

European Union
Agency for Fundamental Rights (FRA)

Developing indicators for the protection,
respect and promotion of the rights of
the child in the European Union

SUMMARY REPORT

FRA

March 2009

The research was carried out by the University of Liverpool Centre for the Study of the Child, the Family and the Law in partnership with the Ludwig Boltzmann Institute of Human Rights. The final report was drafted by Helen Stalford and Helmut Sax with contributions from Eleanor Drywood, Helmut Wintersberger, Iris Golden, Renate Kränzl-Nagl, Beatriz Barquero, Christian Alt, Sandy Ruxton, Tony Dobson and Mike Jones. The report was subsequently edited by the FRA, which is responsible for its conclusion and opinions.

Foreword

One fifth of the European Union's population are children and the protection and promotion of their rights are a priority for the EU and its institutions. EU Member States are bound to protect respect and promote the rights of the child under international and European treaties, in particular the UN Convention on the Rights of the Child and the European Convention on Human Rights. The European Union's Charter of Fundamental Rights also recognises children's rights in Article 24.

The situation of many children across the EU is worrying. Although the European Union region is one of the most affluent and developed in the world, according to Eurostat 19% of its children aged 0-16 are at risk of poverty; many suffer violence within the family, in the community, in residential care and in other settings; many continue to be placed in institutions despite the potentially damaging effects, particularly on young children; children are still being trafficked and smuggled into and across EU Member States to be exploited despite the international efforts to stop this horrific form of abuse; separated children seeking asylum are often placed in detention, lacking access to appropriate housing, education, and health care; disabled children and those from minority ethnic backgrounds continue to suffer discrimination, often on multiple grounds, and experience problems in accessing vital services such as education and health care.

These problems reported by several official and other reports, including those resulting from FRA's own research, point to an urgent need for concerted EU action. The ongoing financial crisis threatens national social protection systems draining the resources available for the most needy and vulnerable.

The European Union's commitment to implementing a children's policy has been strengthened in recent years with the introduction of a range of measures addressing child protection, poverty and social exclusion, and age-based discrimination.

However, much remains to be done in improving EU legislation, policy and structures to meet the range of issues facing children. While recognising that the primary responsibility for many children's issues lies at the national level, EU action is also essential.

An important step in this direction was taken by the European Commission in 2006. Its Communication 'Towards a Strategy on the Rights of the Child' represents a coherent, considered approach to the development, application, monitoring and review of EU law and policy affecting children. In this document the Commission argues that the impact of all relevant EU action, including in the legislative domain, should be monitored on the basis of a set of

appropriate indicators. It also recommends that the areas under review should be limited initially, and gradually expanded in the future.

The indicators developed by the FRA presented in this report should be seen as integral to this process. They constitute an initial toolkit to evaluate the impact of EU law and policy on children's status and experience across various fields. These indicators aim also to highlight the existing gaps both in current EU provision and available data, providing a springboard for future legal, policy and research development. Furthermore, they complement and build upon previous efforts to develop child indicators at EU level extending across specific areas of substantive law and policy.

With this in mind, the indicators presented here call for a cautious and pragmatic, step-by-step approach; one that respects the current boundaries of EU competence and acknowledges the respective and discrete roles of the international, European and national institutions responsible for addressing different aspects of children's rights.

Developing indicators is as much about the process as it is about the product: we have made the effort to develop a broad and structured consultation process in developing these indicators. We intend to continue consulting and networking with key stakeholders and other actors in the field. The indicators presented here must therefore be seen as a starting point rather than as a definitive result, requiring ongoing refinement and expansion in response to data as it becomes available and legal and policy developments.

To conclude, I would like to thank the staff of the Agency and in particular Helen Stalford and Helmut Sax for their excellent work. I would also like to thank all the other experts involved for their contribution, as well as EURONET and ChildONEurope who played a key role in supporting this project. I am also especially grateful to Margaret Wachenfeld and her colleagues at UNICEF, and to Louise King, Sarah Lilley as well as Jennifer Grant at Save the Children Fund for their extensive feedback and support.

Morten Kjaerum

Director, European Union Agency for Fundamental Rights

CONTENTS

1.	INTRODUCTION	6
2.	THE CONCEPTUAL FRAMEWORK	8
3.	SELECTION, SCOPE AND FORMULATION	11
3.1.	Expert consultation	11
3.2.	Formulation and scope of the indicators	13
3.3.	Format of the indicators	14
4.	DATA AVAILABILITY AND COMPARABILITY	15
5.	THE INDICATORS	16
5.1.	Family environment and alternative care	17
5.2.	Protection from exploitation and violence	30
5.3.	Adequate standard of living	38
5.4.	Education, citizenship and cultural activities	44
6.	REFLECTIONS AND FUTURE DIRECTIONS	49

1. INTRODUCTION

In July 2007, the European Commission asked the Fundamental Rights Agency (FRA) to develop indicators measuring the respect, protection and promotion of the Rights of the Child; these indicators would be used by the FRA for its future data collection and research on the impact of EU activities on children, which is of relevance for the European Commission, as developing robust and effective indicators is an important step towards fulfilling the objectives set out in the 2006 Commission Communication, 'Towards a Strategy on the Rights of the Child'.¹

The FRA started work in August 2007 by developing the appropriate methodology, which, given the different actors engaged in developing similar indicators, was based primarily on a process of inclusive, open and structured consultation in order to avoid duplication and create synergies. In December 2007 the FRA commissioned a team of researchers from the Centre for the Study of the Child the Family and the Law, University of Liverpool and the Ludwig Boltzmann Institute of Human Rights, Vienna to assist the FRA in this task by implementing the consultation and conducting the relevant research.

The indicators presented here are the product of a 15-month period of intensive research involving a detailed review of the normative and conceptual framework, as well as extensive consultation with a range of EU, international and national stakeholders, policy-makers and children's rights specialists, and an analysis of data availability and comparability.

It is important to note from the outset that the indicators presented here should be seen very much as a starting point, requiring ongoing refinement and expansion. The present study is therefore as much about a process of establishing a workable method for developing EU child rights indicators, as it is about the indicators per se.

The areas of work for the indicators presented here were selected in accordance with the following criteria:

- The issue is **grounded in the child rights framework**, as developed under the 1989 UN Convention on the Rights of the Child, ratified by all EU Member States;
- The issue falls within **EU competence**;
- There is **significant EU added value** to developing indicators in this area;

¹ COM (2006) 367 Final. See also the Commission Staff Working Document Accompanying the Communication from the Commission - Towards an EU Strategy on the Rights of the Child - Impact assessment [COM(2006) 367 final], at p.19 explicitly refers to the need to formulate a set of indicators to review the impact of EU legal and policy activity on children.

- The issue has been **identified by children** as being of importance;
- The area affects a **significant proportion of the child population** in the EU or raises **concerns that require an urgent response**;
- There is an appreciable and accessible **body of existing research and data** on which to draw in the application of the indicators;
- There is indication of **policy interest** at EU level for indicators in this area.

On the basis of these criteria we identified the following core areas that capture a significant part of existing EU provisions of direct relevance to children:

- **Family Environment and Alternative Care**
- **Protection from Exploitation and Violence**
- **Education, Citizenship and Cultural Activities**
- **Adequate standard of living**

Consistent with the child-rights approach to indicator development, these core indicator areas correspond as closely as possible to the reporting clusters developed by the Committee on the Rights of the Child.² It should be noted, however, that in order to adhere as closely as possible to EU competence and to reflect existing EU activity, not all of the areas in the CRC clusters are represented fully or systematically.³

These indicators, which will be under constant review, will be used by the FRA to guide its data collection. This will allow the Agency to develop evidence-based opinions that will support EU institutions and Member States in further developing and strengthening legal and policy measures to protect, respect and promote child rights within their respective spheres of competence. The data collected by the FRA on this basis will also support the Commission's periodic assessment of the effectiveness of its own legislative and other actions in relation to both internal and external measures affecting children. In addition, the FRA will actively promote the use of these indicators with the Member States with a view to gradually developing a more coordinated approach to data collection improving data comparability.

² See General Guidelines Regarding the Form and Contents of Initial Reports (CRC/C/5) and Revised Guidelines Regarding the Form and Contents of Periodic Reports CRC/C/58/Rev.1. See also Article 44 CRC.

³ For instance, the indicators on protection from exploitation and violence corresponds partly to family care (abuse and neglect, rehabilitation, Arts 19, 39 CRC) and special protection measures (sexual and economic exploitation, rehabilitation Arts 32-36, 39), but they have been grouped into one domain. This reflects the fact that EU activity on abuse, violence, exploitation and trafficking is often interrelated and legislation is adopted on the same legal bases.

2. THE CONCEPTUAL FRAMEWORK

It is important to note from the outset that the indicators are grounded in a specific conceptual framework characterised by the following key features:

1. They adopt the UN CRC as a normative framework

The UN CRC is the starting point and the normative framework for this project. The comprehensiveness of a holistic child rights perspective, with concepts and principles of empowerment and accountability, non-discrimination and participation, compensates for some current limitations of EU law to provide a comprehensive regulatory basis for indicator development. For instance, although the European Commission tries to mainstream the UN CRC definition in EU policies, there is still no concrete, consistent definition of ‘child’ under EU law; very little formal EU legislation is directly concerned with accommodating children’s interests and needs; and most relevant EU provisions are framed in rather vague and optional terms.

By adopting a child rights-based approach based on the UN CRC the indicators will be able to measure the extent to which EU law and policy affects children’s social experiences, their legal status and their life opportunities, whether EU law and policy espouse and reinforce the children’s rights principles and practices of the UN CRC, and how this provision is implemented at the national level. The indicators measure the impact of EU provision on children ‘on the ground’ making reference to the relevant UN CRC provisions.

It is important to emphasise, however, that these indicators are not intended to scrutinise the Member States’ implementation of their obligations under EU law, nor are they intended as an additional means of monitoring Member States’ compliance with the UN CRC. The first is the exclusive task of the European Commission, as guardian of the Treaties, while the second is the task of the Committee on the Rights of the Child.⁴ Rather, these indicators are aimed at assessing impact,⁵ highlighting achievements, and revealing gaps in EU provision for children. This will ultimately enable the EU institutions to develop the appropriate legal and policy response to enhance the protection and promotion of children’s rights at EU level.

⁴ The Committee on the Rights of the Child (CRC) is the body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties. It also monitors implementation of two optional protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography.

⁵ In that sense the indicators are consistent with the broader impact assessment activities of the EU (See the European Commission 2002 Communication on Impact Assessment, COM(2002) 276 final and the reports of the Impact Assessment Board, 2007 and 2008).

2. They respect the limits of EU competence

The indicators are developed in areas where the EU is competent to enact provision and in which there is already an identifiable body of law and policy.

The absence of any explicit reference to children in the Treaties has meant that 'hard' EU law relating to children has evolved either indirectly (embedded in more generic legislation relating, for example, to the free movement rights of family members or migrant groups), or through EU health and safety legislation with its strong elements of child protection (toy safety, television advertising, etc).⁶ In addition there is a range of measures that have been introduced through less formal avenues: soft law measures (in the field of education); co-ordinated action plans (in the field of health, poverty and family policy); and intergovernmental initiatives (in the field of child protection).

