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UN & CoE

30 January – United Nations (UN) Committee on the Rights of the Child issues concluding observations on the periodic report of Sweden

January

11 February – Council of Europe's (CoE) Committee of Ministers adopts Recommendation (2015)4 on preventing and resolving disputes on child relocation

11 February – In its 24th general report, Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) addresses the treatment of juveniles in police custody and detention centres

12 February – Cyprus ratifies CoE Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention)

20 February – Poland ratifies the Lanzarote Convention

February

4 March – European Committee of Social Rights finds France in violation of Article 17 of the European Social Charter for not prohibiting all forms of corporal punishment

March

April

5 May – CoE Human Rights Commissioner issues a comment on inclusive education

27 and 29 May – European Committee of Social Rights finds the Czech Republic, Belgium, Ireland, and Slovenia in violation of Article 17 of the European Social Charter for not prohibiting all forms of corporal punishment

May

8 June – UN Committee on the Rights of the Child issues its concluding observations on the periodic reports of the Netherlands

June

July

3 August – Hungary ratifies the Lanzarote Convention

August

4 September – UN Committee on the Rights of Persons with Disabilities issues its concluding observations on the first report of the EU, noting that disability strategies do not include children and that the EU Agenda for the Rights of the Child has expired

September

2 October – UN Committee on the Rights of the Child issues its concluding observations on the periodic report of Poland

7 October – Denmark ratifies Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure

October

12 November – Finland ratifies Third Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure

18 November – Germany ratifies the Lanzarote Convention

November

2 December – Czech Republic ratifies the Third Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure

5–9 December – European Committee of Social Rights examines reports submitted by 31 States Parties on articles of the European Social Charter relating to children, families, and migrants, adopting the 2015 conclusions (published in January 2016)

December

EU

January

February

9 March – European Parliament adopts declaration on the lack of adequate after-school care facilities for disabled children in the European Union (EU)

11 March – European Parliament adopts resolution on child sexual abuse online

March

30 April – European Commission publishes a reflection paper with guiding principles on integrated child protection systems

April

May

3–4 June – European Commission organises ninth European Forum on the rights of the child, 'Coordination and cooperation in integrated child protection systems'

June

20 July – Council of the EU adopts EU action plan on Human Rights and Democracy, 'Keeping human rights at the heart of the EU agenda'

July

August

September

October

11 November – European Parliament officially endorses a voting age of 16 for European Parliament elections, and asks Member States to consider the proposal

16 November – Victims' Rights Directive 2012/29/EU comes into force, including all procedural safeguards established for child victims of crime

November

14 December – European Parliament adopts Declaration on reducing inequalities with a special focus on child poverty

15 December – European Parliament and Council of the EU agree on new Directive on procedural safeguards for children suspected or accused in criminal proceedings

December

6

Rights of the child



The arrival of thousands of children as refugees in 2015 posed many challenges, including child protection. The European Commission's efforts to provide guidance on integrated child protection systems was a timely development. With 27.8 % of all children at risk of poverty or social exclusion in 2014, reaching the EU 2020 poverty goal remains a daunting task. Children's use of the internet and social media also featured prominently on the policy agenda, with the associated risks and youth radicalisation being of particular concern. Member States continued to present initiatives against cyber abuse and on education in internet literacy, and the upcoming EU data protection package will promote further safeguards.

6.1. Child poverty rates remain high

Five years before the deadline set for the EU 2020 goals, which include the target of having “at least 20 million fewer people in or at risk of poverty and social exclusion”,¹ the latest available Eurostat estimates show that the proportion of children at risk of poverty or social exclusion remains high.² The numbers changed little between 2010, when the strategy was launched (27.5 %), and 2014 (27.8 %); in fact, 190,000 more children were at risk in 2014 than in 2010. Children also continue to face a higher risk of poverty or social exclusion than adults (23.7 %).

The indicator that measures the EU 2020 target on poverty – ‘Population at risk of poverty or social exclusion’ – is known as the AROPE indicator. It combines three different indicators, as shown in [Figure 6.1](#): ‘at-risk-of-poverty’, ‘severe material deprivation’, and ‘very low household work intensity’.³

In some EU Member States, the proportion of children at risk of poverty or social exclusion has grown ([Figure 6.2](#)): for example, in **Finland** from 13 % to 15.6 % and in **Spain** from 32.6 % to 35.8 %. In **Romania**, despite some improvement in 2013, the number increased from 48.5 % to 51 % in 2014; it is now the

country with the highest child poverty rate in the EU. Meanwhile, **Denmark** has the lowest child poverty rate – just below 15 %.

Other countries managed to substantially reduce their national child poverty levels – such as **Lithuania**, moving from 35.4 % to 28.9 %; **Latvia**, from 38.4 % to 35.3 %; and **Ireland**, from 33.9 % to 30.3 %. **Bulgaria** continued the positive trend of the past few years and pushed down the rate by more than 6.3 percentage points as compared with 2013. Nevertheless, at 45.2 %, it has the second-highest child poverty rate in the EU.

Determining how to measure poverty at national level and linking poverty increases or decreases to certain policy developments remains challenging, and was the focus of considerable discussion. In the **United Kingdom**, the government announced in July that it would no longer use relative income or other income and deprivation measures to assess child poverty.⁴ The government considers the current child poverty measure – defined as 60 % of median income – deeply flawed, and intends to enact new legislation to measure child poverty, repealing the Child Poverty Act 2010.⁵ The new legislation will focus on levels of work within a family, as well as on improvements in attaining education. In addition, the government will develop a range of other measures and indicators of

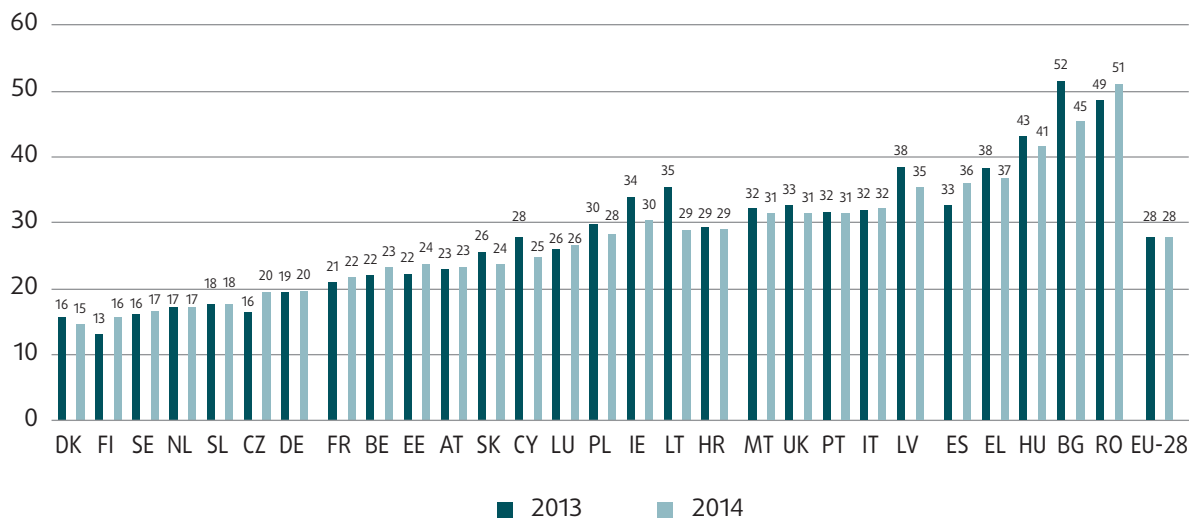
Figure 6.1: EU 2020 indicator on poverty: at risk of poverty or social exclusion (AROPE), children (0–18 years)

AROPE

- **At-risk-of-poverty:** children living in a household with an equivalised disposable income below the at-risk-of-poverty threshold, which is set at 60 % of the national median equivalised disposable income after social transfers.
- **Severe material deprivation:** children living in a household that cannot pay for at least four out of a list of nine items: rent, mortgage or utility bills; keeping their home adequately warm; unexpected expenses; eating meat or proteins regularly; going on holiday; a television set; a washing machine; a car; a telephone.
- **Very low household work intensity:** children living in households in which, on average, adult members aged 18–59 have a work intensity below a threshold set at 0.20. The work intensity of a household is the ratio of the total number of months that all working-age household members have worked during the income reference year and the total number of months the same household members theoretically could have worked in the same period.

