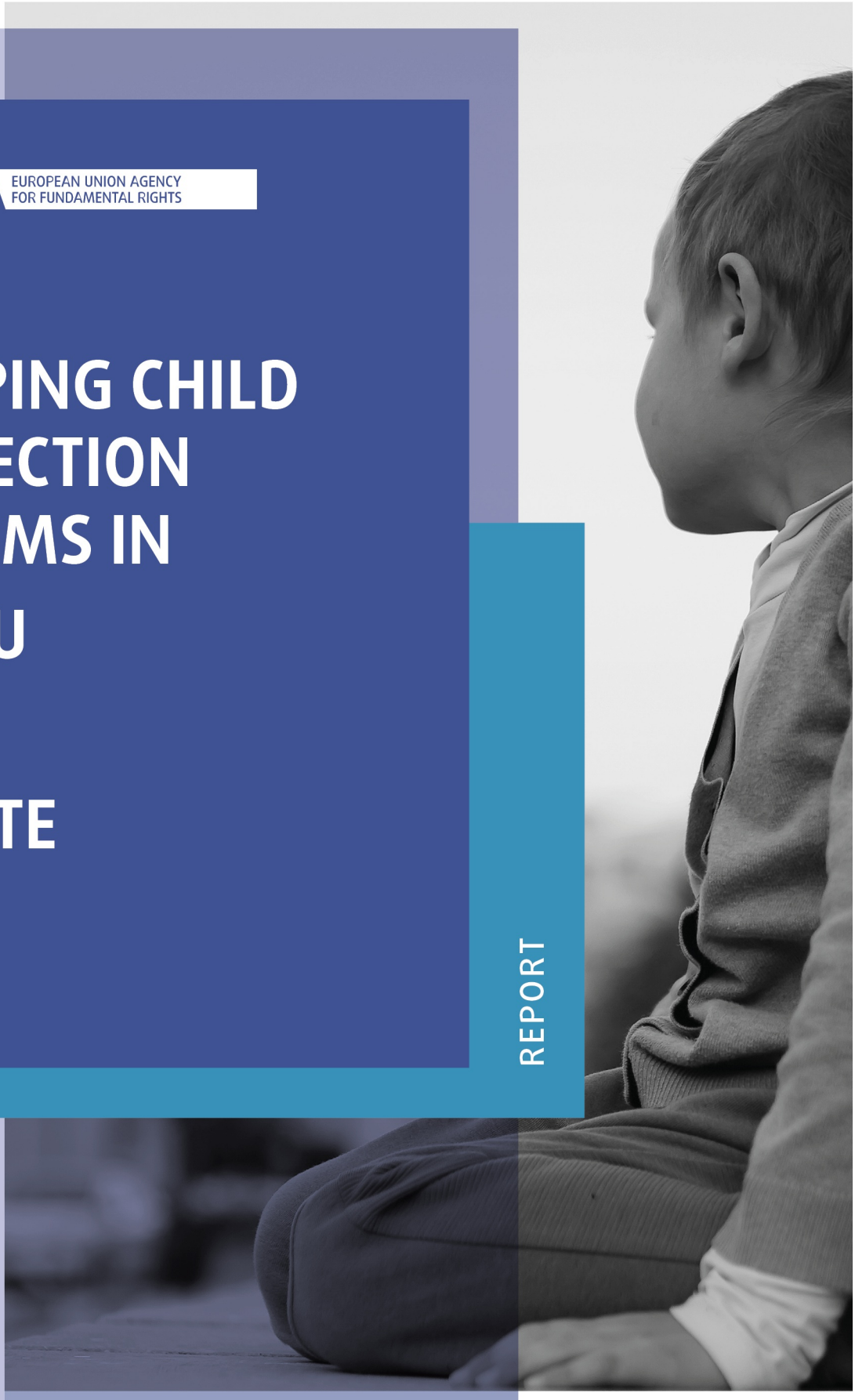
FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

# MAPPING CHILD PROTECTION SYSTEMS IN THE EU

## UPDATE 2023

REPORT



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# Introduction

This mapping of national child protection systems in the European Union (EU) provides an overview of recent developments in such systems and their current status based on selected standards and features.

Under the UN Convention on the Rights of the Child (CRC), states parties recognise children as rights holders and grant them individual rights. Every child has the right to protection, according to Article 19 of the CRC. A rights-based approach to children is essential for ensuring their dignity and well-being.

In the EU, the rights of the child are safeguarded through various mechanisms, including the EU Charter of Fundamental Rights (the Charter). The Charter, which became legally binding with the Treaty of Lisbon in 2009, explicitly recognises several key children's rights. These include the right to education and the right to care and protection from exploitation, violence and discrimination. Moreover, the Charter upholds the principle of the best interests of the child as the primary consideration in all matters concerning children.

The principle of subsidiarity in the context of the EU precludes Union intervention if the Member States themselves can effectively solve the problem at central, regional or local level. Most policies and legislation related to social and children's rights do not fall within the competence of the EU but instead fall under national competence. However, there is growing awareness of the need for integrated visions and strategies in this regard, such as those set out in the EU strategy on the rights of the child and the European child guarantee.

The EU has consistently taken significant steps to improve child protection systems in its Member States in the past few decades. In 2014, the European Commission asked the European Union Agency for Fundamental Rights (FRA) to conduct research on national child protection systems in the then 28 EU Member States. FRA published a mapping of child protection systems in 2015. The Commission asked for the data to be updated at the end of 2022. The following web pages provide an updated mapping based on the data collected in the first half of 2023 in the 27 EU Member States.

The national reports related to this research are published on FRA's website.

Child protection systems are unique in each Member State, reflecting historical, cultural, political and demographic features. Child protection systems are complex and currently no common understanding exists across EU Member States on core concepts, terminology and definitions related to child protection. Comparing child protection systems across the EU remains challenging. Moreover, there are important divergences between the theoretical child protection systems laid down in laws and the actual practice and implementation of legal and regulatory provisions.

Neither the underlying research for this mapping exercise nor the web pages are exhaustive. Rather, they represent a selection of standards and characteristics of children's rights systems.

The selection is pursuant to the United Nations Children's Fund (UNICEF) definition of child protection systems and the European Commission's 10 principles for integrated child protection systems put forward in 2015.

On this basis, this mapping aims to provide an overview of the main elements of the child welfare and protection systems in the 27 EU Member States. It seeks to provide a snapshot of the current state of such systems at national level. It pays particular attention to persisting challenges, but also highlights achievements and promising practices. The goals are to promote continuous improvement of integrated child protection systems and in turn secure the sustainable well-being, safety and rights of all children living in the EU.

# 1. Child protection systems

This section provides an overview of international and EU legal and policy provisions.

UNICEF defines a child protection system as:

'[c]ertain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children. A CP [child protection] system is generally agreed to be comprised of the following components: human resources, finance, laws and policies, governance, monitoring and data collection as well as protection and response services and care management. It also includes different actors – children, families, communities, those working at subnational or national level and those working internationally. Most important are the relationships and interactions between and among these components and these actors within the system. It is the outcomes of these interactions that comprise the system' [1] .

Child protection has historically focused on particular issues or on specific groups of vulnerable children. This approach can serve the needs of a targeted group. However, it is also subject to important limitations.

Children may have multiple protection problems. Fragmented child protection interventions deal with a single problem. They fail to provide a comprehensive solution to children's diverse needs. Focusing on selected issues alone, or on particular groups of children, is neither sustainable nor effective.

An integrated child protection system places the child at the centre and endorses and promotes the provisions of the CRC. The system bases its work on the rights and obligations enshrined in the CRC. It aims to ensure that all essential actors and systems – education, health, welfare, justice, civil society, community and family – work together to prevent abuse, exploitation, neglect and other forms of violence against children. It also aims to protect and assist children in these situations.

The 2006 UN Secretary-General's study on violence against children recommends that 'all States develop a multifaceted and systematic framework to respond to violence against children which is integrated into national planning processes.' An integrated, systemic approach to child protection benefits all children. It can respond to various situations a child might encounter.

## 1.1 Towards integrated child protection systems in the European Union

This section presents the main features of integrated child protection systems and recent developments in the EU.

The scopes of national child protection systems differ. The systems are designed based on

needs, resources allocated and cultural, social and historical factors. However, child protection systems share some common features and face common challenges. The Box below presents their key components.

