered as a measure of last resort and recourse to alternative measures that should be ensured

wherever possible. Furthermore, it lays down that professionals such as law enforcement and judicial authorities should receive specific training on the needs of children.

In line with the above legislative measures, the European Commission in close cooperation with FRA has embarked on a project gathering data on children and justice in all EU Member States. The project analyses the legal safeguards provided to children in the different national systems, determines justice indicators, and provides statistical data on children's involvement in justice proceedings. Different findings will be available throughout 2014 and 2015. In parallel, FRA examines children's actual treatment in justice procedures through fieldwork research complementing the Commission's research and assessing how the Council of Europe Guidelines on child-friendly justice are applied.

During the project's first stage, FRA interviewed 574 professionals in 10 EU Member States about their experiences regarding court hearings on issues of domestic violence, sexual abuse and custody, as well as visiting rights within divorce procedures. The professionals were asked about the extent and quality of these hearings, as well as their impact on the child.

"Ideally, the child won't leave the hearing burdened by any more negative emotions or with a bad impression. This is what we are aiming for."

Estonia, child protection specialist, female (FRA, Research on child-friendly justice)

The main findings of the 2013 FRA research point to very different practices in treating children in judicial proceedings, depending on the severity and type of cases, and the approach adopted by individual judges or other professionals involved in the case. In some EU Member States, children's participation in judicial proceedings is more formalised, standardised and adapted to children needs than in others. Many professionals, such as judges, police or social workers, were not aware of the Council of Europe guidelines and relied mainly on national regulation and/or on their own understanding and judgement. The majority of respondents said that information provided to children can be improved in terms of consistency, amount, clarity and child-appropriateness. Many also highlighted a need for multi-agency cooperation and better training for judges on child-related issues and for social professionals on legal issues.

During 2013, half of the EU Member States have discussed proposals or have approved legal reforms that affect the way children, particularly victims and witnesses, access the justice system, how they are heard during proceedings and the type of assistance provided to them (for more information on access to justice, see [Chapter 8](#)).

FRA ACTIVITY

Listening to children's voices

After having interviewed 574 professionals about the treatment of children in justice proceedings, FRA is now interviewing children themselves about their experiences with the justice system.

Interviews with children are being carried out during 2014 in 10 EU Member States. Children are asked questions about the way that they were treated by justice officials; who heard them, how and where; how they were supported; what effect this treatment had on them; and how they would have liked to be treated, or how to make justice a better experience for children.

A preparatory phase was implemented in 2013 to identify appropriate channels to reach children, implement protection mechanisms and develop and test the research instruments.

This research will lead to a broader assessment of the impact on various practices of involving children in judicial proceedings. It also will help to identify promising practices as well as areas for improvement. Publication of the research findings is planned for 2015.

The Criminal Code and the Code of Criminal Procedure⁷ in **Poland** have been reviewed. Now a hearing with a child may take place in a specially adapted room either on or outside the premises of the court. Additionally, such hearings will have to be recorded. A hearing with a victim will be allowed only if the testimony is relevant to the proceedings; the hearing shall be conducted only once, unless there is evidence of relevant circumstances that need to be explained in a second hearing, or it is requested by the accused if he or she had no counsel at the time of the first interview with the victim. This protection covers children who, at the time of a hearing, are under 15 years of age. Children aged over 15 years are obligatorily heard in the conditions mentioned above only if there is a reasonable risk that hearing them in other conditions could have a negative impact on their mental state. Additionally, the application of these procedures has been extended to witnesses.

The **Czech Republic** has also adopted new legislation affecting proceedings with child victims, through the adoption of the Victims Rights Act,⁸ in force since August 2013. It considers a child a particularly vulnerable victim, so it provides for special rights such as the right to specialised aid free of charge (such as psychological or social aid) or the right to have testimony translated by an interpreter of the same or the opposite gender. The questioning of a child is also regulated differently from that of an adult: a child has to be treated in a sensitive way and audiovisual devices might be used to record the testimony.

With the new Act strengthening the rights of victims of sexual abuse, **Germany** prescribes standards for the qualification of judges who hear child victims of sexual abuse, strengthens the efforts to avoid multiple hearings and guarantees that hearings are conducted by experienced youth public prosecutors.⁹

The **Slovak** parliament passed an amendment to the Code of Criminal Procedure¹⁰ to ensure that child witnesses up to the age of 18 are entitled to a number of protections. The previous code offered special protection only to children up to 15 years of age. The protection measures relate to the examination of child witnesses and the need to avoid questions about issues that might negatively affect their mental and moral integrity. The examination should be conducted so that there is no further need to repeat it; follow-up examinations are allowed only in specifically justified cases and require a prosecutor's consent.

In the **United Kingdom**, the Ministry of Justice launched a consultation aimed at improving the Code of Practice for Victims of Crime.¹¹ The revised code in force since December 2013 provides victims with an entitlement to receive a needs assessment from the police to ascertain the help and support the victim may need. The code also includes a dedicated section written in child-accessible language for child victims under 18 years of age. All children under the age of 18 at the time of the offence will qualify for enhanced entitlements, which include timely referral to support services; access to therapy or counselling throughout the investigation and prosecution where appropriate and available; and the provision of advice and information regarding special measures available for vulnerable witnesses. All service providers are also placed under a duty to give primary consideration to the child's best interests.

"Well, now and then I felt very sad. I felt very angry. And I felt frightened, because I had not realised that they [stepfather and mother] were able to listen to everything I said. Well, sometimes I felt easy. And sometimes I felt happy that all this was over. I liked that the family assistant was with me. Actually, all in all, the proceeding gets the mark 'good'."

Germany, 15-year-old girl, victim of domestic violence, involved in a criminal proceeding (FRA, Research on child-friendly justice)

Countries have made reforms to the way the justice system responds not only to child victims or witnesses of crimes but also to children accused of breaking the law.

In **Poland**, the amendment to the Act on juvenile justice¹² introduces a maximum time for which a child may be detained in a juvenile police shelter following a decision to place him or her in a shelter or with a foster family. The act also clarifies and enumerates the rights

of children detained in juvenile police shelters and rules on the obligation to inform a minor about his or her procedural rights.