Sources: FRA, 2015; and Eurostat, 'Glossary: At risk of poverty or social exclusion (AROPE)'

Figure 6.2: Children at risk of poverty or social exclusion in 2013 and 2014, by EU Member State (%)



Note: EU-28 Eurostat estimation

Source: Eurostat, European Union Statistics on Income and Living Conditions (EU-SILC) 2014 [ilc_peps01]

root causes of poverty and will set these out in a ‘children’s life chances’ strategy. This would allow measurements of child poverty to also consider non-material outcomes. However, this move attracted criticism from civil society organisations, which emphasised that, although an effective child poverty strategy needs a broad, multifaceted approach, income is an important measure that should not be excluded, particularly as two thirds of children in poverty live in working families with low-paying jobs.⁶ The government ultimately decided to keep four established indicators, including income, in a new proposal on the Welfare Reform and Work Bill.⁷

The European Social Policy Network (ESPN), established to provide the European Commission with independent information, analysis and expertise on social policies, believes there is no justification for no longer using relative income, or other income and deprivation measures, to assess child poverty.⁸ The European Parliament in 2015 recommended developing statistical methods that integrate multidimensional indicators to measure poverty, social exclusion, inequalities, discrimination and child well-being – going beyond the AROPE indicator. Examples include access to adequate education services, exposure to physical risk, and level of life satisfaction.⁹

The European Commission's recommendation¹⁰ 'Investing in children: Breaking the cycle of disadvantage' provides guidance on policies to address child poverty or social exclusion, based on three pillars: access to adequate resources, access to affordable quality services, and children's right to participate.¹¹ This offers a more comprehensive approach to addressing poverty than do exclusively income-related policies and indicators based mainly on income, such as AROPE. The recommendation provides a set of indicators relating to income support, education, health, and others. It is based on existing sources, such as Eurostat data, and covers indicators on outcomes, many based on household data – such as material deprivation rates, or 15- to 19-year-olds not in employment, education, or training. As explained in the Focus section of FRA's 2014



Annual report, to measure human rights implementation, FRA uses an indicator framework that includes three distinct categories of indicators: structural (e.g. legal and policy provisions), process (e.g. specific measures and budgetary allocations) and outcome (e.g. change in rights holders' situation). Process indicators are particularly important in the EU context, where relevant legislation mostly exists, but is often not effectively implemented. In its November 2015 resolution on child poverty, the European Parliament recommended further developing indicators.¹²

"[The European Parliament] considers that, in order to achieve better results with the three-pillar approach [of the Commission recommendation 'Investing in children: Breaking the cycle of disadvantage'], it could be useful to develop precise and specific indicators of the level of child poverty and the areas more affected by this phenomenon."

European Parliament (2015), Resolution of 24 November 2015 on reducing inequalities with a special focus on child poverty (2014/2237(INI), Strasbourg, paragraph 6

6.1.1. EU initiatives target child poverty

Although child poverty rates remain high, the European Semester – the EU 2020 monitoring and coordination mechanism – only partly addresses the acute situation of children in Europe. This is partly because the number of country-specific recommendations (CSRs) on children – already low in 2014 – further decreased in 2015, as did the overall number of CSRs issued.

The EU 2020 strategy covers different areas that affect the situation of children, such as measures on poverty reduction; employment growth targets, especially those promoting women's participation in the labour

market; promotion of gender equality and reconciliation of work and family life, such as early childhood education and the childcare provision system and flexible working times; inclusive education; and transition from education to employment. These aspects are also related to the recently announced European Pillar of Social Rights, a key element of the Commission's Work Programme for 2016, such as the right to minimum pay, access to provisions relating to child care and benefits, and access to basic social services, including health care.¹³ According to the 2016 Annual Growth Survey,¹⁴ the first step in the European Semester process, the EU 2020 review exercise will take the UN Sustainable Development Goals (SDGs)¹⁵ into account. The UN Millennium Development Goals expired in September 2015, and 17 SDGs replaced them. The SDGs include 169 targets to achieve by 2030, which also address child poverty and well-being.

After it adopts the Annual Growth Survey, and EU Member States submit national reform programmes (NRPs), the Commission drafts CSRs, for endorsement by the Council of the EU. Table 6.1 shows which countries have received recommendations to address the EU 2020 targets. It also shows the percentage of children at risk of poverty or social exclusion in each Member State in 2014.

In 2015, 10 EU Member States received recommendations in child-related policy areas (**Austria, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Romania, Slovakia, Spain** and the **United Kingdom**). This is a remarkably low number. In 2012 and 2013, 14 Member States received recommendations directly related to children. As noted in FRA's 2014 Annual report, it remains unclear why certain Member States with high poverty rates and no comprehensive policies in place do not receive child-related recommendations, while others with similar or lower rates do.

The European Semester was subject to considerable scrutiny, with both the European Parliament and civil society¹⁶ identifying deficiencies in its scope and content. The European Parliament adopted a declaration on investing in children in November 2015,¹⁷ calling for the European Semester to make the reduction of child poverty and social exclusion visible and explicit at all stages. It also called on Member States to effectively integrate relevant aspects of the Social Investment Package into their NRPs and asked the Commission to set an EU 2020 sub-target on reducing child poverty and social exclusion. The parliament also asked the Commission to refrain from recommending reformulations and cuts in the public services of Member States, and from promoting flexible labour relations and the privatisation of public services, stating that these have unequivocally led to the weakening of children's social rights. It also recommended that the Commission, together with

Table 6.1: 2015 European Semester country-specific recommendations (CSRs) including the latest data on children at risk of poverty or social exclusion, by EU Member State (%)

EU Member State	CSRs on childcare services	CSRs on early childhood education	CSRs on inclusive education	CSRs on income-related child poverty	% of children at risk of poverty or social exclusion in 2014 (EU-SILC)
AT	yes	no	yes	no	23.3
BE	no	no	no	no	23.2
BG	no	yes	yes	no	45.2
CY*	N/A	N/A	N/A	N/A	24.7
CZ	yes	no	yes	no	19.5
DE	no	no	no	no	19.6
DK	no	no	no	no	14.5
EE	yes	no	no	no	23.8
EL*	N/A	N/A	N/A	N/A	36.7
ES	no	no	no	yes	35.8
FI	no	no	no	no	15.6
FR	no	no	no	no	21.6
HR	no	no	no	no	29.0
HU	no	no	yes	no	41.4
IE	yes	no	no	yes	30.3
IT	no	no	no	no	32.1
LT	no	no	no	no	28.9
LU	no	no	no	no	26.4
LV	no	no	no	no	35.3
MT	no	no	no	no	31.3
NL	no	no	no	no	17.1
PL	no	no	no	no	28.2
PT	no	no	no	no	31.4
RO	yes	yes	yes	no	51.0
SE	no	no	no	no	16.7
SI	no	no	no	no	17.7
SK	yes	yes	yes	no	23.6
UK	yes	no	no	no	31.3
Total	7	3	6	2	27.8

Notes: Highlighted cells indicate that the country at issue received country-specific recommendations on the specified topic.