### 10 principles for integrated child protection systems

1. Every child is recognised, respected and protected as a rights holder, with non-negotiable rights to protection.
2. No child is discriminated against.
3. Child protection systems include effective prevention measures.
4. Families are supported in their role as primary caregiver.
5. Societies are aware and supportive of the child's right to freedom from all forms of violence.
6. Child protection systems ensure adequate care.
7. Child protection systems have transnational and cross-border mechanisms in place.
8. The child has support and protection at any time by a legal guardian or other recognised responsible adult or competent public body.
9. Training on identification of risks for children in potentially vulnerable situations is available for a wide range of professionals and practitioners.
10. There are safe, well-publicised, confidential and accessible reporting mechanisms in place, including helplines and hotlines.

*Source:* European Commission (2015), '10 principles for integrated child protection systems'.

EU Member States are obliged to protect children from all forms of violence. They should, therefore, adopt the appropriate legislative, administrative, social and educational measures to effectively protect children. This obligation derives from international and European human rights legal documents, above all the CRC (Articles 3 and 19; see Box below) and the Charter (Article 24; see following Box).

## The CRC

**Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

**Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

## The Charter

**Article 24 – The rights of the child**

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

The EU strategy on the rights of the child, adopted in 2021, aims to support children to develop their potential as engaged and responsible citizens. While implementing this strategy, EU legislation has evolved both to reflect the CRC's and the Charter's provisions and language on the rights of the child and to reiterate the best interests of the child (see UN CRC General Comment No. 14 (2013)). The best interests of the child are a right, a principle and a rule of procedure, according to the UN Committee on the Rights of the Child. In addition, the EU strategy on victims' rights (2020–2025) demonstrates the EU's commitment to better protecting children through a specific legal framework.

In its Conclusions on the EU strategy on the rights of the child (2022), the Council of the European Union called on the Member States to strengthen cooperation and coordination between all relevant authorities and stakeholders. The Council called on them to increase their:

'efforts to prevent and combat all forms of violence against children, in particular by:

1. Promoting cooperation among support services, and supporting a holistic response to violence,
2. Developing integrated and targeted specialist support services for child victims, in addition to or as part of general victim support services and investing in preventing secondary victimisation,
3. Strengthening the development, evaluation and promotion of integrated child protection systems where all relevant services cooperate according to a coordinated and multidisciplinary approach, in the best interests of the child, for example the Children's Houses (Barnahus) or any other equivalent children's rights […] friendly model,
4. Banning corporal punishment in all settings, and strengthening integrated support services for children and families.'

It also highlighted the need to work together to improve and address child protection needs in emergency situations and to develop effective and viable alternatives to the detention of children during migration. It called on Member States to strengthen their justice systems, in particular by providing the necessary support services to children during and after proceedings, for as long as the children need them. There is a need to promote interdisciplinary service cooperation to support the child in the best way before, during and after proceedings, the conclusions also note. The Council called for the provision of protection from existing and emerging risks in the digital environment by focusing on, for example, digital literacy, privacy and online safety.

The EU strategy on combatting trafficking in human beings (2021–2025) calls on Member States to strengthen child protection systems. '[T]he threat of being trafficked remains high for any vulnerable person', it underlines.

The theme of the 14th European Forum on the Rights of the Child (2022) was 'bringing children to the centre: empowering, protecting and including children'. It focused on monitoring and reporting on progress made under the EU strategy, while exchanging information on new developments and initiatives.

The European care strategy also addresses the three EU social headline targets for employment, skills and the reduction of poverty. The social headline targets also affect children, as they include the revised Barcelona targets for childhood education and care. The revision of the Barcelona targets recommendation is part of the 2020–2025 gender equality strategy. It builds on other EU initiatives such as the Council recommendation on early childhood education and care, the EU strategy on the rights of the child and the Council recommendation on the European child guarantee.

The EU's legal and policy provisions promote the entire UN framework for protecting children and promoting children's rights. The CRC (1989) is the key document providing the fundamental basis of protection of the rights of the child. Accompanying general comments provide guidance on the application of concrete rights.

For example, general comment No. 5 (2003) provides guidance on the measures required to effectively implement the convention. General comment No. 13 (2011), on the right of the child to freedom from all forms of violence, emphasises the importance of interpreting children's rights broadly and inclusively to ensure comprehensive protection and support. Interpreting general comment No. 13 is particularly important in the digital age.

General comment No. 25 (2021) on children's rights in relation to the digital environment provides guidance on some legislative, policy and other measures. It aims to ensure compliance with obligations under the CRC and the optional protocols in light of the opportunities, risks and challenges of promoting, respecting, protecting and fulfilling all children's rights in the digital environment.

An integrated child protection system that emphasises prevention must adopt a children's rights approach, not a welfare approach. This requires holistic CRC implementation. General comment

No. 25 builds on the foundation of the CRC, recognising the evolving nature of children's rights in the digital environment. It addresses the prevention of digital violence and emphasises the need to protect children from harm online.

Together, these general comments highlight the commitment of the UN Committee on the Rights of the Child to safeguarding children's rights not only in traditional settings but also in the ever-expanding digital landscape, where new challenges and opportunities continually emerge.

The Council of Europe issued guidelines on integrated national strategies for the protection of children from violence in 2009. The guidelines are in line with the recommendations of the UN Committee on the Rights of the Child.

Table 1 provides an overview of the primary institutions responsible for child protection in the EU Member States. The data show whether there is a primary institution for child protection or the system is more diversified. A diverse system includes several national authorities sharing responsibilities in areas related to child protection. Examples include social protection, education and judicial rights.

**Table 1 – Primary institutions responsible for child protection, by EU Member State**

| EU Member State | Primary institution responsible for child protection |
|---|---|
| **Austria** | Austrian Federal Chancellery (Bundeskanzleramt), Section VI: Family and Youth (Sektion VI: Familie und Jugend) |
| **Belgium** | n/a |
| **Bulgaria** | State Agency for Child Protection (Държавна агенция за закрила на детето) |
| **Croatia** | Ministry of Labour, Pension System, Family and Social Policy (Ministarstvo rada, mirovinskoga sustava, obitelji i socijalne politike) |
| **Cyprus** | Ministry of Labour (Τμημα Εργασιασ) |
| **Czechia** | Ministry of Labour and Social Affairs (Ministerstvo práce a sociálních věcí) |
| **Denmark** | Ministry of Social Affairs, Housing and Senior Citizens (Social-, Bolig- og Ældreministeriet) |
| **Estonia** | Ministry of Social Affairs (Sotsiaalministeerium) |
| **Finland** | Ministry of Social Affairs and Health (Sosiaali- ja terveysministeriö; Social- och hälsovårdsministeriet) |
| **France** | n/a |
| **Germany** | n/a |
| **Greece** | n/a |
| **Hungary** | Ministry of Interior (Belügyminisztérium) |
| **Ireland** | Child and Family Agency (Anghníomhaireacht um Leanaí agus an Teaghlach) |
| **Italy** | n/a |
| **Latvia** | Ministry of Welfare (Labklājības ministrija) |
| **Lithuania** | Ministry of Social Security and Labour (Socialinės apsaugos ir darbo ministerija), Family and Child Rights Protection Group (šeimos ir vaiko teisių apsaugos grupė) |
| **Luxembourg** | n/a |
| **Malta** | Child Protection Directorate |
| **Netherlands** | Ministry of Justice and Security (Ministerie van Justitie en Veiligheid), Youth Protection (Jeugdbescherming), and the Ministry of Health, Welfare and Sport (Ministerie van Volksgezondheid, Welzijn en Sport) |
| **Poland** | Children's Rights Ombudsman (Rzecznik Praw Dziecka) |
| **Portugal** | National Commission for the Promotion of the Rights and the Protection of Children and Young People (Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens) |
| **Romania** | National Authority for the Protection of Children's Rights and Adoption (Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție) |
| **Slovakia** | Ministry of Labour, Social Affairs and Family of the Slovak Republic (Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky) |
| **Slovenia** | n/a |

| EU Member State | Primary institution responsible for child protection |
|---|---|
| **Spain** | Ministry of Social Rights and Agenda 2030 (Ministerio de Derechos Sociales y Agenda 2030) |
| **Sweden** | Ombudsman for Children in Sweden (Barnombudsmannen) |

NB: n/a = not applicable.

*Source:* FRA, 2023.