3. They focus specifically on the child's societal status

Also from a sociological perspective children and childhood (rather than adults) constitute the starting point and primary focus of these indicators: they are thus intended to highlight the distinct experiences and status of children, as compared to those of the adults (adding a generational dimension), as well as the diversities among children, including age, gender, ethnic origin, disability, and other differences. The indicators also focus on the extent to which EU law empowers children to exercise their rights '*here and now*' rather than simply investing in their potential to become "productive" adults in the future.

4. They are '*Child Rights*' not '*Child Well-Being*' indicators

Child rights indicators are distinct from child well-being indicators. While *child well-being* indicators reveal the 'state' of children's lives, *child rights* indicators consider **the interaction between children, the state and society on matters concerning children**, taking into account the need to strengthen capacities of both right holders to claim their rights and duty bearers to fulfil their obligations. A rights approach takes as its starting point a normative framework, including current and proposed legal and policy developments, but also its state of implementation.

5. They build on and complement existing indicator sets

The construction and presentation of the indicators is informed by an extensive body of indicators research and literature, conducted both in the broader human rights and development arena,⁷ at EU level,⁸ and specifically in relation to child

⁶ Stalford, H. and Drywood, E. (2009) 'Coming of Age?: Children's rights in the European Union' *Common Market Law Review*, Vol.46(1) pp.143-172

⁷ Including efforts undertaken by the UN Office of the High Commissioner for Human Rights, indicators developed among the UN Human Rights Council's Special Rapporteurs, the

rights and well-being.⁹ It is hoped that the distinct EU child rights framework of these indicators will add value to this body of work by providing fresh insights into the consequences and potential of EU law and policy for children.

International Labour Organisation, the UN Development Programme, UNICEF, in the context of the Millennium Development Goals and the OECD.

⁸ EU Social Protection Committee Indicators Subgroup, *Child Poverty and Well-Being in the EU - Current status and way forward*, January 2008); Report on Indicators in the field of poverty and social exclusion (October 2001); See also the guidelines developed as part of the EC European Initiative for Human Rights (EIDHR) in 2005, available at ec.europa.eu/europeaid/where/worldwide/eidhr/documents/impact_indicators_channel_en.pdf; and the ongoing work of the Social OMC process (COM (2008) 418 final).

⁹ Including the work of Ennew, J. and Miljeteig, P. 'Indicators for children's rights: progress report on a project', *The International Journal of Children's Rights*, Volume 4, Number 3, 1996, pp. 213-236(24); Ben-Arieh, A (2002) "Beyond Welfare: Measuring and Monitoring the State of Children: New Trends and Domains" *Social Indicators Research* 52(3): 235-257; J. Bradshaw et al. 'An Index of Child Well-Being in the European Union' (2007) 80 *Social Indicators Research* pp.133-177; Innocenti 'Child Poverty in Perspective: an Overview of Child Well-Being in Rich Countries - A Comprehensive Assessment of the Lives and Well-Being of Children and Adolescents in the Economically Advanced Nations' (2007) *Innocenti Report Card 7: UNICEF Innocenti Research Centre, Florence*; UNICEF: *TransMonee 2005: Data, Indicators and Features on the Situation of Children in CEE/CIS and Baltic States*, available at <http://www.crin.org/docs/TransMonee%20%20Data,%20Indicators%20and%20Features%20on%20the%20Situation%20.pdf>; Carvalho, Edzia (2008) 'Measuring Children's Rights: An Alternative Approach', *The International Journal of Children's Rights*, 16, pp. 545-563; S. Hanafin and A.M. Brooks Report on the Development of a National Set of Child Well-being Indicators in Ireland, The National Children's Office: Dublin, 2005.

3. SELECTION, SCOPE AND FORMULATION

3.1. Expert consultation

The work on the indicators started with a detailed review and analysis of the conceptual framework and the relevant indicators literature. Indicators were then selected and formulated in the light of extensive, widespread structured and multifaceted consultation with key EU, international and national stakeholders, policy-makers and children's rights specialists.¹⁰

The intensive consultation process was a core part of the project and continued throughout the course of the research period. It contained elements of direct face to face interaction, as well as discussions and feedback through a dedicated website forum accessible through subscription and hosted by the University of Liverpool 'Sharepoint' system (known as 'VOCAL').¹¹

It was made up of five interlinked components:

→ **Online discussion forum** – over 140 international experts were invited to contribute to a themed discussion over a six-week period to obtain views and suggestions, as well as raise awareness about the project.

University of Liverpool and Ludwig Boltzmann Institute of Human Rights

UNIVERSITY OF LIVERPOOL

Consultation on Children's Rights Indicators

Thank you for visiting our experts' discussion forum: [developing EU indicators on the rights of the child](#)

The European Fundamental Rights Agency has commissioned a study on indicators measuring the **implementation, protection, respect and promotion** of children's rights in the European Union. For full details of the project [click here](#)

PLEASE CLICK ON THE LINKS ON THE RIGHT HAND SIDE OF THIS PAGE TO GIVE US YOUR VIEWS ...

We would like to hear your thoughts on a number of areas:

- [The use of indicators](#)
- [Monitoring children's rights](#)
- [The EU and children's rights](#)

Even if you have no direct experience of the EU and children's rights, we are still interested in what you have to say about indicators in a more general context.

In the coming weeks, we hope to produce sample indicators on the following topics, so are keen to hear from experts who have worked in these areas:

- [Child trafficking](#)
- [Social exclusion and young people](#)
- [Children and cross-national family breakdown](#)

We will widen the topics as the project progresses so, if you have expertise in other areas, do get in contact.

We have structured the consultation around a number of themes; each one leading to a few statements that we hope will stimulate a discussion. Please click on any topic you think you may be able to comment on - using the links on the right hand side of this page.

Thank you!

¹⁰ A separate report detailing the findings of the online discussion forum and survey will be published online by the FRA.

¹¹ At <https://vocal-external.liv.ac.uk/sites/cscfl/euchild/ExpertForum/feedback/default.aspx>

→ **Online survey** - This provided a more quantitative context for the debate about child rights indicators and gave direction and clarity to the next phase of the work capturing more wide-ranging contributions from professionals in the field.

Section A. Page 1 of 2. 0% 100%

Q1. How much do you agree or disagree with the following statements:

	Strongly agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Strongly disagree	No opinion / N.A.
A. The European Union should be involved in the development of children's rights indicators ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Children should be involved in the development of children's rights indicators ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. It is impossible to develop meaningful qualitative indicators ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. We should develop indicators for the whole child population ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. We should construct indicators only for those children who are disadvantaged or at risk ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F. Child rights indicators should focus on outcomes and achievements ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. Children's organisations, and those working with children, should be involved in the creation of indicators ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
H. Indicators are not an appropriate basis for the development of policy ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I. Indicators should highlight progress, rather than violations ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
J. The UN Convention on the Rights of the Child is the most appropriate basis on which to model children's rights indicators at EU level ...more	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

powered by e-inform
survey updated March 25th, 2008 e-inform

→ **Consultation meeting** - The FRA held a meeting in Vienna on 25th April 2008 to discuss in more detail the preliminary findings of the online discussion forum and survey, as well as some preliminary thoughts on the indicators to EU, UN and NGO representatives. This provided a unique opportunity to discuss with key stakeholders the substantive focus of the indicators, consider their ultimate purpose and application, and explore data availability and collection issues.

→ **Personal interviews** – 16 key respondents selected on the basis of their expertise and role in EU law and policy-making or in children's rights international advocacy were interviewed in person. In addition personal interviews were carried out with officials from the European Commission, the Council of Europe, UNICEF's Innocenti Research Centre, and with representatives from European children's rights networks and NGOs.

→ **Invitations for feedback** – a small number of experts engaged in the previous consultation activities were invited to provide feedback on initial drafts of the indicators.

3.2. Formulation and scope of the indicators

In order to measure the compatibility of EU law and policy with children's rights 'on the ground', the indicators have been formulated on the basis of the UN CRC, and particularly in the light of the four general principles:¹²

- ▶ **Participation** (Article 12 UN CRC) - Any monitoring process that seeks to reinforce children's status as rights holders needs to provide a space for listening to children's views – and children's voices will fill the space given to them. Participation is reflected in the indicators in two main ways: (a) the indicators aim to measure the extent to which EU provision facilitates child participation in legal, political and civil processes; (b) the indicators require data that is driven and generated by child participatory methods. The latter comprises data of both qualitative and quantitative nature that elicit primarily the views of children and young people and, secondarily, of those that represent them.
- ▶ **Non-Discrimination** (Article 2 UN CRC) – We recognize that children's lives and statuses are not homogeneous, but vary according to age, ethnic origin, socio-economic situation, disability, gender etc. The indicators need to accommodate this diversity to capture a variety of childhood experience. This is done by measuring how accessible provision is to different groups of children and whether it is responsive to the evolving capacities of children, as they grow.
- ▶ **Best Interests** (Article 3 UN CRC) - This is the main anchor for mainstreaming child rights, ensuring that the interests of the child are a paramount concern in all stages of regulation, policy and decision-making, as well as implementation. Consequently, the potential effects of decisions and processes on children should routinely be assessed.

¹² This approach corresponds to the European Parliament's recommendation that '...any strategy on the rights of the child should be rooted in the values and four basic principles enshrined in the UN Convention on the Rights of the Child: protection against all forms of discrimination; the best interests of the child as a primary consideration; the right to life and development; and the right to express an opinion and to have that opinion taken into account, in any matter or procedure affecting the child', European Parliament resolution of 16 January 2008: Towards an EU strategy on the rights of the child (2007/2093(INI)), para 18. In order to realise those principles in practice the CRC Committee has stressed the need also for structural support and "general measures of implementation" (such as legislative review, action plans, training and awareness-raising efforts).

- ▶ **Life, survival and development rights** (Article 6 UN CRC) – This goes far beyond the "classical" civil right to life of the child and implies guaranteeing to the child the best possible conditions for personal development. This broad perspective is reflected in the indicators, by extending beyond well-established quantitative indicators and data on child mortality, to consider broader notions of access to services and quality of life.

3.3. Format of the indicators

The indicators are formulated in accordance with an internationally recognised¹³ matrix, consisting of:

- ➔ **Structural** indicators that reflect the existence of legal instruments, as well as basic institutional and budgetary mechanisms necessary for facilitating the realisation of the particular children's rights provision.
- ➔ **Process** indicators that reflect the efforts made at national and local or regional level to implement the structural provisions. This includes national strategies, policy measures, action programmes, training initiatives, campaigns and other activities aimed at realising particular children's rights.
- ➔ **Outcome** indicators that reflect individual and collective attainments in reference to the status of realisation of children's rights in a given context, as well as the extent to which children have benefited from interventions and programmes of action. These tend to be statistically quantifiable, but can also be measured through qualitative means, if such comparable data is or could be made available.

An effort has been made to arrive at a consistent and balanced approach to classifying the indicators into these groups. However, some core areas (such as those relating to *Adequate Standard of Living and Education, Citizenship and Cultural Activities*) focus more on outcome indicators, while other core areas (*Family Environment and Alternative Care, and Child Protection*) are more weighted in favour of process indicators. This responds, in part, to the availability of comparable data for each indicator, and is regarded as the most appropriate way of measuring the compatibility of EU provision with the UN CRC and its effect on children.

¹³ See for instance UN-OHCHR's Report On Indicators For Promoting And Monitoring The Implementation Of Human Rights, HRI/MC/2008/3, 6 June 2008.