* No country-specific recommendations pursuant to an *economic adjustment programme*

Source: FRA, 2015, and Eurostat, European Union Statistics on Income and Living Conditions (EU-SILC) 2014 [ilc_peps01]

Member States, establish a roadmap for implementing the three-pillar approach taken in the 2013 Commission Recommendation 'Investing in children: Breaking the cycle of disadvantage' in terms of access to resources, services, and children's participation.¹⁸

6.1.2. Member States tackle child poverty

Member States respond to the child-specific recommendations through the NRPs presented in the European Semester cycle of the following year, indicating – to different extents – what policy, legislative, or budgetary changes they have introduced or are planning.

In 2014, **Bulgaria** received a recommendation to increase efforts to improve access to quality, inclusive pre-school and school education for disadvantaged children, particularly from Roma communities. The government responded by adopting two new programmes. First, the Action Plan for 2015–2016 for the implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion¹⁹ envisages supporting children from vulnerable groups – including Roma, rural, or low-income families – to attend school or kindergarten. Secondly, the National Programme for Child Protection for 2015²⁰ includes a section on ensuring equal access to quality pre-school and school education. Furthermore, to counter the problem of pupils leaving school at an early stage, the Ministry of Education and Science launched the inclusive programme 'School – a territory of the pupils'.²¹ The programme aims to bring together school children from different ethnic and social groups and further develop their skills to prevent school drop-outs. (For more information on Roma, see [Chapter 4](#), as well as [Chapter 3](#) on racism, xenophobia and related intolerance.)

Slovakia in 2014 received a recommendation on improving incentives for women's employment, in particular by enhancing the provision of childcare facilities in general and specifically for children under the age of three. The subsequently approved budget for 2015 includes additional capital expenditures designed to extend the capacity of kindergarten buildings and construct new ones; by 2023, the government plans to build some 90 facilities with approximately 1,800 places for children under three years of age.²² The 'Family and Work' pilot project,²³ implemented since February 2015, also aims to support employment for women with children; it provides several measures, including financial subsidies, for each newly created job for women returning from maternity leave or with a child under 10 years of age.

The **United Kingdom** received a CSR on child poverty in 2014, and Wales adopted a Child Poverty Strategy in March 2015.²⁴ The strategy reaffirms Wales's commitment to eradicating child poverty by 2020 and focuses

on three objectives: reducing the number of families living in workless households; increasing the skills of parents and young people living in low-income households; and reducing the inequalities in the health, education, and economic outcomes of children and families by improving the outcomes of the poorest.

Beyond the specific CSRs, reforms to child allowance systems took place in some Member States, including **Austria**,²⁵ **Bulgaria**,²⁶ **Croatia**,²⁷ **Estonia**,²⁸ **Finland**,²⁹ **France**,³⁰ **Germany**,³¹ **Ireland**,³² **Malta**³³ and **Sweden**.³⁴ According to an ESPN report on social investment, one interesting trend is that, in some of the countries in which experts report an overall reduction in family benefits, they also report efforts to strengthen early childhood education and care provision. To some extent, this may represent a shift in spending priorities.³⁵

The government in **Malta** for the first time introduced a child supplement allowance into the 2015 National Budget.³⁶ In other Member States, already existing benefits increased. The **Austrian**³⁷ annual tax-free child allowance doubled to €440 per child, and in **Germany**, the monthly child benefit increased by €4 – from €184 to €188 – in 2015.³⁸ Some ministries and civil society criticised the increases as insufficient, such as in Austria and Germany.³⁹

In **Ireland**, the government introduced a small monthly increase in child benefit payments in the budget of 2015 – the first time in seven years.⁴⁰ NGOs, however, expressed concern that this crucial support does not reach certain children, as their parents do not meet certain qualifying criteria set out in social welfare legislation – such as habitual residence. They also claim that, in some cases, it excludes children of migrant parents, including children of all asylum seekers, because of their parents' immigration status.⁴¹

Reforms in other Member States introduced increases in child allowances targeted at particular groups at risk, such as children with disabilities or those living in single-parent families. For example, **Croatia** introduced an act improving support for children with disabilities as one of the groups at highest risk of poverty.⁴² **Estonia** is developing a subsistence support fund for single-parent families (headed by the mother in 92 % of cases), which should be in place by 2017.⁴³

Child poverty rates in **Finland** increased from 13 % in 2013 to 15.6 % in 2014.⁴⁴ Nonetheless, a government programme plans to delink child allowances from general index increases, allowing savings of €120 million in public spending between 2016 and 2020.⁴⁵ In November, the parliament's Constitutional Law Committee reviewed this issue⁴⁶ in light of the constitutional right to social security – especially its paragraph on support to families.⁴⁷ The committee accepted the legislative reform, but expressed concern

that it particularly affects low-income families, and concluded that it should include a clear account of the proposed cuts' effects on the various forms of families and households.⁴⁸ A report from the European Social Policy Network argues that the real value (in 2013 prices) of Finland's child allowance (payable from the first child) dropped from €130 in 1994 to €120 in 2005, and to less than €100 in 2015.⁴⁹

The **Bulgarian** model of allowances has changed, with recent amendments to the Family Allowances for Children Act permitting some family allowances to be distributed in the form of goods or services instead of cash – specifically, when parents do not take good care of a child or when the mother is under 18 years old.⁵⁰ The new rules cover three types of benefits: a single allowance for enrolling a child in the first year of primary school; monthly allowances for raising a child up to the age of one year; and monthly allowances for raising a child until completion of high school. To promote responsible parenthood, parents who have their children placed outside the family must return certain benefits.⁵¹

6.2. Child protection remains central issue, including in the digital world

Protection from all forms of violence is a fundamental right of children. European institutions and Member States dedicate constant efforts to this important matter. Ensuring that national and local child protection systems respond adequately and early to risks and cases of violence is an important element of these efforts.

The European Commission's work on EU guidance regarding integrated child protection systems ultimately resulted in the proposal of a set of 10 guiding principles, outlined in a reflection paper that was presented at the EU Forum on the rights of the child.⁵² The principles are informed by both a 2014 public consultation and FRA research on mapping child protection systems,⁵³ and are firmly grounded in the United Nations Committee on the Rights of the Child General Comment No. 13 (2011)⁵⁴ on the right of the child to freedom from all forms of violence. The principles aim to help ensure that national child protection systems form a protective environment around all children in all settings and respond to all forms of violence, in line with Article 19 of the UN Convention on the Rights of the Child. Based on a child-rights approach and fully recognising children as rights-holders, the principles emphasise enhancing children's resilience and capacity to claim their rights, with due regard to the cross-cutting principles: the best interests of the child, non-discrimination, child participation, and the

right to life, survival, and development. The principles also address the capacity of duty-bearers to protect children from violence via, for example, support for families, professional and care standards and qualifications, and reporting mechanisms. Aiming to reinforce protection – particularly in cross-border and transnational situations – the principles should also be a key tool when addressing the situation of refugee children.