# 2. National legislative and regulatory framework, including child protection policies

## 2.1. National legal frameworks

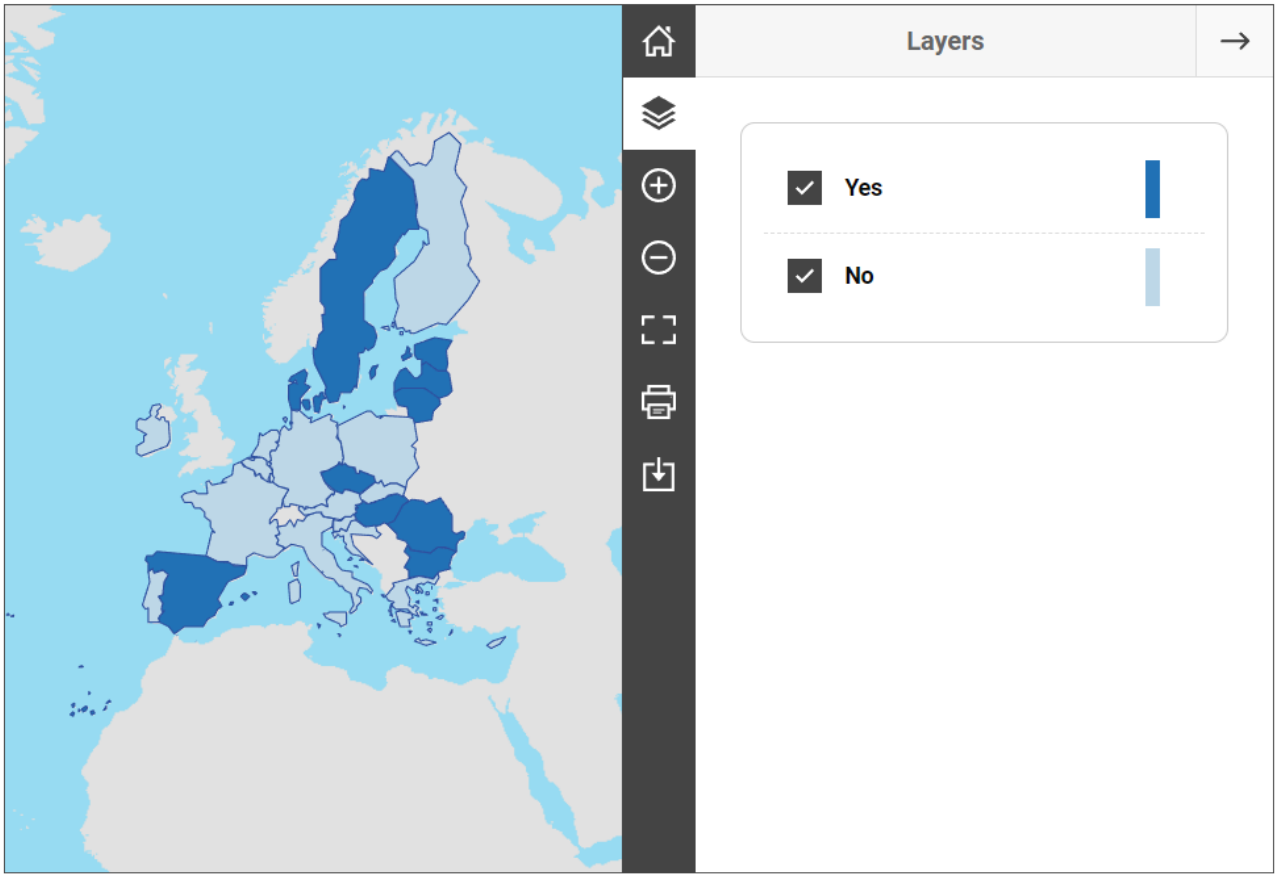
An integrated child protection system requires a national legal framework that creates a safe environment for children by establishing obligations for public and private actors to respect, protect and fulfil the rights of the child enshrined in the CRC. Enforceable legal protection must be established for overarching children's rights. In addition, all relevant sector-specific laws must reflect the UN principles and standards applicable to Member States as duty-bearers under the CRC. This applies to laws on education, health and justice, for example.

Several Member States, such as Denmark, Estonia, France, Luxembourg, Malta and Slovenia, are revising or have recently revised or restructured their child protection systems. This includes their legal frameworks.

France, for instance, adopted a new law reasserting its coordination function in child protection in 2022. Likewise, in Hungary, the amended Fundamental Law of Hungary came into force on 1 January 2023. The law places the individual, human dignity and the protection of children at its centre.

More information on national legal instruments is presented in the maps below. The maps provide visual representations of this information, by Member State.

**Figure 1 – Existence of a single legal instrument on child protection at national level**




*Alternative text:* A map shows that 10 EU Member States have a single legal instrument on child protection and 17 do not. The Member States which have a single legal instrument are Bulgaria, Czechia, Denmark, Estonia, Hungary, Latvia, Lithuania, Romania, Spain and Sweden.

*Source:* FRA, 2023

## Key findings

- All Member States have legal provisions on child protection either in law or in their constitutions. However, not all have developed a single legal instrument for child protection.
- At EU level, an alert system on missing people in the Schengen information system allows the exchange of information on alerts between national offices. However, there is no uniform mechanism for cross-border cooperation within the EU regarding child protection. Formal procedures are not always followed in practice, Save the Children and Missing Children Europe point out [2] . Their statement is based on case simulations in six Member States.
- National legislation targeting particular groups of children and/or particular child protection issues are not always aligned with overarching national child protection legislation. Nor are sector-specific laws.
- Regional laws are not always harmonised in federal Member States and states with

autonomous communities. This leads to disparities in the availability of and/or access to services within the Member State.

Groups of children in vulnerable situations in particular can face increased challenges in receiving adequate and good-quality services due to the fragmentation and limitations of national legal frameworks.

Ten EU Member States have a primary piece of legislation devoted to child protection at national level (see Table 2). This legislation addresses the identification, referral and assessment of child victims of violence, abuse and neglect. The instruments contain provisions on the treatment of children deprived of parental care who fall under state protection.

Beyond the comprehensive Organic Law, based on the administrative structure, the autonomous regions in Spain have each developed their own legal framework.

In Belgium, there is no consolidated children's act. Provisions pertaining to children are found across federal and community laws and in the Civil Code and Criminal Code.

Hungary has a specific legal regime regulating the protection of children and the administration of guardianship affairs. Act XXXI of 1997 established this [3] .

German and Austrian federal laws address the child protection responsibilities of the state and public bodies. It sets forth the general framework and the key principles for drafting state and regional laws.

Table 2 below provides information on the Member State's legal frameworks, differentiating between Member States with a single legal instrument (column two) and those with several different laws (column three). For those who have a single legal instrument for child protection, no other laws are listed in column three entitled 'major child protection laws'. This does not preclude Member States from being free to adopt other specifically targeted laws in the area of child protection.  The data in column one entitled 'constitutional provision on child protection' confirm that most Member States have constitutional provisions on child protection.

**Table 2 – National legal instruments on child protection, by EU Member State**

| EU Member State | Existence of a constitutional provision on child protection | Name of single legal instrument on child protection | Major child protection laws |
|---|---|---|---|
| **Austria** | Yes | | Child and Youth Aid Act (Bundes-Kinder- und Jugendhilfegesetz), 2013. An amendment of this act took effect on 29 October 2019. |
| **Belgium** | Yes | | Protection of Young Persons Act of 8 April 1965 (Loi relative à la protection de la jeunesse, à la prise en charge des mineurs ayant commis un fait qualifié et à la réparation du dommage causé par ce fait)<br>Act of 24 April 2003 reforming adoption (Loi réformant l'adoption)<br>Act of 18 July 2006 promoting the shared custody of children whose parents have separated (Loi tendant à privilégier l'hébergement égalitaire de l'enfant dont les parents sont séparés et réglementant l'exécution forcée en matière d'hébergement d'enfant)<br>Act of 30 June 1994 amending the Judicial Code to take account of Art. 12 of the CRC (Gerechtelijk wetboek) |
| **Bulgaria** | Yes | Child Protection Act (Закон за закрила на детето), 2000 | |
| **Croatia** | Yes | | Family Act(Obiteljski zakon), 2015 |
| **Cyprus** | Yes | | Children Law (Ο περί παιδίων νόμος), 1999. An amendment of this act took effect in 2014. |
| **Czechia** | Yes | Act on social and legal protection of children (Zákono sociálně-právní ochraně dětí) (Act No 359/1999 Coll.), 1999. This act is currently under revision (2023–2024). | |
| **Denmark** | Yes | Children's Act (Act No 772/2019) (Børneloven), 2019. The new Child's Act (Barnets lov) was adopted on 2 June 2023 and enters into force on 1 January 2024 (Act No 721/2023) | |