4. DATA AVAILABILITY AND COMPARABILITY

Each group of indicators aims to identify the most relevant, reliable and comparable EU data available. Key to this endeavour is isolating age-disaggregated data that embrace, as far as possible, a child-centred approach at the point of gathering. The cross-national, child-focused nature of the indicators presents a number of challenges in terms of data availability and comparability.

First, in spite of EUROSTAT's progress towards collecting comparable demographic, migration and labour force data, gathering statistics specifically relating to children is not an EU priority such that it is still difficult to identify children within such data.¹⁴ Following the Commission's 2006 Communication, the Parliament's Resolution, as well as the adoption of Regulation 862/2007 on the compilation of statistics on foreign workers it is expected that data disaggregated in accordance with age may become more available.¹⁵ The possibility for EUROSTAT to adopt this approach in other areas, so that children will become more prominent in data sets, would greatly facilitate the application of the indicators. The FRA intends to work closely with EUROSTAT to achieve this.,

Secondly, there is significant variation in the quality, availability and clarity of data between EU Member States pointing to the need for the development of a standardised method of gathering relevant data based on consistent classifications and data collection methodologies to improve comparability.

Central to the application of the indicators is that the existing diverse range of data sources is fully exploited. This calls for a more nuanced approach to applying and further developing these indicators – one that draws on a range of different sources to build up a more complete picture of the interests and experiences of children than what a straight-forward analysis of statistical data might provide. To reflect this, we have integrated a more prominent subjective element into the indicators to expose, where possible and appropriate, children's perspectives, either through quantitative or qualitative sources.

¹⁴ S. Ruxton, (1996) *Children and the EU*, NCH Action for Children

¹⁵ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers. (Article 3(1) in particular obliges Member States to disaggregate migration statistics in accordance with age

5. THE INDICATORS

The indicators presented in this section are not an exhaustive list, but constitute a first robust sample that should be applied and tested.¹⁶ Each indicator is accompanied by a summary of the specific area of EU law and policy to which the indicator relates, the specific UN CRC principles that the indicator seeks to measure (as well as other relevant UN CRC provisions), and the specific data sources that can be used to respond to the indicator. A note on disaggregation of data: unless otherwise indicated, disaggregation includes: by gender, age group, ethnicity (Roma children), location (urban/rural), as well as in relation to children with disabilities and asylum-seeking children. The scope of each core area/indicator group is as follows:

<i>Core areas</i>	Indicator Groups			
<i>Family environment and alternative care</i>	Family justice	Rights and welfare of children separated from their family due to migration	Family reunification	
<i>Protection from exploitation and violence</i>	Child trafficking	Sexual and economic exploitation	Violence against children	
	<ul style="list-style-type: none"> - Identification of victims - Victim protection - Prosecution of perpetrators - Prevention 	<ul style="list-style-type: none"> - Identification of victims - Victim protection - Prosecution of perpetrators - Prevention 	<ul style="list-style-type: none"> - Identification of victims - Victim protection - Prosecution of perpetrators - Prevention 	
<i>Adequate standard of living</i>	Child income poverty	Impact of Government Response;	Aspects beyond income poverty as well as children's subjective perceptions.	
<i>Education, citizenship and cultural activities</i>	Accessibility of education	Adaptability of education	Personal development	Citizenship and participation

¹⁶ For some areas the Full Final Report adds further indicators for assessment and data collection.

Indicator area	5.1. Family environment and alternative care
Indicator group	EXISTENCE OF CHILD-SENSITIVE FAMILY JUSTICE PROCESSES
Indicator type	Structural/Process
EU relevance	<ul style="list-style-type: none"> ▪ Regulation 2201/2003(Brussels II<i>bis</i>) – specifically Articles 23(b), 11(2), 41(2)(c) and 42(2)(a)¹⁷ ▪ Mediation Directive 2008/52¹⁸ (Article 7)
Why it is important to measure	<p>The Brussels II<i>bis</i> Regulation affords significant prominence to the involvement of children in family proceedings. The importance of involving children in decisions as to with whom they will live has potentially greater implications for children involved in international custody disputes than it does for those involved in cases where the parents live in the same country. It may result in the child residing in an unfamiliar cultural and linguistic environment. It may also result in significant geographical distance between the child and the non-custodial parent and relatives, leading to lengthy but irregular periods of contact.</p> <p>The Mediation Directive makes no explicit reference to the importance of involving children in mediation proceedings. However, Article 7 expressly refers to the best interests of the child as one of the grounds on which a mediator may be compelled to give evidence in judicial proceedings regarding information arising out of or in connection with a mediation process.</p>
CRC reference	Articles 2, 3, 6, 12 (CRC general principles, in particular non-discrimination and, child participation), 13 (child right to information), 16 (respect for child’s privacy), 9 (rights in family separation cases), 18 (joint parental responsibilities), 20/21 (alternative family environment/adoption); 30 (rights of minorities, including in relation to language);
INDICATORS	<ul style="list-style-type: none"> ➤ Existence of legal obligation to consult directly with children in custody, access and abduction cases in accordance with their age and capacity; ➤ Existence of legal obligation to provide specialist representation of children in family processes and/or provision for independent consultation with the child; ➤ Existence of recommendation or obligation to involve children directly in mediation processes in accordance with their age and capacity;

¹⁷ 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, repealing Regulation (EC) No 1347/2000, OJ L 338/1

¹⁸ 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters in OJ L 136, 24.5.2008, p. 3

	<ul style="list-style-type: none"> ➤ Existence of legal obligation and process to adapt the family justice environment to the needs/rights of children such as: age and capacity sensitive procedures, use of child appropriate techniques and technologies, and adequate translation for non-native speakers; ➤ Existence of specialist training in child consultation for legal practitioners (adapted to the diverse needs (linguistic, age, cultural, disability) of children.
<p>Key Data <i>Secondary Data</i></p>	<p>ECHR, especially Article 6, Right to a Fair Trial, including in the determination of civil rights, and with particular reference to limitations on publicity in limited respects connected with the protection of the interests of juveniles or private life. ECHR's derived jurisprudence.</p> <p>The diverse and often non-public nature of family proceedings at national level makes the collection of data across the board difficult, particularly in relation evidence of child consultation and the weight attached to children's views. Some data can be obtained from the Ministry of Justice in each Member State.</p> <p>More detailed non official qualitative data can be found in comparative empirical research work in the field. As an illustration, such work could include: The comparative surveys conducted by the Commission for European Family law¹⁹; The 2007 comparative study, funded by the European Commission, on enforcement procedures in EU Member States regarding family rights²⁰; Surveys conducted by the Permanent Bureau of the Hague Conference.</p>
<p>Key Data <i>Primary Data</i></p>	<p>Existing data and academic research are limited. Consideration should, therefore, be given to obtaining data through targeted surveys of key practitioners across the EU to ascertain how often children are consulted and the proportion of cases in which decisive weight is given to their views (possibly through the European Judicial Network). A good example of such work is the 2007 European Commission funded work on enforcement procedures mentioned above. In addition, a periodic cross country investigation of how children and their parents themselves experience such processes would greatly enhance our understanding of the real effectiveness of these procedures and their impact on the people affected. A great deal of work in this regard has been conducted in the UK but is not paralleled across all of the other Member States.</p>

¹⁹ See <http://www2.law.uu.nl/priv/cefl/>

²⁰ See http://ec.europa.eu/civiljustice/publications/publications_en.htm#5

Indicator group	ENFORCEMENT OF CUSTODY, ACCESS AND MAINTENANCE ORDERS
Indicator type	Process/Outcome
EU relevance	<ul style="list-style-type: none"> ▪ Regulation 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.²¹ This instrument covers maintenance obligations arising from a family relationship, parentage, marriage or affinity (Article 1(1)). Articles 16-43 relate specifically to enforcement. ▪ Articles 28-45 Regulation 2201/2003 (Brussels IIBis) relating to enforcement of decisions concerning divorce, custody and access.
Why is it important to measure	Central to the operation of EU family law is the issue of enforcement. Where a decision as to access (contact), custody and maintenance has been reached in one Member State, it will be automatically enforceable in any other Member State to which any of the parties move creating certainty and security for children.
CRC reference	Articles 2, 3, 6, 12 (CRC general principles, in particular non-discrimination and child participation), Articles 9 (rights in family separation cases), 11 (illicit transfer/non-return of children), 13 (child right to information), 16 (respect for child's privacy), 18 (joint parental responsibilities), 20/21 (alternative family environment/adoption); 27(4) (maintenance), 30 (rights of minorities, including in relation to language);
INDICATORS	<ul style="list-style-type: none"> ➤ Existence of simple, swift and inexpensive enforcement procedures (in accordance with the Hague 2007 guidelines);²² ➤ Availability of advice and information which addresses the special difficulties arising from unfamiliarity with legal systems, procedures and language issues; ➤ Accessible, specialist legal advice and financial support to pursue cases of non compliance with orders.

²¹ 18 December 2008, OJ L 7, 10.1.2009, p. 1. This replaces Regulation 44/2001 On Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, of 22 December 2000, (2001) OJ L 12/1.

²² The Guide to Good Practice under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Part I. Central Authority Practice, HCCH, 2003; and Transfrontier Contact Concerning Children – General Principles and Guide to Good Practice, HCCH, 2008 (ex. sections 3.4.)

Key Data <i>Secondary Data</i>	Official data from Member States' Justice Ministries. More detailed non official qualitative data can be found in comparative empirical research work in the field. Examples include : The 2007 comparative study, funded by the European Commission, on enforcement procedures in EU Member States regarding family rights (as above); Information and Data from the Permanent Bureau of the Hague Conference, used in the empirical work of Lowe, Patterson and Horosova. ²³
Key Data <i>Primary Data</i>	Existing data and academic research are limited, particularly at cross-national comparative level. Consideration should, therefore, be given to obtaining the data through targeted surveys of key practitioners across the EU to ascertain how often children are involved in decisions relating to custody and access. This could be distributed to members of the judiciary through the European Judicial Network.

Indicator group	MECHANISMS TO MONITOR THE WELFARE OF CHILDREN FOLLOWING CROSS-FRONTIER ABDUCTION
Indicator type	Process
EU relevance	Child abduction provisions were incorporated into the Brussels II legislation in 2003 by the Brussels IIbis Regulation. The 1980 Hague Abduction Convention provisions will continue to regulate return orders even in cases internal to the EU, subject to amendments introduced into Article 11 of the Brussels IIbis Regulation. Notably, under Article 13(b) of the Hague Convention, a court can refuse to order the return of a child to their habitual residence on the basis of the child's objections (subject to an assessment of their age and capacity). However, Article 11(4) of the Brussels II Regulation weakens this exception by stating that ' <i>A court cannot refuse to return a child on the basis of Article 13b of the 1980 Hague Convention, if it is established that adequate arrangements have been made to secure the protection of the child after his or her return.</i> '
Why it is important to measure	This indicator group will test the application of child protection arrangements across the Member States in the context of family justice to ascertain whether insistence on return is compatible with Art. 3 and Art. 6 of the CRC.
CRC reference	Articles 2, 3, 6, 12 (CRC general principles, in particular non-discrimination and child participation); 11 (illicit transfer/non-return of children), 9 (rights in family separation cases), 13 (child right to information), 16 (respect for child's privacy), 18 (joint parental responsibilities), 20/21 (alternative family environment/adoption); 27/4 (maintenance), 30 (rights of minorities, including in relation to language), 35

²³ 'Good Practice Report on Access Under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction', 2007, National Center for Missing & Exploited Children.