Luxembourg finished the construction of a juvenile 'secure unit' in one of the two socio-educational centres (one centre for females, one for males) in response to criticism by the UN Committee for the Prevention of Torture. The committee has censured Luxembourg for imprisoning young persons in the regular penitentiary centre together with adult criminals.¹³ In July 2013, the Ministry of Family and Integration proposed a bill about this secure unit, as well as a draft decree on the organisation of this unit.¹⁴ The draft defines rights and obligations of child offenders. It includes precise guidelines for body search (for example, intimate search has to be done by a medical doctor), ensuring respect for fundamental rights and defining disciplinary measures and procedures within the closed facility.

In the **Netherlands**, a criminal justice bill for juvenile offenders was passed. It allows judges to choose between juvenile and adult criminal law in cases of serious felonies committed by juveniles from the age of 16 to 23 years. The Ombudsman for Children has called on the government to amend the new bill so that the UN Convention on the Rights of the Child (CRC) will not be breached.¹⁵ The new bill means a deterioration of the situation for 16- to 17-year-olds, since they are presently judged according to juvenile criminal law only.

The Department of Justice in **Northern Ireland**, the **United Kingdom**, has initiated a public consultation on the current policy, legislation and operational matters around children in custody, the potential for change and the impact any such changes may have.¹⁶ Input received will feed into the ongoing legislative discussion.

Children with special needs are also taken into consideration when reforming access to justice. **Latvia**, for example, is discussing draft regulations for the police to support children with special needs.¹⁷ The draft regulations determine the procedure whereby the police evaluate if the child has special needs and if specialist support is required. A child with hearing impairments will have to be provided with a sign language interpreter, and a child with communication difficulties will have to be provided with a psychologist. A child brought to the police will have to be provided with a secure environment, movement opportunities and opportunities to visit an accessible toilet.

The European Court of Human Rights (ECtHR) has dealt with the issue of procedural guarantees and child-friendly justice in the case *Vronchenko v. Estonia*. The court recognised the violation of the applicant's right to defence, as he was never given the opportunity

to have questions put to the victim, a girl victim of sexual abuse. The court points out, however, that this recognition should not be interpreted as an obligation to have a cross-examination. The authorities should rather have examined if it was possible to put questions to the witness, for example through the defendant's lawyer, police investigator or psychologist, in an environment under the control of the investigating authorities to prevent any harm and repeat victimisation to the child.¹⁸

Reforms have also affected the way that children are treated in civil proceedings. In **Belgium**, for example, a new act establishes the Family and Youth Tribunal.¹⁹ It also introduces the principle of "one family, one case, one judge", which means that all substantive decisions and decisions on interim measures of any familial nature (including marriage, divorce, child support, adoption, filiation, housing and liquidation of estates) will be grouped together and decided on by a single judge. Previously, the competences related to family disputes were spread among several jurisdictions, which led to a multiplication of court proceedings and increased costs for citizens and the Department of Justice. The law also means that children over 12 years of age must be informed of their right to be heard by the judge in family civil litigations. Children under 12 years of age will be heard only at their request or at the request of the parties, the Public Prosecutor or the judge.

In **Italy**, Law 219/2012 entered into force in January 2013, introducing a new provision in the Civil Code that establishes the right of a child who is 12 years or younger to be heard in all matters that affect him or her, if the child is capable of forming his or her own views.²⁰ At the same time, national case law has reaffirmed the need to comply with international standards on child-friendly justice on different occasions. The Supreme Court has stressed in Judgment No. 11687 the right of the child to be effectively heard, in compliance with the UN Convention on the Rights of the Child and Article 24 of the EU Charter of Fundamental Rights. The judgment annulled the decision of the appeal court on the conditions of separation of the parents, because the child had not been heard.²¹

4.2. Europe tackles violence against children

Violence still affects the lives of too many children in Europe. The EU and a number of EU Member States have taken steps to combat domestic violence and child sexual abuse, bullying, corporal punishment and other forms of violence affecting children, such as forced marriages. Budget cuts to child protection services, and the risks associated with the misuse of new technologies are some of the factors which exacerbate



problems. Various initiatives have been taken in 2013 at both international and European levels to address the problem.

Violence has been identified as a significant cause of mortality and morbidity in children, particularly adolescents, by the Committee on the Rights of the Child in its General comment No. 15.²² In line with it, the Special Representative of the Secretary-General on Violence against Children has underlined in its annual report²³ that the urgency of protecting children from violence has not diminished. While progress in child protection remains patchy across the world, children continue to be subject to violent practices in schools, care, justice institutions and the home.

As pointed out in a 2013 World Health Organization (WHO) report,²⁴ every year at least 850 children aged under 15 years die from maltreatment in Europe. In addition, it is estimated that 18 million children in Europe suffer from sexual abuse, and 44 million from physical abuse.

4.2.1. Domestic violence and sexual abuse

The EU has taken a step towards better protection of domestic violence victims, including children, by guaranteeing that from January 2015 restraining measures against perpetrators are effective across the EU and not just in the Member State in which they are issued. This new order²⁵ will complement the 'European protection order', adopted in December 2011, extending its application from criminal to civil matters (see [Chapter 9](#) on the rights of crime victims).

A wider ratification of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, known as the Lanzarote Convention,²⁶ represents another accomplishment. So far, 18 EU Member States have ratified it: **Austria, Belgium, Bulgaria, Croatia, Denmark, Finland, France, Greece, Luxembourg, Malta, the Netherlands, Portugal, Romania and Spain** before 2013, as well as **Italy, Lithuania, Slovenia and Sweden** during the year.

The Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention,²⁷ has not yet reached the minimum number of ratifications to enter into force. Only three EU Member States have ratified the convention, **Austria, Italy and Portugal**, all during 2013.

The FRA survey, which is based on interviews with 42,000 women across the EU, also highlights children's direct exposure to domestic violence and their risk of victimisation later in life. In connection with this, 41 % of violent incidences against mothers are witnessed by

at least one child. Moreover, 7 % of women who had a current or previous partnership and had experienced violence in their partnership reported threats by a partner that they would take the children away. In 3 % of the cases, the partner threatened to hurt the children, and 3 % of the women state that the partner actually did so.