| EU Member State | Existence of a constitutional provision on child protection | Name of single legal instrument on child protection | Major child protection laws |
|---|---|---|---|
| **Estonia** | Yes | Child Protection Act of the Republic of Estonia (Eesti Vabariigi lastekaitse seadus), 2014. | |
| **Finland** | Yes | | Child Welfare Act (417/2007) (Lastensuojelulaki/Barnskyddslag (417/2007)), 2007 |
| **France** | Yes | | Law No 2007-293 of 5 March 2007 reforming child protection (Loi No 2007-293 du 5 Mars 2007 réformant la protection de l'enfance), 2007<br>Law No 2022-140 on child protection of 7 February 2022 (Loi No 2022-140 relative à la protection des enfants), 2022 |
| **Germany** | No | | Federal Child Protection Act (Bundeskinderschutzgesetz), 2011<br>Social Service Code Book VIII (Sozialgesetzbuch VIII), 1990An amendment took effect in 2021. |
| **Greece** | Yes | | Law 2101/1992 (OG A' 192/2-12-1992), 1992 (Κύρωση της Διεθνούς Σύμβασης για τα δικαιώματα τον παιδιού)<br>Law 3080/2002 (OG A' 312/10-12-2002), 2002 (Κύρωση του Προαιρετικού Πρωτοκόλλου της Σύμβασης για τα Δικαιώματα του Παιδιού, σε σχέση με την ανάμιξη παιδιών σε ένοπλη σύρραξη) |
| **Hungary** | Yes | Act XXXI of 1997 on the protection of children and the administration of guardianship (1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról), 1997 | |
| **Ireland** | Yes | | Child Care Act 1991<br>Child Care (Amendment) Act 2015 |

| EU Member State | Existence of a constitutional provision on child protection | Name of single legal instrument on child protection | Major child protection laws |
|---|---|---|---|
| **Italy** | Yes | | Law No. 55/2015 Protection of children in case of divorce of the parents (Disposizioni in materia di scioglimento o di cessazione degli effetti civili del matrimonio nonchè di comunione tra i coniugi)<br><br>Law No. 173/2015 Reform of the discipline of foster care (Modifiche alla legge sul diritto alla continuita' affettiva dei bambini e delle bambine in affido familiar)<br><br>Law No. 47/2017 Protection measures for unaccompanied migrant children and voluntary guardianship (Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati) |
| **Latvia** | Yes | Law on the protection of the rights of the child (Bērnu tiesību aizsardzības likums), 1998. An amendment of this act took effect in 2023. | |
| **Lithuania** | Yes | Law of the Republic of Lithuania on the fundamentals of the protection of the rights of the child (Lietuvos Respublikos vaiko teisių apsaugos pagrindu įstatymas), 1996. An amendment of this act took effect in 2018. | |
| **Luxembourg** | Yes | | Act of 10 August 1992 on youth protection(Loi du 10 août 1992 relative à la protection de la jeunesse)<br>Act of 16 December 2008 on child and family assistance(Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille) |
| **Malta** | No | | Bill 45 of 2014 entitled Child Protection Act (Out of Home Care)<br>The Minor Protection (Alternative Care) Act, 2019 |
| **Netherlands** | No | | 2015 Youth Act (Jeugdwet) |

| EU Member State | Existence of a constitutional provision on child protection | Name of single legal instrument on child protection | Major child protection laws |
|---|---|---|---|
| **Poland** | No | | Act on the Commissioner for Children's Rights (Ustawa o Rzeczniku Praw Dziecka)<br>Family and Guardianship Code (Kodeks rodzinny i opiekuńczy) |
| **Portugal** | Yes | | Law 147/99 of 1 September 1999 for protecting children and young people at risk (Lei n.º 147/99, Lei de Protecção de Crianças e Jovens em Perigo), 1999, amended by Law 26/2018 |
| **Romania** | Yes | Law No 272/2004 (*Legea 272/2004 privind protecţia şi promovarea drepturilor copilului*), 2004, republished in 2014 | |
| **Slovakia** | Yes | | Law No 305/2005 on socio-legal protection of children and social guardianship and on amendments to certain acts (Zákon č. 305/2005 Z. z. o sociálnoprávnej ochrane a sociálnej kuratele a o zmene a doplnení niektorých zákonov). An amendment of this act took effect in 2022. |
| **Slovenia** | Yes | | Family Code(Družinski zakonik), 2017 |
| **Spain** | Yes | Organic Law on the legal protection of children (*Ley Orgánica)* given by Organic Law 8/2015, of 22 July, and Law 26/2015, of 28 July | |
| **Sweden** | Yes | Care of Young Persons Act (1990:52) (Lagen med särskilda bestämmelser om vård av unga (1990: 52)). An amendment of this act took effect in 2022. | |
| **Totals (Member States)** | 23 | 10 | 17 |

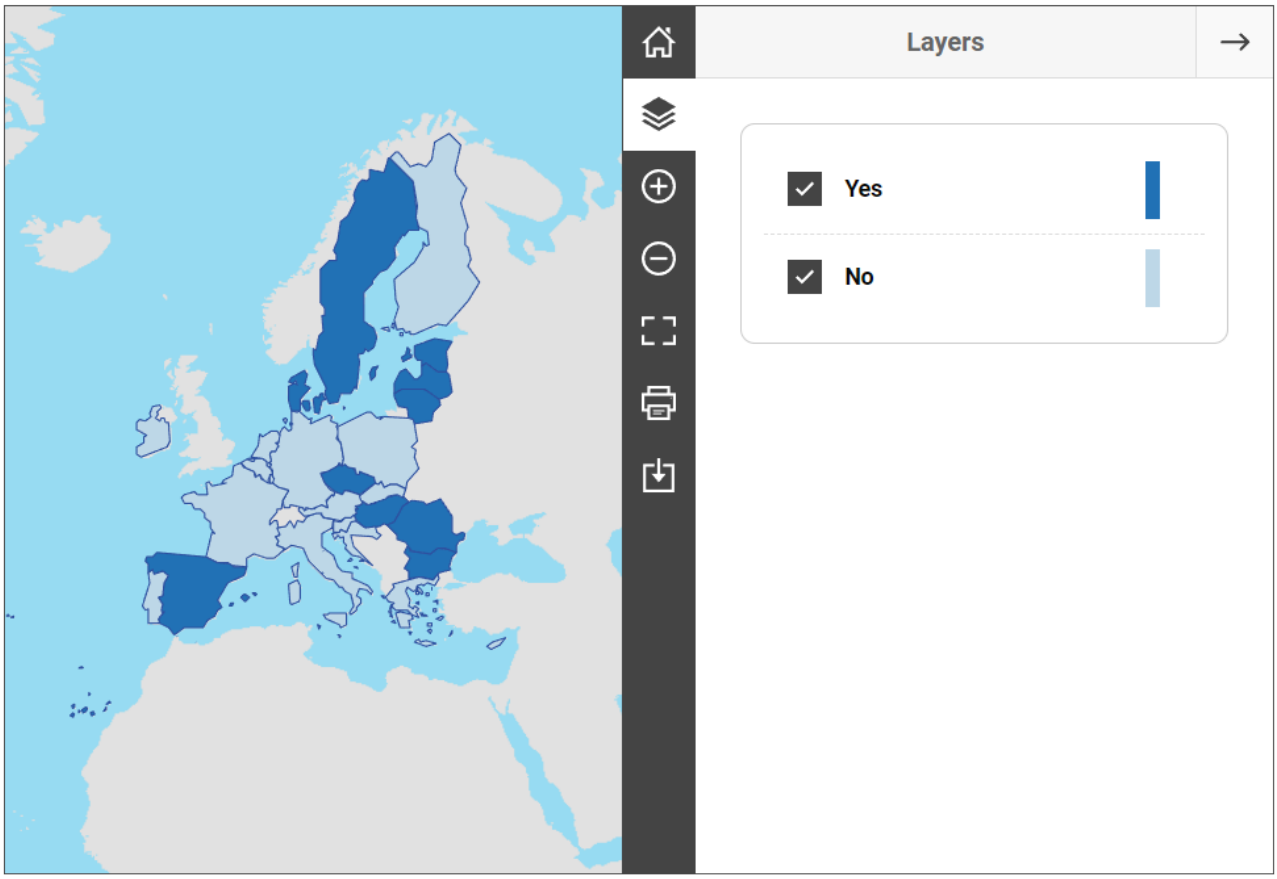
*Source:* Franet, 2023

## 2.2. National policy frameworks

A comprehensive national strategy or national action plan for children is a key component of an

integrated child protection system. A comprehensive national policy covers sector-specific national action plans and policies. It sets out specific goals, targeted implementation measures and the allocation of financial and human resources.