	(prevent child abduction); General Comment No.8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment
INDICATORS	<ul style="list-style-type: none"> ➤ The existence of specialist counselling and support for children provided by specially-trained professionals which is adapted to meet the age, capacity and linguistic needs of the child; ➤ Existence of transparent and accessible legal information for young people about their rights that is provided in a language that they can understand; ➤ The existence of effective cross-border communication and co-operation between the national authorities on matters relating to contact in connection with situations of abduction ; ➤ The existence of safe and appropriate means of sustaining regular contact with the ‘absent’ parent/custodian following abduction (ex. through contact centres, the use of technology, issuing of mirror orders etc.), in accordance with the child’s best interests; ➤ Existence of accessible emergency help (e.g. specialist helpline, website etc).
Key Data <i>Secondary Data</i>	Official data from the national authorities. Other data and information can be obtained from International Social Services ²⁴ and The Hague Conference on Private International Law - International Child Abduction Database (INCADAT). ²⁵
Key Data <i>Primary Data</i>	Comparative study by Lowe, Patterson and Horosova. ²⁶ Recent empirical studies have been carried out by: the Reunite-International Child Abduction Centre. ²⁷

²⁴ In particular their work on ‘Parents and Children Separated by Family Conflict’: www.issuk.org.uk/what_we_do/conflict.php – a useful resource for finding out about services rather than for obtaining international statistics.

²⁵ www.incadat.com/index.cfm

²⁶ Enforcement of Orders Made Under the 1980 Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction - An Empirical Study, 2006, Permanent Bureau of the Hague Conference, The Netherlands.

²⁷ Ex. ‘The Outcomes For Children Returned Following An Abduction, 2003’, ex. pp 39-40, available at: <http://www.reunite.org/edit/files/Outcomes%20Report.pdf>

Indicator group	PARTICIPATION OF CHILDREN IN IMMIGRATION PROCESSES
Indicator type	Structural/Process
EU relevance	<p>A number of EU Directives specify that separated children, defined in particular as unaccompanied asylum-seeking minors, have a right to adult assistance and representation during immigration processes. Such provision includes:</p> <ul style="list-style-type: none"> ▪ Article 19(1) Council Directive 2003/9²⁸ ▪ Article 30(1) Directive 2004/83²⁹ ▪ Article 10(c) Directive 2001/55³⁰ ▪ Article 17(1)(b) Directive 2005/85³¹
Why it is important to measure	<p>Assistance for separated children in ensuring their voices are heard whilst navigating complex and unfamiliar legal systems is essential if immigration procedures are to protect the rights of children. The above measures on legal representation impose clear obligations on Member States in accordance with their national procedures. As far as <i>legal</i> representation is concerned access to free services is of particular importance, alongside the provision of specialist training for those offering support, information and advice to separated children.</p>
CRC reference	<p>Articles 2, 3, 6, 12 (CRC general principles, in particular child participation and non-discrimination); 9 (rights in family separation cases), 10 (family reunification), 13 (child right to information), 8 (identity documentation), 16 (respect for child's privacy), 18 (joint parental responsibilities), 20/21 (alternative family environment/adoption); 30 (rights of minorities, including in relation to language); General Comment No.6 (2005) on treatment of unaccompanied and separated children outside their country of origin</p>
INDICATORS	<ul style="list-style-type: none"> ➤ Existence of national laws ensuring ongoing and independent legal representation of separated children in all immigration processes, regardless of their status; ➤ Existence of assessment and review mechanisms to ensure that legal representation for separated children is both empowering and operates in their best interests;

²⁸ 27 January 2003 laying down minimum standards for the reception of asylum seekers OJ L 31/18, 6.2.2003

²⁹ Council Directive 2004/83/EC of 29th April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted OJ L 304/12, 30.9.2004

³⁰ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof OJ L 212/12, 7.8.2001

³¹ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status OJ L 326/13, 13.12.2005

	<ul style="list-style-type: none"> ➤ Provision of training for individuals in representing the rights and needs of separated children; ➤ Existence of legal obligation to provide information to separated children on their rights, including both social and civil; ➤ Existence of financial and other support to assist children in accessing legal representation.
Key Data <i>Secondary Data</i>	<p>Official data and information can be obtained through Member State reports on implementation of Directives 2003/9, 2004/83, 2005/85 and 2001/55, all of which contain provisions on representation of children.³²</p> <p>CRC national monitoring reports and concluding observations of the Committee relating to the implementation of Article 22.</p>
Key Data <i>Primary Data</i>	<p>Other data and information can be obtained through the Separated Children in Europe Programme. Their national assessment reports on law and policy in relation to separated children across Europe contain a section on the ‘appointment of a guardian or adviser’.³³</p> <p>In addition and in order to ensure the children’s participation in the collection of relevant data, particularly regarding separated children, appropriate cross-national qualitative child centred participatory research would yield significant information.</p>

Indicator group	ADAPTABILITY OF IMMIGRATION PROCESSES TO THE VULNERABILITIES OF SEPARATED CHILDREN
Indicator type	Process/Outcome
EU relevance	<p>This indicator group reflects the EU’s general competence to determine the conditions for accessing different immigration statuses (Articles 61(1) and 61(3) EC). More specifically, the indicator will measure the impact of the Procedures Directive (Directive 2005/85) which outlines minimum guarantees in the asylum process, including:</p> <ul style="list-style-type: none"> ▪ Articles 8(2)(a) and 9(2): Regardless of age, reasoned, individual, objective and impartial decision must be communicated to the asylum applicant; ▪ Articles 10(1)(a) and (b): Asylum procedures must also be sensitive to the native language of the applicant;

³² Note that such reports will not include information on those states that have, under the Protocols agreed with Denmark, Ireland and the UK, opted out of the legislation: Denmark has opted out of all asylum and immigration legislation; Ireland has opted out of Directive 2003/9; and the UK has opted into all of the relevant legislation above.

³³ See http://www.separated-children-europe-programme.org/separated_children/publications/assessments/index.html. The most recent national assessments were completed in 2003 but plans are currently underway to update them.

	<ul style="list-style-type: none"> ▪ Articles 12 and 17(4)(a): Asylum applicants have the right to a personal interview with the competent authorities which, in the case of children, must be carried out by an official who has necessary knowledge of minors' needs; ▪ Article 17: Includes 'guarantees for unaccompanied minors'.
Why is it important to measure	The very fact that many of these provisions are age-neutral, makes it all the more important to consider how they impact upon children specifically, especially in light of the obligation to implement guarantees for unaccompanied minors in the best interests of the child (Article 17(6) Directive 2005/85). The transient nature of childhood, and the impact of prolonged immigration procedures upon children, makes it crucial that a decision is reached within the shortest time possible.
CRC reference	Articles 2, 3, 6, 12 (CRC general principles, in particular non-discrimination and child participation); 9 (rights in family separation cases), 10 (family reunification), , 13 (child right to information), 8 (identity documentation), 16 (respect for child's privacy), 18 (joint parental responsibilities), 20/21 (alternative family environment/adoption); 30 (rights of minorities, including in relation to language); General Comment No.6 (2005) on treatment of unaccompanied and separated children outside their country of origin
INDICATORS	<ul style="list-style-type: none"> ➤ Evidence of immigration procedures that are adapted to the age, gender and linguistic and cultural background of the child; ➤ Regular monitoring and review of immigration procedures to ensure that they are operating in the best interests of all categories separated children (regardless of age, gender, linguistic and cultural background and immigration status); ➤ Provision of specialist training for personnel involved in determining the immigration status of children (legal professionals, interpreters, officials of the competent authorities etc.); ➤ Average length of time between a child lodging an asylum application and receiving a decision.
Key Data <i>Secondary Data</i>	<p>Analysis of national asylum and immigration law and policy, particularly the implementation of Article 17 Directive 2005/85 which must have been transposed into Member State law by 1 December 2007.³⁴</p> <p>Other Official data and information can be obtained from the UN HCR Statistical Handbook (produced annually).³⁵</p> <p>Article 1(c) of Regulation 862/2007 on the compilation of statistics on foreign workers³⁶ specifies that common rules are to be established for the collection and</p>

³⁴ Note that such reports will not include information on those states that have opted out of the legislation (Denmark, Ireland and UK)

³⁵ <http://www.unhcr.org/statistics/STATISTICS/4981b19d2.html>

³⁶ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers.

	<p>compilation of Community statistics on ‘...administrative and judicial procedures and processes in the Member States relating to immigration, granting of permission to reside... asylum and other forms of international protection and the prevention of illegal immigration.’ Such data should shed light on the comparative status of children within asylum processes, particularly as the instrument requires Member States to disaggregate migration statistics in accordance with age (Article 3(1)).</p> <p>The Separated Children in European Programme reports on law and policy in relation to separated children across Europe, contains a section on the ‘asylum or refugee determination process’³⁷</p> <p>UNHCR’s database of reports relating to refugee determination procedures, includes national reports on the legal and policy framework.³⁸</p>
<p>Key Data <i>Primary Data</i></p>	<p>It would also be important to conduct periodically comparative cross-national surveys to examine the relevant perceptions and attitudes of immigration officials.</p>

Indicator group	EXISTENCE OF PROVISION FAVOURING FAMILY REUNIFICATION FOR CHILDREN WHERE IT IS IN THEIR BEST INTERESTS
Indicator type	Structural/Process
EU relevance	<p>This indicator group will test how the EU provisions on family reunification are reflected in national law and whether national law extends the definition of ‘family’ in a way that reflects more accurately the reality of children’s family life. Specifically, this indicator corresponds with:</p> <ul style="list-style-type: none"> ▪ Articles 4 and 10(3) Directive 2003/86³⁹ ▪ Articles 6 and 15 Regulation 343/2003⁴⁰ ▪ Article 23(5) and 30 Directive 2004/83⁴¹ ▪ Articles 5 and 10 Directive 2008/115⁴²

³⁷ See www.separated-children-europe-programme.org/separated_children/publications/assessments/index.html

³⁸ See www.refworld.org

³⁹ Of 22 September 2003 on the right to family reunification, OJ L 251/12.

⁴⁰ Of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50/1, 24.2.2003).

⁴¹ Council Directive 2004/83/EC of 29th April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, OJ L 261/19.

⁴² Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals OJ L 348/98, 24.12.2008.