FRA ACTIVITY

Asking women about their experiences of violence during childhood



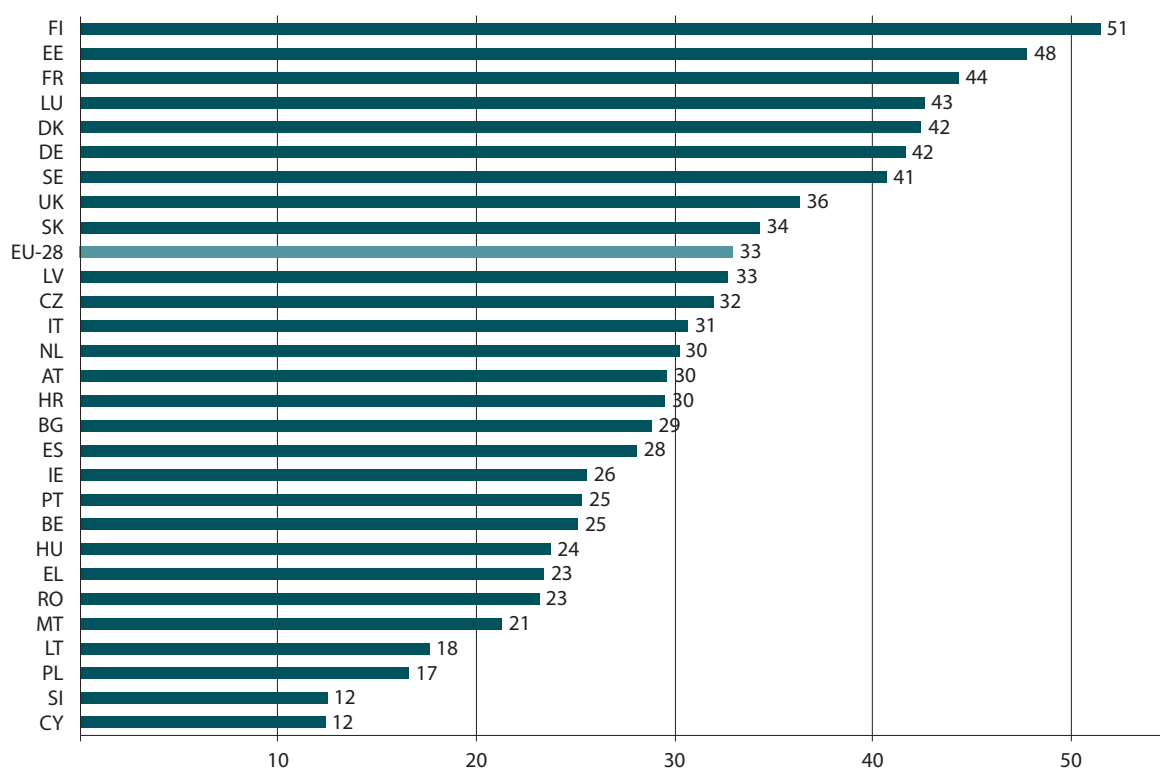
Women in all EU Member States were asked about their experiences of violence during childhood in a FRA survey. The results show that 27 % of women have experienced some form of physical abuse in childhood at the hands of an adult, and just over one in 10 women (12 %) has experienced some form of sexual abuse by an adult before she was 15 years old. This corresponds to 21 million women in the European Union.

Women's perception of whether violence against women is common in their country is closely connected to their personal experiences of domestic or non-partner violence, their awareness of other women who are victims of violence, and their awareness of campaigns addressing violence against women. The interplay between these factors needs to be taken into account when interpreting data from the different EU Member States.

December 2013 was the deadline for EU Member States to transpose the Directive on sexual abuse and exploitation and child pornography into national law.²⁸ Thus, 2013 continued to witness criminal law reforms in the area of sexual abuse, domestic violence, child pornography and sex tourism in Member States such as **Austria, Germany, Hungary, Italy, Latvia and the Netherlands**. Other Member States, such as **Lithuania, Poland and Spain**, are still discussing draft proposals.

Austria introduced a new law in July 2013 altering the Criminal Code and Code of Criminal Procedure²⁹ to introduce changes to sexual crime legislation. The law defines child prostitution and the crime of human trafficking. It increases the minimum punishment for the crime of rape from six months to one year, and the punishment for sexual coercion with severe consequences for the victim (e.g. severe bodily harm or

Figure 4.1: Childhood experience of any physical or sexual violence before the age of 15 (%)



Source: FRA (2012), Gender-based violence against women survey data set

pregnancy) from one year to a minimum of five years. Victims under 14 years shall be granted psychosocial aid. The ban on working with children if convicted of a sexual crime against children has been modified in conformity with Directive 2011/93 to include professional activities involving intensive contacts with children.

Austria also has a new law on child protection.³⁰ Among other changes, it structures the process regulating the assessment of when the child's best interests are endangered, and unifies it for all Austrian provinces. Two well-trained specialists must assess if there is an imminent danger to the child's best interests. It also explicitly lists the persons and institutions that are obliged to notify the Child and Youth Welfare Office when they have reason to believe that the child's welfare is in danger.

In **Hungary**, the Commissioner for Fundamental Rights released a report on child prostitution. It highlights that the most serious obstacles to effectively tackling child prostitution are the lack of cooperation between authorities and institutions, the lack of knowledge, professional guidelines and protocols, and the fact that the police treats children in prostitution as offenders and not as victims.³¹ Hungary had reformed its criminal code in 2012, making some changes to its treatment of sexual violence; the 2012 reform further defined child prostitution and increased the time within which legal proceedings may be brought for certain crimes up to the age of 23 years.

FRA ACTIVITY

Researching European guardians for children victims of trafficking

During 2013, FRA reviewed guardianship systems in the 28 EU Member States to identify promising practices. The review covered issues such as the role of the guardians, their qualification and training, and the procedure for appointing a guardian. The research also explored how specific guardianship mechanisms used for child victims of trafficking relate to guardianship arrangements for other children who are temporarily or permanently deprived of their family environment.

FRA was requested to support the European Commission to develop a best practice model on the role of guardians and/or representatives of child victims of trafficking, as suggested in the EU Anti-Trafficking Strategy 2012-2014. To do so, it updated parts of the report on *Child trafficking in the European Union: Challenges, perspectives and good practices*, published by FRA in July 2009.