The Commission also published a report on legislation, policy, and practice of child participation in the EU, highlighting good practices in the area.⁵⁵ These include, for example, the Irish initiative to adopt a child participation strategy.⁵⁶

The EU has established common safeguards in relation to specific forms of violence, such as sexual violence against children. But the implementation of the Directive on combating sexual abuse and sexual exploitation of children and child pornography (2011/93/EU)⁵⁷ continued to encounter difficulties. In 2014, the Commission opened formal infringement procedures against 11 Member States for non-communication of national measures implementing the directive. By the end of 2015, it did close the cases involving **Cyprus, Hungary, the Netherlands** and the **United Kingdom** due to correct implementation or submission of information.⁵⁸ However, in the cases of **Belgium, Greece, Italy, Malta, Portugal, Romania** and **Spain**, the Commission launched the second stage of infringement procedures with reasoned opinions, asking them to notify the Commission of all measures taken to ensure full implementation, including bringing national legislation in line with EU law. Should the Member States fail to do so, the Commission may decide to refer them to the Court of Justice of the European Union (CJEU).⁵⁹

The Council of Europe also stepped up its efforts to combat sexual violence. Encouragingly, most EU Member States have now ratified the Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention). The **Czech Republic, Estonia, Ireland, Slovakia** and the **United Kingdom** have not done so. Meanwhile, the Lanzarote Committee presented its first implementation report on the convention, identifying gaps in national laws, weak data collection and fragile cooperation, and collecting good practices in assisting child victims of sexual abuse.⁶⁰ On 18 November, Europe for the first time celebrated the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse.⁶¹

Also in 2015, the European Committee of Social Rights examined reports submitted by 31 States Parties on articles of the European Social Charter relating to children, families and migrants: the right of children and young persons to protection (Article 7); the



right of employed women to protection of maternity (Article 8); the right of the family to social, legal and economic protection (Article 16); the right of children and young persons to social, legal and economic protection (Article 17); the right of migrant workers and their families to protection and assistance (Article 19); the right of workers with family responsibilities to equal opportunity and treatment (Article 27); and the right to housing (Article 31). The reports covered the reference period 2010–2013.⁶²

Promising practice

Reaching out to potential child abusers: self-help material

Finland has developed a project that directly addresses potential perpetrators of child abuse offences, as suggested in Article 22 of the Directive on sexual abuse and sexual exploitation of children and child pornography. The 'I take the responsibility' (*Otan vastuun - hanke*) project involved the creation of a website launched in 2015; it is funded by the Ministry of Justice and maintained by Save the Children. The website aims to prevent sexual abuse of children by offering internet-based information and support to people who are worried about their sexual interest in, or online behaviour regarding, children. The website provides self-help material on child sexual abuse in the context of the internet and digital media, as well as tools to reflect more broadly on one's life situation and own actions. The designers used the views of prisoners who have committed sexual crimes in shaping the content and structure of the material. The Forensic Child and Adolescent Psychiatric Unit of the Hospital District of Helsinki and other institutions provided expert advice.

The project won the National Crime Prevention Prize from the Finnish Ministry of Justice in 2015 and represented Finland in the European Crime Prevention Competition 2015.

For more information, see: 'I take the responsibility' project website (in Finnish); Online self-help material from the 'I take the responsibility' project (in English)

Initiatives also targeted other forms of violence, such as corporal punishment, during 2015. The European Committee of Social Rights (ESCR) focused on corporal punishment as a form of violence against children and has now adopted all decisions on the merits of the collective complaints made in 2013 against several Member States. The ESCR found a violation of Article 17 of the European Social Charter in **Ireland, Slovenia, Belgium, the Czech Republic and France** – but not in **Italy** – for not explicitly prohibiting all forms of corporal punishments.⁶³ In the meantime, **Ireland** banned all forms of corporal punishment by adopting the Children First Act 2015, which removes

the defence of 'reasonable chastisement' from the law, effectively banning parents from physically punishing their children.⁶⁴

The European Commission also demonstrated commitment to supporting the elimination of corporal punishment by providing funding through the DAPHNE programme; it aims to facilitate the implementation of laws that prohibit corporal punishment through additional supporting measures. The funding is thus open only to countries that already have a legal ban in place.⁶⁵

6.2.1. Internet and social media: a field of risks and opportunities

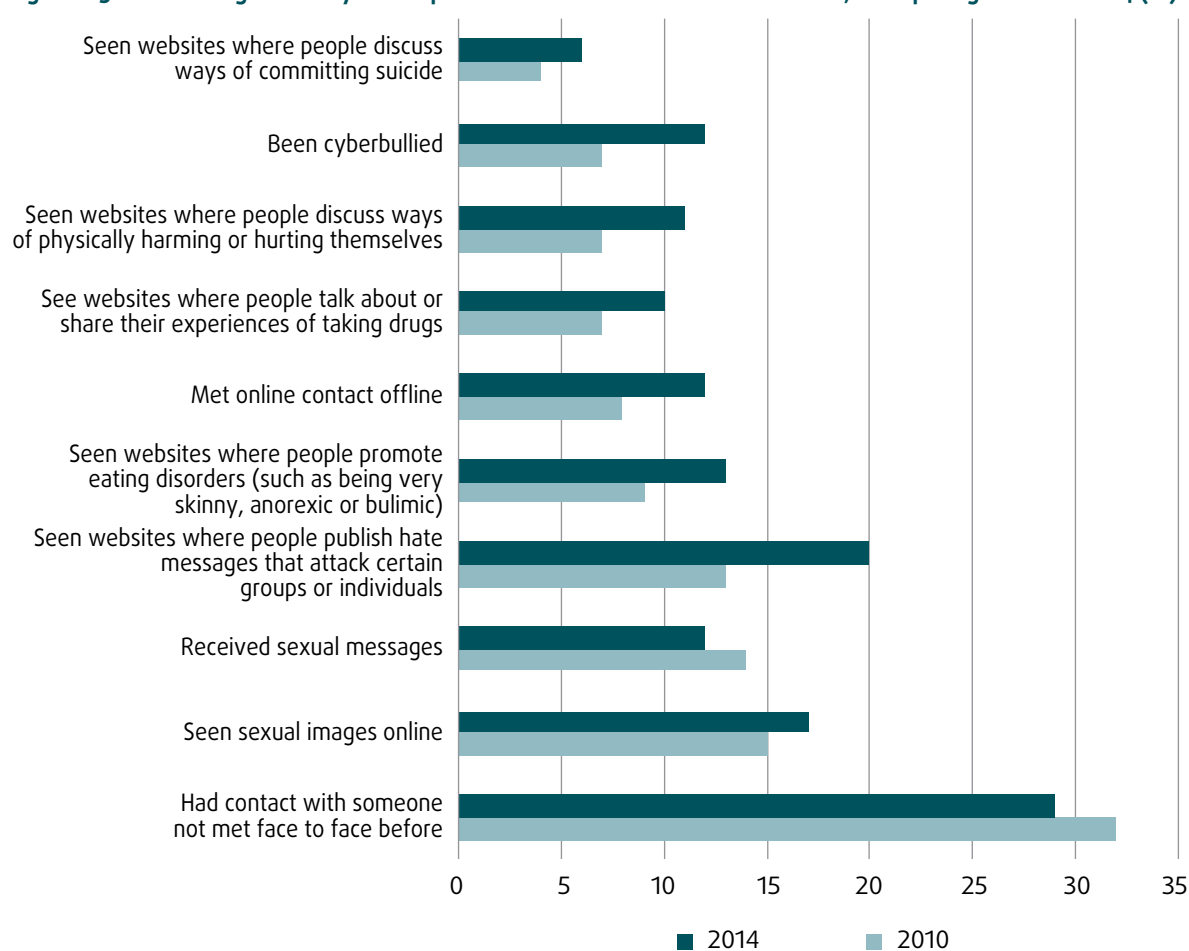
Ensuring that children are protected when accessing the online world via computers or mobile devices stayed high on the political agenda. European institutions and Member States took various initiatives to address internet-related risks, but also promoted the empowerment of children and the benefits the internet brings.