<p>Why it is important to measure</p>	<p>The EU has formulated a number of provisions to facilitate family reunification but the scope of these differ according to nationality, economic capacity of the migrant, and the nature of the relationship between the family members. Much of the EU legislation allowing family members to be reunited ascribes to a narrow definition of ‘family’ which has been criticised for endorsing a distinctly nuclear, heterosexual and western stereotype. The narrow EU definition of ‘family’ could have consequences for children, particularly those from culturally diverse regions where dependent family life can include members of the wider community, including those with no biological or legal tie to the child. In addition, the EU makes provision for the return of illegally staying children to their families in either the country of origin or a third country, whilst endorsing relatively weak safeguards in relation to their welfare following return.</p>
<p>CRC reference</p>	<p>Articles 2, 3, 6, 12 (CRC general principles, in particular non-discrimination and child participation); 10 (family reunification in a positive, humane and expeditious manner), 9 (rights in family separation cases), 13 (child right to information), 8 (identity documentation), 16 (respect for child’s privacy), 18 (joint parental responsibilities), 20 (alternative family environment); 30 (rights of minorities, including in relation to language); General Comment No.6 (2005) on treatment of unaccompanied and separated children outside their country of origin</p>
<p>INDICATORS</p>	<ul style="list-style-type: none"> ➤ Existence of law/policy allowing <i>de facto</i> family members to be reunited with the child in the host state, independent of biological connection; ➤ Existence of clear guidelines to assist in determining how and where family reunification can be achieved in the interests of the child, including a full risk and security assessment.
<p>Key Data <i>Secondary Data</i></p>	<p>The Separated Children in European Programme compiles extensive comparative reports (national assessments) on the legal and policy framework governing the rights of separated children. These include specific consideration of family reunification provision⁴³</p> <p>The International Organisation for Migration has recently completed a comparative study on the laws of the 27 Member States relating to illegal immigration (March 2008, European Parliament funded). This includes an assessment of the conditions and formalities imposed by each Member State for newcomers. This research includes an examination of admission conditions for the purposes of family reunification.</p> <p>The European Migration Network Family Reunification Report (January 2008) compares the family reunification process across nine Member States (Austria, Estonia, Germany, Greece, Latvia, Romania, Sweden, Netherlands and the United Kingdom). This work is funded by the European Commission (JLS). This is a</p>

⁴³ www.separated-children-europe-programme.org/separated_children/publications/assessments/index.html. The most recent national assessments were completed in 2003 but plans are currently underway to update them.

	<p>particularly useful evaluation of the transposition of the obligatory and optional provisions within the family reunification directive.</p> <p>The European Commission (DG JLS) have also commissioned research assessing the extent to which national legislation conforms to EU immigration and asylum law. This is being carried out through the ODYSSEUS network.⁴⁴</p> <p>The International Centre for Migration Policy Development (ICMPD) completed a study on <i>Civic Stratification, Gender and Family Migration Policy in Europe</i> in December 2007. This project examines family migration policies in eight European countries both in terms of the legal and policy framework, as well as a more qualitative evaluation of the impact of such measures on migrants' family life.⁴⁵ Although it is not explicitly child focused, it should provide data that is relevant to this indicator.</p> <p>Analysis of national immigration law – particularly measures transposing the Directive on the right to family reunification (2003/86).⁴⁶ A comparative study of this has already been undertaken by the Centre for Migration Law of the University of Nijmegen.⁴⁷</p>
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Indicator group	EXISTENCE OF EXPEDITED FAMILY REUNIFICATION PROCEDURES FOR CASES INVOLVING CHILDREN
Indicator type	Process/Outcome
EU relevance	The Family Reunification Directive contains specific measures in relation to minors, both those who wish to join their parents (Article 4(1) Directive 2003/86) and those who wish to be joined by their parents (Article 10(3) Directive 2003/86). The Directive states that Member State authorities must consider the best interests of minors when examining an application for family reunification (Article 5(5) Directive 2003/86).
Why it is important to measure	Family is critical for children's development. Sustained periods of separation from immediate family which are exacerbated by time consuming family reunification processes can impact significantly on children's well-being and development.
CRC reference	Articles 2, 3, 6, 12 (CRC general principles, in particular non-discrimination and child participation); 10 (family reunification in a positive, humane and expeditious manner), 9 (rights in family separation cases), 13 (child right to information), 7 (right to be cared by parents), 8 (identity documentation), 16 (respect for child's privacy),

⁴⁴ <http://www.ulb.ac.be/assoc/odysseus/Technical%20specification%20v5.pdf>

⁴⁵ See

[http://www.icmpd.org/687.html?&no_cache=1&tx_icmpd_pi1\[article\]=1044&tx_icmpd_pi1\[pag e\]=1045](http://www.icmpd.org/687.html?&no_cache=1&tx_icmpd_pi1[article]=1044&tx_icmpd_pi1[pag e]=1045)

⁴⁶ No data will be available for Denmark, the UK and Ireland who have each opted out of Directive 2003/86.

⁴⁷ See <http://cmr.jur.ru.nl/cmr/Qs/family>

	18 (joint parental responsibilities), 20 (alternative family environment); 30 (rights of minorities, including in relation to language); General Comment No.6 (2005) on treatment of unaccompanied and separated children outside their country of origin
INDICATORS	<ul style="list-style-type: none"> ➤ Existence of agencies/bodies to advise and support children seeking family reunification; ➤ Rates of family reunification involving children achieved in a one year period (as a proportion of all applications involving children) (disaggregated by age/gender/nationality of child); ➤ Average length of time lapsed between initial application and the accomplishment of reunification in cases involving children (disaggregated by age/gender/nationality of child); ➤ Rates of reunification with relatives/children living in another Member State accomplished in a one year period (under Dublin II Regulation) (disaggregated by age/gender/nationality of child).
Key Data	<p>Official data and information can be obtained from the UNHCR Statistical Yearbook⁴⁸ and statistical online population database. Currently there is limited data on family reunification but data-gathering mechanisms could be reviewed to allow for more information in this regard.</p> <p>Following the introduction in July 2007 of Regulation 862/2007⁴⁹ more comparable and disaggregated migration statistics should become available. This data will eventually reveal how many children have been admitted to an EU Member State for the purposes of family reunification and will presumably be available through EUROSTAT.</p> <p>The European Council on Refugees and Exiles (ECRE) have produced a comparative survey of provision for refugee family reunion in the European Union dating back to 1999, but the template could be updated and adapted for the purposes of this indicator.⁵⁰</p> <p>International Social Services and Red Cross co-ordinate international tracing and support for children seeking family reunification and could provide important comparative information on national family reunification procedures.</p>

⁴⁸ Most recently 2007 Yearbook: trends in displacement, protection and solutions', published December 2008.

⁴⁹ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers.

⁵⁰ See www.ecre.org/resources/Policy_papers/346

Indicator group	EXISTENCE OF PROVISION TO SAFEGUARD THE WELFARE OF THE CHILD FOLLOWING FAMILY REUNIFICATION
Indicator type	Structure and Process
EU relevance	<ul style="list-style-type: none"> ▪ Articles 5 and 10 Directive 2008/115; ▪ Directive 2003/86 on the right to family reunification
Why it is important to measure	Notwithstanding the clear importance attached to children's family life in the context of forced migration, and the emphasis on family reunification, EU law makes no reference to Member States' obligations to monitor the health and welfare of the child following family reunification or deportation. This indicator group will test whether such provision is in place anyway at national level or whether children would benefit from more explicit reference at EU level of the importance of monitoring their welfare in the longer term.
CRC reference	Articles 2, 3, 6, 12 (CRC general principles, in particular non-discrimination and child participation); 10 (family reunification in a positive, humane and expeditious manner), 20 (alternative family environment), 9 (rights in family separation cases), 13 (child right to information), 7 (right to be cared by parents), 8 (identity documentation), 16 (respect for child's privacy), 18 (joint parental responsibilities), 24 (right to health), 27 (adequate living standard), 28, (right to education), 30 (rights of minorities, including in relation to language); General Comment No.6 (2005) on treatment of unaccompanied and separated children outside their country of origin
INDICATORS	<ul style="list-style-type: none"> ➤ Provision requiring the appointment of a specially-trained social worker or other professional to offer support and information and monitor the welfare of the child following family reunification in an EU Member State ➤ Existence of a right for children to immediate access to key services (education, health care, financial support, counselling) following family reunification with their parents in an EU Member State; ➤ Existence of national procedures to assess the adequacy of reception conditions for children who are returned to their country or origin, or to a third country, for the purposes of family reunification
Key Data <i>Secondary Data</i>	<p>Policies and practices of the competent national social services departments</p> <p>National assessments of the Separated Children in Europe Programme</p> <p>Reports from the International Social Services Network⁵¹</p>

⁵¹ See <http://www.iss-ssi.org>

Indicator area	5.2. Protection from exploitation and violence
Indicator group	CHILD TRAFFICKING
Why it is important to measure	The EU has produced a number of measures relating to child trafficking in recent years. These primarily reflect a criminal justice response to the issue, however, aimed at strengthening co-ordination and co-operation between investigative authorities. Protecting children is not their primary focus, such that EU provision for child victims of trafficking remains inadequate and ineffective.
CRC reference	<ul style="list-style-type: none"> • CRC: Articles 32ff (protection from economic and sexual exploitation, sale of children); 2, 3, 6, 12 (CRC general principles); 19, 37 (protection from all forms of violence, exploitation, torture and other forms of inhuman treatment), 39 (rehabilitation), 27, 24, 26, 28, 29, 31 (adequate living standard, access to health services, social security, education, rest); CRC General Comment No. 6 (2005) - Treatment of unaccompanied and separated children outside their country of origin (including prevention of trafficking and exploitation); • Optional Protocol on the sale of children, child prostitution and child pornography (2000)
EU relevance	<ul style="list-style-type: none"> ▪ Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings ▪ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities ▪ Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography ▪ Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings ▪ Council Resolution 2001/C 283/01 on the contribution of civil society in finding missing or sexually exploited children
Indicator Sub-group	IDENTIFICATION OF VICTIMS
Indicator type	Structural/Process/Outcome
INDICATORS	<ul style="list-style-type: none"> ➤ Total number of children trafficked per EU MS per year, in relation to forms of trafficking and with further disaggregation (see note below); ➤ Evidence of specialised training for identification of trafficked children, incl. for police forces (incl. border police), youth welfare officers and social workers

	<p>(incl. those involved in inter-country adoption procedures), health professionals, NGO staff active in areas such as refugee protection and migration;</p> <ul style="list-style-type: none"> ➤ Existence of Guidelines for the protection of personal data of the trafficked child for youth welfare authorities, police, shelter organisations and other involved actors; ➤ Existence of legal provisions aimed at immediate appointment of legal guardian (e.g. by youth welfare authority/court) for every separated child; ➤ Existence of a comprehensive formalised National Referral Mechanism (or similar systematic, formalised and standardised instrument) for identification, cooperation and referral of trafficked persons, which specifically addresses the rights of trafficked children.
Indicator Sub-group	PROTECTION OF VICTIMS
Indicator type	Structural/Process
INDICATORS	<ul style="list-style-type: none"> ➤ Existence of legal provisions ensuring a right to stay to trafficking victims, irrespective of cooperation with police/courts ➤ Existence of legal provisions prohibiting administrative detention/detention pending deportation for children ➤ Evidence of a formalised best interest determination process, which directly involves the child concerned, for identification of appropriate interim care and of durable solutions, including risk and security assessment prior to a possible return of the child to the country of origin ➤ Existence of assessment mechanisms on quality of services (accommodation, access to health care, access to education, meaningful occupation), which directly involves the children concerned in its assessment
Indicator Sub-group	PROSECUTION OF PERPETRATORS
Indicator type	Outcome
INDICATORS	<ul style="list-style-type: none"> ➤ Number of convictions based on child trafficking cases per year/over the last five years, in relation to cases reported to the police, with disaggregation ➤ Amount of compensation paid to trafficked children, on average of cases per year, with disaggregation
Indicator Sub-group	PREVENTION OF CHILD TRAFFICKING
Indicator type	Process
INDICATORS	<ul style="list-style-type: none"> ➤ Evidence of support programmes for direct participation of local communities and/or "vulnerable" and minority groups, such as Roma and Travellers, in efforts

	to prevent child trafficking
Key Data (all sub-groups)	<ul style="list-style-type: none"> • UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports; • UNODC 2009 Global Report on Trafficking and other UNODC/UN.GIFT data collection efforts; • UNICEF IRC Trafficking Research Hub; • ILO Conventions and ILO/IPEC data on trafficking/worst forms of child labour; • Evaluation reports on national implementation of the Trafficking Framework Decision; • FRA reports on child trafficking; • Review of DAPHNE best practices reports; • CoE Conventions on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse; • OSCE Decisions, Assessments, Legislative database; • Information from international Trafficking databases (such as IOM's Counter Trafficking Module Database), ECPAT International Database and ECPAT National Monitoring Reports; • National Rapporteur on Trafficking reports, National trafficking databases (e.g Romania); • National statistics (police, courts, statistical offices – e.g. data on number of trafficked persons, where available and disaggregated by age group, data on residence permits; • Review of relevant national laws and policies;

Indicator group	SEXUAL AND ECONOMIC EXPLOITATION OF CHILDREN
Why it is important to measure	This indicator domain captures two different forms of child exploitation within the EU context: sexual exploitation, (including child prostitution, "sex tourism", child abuse images/pornography ⁵²), and economic exploitation. EU developments to facilitate free movement of persons within the EU through the gradual erosion of internal barriers, coupled with the emergence of ever more sophisticated technologies, make children ever more vulnerable to these forms of abuse.