As a result of this research, FRA will publish two reports in 2014: a good practice model on guardianship and legal representation of children victims of trafficking and a comparative report on the guardianship systems in the 28 Member States.

A number of EU Member States have reformed laws regulating domestic violence against women and children. In **Latvia**, for example, the notion of emotional abuse has been widened; now the violent treatment of a person close to a child in the child's presence shall also be recognised as emotional abuse.³² **Italy** adopted a new law decree introducing an aggravating sanction for the perpetrator if the domestic violence has taken place in presence of a child and introducing the possibility of granting a permit to stay for victims of domestic violence who are third-country nationals.³³ The law decree promotes prevention programmes in schools and the reinforcement of support programmes for women victims of violence and their children.

Promising practice

Compensating victims of family sexual abuse

To compensate victims of family sexual abuse, **Germany** has established a €50 million sexual abuse fund (*Fonds Sexueller Missbrauch*). The *Länder* should add another €50 million to the fund. The establishment of a fund for victims of sexual abuse in institutional settings and outside family context is under discussion.³⁸

People who were sexually abused in their families as a child and still suffer from the effects today may apply for benefits in kind up to a value of €10,000. This provision covers cases of violence that occurred between the founding of the German Republic in May 1949 and June 2013. Requests for such benefits can be submitted until 30 April 2016. The offer of assistance ranges from cost transfers for psychotherapeutic care to training and qualification measures or other tailored support in special cases.³⁹

For more information, see: www.fonds-missbrauch.de/

In the **Netherlands**, the Act for a Mandatory Reporting Code on Domestic Violence and Child Abuse entered into effect on 1 July 2013,³⁴ making it compulsory for organisations and independent professionals to adhere to a reporting code. The code targets domestic violence and child abuse, including sexual violence, female genital mutilation, honour-based violence, senior abuse and forced marriage. It applies to organisations and independent professionals in education, healthcare, childcare, youth care, social work and the criminal justice system, who are obliged to report cases of suspected child abuse. Organisations and independent professionals have to draw up their own systems on how to report, tailored to their specific situation. The Ministry of Health, Welfare and Sport has published a model reporting code that can be used for this purpose.³⁵ The Dutch Healthcare Inspectorate held a survey before the act entered into force and concluded that

reporting codes for domestic violence and child abuse have not been adequately used in the healthcare sector, with its subsectors varying in the extent to which they had adopted such codes.³⁶

At the policy level, the **Netherlands** is also discussing an action plan against child sex tourism.³⁷ It contains measures to address child sex tourism, including confiscating the passports of repeat offenders and closer cooperation between Dutch officials and officials from countries where child sex tourism is common, such as Brazil, Thailand, the Philippines and India. This will include deploying police experts to help track down offenders, improving the international registration of offenders and information exchange between countries.

4.2.2. Violence on the internet rises

The safety of children is particularly at risk on the internet both from adult predators and from young people themselves uploading sexually explicit material. The threat of online child sexual exploitation is increasing as technology develops and offenders find more secure methods to distribute abusive material, as reported by Europol.⁴⁰ The amount of video material depicting child sexual abuse available online has grown substantially. It is estimated that only between 6 % and 18 % of child abusive material is currently traded for money, given the wide availability of free material, especially using peer-to-peer technology, by which individuals exchange files. An increase in the distribution of sexual images and videos by young people themselves – known as 'sexting' – is equally alarming. According to the Virtual Global Taskforce, a network of law enforcement agencies, NGOs and industry, 15 % of 11- to 16-year-olds in Europe say that they have received sexual messages from peers.⁴¹

European stakeholders have taken several initiatives to promote child safety on the internet. The European Commission has adopted a green paper⁴² to regulate reporting tools for users, age-appropriate privacy settings, use of parental control and effective removal of child abuse material. In addition, a new European Cybercrime Centre, focusing on online child sexual exploitation, among other activities, was opened in January 2013.⁴³ Under the Daphne III Programme, a European awareness-raising campaign on cyberbullying called Delete Cyberbullying⁴⁴ was launched in February 2013. The project contributes to developing a common approach to risk prevention by setting guidelines to children, families and parents (see also Chapter 3 on information society, respect for private life and data protection).

Member States have adopted a number of legislative and policy actions. In **Luxembourg**, a bill⁴⁵ is being discussed to address cyberharassment. The bill is expected to empower victims, especially students, to go to court. In **Italy**, the National Authority for Children has signed

an agreement with the Head of Police to disseminate promising practices in relation to the correct use of web technologies by children. The Observatory against Paedophilia and Child Pornography has launched its own website with the aim of spreading the knowledge of this phenomenon, including laws and practical information for victims⁴⁶ (see promising practice on web technologies in Chapter 3).

A 2013 report by the **Dutch** Ombudsman for Children⁴⁷ noted a 158 % increase in notifications of child pornography between 2011 and 2012. Online grooming (an adult approaching a minor with the aim of sexual abuse) has been punishable since 2010. There have been several cases, including a 2013 case before the Supreme Court⁴⁸ and a case before the District Court of Assen, where a man was accused of grooming 300 girls through the internet between 2005 and 2013. The prosecution's focus is shifting from the downloading of child pornography to the sexual abuse of children and the production and distribution of child pornography. Spain approved the Second Strategic Plan on childhood and adolescence 2013-2016; one of its eight objectives is the prevention of online abuse and grooming, and it also plans criminal law reform on the issue.⁴⁹

An innovative and controversial program to detect men looking for webcam sex with children coming from developing countries was also developed by a Dutch organisation, Terres des Hommes.⁵⁰ With the aid of a computer-generated 10-year-old girl, 'Sweetie', the organisation was able to identify more than 1,000 sex predators from more than 65 countries in less than two and a half months. The video footage and all

information obtained on predators have been transferred to police authorities.