**Figure 2 – Existence of specific national policy framework (action plan or strategy) on child protection and/or children's rights**




*Alternative text:* A map shows that 19 EU Member States have a comprehensive national policy relating to child protection and 8 do not. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- More than half of the Member States have developed a comprehensive national policy on children's rights and child protection.
- In some Member States, local or regional policies have been developed in the absence of a national strategy or policy. In others, local and national policies have been drawn up in parallel with national strategies and policies.
- National strategies are not always linked to sector-specific, local and regional strategies or budgets. The coordination of local or regional policies remains a challenge in most Member States.
- Where national policies exist, concrete action plans with specific time-bound and measurable goals to facilitate effective implementation and monitoring do not always accompany them.

- In most Member States, multiple legal and policy provisions address various issues, such as domestic violence or sexual exploitation. Multiple provisions also address particular groups of children, such as unaccompanied children or child victims of trafficking. Legislation and policy are not, however, always aligned to address the needs of children facing multiple vulnerabilities.

Nineteen Member States have a comprehensive national policy relating to child protection (Table 3). This is the case in Belgium, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Portugal, Romania, Slovenia, Finland and Sweden.

Some Member States have action plans only at local/regional level. Denmark, for example, still lacks a national policy. Municipal authorities with child protection responsibilities are charged with developing policies locally. However, Denmark has proposed a new Child's Act aiming to strengthen the rights of the child.

Local, regional and national policies co-exist in some Member States with decentralised systems, such as the Netherlands and Finland.

Policies are developed at regional community level in some federal Member States, such as Belgium and Germany. The Austrian federal government has developed a national policy focused on youth.

Other Member States such as Bulgaria and Estonia are developing drafts of new national plans. These should enter into force in the coming years.

Only half of the Member States have taken measures to include child poverty in their strategic policy documents. Fourteen Member States have key actions dedicated to children in need: Belgium, Bulgaria, Denmark, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Luxembourg, Malta, the Netherlands and Portugal. Nine of them – Bulgaria, Denmark, Ireland, Greece, Spain, Croatia, Italy, Luxembourg and Malta – are obliged to allocate 5 % of their European Social Fund Plus funds to lifting children out of poverty.

Only seven Member States have developed a comprehensive digital strategy or programme: Cyprus, Croatia, France, Hungary, Sweden, Slovakia and Slovenia.

**Table 3 – National strategic policy frameworks on child protection, by EU Member State**

| EU Member State | National strategic policy framework on child protection and/or children's rights |
|---|---|
| **Austria** | Youth strategy (Österreichische Jugendstrategie), 2020 |
| **Belgium** | Flemish youth and children's rights policy plan 2020–2024 (Vlaams Jeugd- en Kinderrechtenbeleidsplan 2020–2024)<br>Walloon children's rights action plan 2020–2024 (Plan d'actions relatif aux droits l'enfant 2020–2024)<br>Youth strategy plan 2023–2027 (Jugendstrategieplan 2023–2027) |
| **Bulgaria** | None |
| **Croatia** | National plan for the rights of children in the Republic of Croatia for the period 2022–2026 (Nacionalni plan za prava djece u Republici Hrvatskoj za razdoblje od 2022. do 2026. Godine) |
| **Cyprus** | None |
| **Czechia** | National strategy for the protection of children 2021–2029 (Národní strategie ochrany práv dětí a Akční plán k naplnění Národní strategie 2021–2029) |
| **Denmark** | None |
| **Estonia** | None |
| **Finland** | National child strategy (kansallinen lapsistrategia / den nationella barnstrategin), 2022 CRC |
| **France** | National child protection and prevention strategy (Stratégie nationale de prévention et de protection de l'enfance), 2020-2022. |
| **Germany** | None |
| **Greece** | National action plan for the rights of the child (2021–23) (Εθνικό Σχέδιο Δράσης για τα Δικαιώματα του Παιδιού (2021–2023)) |
| **Hungary** | None |
| **Ireland** | Corporate plan 2021–2023 (Plean Corparáideach 2021–2023) |
| **Italy** | https://famiglia.governo.it/media/2636/v-piano-nazionale-infanzia-e-adolescenza-gennaio-2022.pdf 5th National Plan of Action and Interventions for the Protection of the Rights and Development of Persons of Childhood Age 2022-2023 (5° Piano Nazionale di Azione e di Interventi per la Tutela dei Diritti e lo Sviluppo dei Soggetti in Età Evolutiva 2022–2023. Educazione, Equità, Empowerment) |
| **Latvia** | Basic principles on the policy development of children, youth and family for the years 2022–2027 (Bērnu, jaunatnes un ģimenes attīstības pamatnostādnes 2022. - 2027. Gadam) |
| **Lithuania** | Lithuanian progress strategy 'Lithuania 2030' (Lietuvos pažangos strategija 'Lietuva 2030'), 2012 |
| **Luxembourg** | https://gouvernement.lu/dam-assets/documents/actualites/2022/05-mai/19-meisch-droits-enfants/publication-zesumme-fir-drechter-vum-kand.pdfTogether for the right of the child: National Strategy National Action Plan 2022 - 2026 (Droit de l'enfant: Zesumme fir d'Rechter vum Kand – Stratégie nationale Plan d'action national 2022–2026) |
| **Malta** | National children's policy, 2017 |

| EU Member State | National strategic policy framework on child protection and/or children's rights |
|---|---|
| **Netherlands** | Violence does not belong anywhere: Approach to domestic violence and child abuse (Geweld hoort nergens thuis. Aanpak huiselijk geweld), 2018<br>Child and family protection future scenario (Toekomstscenario kind-en gezinsbescherming), 2021 |
| **Poland** | None |
| **Portugal** | National strategy for the rights of the child 2021–2024 (Estratégia Nacional para os Direitos da Criança para o período 2021–2024) |
| **Romania** | National strategy on the protection and promotion of children's rights 2014–2020.<br>A new strategy for 2022–2027 has been under debate since 6 May 2022. The proposed strategy prioritises activities targeting child poverty, access to education and health services. (Proposed national strategy for the protection and promotion of children's rights 'Protected children, safe Romania' 2022–2027 (Strategia Naţională Pentru Protecția și Promovarea Drepturilor Copilului 'Copii Protejați, România Sigură' 2022–2027) |
| **Slovakia** | None |
| **Slovenia** | Programme for children 2020–2025 (Program za otroke 2020–2025) |
| **Spain** | National strategy for preventing and fighting poverty and social exclusion 2019–2023 (Estrategia Nacional De Prevención Y Lucha Contra La Pobreza Y La Exclusión Social) |
| **Sweden** | An Upbringing Free from Violence – A national strategy to prevent and combat violence against children (En uppväxt fri från våld – En nationell strategi för att förebygga och bekämpa våld mot barn), 2023 |

*Source:* Franet, 2023.

# 3. National authorities responsible for child protection and service providers

## 3.1. Decentralised child protection responsibilities

Member States are duty-bearers per se under the CRC. However, national, regional and local authorities share child protection responsibilities.

National governments have obligations to promote, ensure and protect children's rights within their jurisdictions, regardless of state structure. These obligations are derived from international, European and national law.