⁵² In line with a recent change in terminology, the term "Child abuse images" is used in this report instead of "child pornography", see for instance the outcome document of the Rio III. World Congress Against Sexual Exploitation of Children and Adolescents, November 2008.

CRC reference	<ul style="list-style-type: none"> • CRC: Articles 32ff (economic and sexual exploitation, sale of children); 2, 3, 6, 12 (CRC general principles); 17 (role of media), 19, 37 (protection from all forms of violence, exploitation, torture and other forms of maltreatment), 39 (rehabilitation), 27, 24, 26, 28, 29, 31 (adequate living standard, access to health services, social security, education, rest); CRC General Comment No. 6 (2005) - Treatment of unaccompanied and separated children outside their country of origin (including prevention of trafficking and exploitation); • Optional Protocol on the sale of children, child prostitution and child pornography (2000)
EU relevance	<ul style="list-style-type: none"> ▪ Article 29 TEU ▪ Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography ▪ Council Resolution 2001/C 283/01 on the contribution of civil society in finding missing or sexually exploited children ▪ Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings ▪ Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work ▪ Decision No 1351/2008/EC of the EP and the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies (Safer Internet Programme 2009-2013)
Indicator Sub-group	IDENTIFICATION OF VICTIMS
Indicator type	Process
INDICATORS	<ul style="list-style-type: none"> ➤ Child sexual exploitation: Existence of data collection and detection mechanism (e.g. systematic training of youth welfare authorities) to identify children at risk of sexual exploitation (e.g. in the context of missing children, children known to authorities with domestic violence background, children without residence permits), allowing for disaggregation. ➤ Child economic exploitation: Existence of data collection and detection mechanism (e.g. systematic training of youth welfare authorities) to identify children at risk of economic exploitation (e.g. in the context of children working in family farms and businesses, in the restaurant and hotel sector, children engaged in the competitive sports business, street children and children dropped out of school, trafficked children, children without residence permits in the country), allowing for disaggregation.
Indicator Sub-group	PROTECTION OF VICTIMS
Indicator type	Structural/Process/Outcome

INDICATORS	<ul style="list-style-type: none"> ➤ Child prostitution: Availability of social work support and rehabilitation services, for girls and boys, which include development of realistic economic alternatives, developed jointly with the child exploited in prostitution, with disaggregation. ➤ Child abuse images: Existence of a policy on care and psychological support to children victim of child pornography/child abuse images (e.g. protection from privacy infringements by the media, psychological treatment), for girls and boys, which directly involves the children concerned. ➤ Child abuse images: Existence of legal provisions requiring Internet service providers, mobile phone companies, search engines and other relevant actors to report to the authorities and remove websites and services containing child pornography/child abuse images, including chat rooms ‘grooming’ children. ➤ Child economic exploitation: Number of labour inspection visits focusing on concerns about protection of young people at work (e.g. in relation to working hours, safety and health) in relation to total number of labour inspection visits, with disaggregation.
Indicator Sub-group	PROSECUTION OF PERPETRATORS
Indicator type	Structural/Outcome
INDICATORS	<ul style="list-style-type: none"> ➤ Child sexual exploitation: Number of cases prosecuted under extraterritorial legislation addressing "sex tourism" (offences related to sexual exploitation of children committed abroad), with disaggregation. ➤ Child abuse images: Existence of legal provisions making the production, distribution, receipt and possession of child pornography/child abuse images through virtual images and sexually exploitative representation of children a criminal offence.
Indicator Sub-group	PREVENTION OF CHILD EXPLOITATION
Indicator type	Process
INDICATORS	<ul style="list-style-type: none"> ➤ Child abuse images: "Online safety" information and awareness raising as a mandatory part of the regular school curriculum (to coincide with IT training).
Key Data	<ul style="list-style-type: none"> • UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports; • UNICEF Multiple Indicator Cluster Surveys (MICS) 3 (child labour); • ILO SIMPOC surveys (at least as a model for EU Member States); • Understanding Child Work Inter-Agency project data; • Monitoring results of CoE Conventions on Cybercrime and on the Protection of

	<p>Children against Sexual Exploitation and Sexual Abuse; CoE ESC Monitoring reports;</p> <ul style="list-style-type: none"> • ECPAT International Database, Reports published at ECPAT Code of Conduct website (on private sector compliance); • Reviews of Corporate Social Responsibility Statements by the private sector; • Policy statements of internet service providers, telecommunication companies; • Annual reports of hotlines for reporting online child abuse images; • Analysis of national legislation and case-law; • National Action Plans, National policy documents; • National statistics (police, courts, statistical offices; HIV prevalence data); • Labour inspectorate reports; • (Annual) Reports of child welfare authorities, child ombudspersons, relevant NGOs (such as ECPAT National Monitoring Reports); • Review(s) of school/teacher training curricula.
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Indicator group	VIOLENCE AGAINST CHILDREN
Why is it important to measure	<p>The EU has already embarked for many years on child protection from violence efforts, most notably through its Daphne funding programme. The most recent Decision on Daphne III⁵³ stressed the need ‘to prevent and combat violence against children, young people and women and to protect victims and groups at risk’. Article 2 of the Decision sets out the EU’s general objective to "contribute, especially where it concerns children, young people and women, to the development of Community policies, and more specifically to those related to public health, human rights and gender equality, as well as to actions aimed at protection of children's rights, and the fight against trafficking in human beings and sexual exploitation." Some more specific objectives (Art. 3) include: expansion of evidence-based information and the knowledge- base, awareness-raising and promotion of the "adoption of zero tolerance towards violence", encouraging support for victims and for the reporting of incidences of violence to the competent authorities.</p>
CRC reference	<p>Art. 19 (protection from all forms of violence); Art. 2, 3, 6, 12 (CRC general principles); Art. 24 (right to health); Art. 28/2 (school discipline without violence); Art. 37 (protection from torture and other forms of inhuman treatment or punishment); Art. 39 (rehabilitation), Art. 9, 20 (separation from parents, alternative care), Art. 25 (regular review of placement) Art. 27, 24, 26, 28, 29, 31 (adequate living standard, access to health services, social security, education, rest); General Comment No. 8 (2006) on the right of the child to protection from corporal</p>

⁵³ Decision No. 779/2007/EC, of 20 June 2007

	punishment and other cruel or degrading forms of punishment
EU relevance	<ul style="list-style-type: none"> ▪ Article 152 EC ▪ Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography ▪ Council Decision of 29 May 2000 to combat child pornography on the Internet ▪ Decision of the European Parliament and of the Council of 20 June 2007 on the Daphne III Programme
Indicator Sub-group	IDENTIFICATION OF VICTIMS
Indicator type	Structural/Outcome
INDICATORS	<ul style="list-style-type: none"> ➤ Designated national budget for data collection and research on prevalence/dimensions/forms of violence against children/impact of services to children; ➤ Number of children reported to child welfare authorities for reasons of neglect of children, as a proportion of the total number of child protection cases reported to the child welfare authorities, with disaggregation.
Indicator Sub-group	PROTECTION OF VICTIMS
Indicator type	Structural/Outcome
INDICATORS	<ul style="list-style-type: none"> ➤ Existence of legal provisions banning all forms of violence as a means of discipline for children at all settings (including at home, in schools, in care and justice institutions); ➤ Availability to children of information and confidential counselling services in day care institutions, primary and secondary education (e.g. through specially trained teachers), with disaggregation; ➤ Existence of legal provisions granting a child victim of violence and exploitation a legal right to psychosocial assistance and therapeutic services.
Indicator Sub-group	PROSECUTION OF PERPETRATORS
Indicator type	Structural, process and outcome
INDICATORS	<ul style="list-style-type: none"> ➤ Number of cases of violence against children (including physical violence and sexual abuse) reported to police in relation to number of convictions on cases of violence against children, with disaggregation; ➤ Existence of legal provisions aimed at ensuring child- and gender-sensitive procedures at court for child victims/witnesses of violence (such as designated,

	adapted interview rooms, video statements to avoid direct confrontation with the perpetrator).
Indicator Sub-group	PREVENTION OF VIOLENCE
Indicator type	Structural/Process
INDICATORS	<ul style="list-style-type: none"> ➤ Evidence of designated public funding for positive parenting education campaigns (addressing non-violent forms of discipline, and aimed at reducing spanking of infants, shaking of babies etc), which have been implemented with active participation of children; ➤ Existence of specific policy of cooperation among youth welfare authorities, police, media, on missing children, including children "gone into hiding" (removing themselves from services); ➤ Existence of legal provisions requiring schools to have adopted a child protection policy, addressing also bullying of children at schools and of requirement to assess anti-bullying policies.
Key Data	<ul style="list-style-type: none"> • UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports; • UNICEF Multiple Indicator Cluster Surveys (MICS) 3 (child protection); • UNICEF IRC Report Cards, Bradshaw/Hoelscher/Richardson, EU Index on Child Well-being (based on existing data, for cross-national comparison); • UNICEF 2008 TransMONEE database; • WHO, HBSC and PISA databases on child mortality, violence, bullying; • CoE ESC Monitoring reports; ECHR Article 3 and derived jurisprudence; • Review of EU Daphne programmes best practices reports; • Analysis of national legislation and case-law; • National statistics (police, courts, statistical offices); • National Action Plans; • National policy documents/ educational strategies; • Child budgeting analysis; • (Annual) Reports of child welfare authorities, ombudspersons, relevant NGOs (e.g. Save the Children organisations).