4.2.3. Bullying

Cyberbullying is another common threat to children's well-being, with severe effects that can lead to self-harm. Cyberbullying is understood as a form of bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumours sent by email or posted on social networking sites, and embarrassing pictures, videos, websites or fake profiles. During 2013, a few cases of suicide appeared in the media in several EU Member States, such as in **Italy**, where in May 2013 a 14-year-old girl from Novara committed suicide after some offensive videos were posted online. Bullying is not limited to the internet, being widespread also in schools. To raise awareness of the very serious effects of this phenomenon, members of the European Parliament called for the establishment of a European Day against Bullying and School Violence in January 2013.⁵¹

FRA conducted the first ever online EU-wide survey to establish an accurate picture of the lives of lesbian, gay, bisexual and transgender (LGBT) people and their experiences with regard to fundamental rights.⁵² A total of 93,079 LGBT persons took part in the survey. Asked about their experiences during childhood, more than eight in 10 respondents in each LGBT subgroup and in each EU Member State have witnessed negative comments or conduct during their schooling because a schoolmate was perceived to be LGBT; in other words, in all EU Member States more than 80 % of LGBT people

Figure 4.2: Heard or seen negative comments or conduct because a schoolmate/peer was perceived to be L, G, B or T at school before the age of 18, by EU Member State and by LGBT group (%)



Note: Answers include 'rarely', 'often' and 'always'.

Source: FRA (2012), EU LGBT survey

surveyed have heard or seen negative comments or conduct towards a peer perceived to be lesbian, gay, bisexual or transgender (Figure 4.2).

Two thirds (68 %) of all respondents who answered the question say these comments or this conduct has occurred often or always during their schooling before the age of 18. The highest rates are in **Bulgaria, Cyprus, Greece, Ireland, Malta, Spain** and the **United Kingdom**.⁵³ Two thirds (67 %) of all respondents say they often or always hid or disguised the fact that they were LGBT during their schooling.

Bullying and violence in schools remains an important concern in the EU. Many Member States have taken up the matter to address issues of school violence and bullying. A government bill was tabled in **Finland's** Parliament on 6 June 2013 aiming to reduce bullying by shifting emphasis from individual measures and reparation to collective measures and prevention. The legislative proposal includes an obligation to offer services by school welfare officers and psychologists to pupils at the secondary level of schooling, not only to primary pupils as in the present legislation.⁵⁴ **Bulgaria** has set up an expert working group at the Ministry of Education, which developed a mechanism for combating school bullying.⁵⁵ In **Greece**, the Centre for the Prevention of School Violence established by the Ministry of Education in 2012⁵⁶ presented, according to reports, the findings of a major survey based on a sample of 41,422 school children showing that 33 % were victims of violence because of their place of origin and 11 % because they belonged to a minority group.⁵⁷

The Action Plan Against Bullying in schools in the **Netherlands**⁵⁸ contains a proposal for an act that will oblige all primary and secondary schools to employ effective measures against bullying, ensure its monitoring and appoint a person who coordinates actions tackling bullying. In 2013, the State Secretary for Education, Culture and Science appointed a committee of independent experts that will review the effectiveness of anti-bullying programmes.⁵⁹ It is expected that a legislative proposal will be sent to the House of Representatives in 2014.⁶⁰

Research shows that children are significantly more vulnerable to school violence if they belong or are perceived to belong to a minority group, such as migrant, Roma or LGBT children.

There were numerous racist incidents involving students but also parents and even teachers against students, as reported by the Greek Ombudsman in September 2013. The majority are related to the ethnic and racial background of the students. Teachers are often seen as tolerating this type of violence.⁶¹

The **United Kingdom's** main child helpline reported a 65 % increase in young people experiencing racist

bullying. A common theme was for young people to be called a 'terrorist' or a 'bomber', and told to 'go back to where they came from'. These constant insults left many young people feeling upset, insecure and frustrated⁶² (for more information on racism and ethnic discrimination, see Chapter 6).

4.2.4. Other forms of violence

Other forms of violence also afflict children, such as genital mutilation, forced marriages and corporal punishment. EU Member States are increasingly moving to criminalise forced marriages and corporal punishment and the EU has taken aim at female genital mutilation. The European Commission adopted a Communication to the European Parliament and the Council: *Towards the elimination of female genital mutilation*.⁶³ The Communication aims at supporting Member States in the protection of girls, the prosecution of parents and cutters, and especially prevention through education and awareness raising. Female genital mutilation can be prosecuted in all Member States, either through general criminal legislation or through specific criminal law provisions, such as those existing in **Austria, Belgium, Croatia, Cyprus, Denmark, Germany, Ireland, Italy, Spain, Sweden** and the **United Kingdom**. However, very few cases are actually prosecuted and sentenced.

Germany is one of the Member States that changed their penal codes recently to penalise the mutilation of female genitalia. The new act clearly classifies female genital mutilation as a crime, punishable with imprisonment of at least one year. Moreover, the procedural rights of victims have been strengthened and the limitation period is set to begin only when victims attain their majority.⁶⁴

After a controversial 2012 court case in Germany (for more information, see Chapter 5 of the 2012 Annual report, on equality and non-discrimination) the issue of male circumcision has continued to be high on the European agenda. Despite the objections of those who see circumcision as an issue of religious freedom, the Council of Europe's Parliamentary Assembly approved a resolution on children's right to physical integrity in October 2013.⁶⁵ This initiative aims to include medically unjustified violations of children's physical integrity within the body of human rights standards. Governments are recommended to restrict certain practices, such as the circumcision of young boys for religious reasons and surgery to 'normalise' the genitalia of intersex children, until a child is old enough to consent or refuse consent. The resolution also calls on states to define the medical and sanitary conditions for these practices as well as adopt legal provisions to ensure that certain operations will not be undertaken before a child reaches the age of consent.