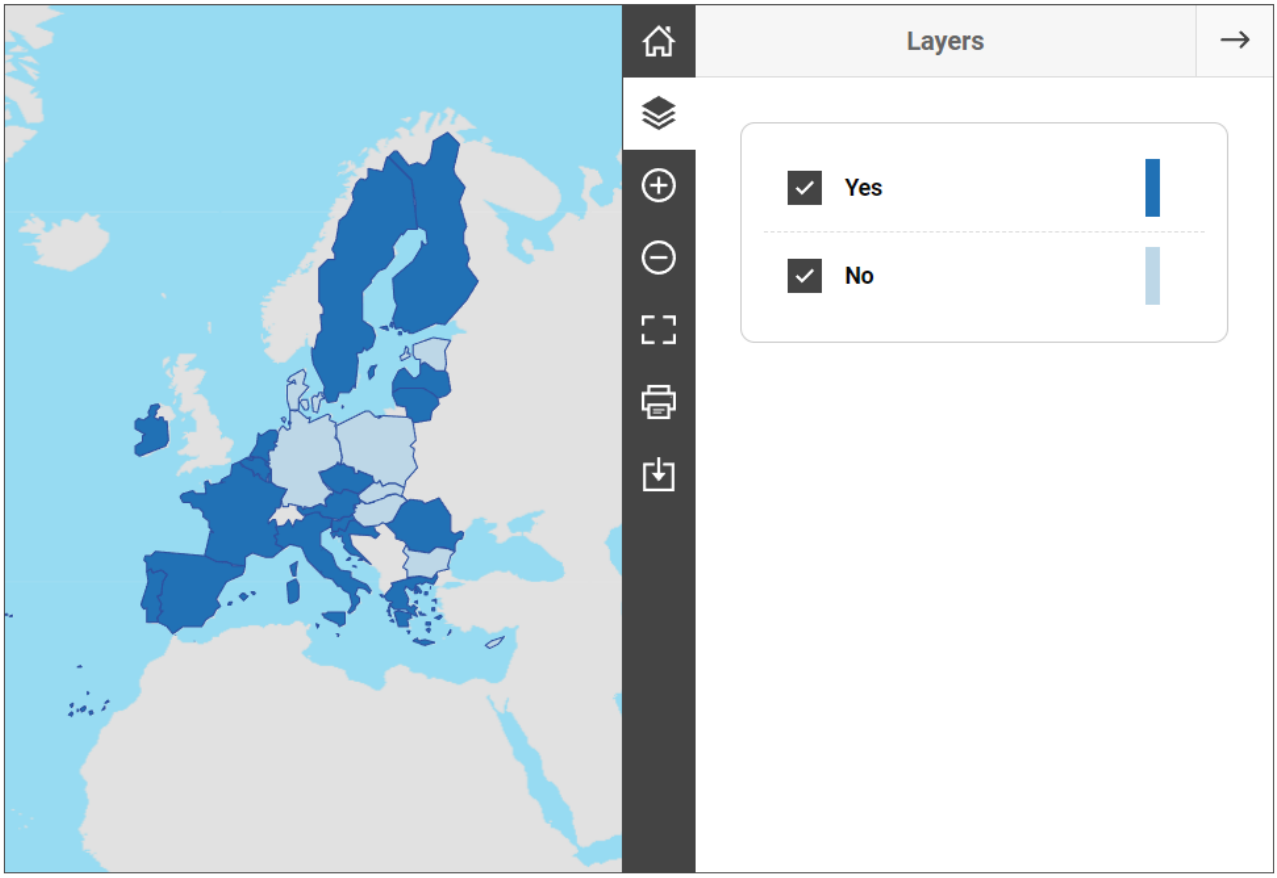
Regional entities are responsible for promptly implementing national policies and ensuring compliance with existing laws and policies.

Local authorities can have many roles in ensuring the protection and promotion of the rights of children. They may monitor, coordinate or develop specific laws and policies, depending on the national structure.

Non-state, private and community actors also play important roles. Civil society organisations support the implementation of national policies by providing analysis and expertise. Their analysis and expertise acts as a warning mechanism and helps with the monitoring and implementation of obligations deriving from international and EU law and policies.

Cross-sectoral coordination among all relevant governmental actors and between state and non-state actors is essential for effective integrated child protection systems. This requires a national unit that is responsible for coordinating responsibilities and ensuring coordination between the decentralised entities.

**Figure 3 – Decentralised child protection responsibilities**




*Alternative text:* A map shows that with the exception of four EU Member States, all other Member States decentralise child protection responsibilities regionally and/or locally. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Most Member States distribute child protection responsibilities among ministries and across national, regional and local authorities.
- Child protection responsibilities at national level are assigned to and/or shared among ministries of welfare, social affairs, justice and education in many Member States.
- Member States' approaches to the decentralisation of child protection systems vary. Some Member States assign responsibilities to regional or local authorities and other bodies. For instance, child protection is a regional-level responsibility in some federal states or Member States with autonomous territories.
- National authorities maintain the right and responsibility to coordinate and set standards at national level in some Member States. In others, local or regional authorities carry full responsibility and enjoy high levels of autonomy.

Child protection responsibilities are decentralised at different levels, apart from in Ireland, Luxembourg and Malta. These three countries have established centralised authorities. Ireland has the Child and Family Agency, which reports to the Minister for Children, Equality, Disability, Integration and Youth. Luxembourg has the National Office for Children (Office National de l'Enfance). Malta has the Child Protection Directorate and the Directorate for Alternative Care (Children and Youth).

Sweden decentralises the operation of its child protection system. However, it uses national law to supervise and regulate this.

Some Member States assign responsibilities to regional/provincial authorities: Belgium and Cyprus. Others assign them to local/municipal authorities: Bulgaria, Germany, Estonia, Portugal and Romania.

In Belgium, Spain and Austria, child protection responsibility lies at regional level. However, municipal authorities bear primary responsibility for child protection.

Regional and local authorities share responsibilities in 16 Member States: Czechia, Denmark, Greece, Spain, France, Croatia, Italy, Latvia, Lithuania, Hungary, the Netherlands, Austria, Poland, Slovenia, Slovakia and Finland. Municipalities hold no primary responsibility for child protection.

In some Member States, there are specific directorates for child protection, such as Romania's General Directorate of Social Assistance and Child Protection. These directorates are in charge of ensuring the implementation of social policies in the field of child protection. They also ensure implementation of policies on other people, groups or communities in need of social assistance. The directorates have a role in the administration and provision of social assistance benefits and social services.

However, these general directorates are often understaffed and underfunded. These issues prevent them from playing a significant role in ensuring the comprehensive protection of children. This is the case for Romania's general directorate.

Other important initiatives have been introduced in several Member States. For example, the National Child Protection Service in Hungary is a unified institution responsible for the Budapest Child Protection Service and 19 regional child protection services in 19 counties. It represents the interests of children and promotes equal opportunities. The service aims to ensure regional institutions operate under the same principles and guidelines, making child protection services available to all children in all regions. It manages expert committees on child protection, hires guardians and coordinates placement activities.

In Spain, the Ministry of Social Rights and Agenda 2030, the Directorate General for Child and Adolescent Rights, the Public Ministry, the Spanish Ombudsman and the Childhood Observatory coordinate child protection policies. The Childhood Observatory plays a main role. The Childhood Observatory studies and monitors the quality of life of the child and adolescent population. It makes recommendations on public policies affecting children and adolescents.

Civil society organisations, non-state, private and community actors also play important roles. In some Member States, such as Hungary, civil society organisations are registered in tribunal courts. In Hungary, various authorities, including the National Tax and Customs Administration, the Hungarian State Audit Office and the respective court, control the organisations. Act CLXXXI of 2011 and Act V of 2013 regulate legal supervision.

The situation in Slovenia is somewhat different: agreements with civil society organisations are not in place. Slovenia's child protection system is closely connected to the national social protection system. The national system covers measures for children, including initial social assistance, personal assistance, crime victim assistance and institutional care.