Indicator area	5.3. Adequate standard of living
<p>Although the EU legal framework relating to child poverty, and specifically the right of the child to an adequate standard of living, is less clear cut than that relating to the other indicator areas, this is an area of children's rights to have attracted considerable EU interest in recent years.</p> <p>The EU Indicators Sub-Group of the Social Protection Committee has made significant progress in developing indicators on 'Child Poverty and well-being in the EU'.⁵⁴</p> <p>Our aim, in including indicators in this area, is to feed into this body of work by contributing additional children's rights and child sociological perspectives. In doing so, some theoretical and methodological modifications and extensions are proposed.</p>	
Indicator group	CHILD INCOME POVERTY
EU relevance	<ul style="list-style-type: none"> ▪ Articles 13, 136 and 137 EC ▪ Lisbon Strategy and Social Inclusion Process ▪ Ongoing Work of the Social Protection Committee EU Indicators Sub-Group
CRC reference	Article 27 (adequate standard of living), 26 (social security); 2, 3, 6, 12 (CRC general principles); General Comment No. 4 (2003) on adolescent health and development; General Comment No. 7 (2005) on implementing child rights in early childhood.
INDICATOR	➤ Relative child poverty
Indicator type	Outcome
Why is it important to measure	Relative child poverty addresses problems which are particularly relevant for economically advanced countries; many of the global initiatives on child poverty focus primarily on severe forms of economic deprivation in relatively poor countries. ⁵⁵
Definition	<p>Percentage of children living below the poverty threshold (=60, 50 and 40% of the standardised national median income), OECD and modified OECD scale, EU + 27 EU members; disaggregated by:</p> <ul style="list-style-type: none"> • number of children per household • children living with one and both parents

⁵⁴ Social Protection Committee Indicators Subgroup, Child Poverty and Well-Being in the EU - Current status and way forward, January 2008. See <http://ec.europa.eu/social/main.jsp?langId=en&catId=437&newsId=222&furtherNews=yes>; EU

⁵⁵ See <http://www.unicef.org/sowc09/report/report.php>

	<ul style="list-style-type: none"> • work intensity of parents • ethnic origin
INDICATOR	➤ Relational – generational child poverty
Indicator type	Outcome
Why is it important to measure	Consistent with the sociology of childhood approach adopted for these indicators, relational child poverty addresses generational inequalities between the child population on one hand and the complementary population group of adults on the other. Specifically, this measures how poverty is distributed between children and the adult population.
Definition	Relative poverty rate of total child population (below 18) by relative poverty rate of adult population (18+); poverty threshold (=60, 50 and 40% of the standardised national median income), OECD and modified OECD scale, EU + 27 EU members.
INDICATOR	➤ Poverty gap
Indicator type	Outcome
Why is it important to measure	Since relative poverty is not an appropriate measure for indicating levels of severe poverty in a society, we need additional methods for measuring severe poverty. An indicator on poverty gap will reveal whether severe poverty exists in the society that affects a substantial proportion of the population.
Definition	Ratio of the median equivalised income of children below the poverty threshold and the poverty threshold itself.
INDICATOR	➤ Absolute poverty
Indicator type	Outcome
Why is it important to measure	Following on from the poverty gap indicator, an indicator for absolute severe and extreme poverty can be applied by selecting poverty lines that are sufficiently low, e.g. 10, 5 and/ or 2€(or monetary equivalent) per day.
Definition	Children with (equivalised) income less than 10/ 5/ 2 €(or monetary equivalent) a day disaggregated by ethnic origin.
INDICATOR	➤ Persistence of poverty
Indicator type	Outcome
Why is it important to	There is a difference between households with children who are affected by poverty either temporarily or chronically. It is more complicated to establish an indicator

measure	reflecting these poverty dynamics. The persistence of poverty can be analysed by confronting the child poverty rate in year n with the percentage of children who have been below the poverty threshold throughout the years n-2, n-1 and n.
Definition	Child poverty rate in year n by percentage of children poor in the 3 years n-2, n-1 and n; disaggregate for ethnic origin.
Key Data	<ul style="list-style-type: none"> • UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports; • International/regional databases, e.g. UNICEF's 2008 TransMONEE Database; • Demographic and household statistics (including income data like EU SILC) at national and EU level (EUROSTAT; OECD etc); • Studies and reports on child poverty rates, eg. EU Joint report on social inclusion, Social Observatory Report (EU), SPC Report 2008.

Indicator group	IMPACT OF GOVERNMENT INTERVENTION ON INCOME POVERTY
EU relevance	<ul style="list-style-type: none"> ▪ Articles 13, 136 and 137 EC ▪ Lisbon Strategy and Social Inclusion Process ▪ Ongoing Work of the Social Protection Committee EU Indicators Sub-Group
CRC reference	Article 27 (adequate standard of living), 26 (social security), 3/2, 18, 27 (subsidiary government obligation toward children; parental support); 2, 3, 6, 12 (CRC general principles); General Comment No. 4 (2003) on adolescent health and development; General Comment No. 5(2003) on General measures of implementation; General Comment No. 7 (2005) on implementing child rights in early childhood.
INDICATOR	➤ Relative public spending on children
Indicator type	Outcome
Why is it important to measure	The indicator will provide some insight into the division of public expenditure across the generations.
Definition	Benefit spending on the family/ children function (in % of all social benefits) corrected by the share of children aged 0-17 in the total population.
INDICATOR	➤ Impact on government intervention on relative child poverty
Indicator type	Outcome

Why is it important to measure	This indicator will measure the effectiveness and efficiency of social, public expenditure transfers on addressing child poverty.
Definition	Impact of social transfers (excluding pensions) on the poverty risk avoidance for children in % of the poverty risk avoidance before all social transfers.
INDICATOR	➤ Child benefit packages
Indicator type	Outcome
Why is it important to measure	SPRU/University of York analyse variations in the structure and level of <i>child benefit packages</i> (comprising tax allowances, cash benefits, exemptions from charges, subsidies and services in kind, which assist parents with the costs of raising children). The method used in this study – simulating treatment by the child benefit package for varying family types and earnings levels – is rather complex and sophisticated but, in principle, it provides a more adequate basis for studying the specific impact of government intervention on child poverty in varying demographic and socio-economic family settings.
Definition	Ranking of nations; composite index (could also be indicated for specific household settings).
Key Data	<ul style="list-style-type: none"> • UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports; • Legal documents and policy papers by international organisations (e.g. CoE resolutions/ recommendations); • International comparative studies/ analysis of variations in the structure and level of child benefit packages and their impact on relative child poverty (e.g. Bradshaw 2007); • Reports and Action Plans: National Plans of Action (EU 27) and EU Joint report on social inclusion, Peer Reviews on social inclusion (EU), Social Observatory Report (EU), etc; • International and regional Databases, such as UNICEF's 2008 TransMONEE Database; • National programmes and government interventions to combat/ reduce child poverty; • Analysis of national legislation and case-law; • Analyses of family policy and other related policy areas (e.g. youth policy) at national and international level concerning policy measures to reduce child poverty (e.g. data on public spending/ public expenditures related to children); • Behaviour analyses (based on panel data) trying to link actual policy efforts with actual outcomes.

Indicator group	ASPECTS OF MATERIAL DEPRIVATION OTHER THAN INCOME POVERTY; CHILDREN'S SUBJECTIVE PERCEPTIONS
EU relevance	<ul style="list-style-type: none"> ▪ Articles 13, 136 and 137 EC ▪ Lisbon Strategy and Social Inclusion Process ▪ Ongoing Work of the Social Protection Committee EU Indicators Sub-Group
CRC reference	Articles 27 (adequate standard of living), 26 (social security), 12 (child participation); 2,3,6 (other CRC general principles, in particular child development); 28/29 (education), 24 (health); General Comment No. 4 (2003) on adolescent health and development; General Comment No. 7 (2005) on implementing child rights in early childhood
INDICATOR	➤ Family affluence
Indicator type	Outcome
Why is it important to measure	<p>Safeguarding a child's right to an adequate standard of living requires more than just the absence of child income poverty. Various efforts have been made to provide a more comprehensive understanding of wellbeing comprising issues beyond income by looking at <i>other dimensions of material deprivation</i>, as well as to assess poverty in a more subjective manner by <i>including children as informants and agents</i>.</p> <p>The EU Indicators Subcommittee introduces an indicator which combines two dimensions - 'economic strain' and 'enforced lack of durables', as well as 'poor housing conditions'. The problem is that these items are predominantly adult-focused. This indicator calls for a more child-centred approach to measuring family affluence.</p>
Definition	Percentage of children reporting low family affluence ⁵⁶
INDICATOR	➤ Children's educational possessions
Indicator type	Outcome
Why is it important to measure	<p>So far there is limited information concerning the distribution of resources within the household (children's own money, from paid jobs, from public transfers, pocket money from their parents, etc.). This leads to further questions concerning the role of children both as producers and as consumers. On the one hand, children are economically dependent on their families. On the other hand, however, the last 20</p>

⁵⁶UNICEF RC7 refers to two scales: family affluence and educational possessions, which are more child-centred and *subjective indicators* (see UNICEF RC7, 2007, figures 1.3a and 1.3b, pgs. 8/9). For the Family Affluence Scale (WHO-HBSC9) 4 questions are being asked: Does your family own a car, van or truck?; Do you have your own bedroom for yourself?; During the past 12 months, how many times did you travel away on holiday with your family?; How many computers does your family own?

	years has witnessed a surge of commercial interest in and targeting of this group. In fact a large number of children have their own bank accounts, and they take part in consumption as well as in production. Any system of indicators on children's standard of living which does not include these questions, together with information on children's use of time and space is incomplete.
Definition	Percentage of children reporting less than six educational possessions. ⁵⁷
Key Data	<ul style="list-style-type: none"> • UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports; • International and regional Databases, such as UNICEF's 2008 TransMONEE Database; • EU Statistics on Income and Living Conditions (SILC) (much of this data currently relies on the subjective views of parents but it is anticipated that SILC will introduce some more child relevant indicators from 2009 which might make a better index; • Analysis of national legislation and case-law; • National Action Plans, national policy documents; • National and comparative data on family affluence and educational resources; • Studies, publications and scientific articles on child poverty and its causes and its impact on children and their well-being (UNICEF report card 7, SPC Report 2008 etc); • Reports, studies and scientific articles covering these issues (eg studies on the internal distribution of resources within families); • Qualitative studies and surveys on children's perceptions of poverty and its consequences.

⁵⁷ The educational possessions scale (OECD-PISA) includes the following items instead: a desk for study; a quiet place to work; a computer for schoolwork; educational software; an internet connection; a calculator; a dictionary; school textbooks. It is obvious that these items are less adult-centred, although they could be further improved, for instance, by adapting them more to early childhood and primary school age.

Indicator area	5.4. Education, citizenship and cultural activities
Indicator group	ACCESSIBILITY OF EDUCATION
Indicator type	Structural/Output
EU relevance	<p>Improving equity in the access to education and training is a key policy domain addressed within the EU Education & Training strategy⁵⁸ and 2000 Lisbon Agenda</p> <p>A number of EU provisions in the field of free movement, immigration and asylum law reinforce migrant children's right to access education, including:</p> <ul style="list-style-type: none"> ▪ Relating to EU citizen children (Articles 24(1) and 12(3) Directive 2004/38); ▪ For refugees and beneficiaries of subsidiary humanitarian protection (Article 27(1) Directive 2004/83); ▪ For asylum-seekers (Article 10 Directive 2003/9); ▪ For children who fall within the scope of the Directive on temporary protection in the event of a mass-influx of displaced persons (Article 14(1) Directive 2001/55). <p>Proposed Directive on equal treatment (COM (2008) 426) extending protection against discrimination to education.</p>
Why is it important to measure	<p>Available data suggests persistent shortcomings in children's and young people's access to education from early childhood to upper secondary level. Children from families suffering socio-economic disadvantage and children from a migrant or ethnic minority background are particularly vulnerable to educational exclusion and underachievement.⁵⁹</p>
CRC reference	<p>Article 28 (education), 29 (aims of education), 31 (right to rest and play, access to cultural activities); 2, 3, 6, 12 (CRC general principles, in particular non-discrimination and participation); General Comment No. 5(2003) on General measures of implementation; General Comment No. 9 (2006) on rights of children with disabilities</p>

⁵⁸ Communication from the Commission on a coherent framework of indicators and benchmarks for monitoring progress towards the Lisbon objectives in education and training, COM(2007) 61 final of 21.2.2007; Council Conclusions on Reference Levels of European Average Performance in Education and Training (Benchmarks), 8981/03 EDUC 83 of 7 May 2003; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Promoting young people's full participation in education, employment and society, COM(2007) 498 final of 5.9.2007.