Children's ombudspersons from five Nordic countries (the EU Member States **Denmark, Finland** and **Sweden**,

as well as Iceland and Norway) agreed in September to work with their respective governments to restrict male circumcision so that it is no longer performed on non-consenting, underage boys for non-medical reasons.⁶⁶ In addition, **medical associations** from 17 European countries also voiced their opposition to routine male circumcision of infants and boys as a medically unnecessary procedure which goes against medical ethics. In a 2013 edition of the medical journal *Pediatrics*, paediatricians and medical associations agreed that “[c]ircumcision fails to meet the commonly accepted criteria for the justification of preventive medical procedures in children,” and that existing research does not justify “surgery before boys are old enough to decide for themselves.”⁶⁷

The issue of forced marriage has been analysed in a FRA study to be published in 2014. Seven out of 28 EU Member States define forcing a person to marry against his or her will as a specific criminal offence. These states are **Austria, Belgium, Croatia, Cyprus, Denmark, France and Germany**. There is a trend towards criminalising forced marriage across Europe. Three Member States passed specific legislation to combat forced marriage in 2013 (**Croatia, France and the Netherlands**), and three others (**Luxembourg, Malta and the United Kingdom**) are currently addressing forced marriage in legislative proposals. Certain countries have legal age limits against child marriage, requiring both spouses to be at least 18 years old, such as **France, Germany, the Netherlands and Sweden**. In others, the marrying of persons under 18 would require parental approval. In yet others, the limit is set at 16 years or below, in cases where the law of the country of origin (for non-citizens) is applied.

In recent years, the number of EU Member States enacting laws to prohibit the corporal punishment of children has increased. In particular, 16 Member States have prohibited corporal punishment of children in all settings: the home, schools, penal system and care settings.⁶⁸ During the last five years, nine Member States have received recommendations to prohibit corporal punishment in the Universal Periodic Review carried out by the UN Human Rights Council: **Belgium**,⁶⁹ **Estonia**,⁷⁰ **Ireland**,⁷¹ **Italy**,⁷² **Lithuania**,⁷³ **Malta**,⁷⁴ **Slovakia**,⁷⁵ **Slovenia**⁷⁶ and the **United Kingdom**.⁷⁷

Regional mechanisms were used in 2013 to challenge the legality of physical punishment of children. In July, the European Committee on Social Rights declared a series of complaints admissible under its **collective complaints** procedure; they claim that **Belgium, Cyprus, Czech Republic, France, Ireland, Italy and Slovenia** are not complying with their obligations under the European Social Charter, which requires EU Member States to protect children from violence in all settings.⁷⁸ Several of the Member States have since made commitments to abolish all corporal punishment of children.

The fact that young people within the justice system are particularly vulnerable to violence is also confirmed by a recent study about the experiences of young people in custody in five EU Member States, namely **Austria, Cyprus, the United Kingdom (only England)**, the **Netherlands** and **Romania**.⁷⁹ According to the views of over 120 children, violence appears to be a relatively common practice in custody, with staff using violent methods to assert their positions or to stop incidents among youth. Similar results came up in a research published by the Ombudsman for Children (*Barnombudsmannen*) in **Sweden** about the situation of children in police cells and in remand prisons.⁸⁰ Children met by the researchers described police cell staff who are tyrannical and use various means to break the child’s spirit. These might be threats, fear of physical violence, put-downs and various power games. More positively, the findings also show that, in the context of investigative custody, prison staff only rarely use their power to put the young inmates down. No child reported that he or she was afraid of the staff at the remand prison, or had experienced threats or fear of physical violence.

4.3. Europe takes aim at child poverty

Child poverty continued to afflict the lives of many children in Europe. Addressing child poverty was a prominent feature in the European and national policy agendas, as well as in the national media. Some of the main issues were education budget cuts and the impact of child poverty on specially vulnerable groups. The European Commission’s adoption of a child poverty recommendation was a step forward in 2013.

Eurostat published in 2013 a study analysing existing data on child poverty. According to Eurostat, in 2011, 27 % of children (aged 0–17) in the EU-27 were at risk of poverty or social exclusion, compared with 24 % of adults (18–64) and 20 % of the elderly (65 or over). Moreover, 49 % of children whose parents’ level of education was low were at risk of poverty, compared with 7.5 % of children whose parents’ level of education was high. Children with a migrant background were at a greater risk of poverty than children whose parents were native born (13 points higher). As regards living conditions, 18 % of single-parent households were severely materially deprived, compared with 9.6 % of two-parent households with dependent children.⁸¹

4.3.1. European Commission offers guidance on promoting children’s well-being

Following the conclusions on child poverty and social exclusion agreed by the Council of the European Union



in 2012, the European Commission adopted in February 2013 the recommendation *Investing in children: Breaking the cycle of disadvantage*.⁸² The recommendation provides guidance to Member States on how to tackle child poverty and promote children's well-being, and sets up a common European framework, based on recognition of children as rights holders. By doing so, it takes a step away from the dominant paradigm of seeing children solely as dependents, towards an emphasis on children's independence.

"While policies addressing child poverty are primarily the competence of Member States, a common European framework can strengthen synergies across relevant policy areas, help Member States review their policies and learn from each other's experiences in improving policy efficiency and effectiveness through innovative approaches, whilst taking into account the different situations and needs at local, regional and national level".

European Commission (2013), Commission Recommendation of 20 February 2013, *Investing in children: Breaking the cycle of disadvantage*, Brussels, 20 February 2013

The European Commission recommends that Member States organise and implement policies to address child poverty and social exclusion, promoting children's well-being, through strategies based on three pillars:

- access to adequate resources – support parent's participation in the labour market and provide for adequate living standards through a combination of benefits;
- access to affordable quality services – reduce inequality at a young age by investing in early childhood education and care, improve education systems' impact on equal opportunities, improve the responsiveness of health systems to address the needs of disadvantaged children, provide children with safe, adequate housing and living environment, and enhance family support and the quality of alternative care settings;
- children's right to participate – support the participation of all children in play, recreation, sport and cultural activities and put in place mechanisms that promote children's participation in decision making that affects their lives.

The Commission also recommends developing implementation and monitoring mechanisms, and strengthening the use of research. The recommendation includes a set of indicators to monitor child well-being. The Member States should make full use of relevant EU instruments, by addressing child poverty and social exclusion as a key issue within the Europe 2020 Strategy and by mobilising the relevant EU financial instruments.