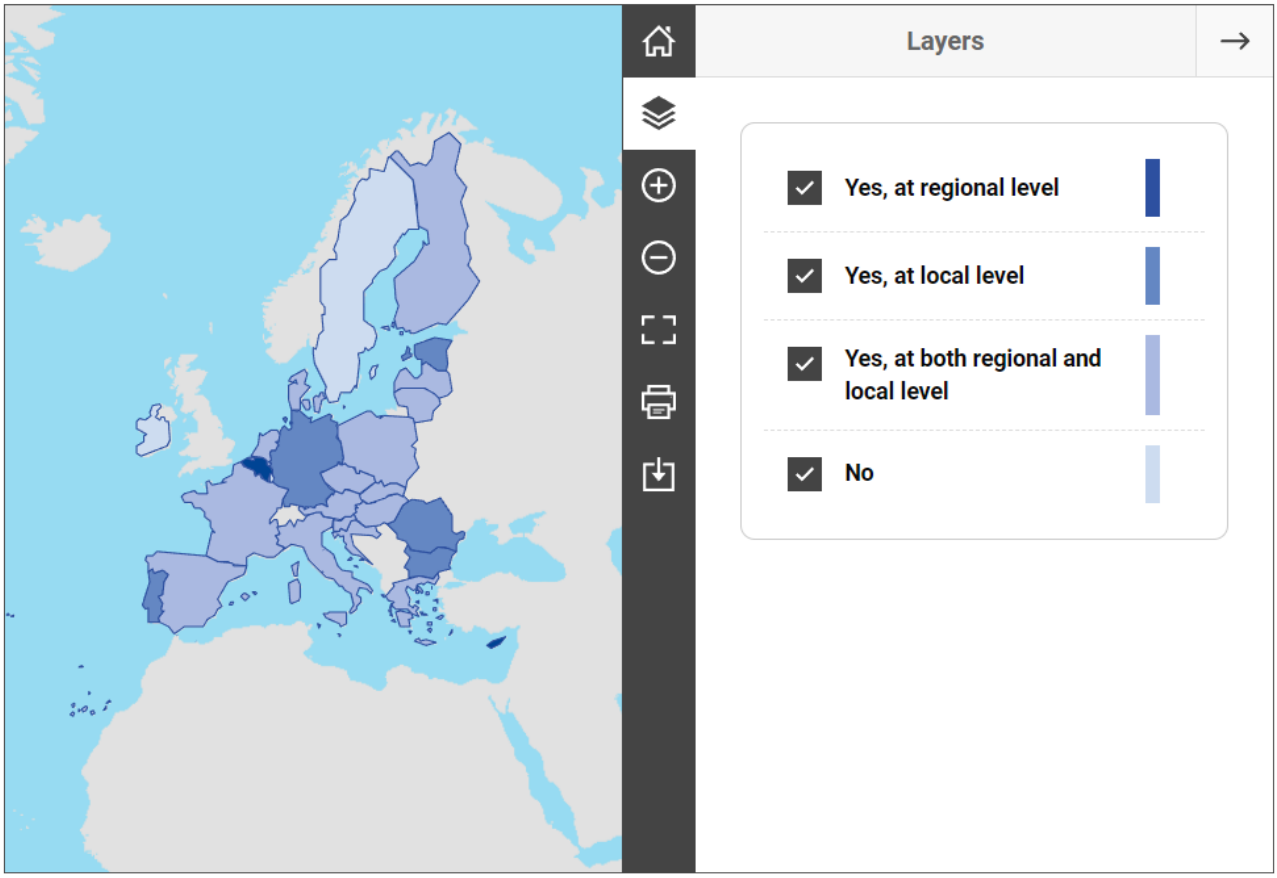
In addition, the Slovenian Ministry of Labour, Family, Social Affairs and Equal Opportunities collaborates with non-governmental organisations to publish public calls for proposals and co-financing of social protection programmes and programmes targeting families. The last public call for funding of family centre activities was published in 2020 for 2021–2025.

## 3.2. Central authorities with a national coordinating role

Effective integrated child protection requires cross-sectoral coordination between all relevant government actors and between state and non-state actors.

A national unit in charge of coordinating responsibilities promotes and ensures coordination among central government departments, various line ministries, different provinces and regions, central and other levels of government, government, civil society and private sector providers. It also contributes to effective implementation of laws and policies. Cooperation and coordination is even more vital in decentralised systems.

**Figure 4 – Central authority with national coordinating role**




*Alternative text:* A map shows that 13 EU Member States have established a distinct authority to coordinate and often monitor the implementation of national child protection policy and legislation. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- In principle, the ministry assigned primary responsibility for child protection has a national coordinating and monitoring role. Subordinate administrative structures, such as national authorities or departments, assume responsibility for the day-to-day tasks.
- In most EU Member States, there are mechanisms for inter-agency cooperation between actors with responsibility for child protection. However, often operational coordination is challenging because of the overlapping roles and responsibilities of actors in child protection and the failure to clearly delineate these roles and responsibilities.

Coordination responsibilities, including monitoring, lie with the ministry that primarily holds responsibility for child protection in eight Member States (see Table 4): Belgium, Czechia, Greece, France, Latvia, Lithuania, Finland and Sweden. Within the ministry, a specific administrative unit is typically developed for this coordination.

Thirteen Member States have established a distinct authority to coordinate and often monitor the implementation of national policy and legislation. This applies to Bulgaria, Denmark, Estonia, Greece, Spain, Croatia, Italy, Malta, the Netherlands, Poland, Portugal, Romania and Slovakia.

In Estonia, Greece and Croatia, there is no formal regulation of the cooperation between actors with responsibilities for child protection.

In 13 EU Member States, a single authority is responsible for monitoring data collection and centralised coordination and data sharing at national level. In addition, 10 of those Member States have a national database for collecting relevant data.

**Table 4 – Authorities with coordination responsibility and/or data sharing at national level, by EU Member State**

| EU Member State | Authorities with coordination responsibility and/or data sharing at national level |
|---|---|
| **Austria** | Federal Chancellery of Families and Youth (Bundesministerium für Familien und Jugend) |
| **Belgium** | National Commission on the Rights of the Child (De Nationale Commissie voor de Rechten van het Kind / La Commission nationale pour les droits de l'enfant / Die Nationale Kommission für die Rechte des Kindes) – federal level |
| **Bulgaria** | State Agency for Child Protectionhttps://sacp.government.bg/en (Държавна агенция за закрила на детето) – the National Council for Child Protection (*Национален съвет за закрила на детето*, НСЗД) *Национален съвет за закрила на детето*, НСЗД))was set up inside the agency |
| **Croatia** | Ministry of Labour, Pension System, Family and Social Policy (Ministarstvo rada, mirovinskoga sustava, obitelji I *socijalne politike*) |
| **Cyprus** | Social Welfare Services (Υπηρεσίες Κοινωνικής Ευημερίας) of the Ministry of Justice and Public Order (Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως) |
| **Czechia** | Ministry of Labour and Social Affairs – Department of Family and Protection of Children's Rights (Ministerstvo práce a sociálních věcí – Odbor rodiny a ochrany práv dětí)<br>Ministry of Health (Ministerstvo zdravotnictví) and Ministry of Education, Youth and Sport (Ministerstvo školství, mládeže a tělovýchovy) – for paedopsychiatric and infant care |
| **Denmark** | Ministry of Social Affairs, Housing and Senior Citizens (Social-, Bolig- og Ældreministeriet) |
| **Estonia** | Government of the Republic (Vabariigi Valitsus), prevention council<br>Ministry of Social Affairs (Sotsiaalministeerium), Social Insurance Board (Sotsiaalkindlustusamet) |
| **Finland** | Department for Communities and Functional Capacity (yhteisöt ja toimintakyky -osasto / avdelningen för gemenskaper, organisationer och funktionsförmåga), subordinated to the Ministry of Social Affairs and Health (Sosiaali- ja terveysministeriö) |
| **France** | No leading institution at national level<br>The Secretariat of State for Children (Secrétaire d'Etat chargé de l'Enfance), under the authority of the Prime Minister, shares the responsibility with other subentities. These include advisory bodies, the National Council for Child Protection (Conseil National de Protection de l'Enfance) and the France Protected Children Public Interest Group (Le Groupement d'Intérêt Public France Enfance Protégée). |
| **Germany** | State Child and Youth Welfare Authorities (*Landesjugendämter*)<br>Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend)<br>Federal Ministry of Justice (Bundesministerium der Justiz) |
| **Greece** | National Centre for Social Solidarity (Εθνικο Κεντρο Κοινωνικησ Αλληλεγγυησ), subordinated to the Ministry of Labour and Social Security (Υπουργείο Εργασίας και Κοινωνικής Ασφάλισης)<br>General Secretariat of Welfare (Γενική Γραμματεία Πρόνοιας) in the Ministry of Labour and Social Security |
| **Hungary** | Ministry of Interior (Belügyminisztérium) |
| **Ireland** | Child and Family Agency (Anghníomhaireacht um Leanaí agus an Teaghlach) |