Existing data show that children are more exposed to internet-related risks than in previous years. EU Kids Online⁶⁶ is a project that included a 2010 survey asking 25,000 children and parents in 25 EU Member States about children's online habits, skills, and risks. It updated its data for seven countries in 2014. As shown in [Figure 6.3](#), children aged 11–16 are now more likely to encounter hate messages (20 % in 2014 compared with 13 % in 2010) and cyberbullying (12 % in 2014 compared with 7 % in 2010). While the report highlights positive aspects of the internet, it also notes that children's chances of benefiting from it depends on age, gender and socio-economic status, parental support, and the availability of positive content.

Discussions on reforming the EU's data protection package focused on protecting children by imposing age requirements for accessing certain social media networks.⁶⁷ The draft regulation initially proposed setting 13 as the uniform age of consent for social media use. A later draft set the age limit at 16, requiring anyone under that age to secure parental consent before using social media. The EU Data Protection Reform ultimately did not include this higher age limit.⁶⁸ Instead, following the lack of consensus on a uniform European age of consent, the new draft law – to be adopted in 2016 – allows each Member State to set its own social media age limit within a range of 13–16 years. For more information on the data protection reform, see [Chapter 5](#).

The European Commission's Safer Internet Forum 2015 focused on products that are aimed at younger

Figure 6.3: Children aged 11–16 years exposed to online risks in seven countries,* comparing 2010 and 2014 (%)



Note: * Belgium, Denmark, Ireland, Italy, Portugal, Romania and the United Kingdom.

Source: EU Kids Online (2014), *EU Kids Online: Findings, methods, recommendations (deliverable D1.6)*, London, LSE

users with the Internet of Toys – such as wristbands, dolls, and action figures that connect to the cloud – and their impact on child protection online.⁶⁹ The European Parliament raised concerns about the risks of the internet in a Resolution on child sexual abuse online.⁷⁰ The resolution strongly emphasises that protecting children and ensuring a safe environment for their development is one of the primary objectives of the European Union and its Member States. It also stresses the need for a comprehensive and coordinated European approach that encompasses the fight against crime together with fundamental rights, privacy, data protection, cybersecurity, consumer protection and e-commerce.

Throughout the year, Member States such as **Austria**, **Bulgaria**,⁷¹ **Germany**, **Ireland**, **Portugal**,⁷² **Spain**,⁷³ and **Croatia**⁷⁴ updated their legislation to include various provisions on sexual crimes against children that contain specific references to new technologies. For example, the Criminal Law (Sexual Offences) Bill 2015

introduced in **Ireland** included two new offences targeting online sexual offenders to protect children from exploitation by way of new technologies, including social media.⁷⁵

“[The European Parliament] stresses in the strongest terms that the rights and protection of children online must be safeguarded, and that steps must be taken to ensure that any illicit content is promptly removed and reported to law enforcement authorities, and that there are sufficient legal instruments for investigating and prosecuting offenders”.

European Parliament (2015), Resolution of 11 March 2015 on child sexual abuse online (2015/2564(RSP)), Strasbourg, 11 March 2015, paragraph 2

Austria introduced the offence of cyberbullying,⁷⁶ while **Germany** also criminalised the unauthorised distribution of photos likely to significantly damage the reputation of the person shown, with the aim of combating cyberbullying.⁷⁷ Meanwhile, a new **French** decree allows the police services in charge of the fight against cybercrime to require owners of search

engines or directories to de-list sites that incite acts of terrorism or deny war crimes and sites that contain images of child pornography.⁷⁸ A second new decree permits the police to block internet sites that contain child pornography.⁷⁹

There were other positive developments at Member State-level. Several states adopted policy measures that increased resources for anti-cybercrime operations, including the **Netherlands**,⁸⁰ **Portugal**, **Spain**,⁸¹ **Sweden**, and the **United Kingdom**. For example, in **Portugal**, a law set up new national cybercrime research.⁸² The **United Kingdom** opened a co-located National Crime Agency and Government Communications Headquarters Joint Operations Cell in November 2015. The unit brings together officers from both agencies to tackle online child sexual exploitation.⁸³ The **Swedish** police created a national centre for IT crimes, doubling the number of police working on IT-related crimes. The centre is in charge of efforts targeting child sexual abuse material.⁸⁴

The internet and social media platforms certainly involve risks and trigger a need for protection, but also promote education, democratic participation, and critical thinking, including by providing basic access to information and services through digital media.⁸⁵ However, according to an EU Kids Online report, more research covers the risks and harm of the internet and mobile technologies than the opportunities and benefits their use brings. In 33 European countries analysed, for every two studies that focus on opportunities and benefits, there are roughly three studies that focus on risks and harm.⁸⁶

Promising practice

Supporting child journalism through internet platforms

A **Spanish** social network of young journalists provides a good example of how to use the internet as a tool for empowerment. The project 'ciberresponsales', funded by the Ministry of Health, Social Services and Equality and other public and private institutions, offers children the opportunity to talk about their views, feelings, worries, and things they want to change. There are currently 1,496 'ciberresponsales' – children who have their own blog and participate in groups formed by schools, NGOs, or local governments. Children write all articles published and cover issues such as political news, solidarity and media, as well as humour, poetry, and films. The site also provides educational materials for children, teachers, journalists, and parents.

The content is available through an internet site and an app for mobile devices.

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

With some institutions recognising the importance of asking children about their views on the online world, several Member States are directly involving children in the development of internet policies or programmes. For example, the Children's Commissioner for England (**United Kingdom**) launched the 'Digital Taskforce' in 2015, with the purpose of bringing together children and experts to make recommendations to policy-makers and industry and exert influence over the future development of the internet for children.⁸⁷

The **Swedish** Digitalisation Commission appointed a group of young experts aged seven to 18 to make up the 'young commission', which was active until December 2015.⁸⁸ The Digitalisation Commission had the mission of analysing and monitoring progress on meeting Sweden's goal of becoming a world leader in exploiting the opportunities of digitalisation. The young commission served as discussion partners and provided advice. At the closing meeting, the children created a list of "ten digital things to learn or understand before you become an adult", which was handed over to the Minister for IT.

The **Estonian** 'Smartly on the Web' project includes a youth panel whose members advise the project team on the planning and implementation of activities aimed at young people.⁸⁹ The project is multi-faceted. It is involved in awareness raising via training sessions, develops and disseminates teaching and awareness materials, holds creative competitions for students, and does awareness-raising campaigns and events. In addition, it engages in counselling on internet safety issues via the children's helpline (116111), and operates a web-based hotline to enable internet users to report websites that contain child sexual abuse material.