⁵⁹ See for instance the Green Paper of the Commission on Migration & mobility: challenges and opportunities for EU education systems, COM(2008) 423 final of 3.7.2008.

<p>INDICATORS</p>	<ul style="list-style-type: none"> ➤ Existence of legal right for separated/immigrant children to access education at all levels on an equal basis as nationals ➤ Children cared for outside the family system (ISCED level 0), as a percentage of all children in the same age group⁶⁰ ➤ Children attending mainstream schools (ISCED levels 1, 2) as a percentage of all children in the same age group⁶¹ ➤ 15- to 19-year-olds participating in upper secondary education (ISCED level 3) or training as a percentage of the population in the same age group⁶²
<p>Key Data</p>	<ul style="list-style-type: none"> • UNESCO-OECD-EUROSTAT (UOE) data collection; • ICESCR concluding observations, General Comments 11 and 13,,and information provided under the individual communication procedure once it enters into force; • OECD data on students with disabilities, learning difficulties and disadvantages (SENDDD); • OECD data review project on Migrant education; • ECHR’s Protocol 1, Article 2 and derived jurisprudence; • PIRLS Study/Progress in International Reading Literacy Study (PIRLS) conducted by the International Association for the Evaluation of Educational Achievement (IEA); • TIMSS Study/Trends in International Mathematics and Science Study (TIMSS) by the International Association for the Evaluation of Educational Achievement (IEA); • PISA Study/OECD Programme for International Student Assessment (PISA); • The Separated Children in European Programme reports on law and policy in relation to separated children across Europe contain a section on education and training;⁶³ • The work of the OECD Programme for International Student Assessment (PISA)

⁶⁰ Disaggregated by: age group (0-2 years / 3 years-mandatory school age); number of hours they are cared for (1-29 hours / 30 hours or more per usual week); type of childcare (crèche, pre-school centre, childminder); family socio-economic status (combining family income, parent occupational status and parent educational level); migrant background (further disaggregating by country of origin); area of residence (metropolitan / urban / rural).

⁶¹ Disaggregated by educational level (primary / lower secondary); gender; provision time (half-day / full-day); migrant background (further disaggregating by country of origin); ethnic origin; and disability status.

⁶² Disaggregated by: type of upper secondary education (general / vocational training); vocational stream and type of programme (within vocational education); gender; family socio-economic status (combining family income, parent occupational status and parent educational level); migrant background (further disaggregating by country of origin); ethnic origin; disability status

⁶³ See www.separated-children-europe-programme.org/separated_children/publications/assessments/index.html

	<p>in relation to immigrant children;⁶⁴</p> <ul style="list-style-type: none"> • Individual state reports to the UN Committee on the Rights of the Child in relation to the implementation of Articles 22 and 28 UN CRC; • Local/regional authority data on non-national children in schools in their area.
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Indicator group	ADAPTABILITY OF EDUCATION
Indicator type	Process/Outcome
EU relevance	<ul style="list-style-type: none"> ▪ Lisbon Agenda and Social Inclusion Process ▪ Disability Convention (signed by the EC in March 2007) – Article 24 ▪ Directive 77/486 (Articles 2 and 3) and Commission’s Green Paper ‘Migration & mobility: challenges and opportunities for EU education systems’ (COM(2008) 423 final)⁶⁵ ▪ Proposed Directive on equal treatment (COM (2008) 426) extending protection against discrimination to education.
Why is it important to measure	<p>In order to facilitate an equal access to education, educational institutions have to adapt their structure and functions to the needs, the evolving capacities and the socio-cultural background of the children. Adaptability of the educational system also requires giving answer to the challenges of our changing societies and economic and labour force systems pointing to the need to adapt the school curriculum to the demands of these systems by including the promotion of additional key competences⁶⁶, such as communication in foreign languages, digital competence, learning to learn and social and civic competences. Indicators in this domain provide a means of identifying possible deficiencies in this regard and of setting goals to overcome them.</p>
CRC reference	<p>Article 28 (education), 29 (aims of education), 30 (rights of minorities), 31 (right to rest and play, access to cultural activities); 2, 3, 6, 12 (CRC general principles, in particular non-discrimination); General Comment No.1 (2001) on aims of education; ; General Comment No. 5(2003) on General measures of implementation; General Comment No. 9 (2006) on rights of children with disabilities</p>

⁶⁴ Including the 2003 Report ‘Where Immigrant Students Succeed: A Comparative Report of Performance and Engagement in PISA 2003’, see www.oecd.org/pages/0,3417,en_32252351_32235731_1_1_1_1_1_1_1,00.html

⁶⁵ Notes the prevalence of ‘foreign’ children in schools, and the need for more tailored provision beyond mere equality of access – could potentially lead to better enforcement of a more modern day version of Directive 77/486.

⁶⁶ See in this respect the Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (2006/962/EC).

INDICATORS	<ul style="list-style-type: none"> ➤ Provision of specialist support in schools for non-native children that is sensitive to age, gender, culture and linguistic acquisition (ex. financial support, travel assistance, supplementary language classes). ➤ Children with disabilities receiving additional resources, as a percentage of all children at the same educational level, disaggregated ➤ Children with emotional, behavioural or learning difficulties receiving additional resources, as a percentage of all children at the same educational level, disaggregated ➤ Children with disadvantages (due to low socio-economic status, migrant background, etc.) receiving additional resources, as a percentage of all children at the same educational level⁶⁷
Key Data	<ul style="list-style-type: none"> ▪ OECD data on students with disabilities, learning difficulties and disadvantages (SENDDD); ▪ EUROSTAT EU SILC data; ▪ ECHR’s Protocol 1, Article 2 and derived jurisprudence; • The Separated Children in European Programme reports on law and policy in relation to separated children across Europe (section on education and training); • OECD Programme for International Student Assessment (PISA) in relation to immigrant children; • Individual state reports to the UN Committee on the Rights of the Child in relation to the implementation of Articles 22 and 28 UN CRC; • Local/regional authority data on non-national children in schools in their area.

Indicator group	CHILDREN’S ACTIVE CITIZENSHIP AND PARTICIPATION IN SCHOOL AND RELATED ACTIVITIES
Indicator type	Process and outcome
EU relevance	Article 17 EC EU ‘Youth in Action’ programme 2007-2013 ⁶⁸
Why is it important to	Participation contributes to different aspects of children’s development, enabling them to acquire knowledge, skills and positive attitudes, to extend their interests and

⁶⁷ These final three outcome indicators correspond to work being undertaken by the OECD

⁶⁸ Decision No. 1719/2006/EC of 15 November 2006; In relation to the issue of youth civic participation, see also the CoE Recommendation Rec(2004)13 of the Committee of Ministers to member states on the participation of young people in local and regional life of 17 November 2004.

measure	<p>aspirations and gain confidence in their own capacities. Children’s participation also leads to better decision-making and outcomes in matters that directly concern their lives, since children can make a unique contribution based on their ways of thinking and their experiences. Citizenship, as enshrined in Article 17 EC, is a key component of EU integration but has been interpreted and applied almost exclusively in the context of free movement. This indicator would measure the democratic mechanisms that enable children to contribute as active citizens to the broader life of the Community.</p> <p>As most of the existing work on this issue has concentrated on youth participation (from 15 years onwards), we will select aspects of social and political participation that can also be enjoyed by younger populations (children from 9 years onwards)</p>
CRC reference	<p>Article 28 (education), 29 (aims of education), 30 (rights of minorities), 31 (right to rest and play, access to cultural activities); 2, 3, 6, 12 (CRC general principles, in particular non-discrimination); General Comment No.1 (2001) on aims of education; General Comment No. 5(2003) on General measures of implementation; General Comment No. 9 (2006) on rights of children with disabilities</p>
INDICATORS	<ul style="list-style-type: none"> ➤ Child or youth having been engaged in the following activities at school (allowing for disaggregation): <ul style="list-style-type: none"> ▪ been a member of a school or student council ▪ acted as a class representative ▪ taken an active role in a pupil or student meeting ▪ acted as a peer mediator ▪ collaborated on the school newspaper ▪ acted as a peer mentor or counsellor ➤ Child or youth having been engaged in the following social or political activities (allowing for disaggregation): <ul style="list-style-type: none"> ▪ participated in a child or youth forum ▪ participated in a child or youth association / organisation ▪ acted as a representative in a child or youth council ▪ participated in a community (local or regional) project ▪ participated in a collective supporting action (e.g. collecting signatures) ▪ participated in a protest action ▪ participated in voluntary work
Key Data	<ul style="list-style-type: none"> • ICCS Study/International Civic and Citizenship Education Study (ICCS) by the International Association for the Evaluation of Educational Achievement (IEA); • European Social Survey (ESS); • National surveys among young people; • European Survey EUYOUNG.

6. REFLECTIONS AND FUTURE DIRECTIONS

Defining a process and a framework for developing EU indicators on the rights of the child has been an important feature of this project.

We defined the process as an open-ended method of intense structured consultation and coordination with key stakeholders, in particular the European Commission, the Council of Europe and UNICEF, as well as key children's rights NGOs.

We sought to anchor the indicators firmly in a child rights framework: that of the UN Convention on the Rights of the Child. This has been achieved by integrating the initial analysis of EU law and policy with the provisions of the CRC. The indicators have then been formulated to respond to the EU framework in a way that reflects the general principles of the CRC, notably non-discrimination, best interests, right to life and development, and child participation. Moreover, the indicators are formulated to mirror the monitoring clusters of the UN Committee on the Rights of the Child. Synergies between international CRC reporting and monitoring processes and European/EU-level efforts should be further explored.

The indicators focus on four substantive areas which individually incorporate a number of broader children's rights issues. They also seek to accommodate a range of cross-cutting variables including age, gender, ethnic origin and disability, including through disaggregation, to ensure that a range of childhood experiences are captured. There is, however, a clear need to address comparability of data, in light of different terminology and (legal) definitions used, especially in the context of structure and process indicators.

A number of experts consulted during the course of this project warned against the indicators becoming just another exercise in tokenism. To avoid this, specific attention should be paid to whether EU structures and processes, as they are currently framed, are equipped to implement and respond to the indicators in a manner that is compatible with the CRC. This demands clarity as to who will take overall responsibility for the application and further development of the indicators, and as to how the findings of the indicators will inform the EU Strategy on the Rights of the Child as well as broader EU decision-making processes.

Our efforts to work closely with existing child rights indicators strategists and international bodies to avoid duplication of effort and develop synergies to optimise cost effectiveness will continue. This will allow for a more streamlined, consistent and collective approach to monitoring child rights. At the same time, further dialogue is necessary between child well-being indicator research and rights-based approaches. Similarly, existing bodies mandated with data collection, such as national statistical offices, EUROSTAT and others need to be further engaged in child-focused, rights-based indicator development.

Finally, it is important to note that no indicator set can ever be exhaustive and definitive and that these indicators are presented very much as a starting point.

They need to be tested and refined. Further scrutiny of and investment in information-gathering and analysis techniques is needed to address the substantial gaps in data availability and comparability.