Following from the European Commission's recommendation, the European Platform for Investing

in Children was launched in early 2013. It is an online platform managed by the European Commission's Directorate-General for Employment, Social Affairs and Inclusion. The platform is a tool to share the best of policy making for children and their families, and foster cooperation and mutual learning in the field.⁸³

Provision of childcare services is essential to ensure parents can work. There are clear linkages between child poverty and parental unemployment. To reach the EU's employment targets and improve the overall economic situation, it is essential that more parents work, especially women. The European Commission in a 2013 report addressed recommendations to 11 Member States on female employment, childcare availability and quality, full-day school places and care services. The report finds that just eight Member States, **Belgium, Denmark, France, the Netherlands, Slovenia, Spain, Sweden** and the **United Kingdom**, have met the targets agreed by the European Council on availability and accessibility of childcare services.⁸⁴

4.3.2. Member States seek solution to child poverty

UNICEF published a study of child well-being in the world's 29 most advanced economies.⁸⁵ Five dimensions of children's lives have been considered: material well-being, health and safety, education, behaviours and risks, and housing and environment. In total, 26 internationally comparable indicators have been included in the overview. The key findings show the **Netherlands** as the clear leader and as the only country ranked among the top five countries in all dimensions of child well-being. Nordic EU Member States – **Finland** and **Sweden** – sit just below the Netherlands at the top of the child well-being table. Three southern Member States – **Italy, Portugal** and **Spain** – are in the bottom half of the table. The three poorest countries surveyed, **Latvia, Lithuania** and **Romania**, together with crisis-struck **Greece** and one of the richest, the United States of America, occupy the bottom five places. The EU as a whole (except for Bulgaria, Croatia, Cyprus and Malta, which were not included in the survey) is ranked worse (15.6) than some non-EU countries at 12.12 (Canada, Iceland, Norway, Switzerland and the USA).

EU Member States have also produced their own data or studies on child well-being and child poverty. Despite the favourable results for the **Netherlands** in the UNICEF research, the Dutch Ombudsman for Children produced in June a report on poverty among children, which concluded that one in nine Dutch children are growing up in poverty.⁸⁶ The report examined the policies of 198 out of 408 municipalities to combat child poverty, given their key role in fighting poverty. Only three municipalities have policies specifically targeting children living in poverty. The Ombudsman for Children advised municipalities to provide a Children's Package to households with

incomes below a certain threshold. Within a week after the report was released, 26 municipalities announced that they would provide such a Children's Package.⁸⁷

In 2013, the Central Statistical Office in **Poland** published a report on poverty showing that young people, including children, are the social groups at the greatest risk of poverty. In 2012, 10 % of people aged under 18 experienced extreme poverty.⁸⁸ The Statistics Office of **Estonia** published, in its blog, data on relative poverty to show that every sixth child in Estonia was living below the relative poverty line and one child in 11 was below the absolute poverty line or in deep material deprivation in 2011. According to this information, there have been no significant changes in the percentages since 2007.⁸⁹

In the **United Kingdom**, the Office of the Children's Commissioner published a child rights impact assessment of budget decisions made between 2010 and 2015. The findings were worrying.⁹⁰ The assessment concludes that, despite some progressive policies and the apparent commitment of the United Kingdom government, "families with children have lost more as a result of the economic policies modelled than those without children, and some of the most vulnerable groups have lost the most."⁹¹

The impact of the financial crisis on women with children is also affecting children's standard of living. In **Slovakia**, a report on gender equality concludes that the crisis has significantly worsened the financial situation of mothers with small children, which may have deepened the poverty of families.⁹² The crisis has provoked a massive transfer of women into the sphere of unpaid jobs; according to the report's authors, this has been caused by the steep increase in childcare fees.

National committees of UNICEF have also produced studies on child poverty in **Germany**, **Greece**⁹³ and **Spain**.⁹⁴ The survey in Germany found that, between 2000 and 2010, 8.6 % of children in Germany experienced long-term poverty because they lived in households earning less than 60 % of the average income.⁹⁵

Several EU Member States have policies that address poverty in general, or which target families specifically. In addition, other Member States have action plans or other policies to target child poverty directly. In June 2013, **Belgium** adopted a national action plan to fight child poverty. It aims to implement the European Commission Recommendation *Investing in children: Breaking the cycle of disadvantage*. The plan is a result of collaborative work between the federal government, the communities, the regions and other stakeholders, and includes a total of 140 actions across the three pillars. The plan stresses, among other things, the importance of improved access to work and financial support for families with children, helping parents to combine work and family, and the promotion of children's participation in social activities, leisure time and cultural and sporting events.⁹⁶

Promising practice

Researching the lives of children

Growing Up in Ireland is a national study of children, the results of which will feed into different governmental policy areas. The study seeks to examine the factors that contribute to or undermine the well-being of children in contemporary Irish families. It was launched in 2006 as part of the National Children's Strategy. The research will take place over a number of years and involves examining the progress and well-being of the same group of children (about 20,000 individuals) on a number of occasions at important points throughout their childhood. It includes qualitative and quantitative research methods.

The most recent report, published in September 2013, noted that the impact of poverty on children was already apparent by three years of age. Other areas covered by the reports are well-being, education, health, family situation and other social issues.

The project has set up a Children's Advisory Forum formed of 84 children to make sure the voices of children are heard within the study. Their role is to advise the researchers on how best to run the study and to make sure views and opinions of children and young people are taken into consideration when making decisions.

Growing Up in Ireland is a government study funded by the Department of Children and Youth Affairs, in association with the Department of Social Protection and the Central Statistics Office.

For more information, see: www.growingup.ie

The **Spanish** National Action Plan for Social Inclusion 2013–2016⁹⁷ integrates all the Spanish policies against poverty and social exclusion and includes 240 measures intended to rescue 1.5 million people from poverty, in accordance with the Europe 2020 Strategy. The plan is the first to include the fight against child poverty as a top priority and a cross-cutting objective, as well as a Special Fund intended to cover children's basic needs (€17 million). The total funds assigned to the plan amount to €136,600 million.

"During the past few years, some of our member institutions have seen their areas of action reduced, human and material resources cut and even their very existence called into question."