6.2.2. Growing concern over child and youth radicalisation online

Terrorist attacks in **France** in January and November prompted a number of European and national actors to address youth radicalisation, including through the internet.⁹⁰ Meanwhile, the UN Security Council adopted the first-ever resolution on youth, peace, and security. It also expresses "concern over the increased use, in a globalized society, by terrorists and their supporters of new information and communication technologies, in particular the Internet, for the purposes of recruitment and incitement of youth to commit terrorist acts".⁹¹

The 2013 'EU Strategy preventing radicalisation to terrorism and violent extremism: Strengthening the EU's response' already pointed out that the online radicalisation of young people posed a risk, and noted that further research was needed.⁹² In November 2015, the European Parliament called for a new strategy to fight the radicalisation of young EU citizens.⁹³ The resolution

'on the prevention of radicalisation and recruitment of European citizens by terrorist organisations' sets out proposals for a comprehensive strategy to tackle extremism, for application particularly in prisons, online, and through education and social inclusion.⁹⁴ It also notes the increased vulnerability of young people in relation to online terrorist radicalisation. In response to this, it voices support for the "implementation of youth awareness programmes concerning online hate speech and the risks that it represents, of programmes promoting media and internet education [and of] training programmes with a view to mobilising, training and creating networks of young activists to defend human rights online". In setting out steps to take against radicalisation, it emphasises the particular vulnerability of 'minors' in public youth protection institutions and detention or rehabilitation centres. Finally, the resolution also emphasises the role of schools at both primary and secondary levels in promoting integration, developing critical thinking and non-discrimination, and

- ▶ teaching responsible internet use. (Chapter 3 on racism, xenophobia and related intolerance further addresses radicalisation and online hate speech.)

*Preventing and countering youth radicalisation in the EU – a study by the European Parliament's Civil Liberties, Justice and Home Affairs Committee (LIBE) released in 2014 – drew attention to the need to overcome the counterproductive stereotype of the internet as a catalyst in pushing individuals from radical thought to action.⁹⁵ The study acknowledged that new technologies are used for recruitment, networking, and propaganda, but noted that their role should be carefully assessed and not overestimated. Another study, entitled *Radicalisation in the digital era: The use of the internet in 15 cases of terrorism and extremism*, came to a similar conclusion.⁹⁶ It acknowledged that the internet increases opportunities for radicalisation, but also stated that the*

"hypothesis that internet allows radicalisation without physical contact cannot be supported. In all our cases the so called offline world played an important role in the radicalisation process. The subjects had offline contact with family members or friends who shared their beliefs. The internet is therefore not replacing the need for individuals to meet in person during their radicalisation."

Member States introduced several legislative and policy initiatives to address youth radicalisation, the internet, and the role of schools in particular. In the **United Kingdom**, the Counter-Terrorism and Security Act 2015 imposed new legal duties on specific authorities in England, Wales and Scotland, including educational and childcare bodies, to 'have due regard to the need to prevent people from being drawn into terrorism'.⁹⁷ The government provided statutory guidance⁹⁸ for schools and child care providers in England and Wales, requiring schools to ensure that children

are safe from terrorist and extremist material when accessing the internet in school and ensure that suitable filtering is in place. The government also made clear in separate advice for schools and childcare providers in England⁹⁹ that schools have an important role to play in equipping children and young people to stay safe online, both in school and outside, and that internet safety will usually be integral to a school's ICT curriculum.

The **Belgian** Ministry of Education of the Wallonia-Brussels Federation created two new tools to promote teachers' use of ICT and social networks as part of their mission of education;¹⁰⁰ it also proposed creating working groups to develop tools and educational support to combat internet abuse, and the radicalisation of children in particular.¹⁰¹ Flanders set up a similar online prevention tool for schools and teachers, dealing with the radicalisation of pupils.¹⁰²

6.3. Supporting children involved in judicial proceedings

Access to justice is a fundamental right for everyone, including children who may, for example, have experienced or witnessed violence, have committed a crime, or whose parents are divorcing. According to international and European standards, children must be given access in ways that avoid traumatisation and ensure that their participation is informed and effective.

A 2015 European Commission policy brief¹⁰³ concludes that there has been progress across the EU in implementing international standards in the area of child-friendly justice; however, implementation remains selective and inconsistent. It also notes that children's enjoyment of their rights in practice depends on a number of conditions – such as age, their role in the proceedings, and the discretion of the judicial authorities. The policy brief recommends several measures to Member States, including establishing specialised courts, ensuring the right to mandatory defence, providing training, and investing in data collection. The report closes by suggesting that the Commission develop an action plan to advance child-friendly justice in the EU. The policy brief completed a series of Commission reports on legislation and policy on children's involvement in criminal, civil, and administrative proceedings in the EU28.¹⁰⁴ FRA carried out complementary research, focusing on practice. The Commission's efforts in this area also included providing funding for the promotion of child-friendly systems in the Member States.¹⁰⁵

Although all Member States have ratified the UN Convention on the Rights of the Child (CRC), in

19 Member States, it remains impossible for children to access justice at the international level for violations of the convention. An optional protocol that has been open for signature since early 2012 – the Third Optional Protocol to the CRC on a communications procedure – provides the possibility for children themselves to bring complaints of rights violations before the Committee on the Rights of the Child. However, only nine Member States have ratified this protocol. In 2015, the **Czech Republic, Denmark, and Finland** did so, joining the six Member States already party to the protocol (Belgium, Germany, Ireland, Portugal, Slovakia, and Spain). By failing to ratify the protocol, the remaining countries thus continue to deny children the possibility of bringing cases before the committee.

FRA published several reports in 2015 that address the various hurdles encountered by children when trying to access justice and participate in judicial proceedings, and outline their rights in such situations. These include a report on child-friendly justice (*Child-friendly justice: Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States*); a handbook covering children's rights more generally (*Handbook of European law on the rights of the child*); and a report focusing on children with disabilities (*Violence against children with disabilities: Legislation, policies and programmes in the EU*).



6.3.1. Diverse efforts emphasise rights of children accused or suspected of crimes

The rights of children accused or suspected of crimes received considerable attention, with various reports, an upcoming directive, and multiple legislative proposals in Member States touching on the issue.

Several international bodies issued reports focusing on children deprived of liberty, underlining existing international standards that deem the deprivation of liberty as a measure of last resort that should be used for the shortest time possible. The UN's Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment dedicated his 2015 thematic report to the unique forms of protection of children deprived of their liberty and the particular obligations of states to prevent and eliminate torture and ill-treatment of children in the context of deprivation of liberty.¹⁰⁶ The report outlines a comprehensive set of recommendations, including: to

provide non-custodial, community-based alternative measures to the deprivation of liberty; to set the minimum age of criminal responsibility to no lower than 12 years, and to consider progressively raising it; not to detain children in law enforcement establishments for more than 24 hours, and only in child-friendly environments; and to ensure that states never use immigration detention as a penalty or punishment for migrant children, including for irregular entry or presence.

The 24th general report issued by the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), also gave prominence to juveniles deprived of liberty.¹⁰⁷ In addition to articulating a number of recommendations, the report notes that, in its country visits, the committee continues to find juveniles in police custody being accommodated in the same cells as adults, as well as juvenile prisons with poor material conditions, a lack of trained staff, and inadequate support and supervision.

Within the European Union, the European Commission, the Council of the EU and the European Parliament reached an agreement in late 2015 regarding the text of the Directive on procedural safeguards for children suspected or accused in criminal proceedings.¹⁰⁸ The EU expects to adopt the directive in early 2016, giving Member States 36 months to incorporate it into national law. A core provision of the directive relates to mandatory assistance by a lawyer, which a child cannot waive. Member States need to make sure that children receive the assistance of a lawyer, where necessary by providing legal aid. Other important provisions of the directive concern the oral and written provision of information on rights and procedures, the right to an individual assessment, the right to a medical examination, and the right to audio-visual recording of questioning. It also provides special safeguards for children while they are deprived of liberty, particularly during detention.

Several EU Member States made changes to their juvenile justice systems in 2015, largely with respect to detention. For example, in **Spain**, a law reforming the Criminal Procedure Law was adopted in October.¹⁰⁹ The changes establish that authorities cannot hold children under 16 in solitary confinement. Furthermore, the code now sets out an obligation to immediately inform children's parents or guardians about their detention, as well as to put the child at the disposal of the Public Prosecutor's Office for Minors.

The **Austrian** Juvenile Court Act,¹¹⁰ which will enter into force on 1 January 2016, establishes that pre-trial detention for adolescents is to be used only in exceptional cases. Pre-trial detention is no longer permissible for adolescents suspected of having committed a criminal offence punishable with a fine or imprisonment of up to one year; measures are also in

place to encourage replacing pre-trial detention with less severe measures.¹¹¹

In **Sweden**, although there were no changes to the law, new guidelines concerning detention – including of young suspects – came into effect in 2015. The General Prosecutor’s guidelines regarding restrictions and long detention-periods aim to decrease the use of restrictions and make the prosecutor assess proportionality.¹¹² The government also appointed an inquiry chair in 2015 to propose measures for reducing the use of detention and restrictions for children and young offenders.

In **Lithuania**, amendments to the Criminal Procedure Code¹¹³ reduced the permissible length of pre-trial detentions of children. The law now provides that these should initially last no more than two months; that extensions should not last more than four months; and that, in total, pre-trial detentions of children should not exceed six months.

The ECtHR’s ruling in *Grabowski v. Poland* (No. 57722/12)¹¹⁴ also scrutinised the detention of juveniles. It held that continuing to detain a juvenile in a shelter for juveniles under an order referring his case for examination in correctional proceedings – without a separate judicial decision or review – violated the juvenile’s right to liberty and security, guaranteed by Article 5 (paragraphs 1 and 4) of the ECHR. In the court’s view, the problems identified in the applicant’s case could give rise to other well-founded applications, given that – according to statistics as of 2012 – 340 juveniles were apparently similarly placed in shelters. The court therefore called on Poland to take legislative measures to stop this practice and to ensure that specific judicial decisions authorise each and every deprivation of a juvenile’s liberty.

FRA will further explore the issue of detention in research on administrative, migration-related detentions of both unaccompanied children and children

detained with parents or legal guardians in the context of the recast Reception Conditions Directive (2013/33/EU) and the Returns Directive (2008/115/EC). It will focus on the conditions of detention, covering issues such as access to health and education, the monitoring of detention facilities, and ensuring children’s well-being. Its findings will feed into the Council of Europe’s work on developing European Immigration Rules on detention.¹¹⁶

6.3.2. Protecting children involved in proceedings as victims, witnesses, and other roles

With the deadline for transposing the Victims’ Rights Directive (2012/29/EU)¹¹⁷ set for November 2015, EU Member States introduced various initiatives relating to the rights of children involved in proceedings as victims or witnesses.

FRA research shows that Member States have made progress in making both criminal and civil proceedings more child-friendly – largely by ensuring that social care professionals participate more throughout judicial proceedings, especially in civil law hearings.¹¹⁸ The adoption of special measures to protect children from repeat victimisation has also made a difference.

“And the judge came. He was totally different how I imagined. He was very young and was not wearing a robe like the most of the judges on TV shows do. He was normal, was wearing jeans and a shirt, my friend at school has the same shirt. It was like a bit peculiar. [...] The judge was 30 and my friend is 15. Such an age difference and they wear identical clothes. [...] This showed me he [the judge] is a man like everyone else, not a machine or something like that.”

Girl, 15 years old, involved as victim in a domestic violence proceeding, Poland (FRA, 2015)

However, FRA’s 2015 report *Child-friendly justice: Perspectives and experiences of professionals on*

New handbook outlines European law relating to children’s rights

FRA’s *Handbook on European law relating to the rights of the child*, developed together with the Council of Europe and the ECtHR, provides a comprehensive overview of key CJEU and ECtHR case law on the matter.¹¹⁵ The handbook provides information on the Charter of Fundamental Rights of the EU and relevant regulations and directives; ECtHR jurisprudence concerning the rights of the child; the European Social Charter; decisions of the European Committee of Social Rights; other Council of Europe instruments; and the CRC and other international instruments.

The publication aims to assist lawyers, judges, prosecutors, social workers, NGOs and other bodies confronted with legal issues relating to rights of the child. It covers issues such as equality, personal identity, family life, alternative care and adoption, migration and asylum, and child protection against violence and exploitation, as well as children’s rights within criminal justice and alternative proceedings.

For more information, see FRA (2015), Handbook on European law relating to the rights of the child, Luxembourg, Publications Office (available in various EU languages).



children's participation in civil and criminal judicial proceedings in 10 EU Member States shows that Member States sometimes fail to deliver on a child's right to be heard in judicial proceedings. Findings demonstrate that children are heard more often in criminal than in civil proceedings, given the need for evidence in criminal cases. Children do not always have to participate in civil proceedings, such as family law cases involving divorce and custody. Hearings in both civil and criminal proceedings can be traumatising for children. Although the research was carried out before the deadline for incorporating the Victims' Rights Directive into national law, the findings identify a few areas in which Member States could strengthen their efforts – mainly in relation to the protection measures established in Articles 21, 22, 23, and 24. For example, using video cameras to record interviews with children to avoid repeated questioning is a legal possibility in many countries, but not necessarily standardised practice. According to the professionals interviewed, its use often depends on the individual professional's decision, and on very practical questions, such as whether or not video equipment is available or functional.¹¹⁹ The responsible bodies do not always ensure that rooms designed or adapted for interviewing child victims are available.¹²⁰ Among the 570 professionals interviewed in FRA's research, approximately two thirds have participated in training programmes, with social professionals more likely to undergo training than legal professionals. Although legal regulations in a number of countries stipulate that training is mandatory, in practice, attendance is generally voluntary.¹²¹

FRA's research also identified key weaknesses in how judicial systems address the need, established in Article 3 of the Victims' Rights Directive, to inform victims about their rights. In response, FRA developed awareness-raising material – such as videos (Figure 6.4) and infographics (Figure 6.5) – for children. In 2016, FRA will publish a second report based on interviews with children about how they found participating in judicial proceedings, what areas need improvement, and what areas worked well in their personal experiences.

The ECtHR also addressed children's right to be heard in 2015. The ECtHR does not interpret the right to respect for private and family life (Article 8 of the ECHR) as always requiring a child to be heard in court. Instead, it is generally up to the national courts to assess the evidence, including the means used to ascertain the relevant facts. However, in the case of *M. and M. v. Croatia* (No. 10161/13),¹²² the court found it particularly noteworthy that the child, aged 13½, had not yet been heard in ongoing custody proceedings and thus had not had the chance to express, before the courts, with which parent she wanted to live. The court found **Croatian** authorities in violation of several articles of the ECHR, including Article 8, on account of the child's lack of involvement in the decision-making process on custody. It noted, in particular, substantial delays in the criminal proceedings brought against the father as well as in the custody proceedings – both still pending after more than four years, without anyone ever having interviewed the child in either proceeding.

Also in a custody case, the **Spanish** Supreme Court nullified a lower court judgment and concluded that, in judicial proceedings regarding child custody, a child with sufficient capacity, in accordance with their age and maturity, must always be heard, and in all cases if they are over 12 years old.¹²³

The process of transposing the Victims' Rights Directive prompted a number of beneficial developments in national laws, with the vast majority of Member States proposing or adopting new legislation on the rights of crime victims during 2015. (For more information on ► the Victims' Rights Directive, see [Chapter 7](#).)