European Network of Ombudspersons for Children (2012), Position paper on the consequences of the economic crisis on independent children's rights institutions, October 2012

Bulgaria included a child objective within its newly adopted National Strategy for Reduction of Poverty and Social Inclusion 2020. One of its main aims is

to reduce the current number of children living in poverty by 78,000.⁹⁸ **Germany's** Federal Council passed in July 2013 the Act Easing Administration in the Area of Child and Youth Welfare Services, which should improve access to childcare and youth care for low-income parents and simplify procedures with youth welfare offices.⁹⁹

Child poverty and education

The financial crisis has produced a number of cuts in education expenditure in EU Member States. According to a 2013 report published by the European Commission,¹⁰⁰ 20 EU Member States cut their national education budgets in 2011–2012. Cuts of more than 5 % were observed in **Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Lithuania, Portugal, Romania** and the **United Kingdom (Wales)**, whereas decreases between 1 % and 5 % were seen in **Belgium (French Community), Bulgaria, the Czech Republic, Estonia, France, Ireland, Poland, Slovakia, Slovenia, Spain** and the **United Kingdom (Scotland)**.

Some EU Member States took several initiatives to address specifically the issue of poverty and access to education. School drop-out rates remain a problem that has to be countered in some Member States. Often the reasons are family poverty, remoteness of small villages from school, low level of education of the parents, healthcare problems, poor language skills and discriminatory attitudes. According to UNICEF research, **Bulgaria** has the lowest average drop-out age (14.3 years) among the EU Member States.¹⁰¹ The government adopted a strategy for the prevention and reduction of the proportion of children dropping out of school 2013–2020, to ensure equal access to students and to support their families by offering textbooks and assistance for the purchase of compulsory books.¹⁰²

Finland, which is one of the countries ranked highest by the Programme for International Students Assessment (PISA), is considering increasing the age of compulsory education. The government introduced in August 2013 a structural policy programme on boosting economic growth. It aims to ensure that young people are trained and enter working life. To achieve this, pre-school will be made obligatory, secondary school attendance increased and the age of compulsory schooling raised from 16 to 17 years.¹⁰³

Austria modified its School Allowance Act,¹⁰⁴ introducing a significant change to the way school allowance is assigned to children in need (e.g. covering costs for studying in specialised schools away from the family home, or transport costs). The granting or the amount of a school allowance is dependent not on good grades any more, but only on the financial and social situation of the family. The former system also required children to be good students.

When it comes to poverty and access to education, a number of groups are particularly affected by lack of resources or by high drop-out rates. Among those are migrant children, Roma children and children with disabilities.

The European Commission acknowledged the case of migrant children and the difficulties in accessing school in a report presented in April 2013.¹⁰⁵ The report says that newly arrived migrant children are more likely to face segregation and end up in schools with fewer resources. This leads to underperformance and a high probability that the children will drop out of school early. The study suggests that EU Member States should provide targeted educational support for migrant children, such as specialist teachers, and systematic involvement of parents and communities to improve their integration. The study examines national policies in support of newly arrived migrant children in 15 Member States. It finds that **Denmark** and **Sweden** have the best models, based on offering targeted support and a reasonable level of autonomy for schools (for more information on asylum and migration, ► see [Chapter 1](#)).

In the **United Kingdom**, the Office of the Children's Commissioner for England published a study on the experiences of disabled children living in poverty.¹⁰⁶ It found that some disabled and young people were living without adequate heat, food and housing, and that they faced clear barriers in accessing a range of services (health, education, play and leisure activities) in comparison with other children. Although there were positive stories of local authority and school support, there were also cases of parents experiencing difficulties in accessing appropriate and stimulating learning opportunities, families having to travel long distances to receive appropriate education services, and insufficient personal assistance and support being provided in some areas.

"I am deeply concerned that limited attention is being paid to the risks of child labour in Europe. In most countries officials are aware of the problem, but few are willing to tackle it. That data and figures are almost non-existent or highly approximate is a point of worry in itself. One cannot fight a problem without information about its extent, character and effects."

Muižnieks, N., Council of Europe Commissioner for Human Rights (2013), Child labour in Europe: A persisting challenge, Human Rights Comment, 20 August 2013

FRA research in 11 EU Member States shows that one out of 10 Roma children of compulsory school age in **Greece** and **Romania** are working outside their home. Working conditions are generally unsafe, as their occupation mostly consists of collecting objects for reselling or recycling, or begging on the street for ► money¹⁰⁷ (see also [Chapter 7](#) for more information on Roma children).

FRA ACTIVITY

Mapping child protection in Europe

The European Commission plans to develop EU guidelines on child protection systems. This is envisaged in the EU Strategy towards the Eradication of Trafficking in Human Beings¹⁰⁸ and in line with the EU Agenda for the Rights of the Child and the identified need to gather data to fill the gaps in knowledge about the situations and needs of the most vulnerable groups of children.

To develop the guidelines, the Commission has asked FRA to analyse the child protection systems in the 28 Member States. The mapping will focus in particular on the national legal framework, the structure and functions of the current national system, care by state and non-state actors, inter-agency cooperation, cross-border cooperation, data collection and monitoring.

The results will be published at the end of 2014.

Outlook

Translating the European Commission's recommendation on child poverty into reality at national level will be a challenge, especially in EU Member States that are still struggling with the impact of the economic crisis. Member States will need to reassess their policies addressing child welfare in all its aspects – material deprivation and access to education, health and social services – to ensure that they are in the best interests of the child, in line with the United Nations Convention of the Rights of the Child and the EU Charter on Fundamental Rights. The economic upturn that may be reaching some Member States should allow policies that improve child welfare provisions, especially for those children in vulnerable situations, such as asylum seekers, irregular migrants and Roma.

EU Member States had to transpose two important directives into national law in 2013, one on trafficking, sexual abuse and exploitation and one on child pornography. These directives improve the way that justice systems respond to child victims of or witnesses to crimes. The implementation of this new legal framework will require policy and skills training in 2014 and beyond.

The EU Victims' Directive, the eventual adoption of a directive dealing with the protection of children suspected or accused in criminal proceedings and a common framework for child protection will also spark developments at national level. EU Member States will be required to adapt their criminal law provisions and child protection systems while also ensuring that the Council of Europe Guidelines on child-friendly justice are fully taken into account. Several upcoming European Commission and FRA studies on children and justice will help identify challenges and promising practices and will further guide national-level improvements. Collecting data regarding children and justice, as well as in other child rights' fields, remains fundamental to effectively address violations of children's rights.

More EU Member States should ratify the third protocol to the Convention on the Rights of the Child, which entered into force in April 2014, to allow children to bring individual claims of human rights violations against their countries.

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