For example, draft legislation in **Ireland** provides children with access to support services, free of charge, according to their particular needs before, during, and for a period after criminal proceedings.¹²⁴ The Criminal Law (Sexual Offences) Bill 2015 aims to protect child victims of sexual offences from any additional trauma that may arise as a result of giving evidence during criminal trials; it introduces measures extending the use of video-recorded evidence and limiting the circumstances in which an accused can personally

Figure 6.4: FRA videos help raise children's awareness of their rights



Source: FRA, 2015

Figure 6.5: FRA's infographic on the right to be heard in judicial proceedings



cross-examine a child witness. Draft legislation in **Bulgaria** provides for child victims and witnesses under 14 to be interviewed a limited number of times and immediately after initiating the case. The authorities should always record interviews and use them as evidence. Interviews are to take place in specially equipped premises to avoid any contact between witnesses and defendants or their attorneys, and are to be conducted by specially trained experts.¹²⁵

“Well, it was a bit strange to me – why so many times. We [he and his sister] had to confirm the same things multiple times, and so on. I mean, we had to go there more than once, sometimes we had to come back to the same place two or three times about the same thing, and I could not see the reason for that, exactly. Why we had to go several times, if we had done it already.”

Boy, 16 years old, involved in several proceedings, who faced six hearings in one year, including as a victim in a domestic violence case, Croatia (FRA, 2015)

Promising practice

Supporting child victims

The Child Protection Centre, founded by municipal authorities in Zagreb, **Croatia**, provides help and support to children who have endured various traumatic experiences, including neglected and abused children and children at risk of abuse. The children and their families receive individual or group therapy and support from a multidisciplinary team composed of various professionals, including psychologists, psychiatrists, a paediatrician, social workers, social educators, nurses, and jurists.

In addition, the Child Protection Centre conducts medical, psychiatric, and psychological multidisciplinary evaluations ordered by courts. Two expert evaluators from the centre conduct the interviews with the children in the centre's child-friendly rooms. Interviews are done in the presence of the judge, court recorder, state attorney, and the party attorney in the course of pre-trial investigation. The procedures are recorded to avoid further interviewing the child during the trial, preventing re-traumatisation.

For more information, see: www.poliklinika-djeca.hr

The parliament of **Estonia** passed changes to the Code of Criminal Procedure and other laws with the purpose of broadening the rights of victims in criminal procedures; among others, the changes affect the granting of state legal aid for child victims who are in a vulnerable situation, such as separated children.¹²⁶ **Spain's** Law 4/2015 on the Status of Crime Victims requires professionals to consider the opinions and interests of children and persons with disabilities when preparing the individual assessments established in the Victims' Rights Directive.¹²⁷ The UN Committee on the Rights of Persons with Disabilities also mentioned access to justice of children in particularly vulnerable situations – such as children with disabilities who are victims of violence – in its concluding observations to the first periodic report of the EU, noting a lack of procedural accommodation in justice systems across Member States.¹²⁸

"We have noticed that it is quite difficult for a child or even his parents to find justice in such situations, because no one believes them. It is always said that this child with disabilities is making things up, that it is all nonsense and that nothing happened there, this probably is the reason why those children do not always seek help."

National Human Rights Bodies (NHRB) representative, Lithuania (FRA, 2015)

A FRA report issued in 2015 – *Violence against children with disabilities: Legislation, policies and programmes* – also touches upon access to the justice system for children with disabilities who are victims of violence. Its findings suggest that people often dismiss claims or statements



by children with disabilities; that national courts reduce sentences because they do not fully take into account, or question, the truthfulness of such statements; and that police and judicial staff lack the relevant training. The report encourages Member States to ensure that victim support services, as well as judicial and non-judicial redress mechanisms, are fully accessible to children with disabilities; and that specially trained staff take part in investigating and following up on reported incidents of violence against such children, including during the individual assessments required by Article 22 of the Victims' Rights Directive.

The report addresses these issues in the context of examining legal and policy provisions that address violence against children with disabilities, as well as national measures for preventing such violence and protecting against it.¹²⁹ Based on desk research and interviews with stakeholders, the report also includes a number of promising practices and examples of programmes in Member States that effectively address violence against children with disabilities. For more information on the rights of persons with disabilities, ►► see [Chapter 2](#) and [Chapter 8](#).

FRA opinions

Five years before the deadline set in the EU 2020 strategy to reduce poverty, child poverty continues to stagnate at around the same high level as in 2010. Children continue to be at higher risk of poverty than adults. Article 24 of the EU Charter of Fundamental Rights requires that “[c]hildren shall have the right to such protection and care as is necessary for their well-being”. The European Semester attracted criticism for not paying enough attention to persisting child poverty. The Commission’s 2015 announcement on the development of a European Pillar of Social Rights, however, gives rise to some expectations as it refers to the possible development of EU legislation on various ‘social rights’, including the right to access provisions on childcare and benefits.

FRA opinion

To address child poverty, it is FRA’s opinion that the EU and its Member States need to intensify their efforts to fight child poverty and promote child well-being. They could consider implementing such efforts across all policy areas for all children, while specific measures could target children in vulnerable situations, such as children with a minority ethnic background, marginalised Roma, children with disabilities, children living in institutional care, children in single-parent families and children in low work-intensity households.

The EU and its Member States should consider that measures taken under the European Semester contribute to improving the protection and care of children, as is necessary for their well-being, and in line with the European Commission’s recommendation ‘Investing in children: Breaking the cycle of disadvantage’. These measures could particularly increase the effectiveness, quantity, amount and scope of the social support for children and parents, especially those at risk of poverty and social exclusion.

The internet and social media tools are increasingly relevant in children’s lives, as 2015 research shows. This so called digital revolution brings with it a variety of empowering opportunities, such as child participation initiatives, but also risks, such as sexual violence, online hate speech, the proliferation of child sexual abuse images and cyber bullying. The EU data protection regulation, which reached political consensus at

the end of 2015, requires that EU Member States and the private sector act to implement the child protection safeguards established in it.

FRA opinion

To address the challenges of the internet, it is FRA’s opinion that the EU could consider developing together with Member States guidance on how to best implement child protection safeguards, such as the parental consent established in the Data Protection Regulation. These safeguards need to be in line with the EU Charter of Fundamental Rights provisions on the right of the child to protection and the right to express views freely (Article 24 (1)).

Infringement procedures continued in 2015 against seven EU Member States regarding Directive (2011/93/EU) on combating sexual abuse and sexual exploitation of children and child pornography. FRA research issued in 2015 shows that, while some of the procedural guarantees for child victims established in Articles 23 and 24 of the Victims’ Directive were already in place in some Member States, they were not widely applied. A new Directive on procedural safeguards for children suspected or accused in criminal proceedings reached political consensus at the end of 2015 and is likely to be adopted in early 2016.

FRA opinion

To complement recent child-related EU legislation, it is FRA’s opinion that the EU could consider developing together with Member States guidance on how to best implement these new obligations, taking also into consideration the Council of Europe Guidelines on child-friendly justice. Such guidance could address specific safeguards for children in vulnerable situations, such as children on the move, children with minority ethnic backgrounds, including Roma and children with disabilities. Member States should ensure that they effectively implement the Victims’ Directive, particularly Articles 23 and 24, by allocating adequate resources to address aspects such as training (Article 25), professional guidance and material needs (e.g. availability of communication technology, Article 23), all in compliance with the right to protection of children under Article 24 of the EU Charter of Fundamental Rights.

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