| EU Member State | Authorities with coordination responsibility and/or data sharing at national level |
|---|---|
| **Italy** | National Observatory on Childhood and Adolescence (Osservatorio nazionale per l'infanzia e l'adolescenza)<br>Several ministries have primary responsibility: Ministry for Sport and Young People (Ministro Sport e Giovani); Family Policies Department (Dipartimento per le Politiche della Famiglia); Ministry of Education and Merit (Ministero dell'Istruzione e del Merito); Ministry of Disabilities (Ministero per le Disabilità); Ministry of Justice (Ministero della Giustizia); Ministry of Labour and Social Policies (Ministero del Lavoro e delle Politiche Sociali); Ministry of the Interior (Ministero dell'Interno); Ministry of Health (Ministero della Salute).<br>Ministry of Foreign Affairs and International Cooperation (Ministero degli Affari Esteri e della Cooperazione Internazionale) |
| **Latvia** | Ministry of Welfare (Labklājības ministrija) |
| **Lithuania** | Ministry of Social Security and Labour (Socialinės apsaugos ir darbo ministerija)<br>Family and Child Rights Protection Group (šeimos ir vaiko teisių apsaugos grupė), under the Ministry of Social Security and Labour<br>State Child Rights Protection and Adoption Service (Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba) under the Ministry of Social Security and Labour |
| **Luxembourg** | Ministry of National Education, Childhood and Youth (Ministère de l'Education nationale, de l'Enfance et de la Jeunesse) |
| **Malta** | Child Protection Directorate |
| **Netherlands** | Youth Authority (Jeugdautoriteit)<br>Child Care and Protection Board (Raad voor Kinderbescherming), under the Ministry of Justice and Security (Ministerie van Justitie en Veiligheid) |
| **Poland** | Children's Rights Ombudsman (Rzecznik Praw Dziecka) |
| **Portugal** | National Commission for the Promotion of the Rights and the Protection of Children and Young People (Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens) |
| **Romania** | National Authority for the Protection of Children's Rights and Adoption (Autoritatea Naţională pentru Protecţia Drepturilor Copilului şi Adopţie), subordinated to the Ministry of Labour, Family, Social Protection and Elderly Persons |
| **Slovakia** | Committee for Children and Youth (Výbor pre deti a mládež)<br>Central Office of Labour, Social Affairs and Family (Ústredie práce, sociálnych vecí a rodiny), under the Ministry of Labour, Social Affairs and Family of the Slovak Republic (Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky) |
| **Slovenia** | Ministry of Labour, Family, Social Affairs and Equal Opportunities (Ministrstvo za delo, družino, socialne zadeve in enake možnosti) |
| **Spain** | Childhood Observatory (Observatorio de la Infancia)<br>Ministry of Social Rights and Agenda 2030 (Ministerio de Derechos Sociales y Agenda 2030) |
| **Sweden** | Ombudsman for Children (Barnombudsmannen), under the government's authority |

*Source:* Franet, 2023.

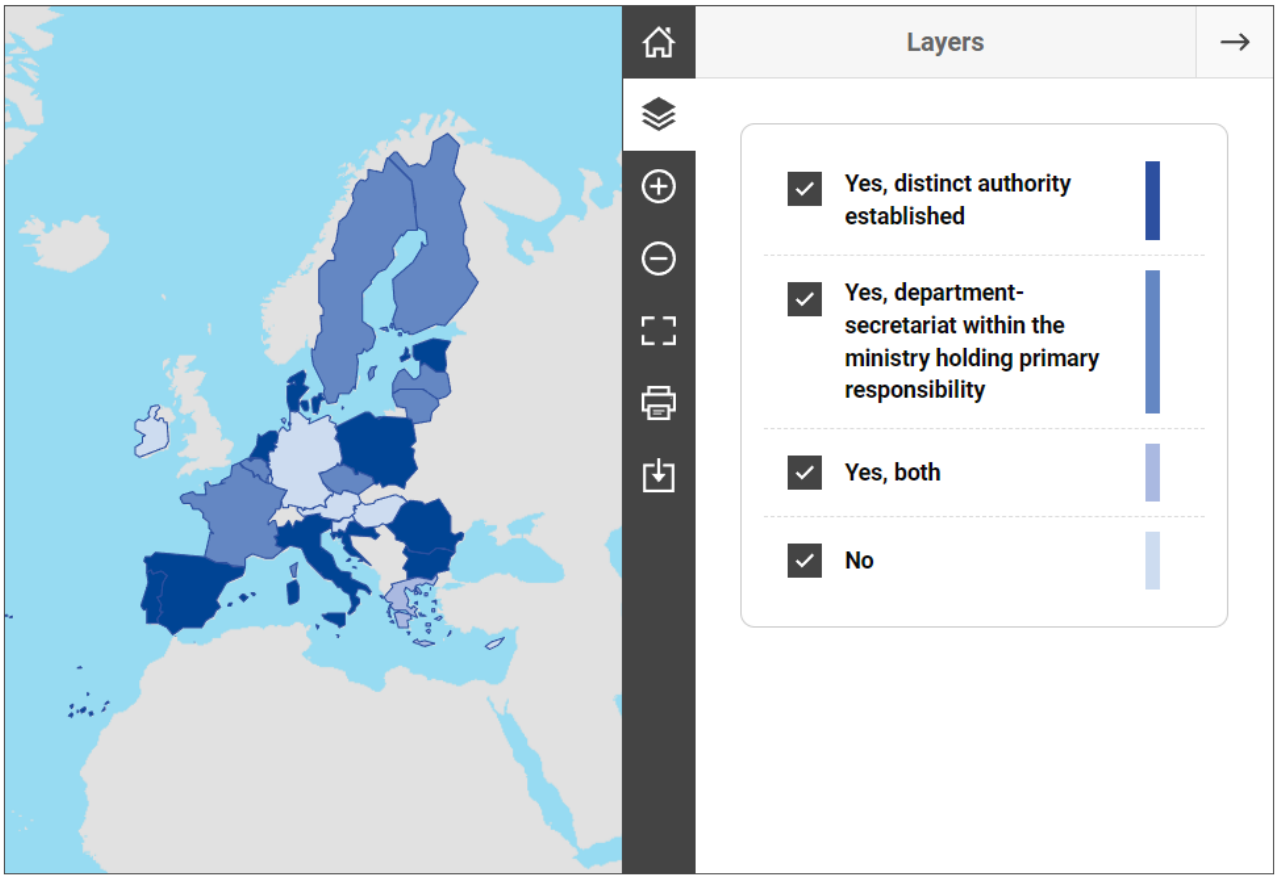
## 3.3. Service providers

According to Article 3(3) of the CRC (emphasis added):

‘States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the **standards established by competent authorities**, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision’.

Local authorities typically implement policy and act as the primary service provider within decentralised systems. Some outsource child protection services to the private sector and/or subcontract private actors, including civil society organisations. Nevertheless, in all decentralised systems, the government retains responsibility and capacity for ensuring that the CRC obligations are respected.

**Figure 5 – National legal framework allows for subcontracting and/or outsourcing alternative care services to private providers of any nature**




*Alternative text:* A map shows whether or not Member States' national legal framework allows for subcontracting and/or outsourcing alternative care services to private providers. 24 Member States' national legal framework allows for subcontracting and/or outsourcing alternative care services. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

In most Member States, the national legal framework allows national, regional and local authorities to outsource child protection services to non-state actors. These actors can be, for example, civil society organisations, private and religious institutions, and for-profit and not-for-profit associations that offer child protection services. This is the case in Bulgaria, Denmark, Estonia, Ireland, Cyprus, Latvia, Lithuania, the Netherlands, Austria, Poland, Portugal, Romania, Finland and Sweden.

- Civil society organisations play an increasingly important role in this context. They provide key child protection services, such as alternative care, that traditionally only state actors offered.
- Private commercial entities offer alternative care services, such as residential and foster

care, in most Member States.

- The growing involvement of the private sector can create challenges linked primarily to potential conflicts between the child's best interests and the private sector's profit interests. As a result, effective monitoring is essential.
- Some Member States are reinforcing cooperation between public and private entities to improve coordination between alternative care services.
- In recent years, several service providers, such as organisations or public authorities, have developed or strengthened their capacity in the area of mental health.

In 24 Member States, the national legal framework allows for subcontracting and/or outsourcing alternative care services to private/commercial institutions and companies. This is the case in Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, Croatia, Italy, Latvia, Lithuania, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden.

In some Member States – such as, Germany, Ireland, the Netherlands and Finland – private commercial entities play an important role as service providers and run a large share of the alternative care settings.

Other Member States, such as Bulgaria and Lithuania, do have legal provisions for this. However, alternative care services have up to now been subcontracted and/or outsourced only to non-profit institutions.

For example, in Croatia, several non-profit institutions provide protection for children. These institutions include the Croatian Institute for Social Work, Centre for Special Guardianship and the Family Centre. Their work covers those with disabilities, those at risk of poverty, immigrants, and victims of abuse, exploitation and violence. These institutions also assist children in court proceedings and children with addiction, behavioural problems and sanctions.

In the Netherlands, non-profit institutions such as the Municipal Centre for Youth and Families provide crucial support to children and parents. The centre operates under the Youth Law. It offers information, counselling and assistance with child development and parenting. The centre focuses on positive support, including healthcare and support for families and their children.

Equally noteworthy is the situation in Hungary. Services are offered in a multilevel manner throughout the country. For example, since 2016, family and children welfare centres have been responsible for all family and children centres in a county. The counties, in turn, are divided into districts.

The centres provide special assistance regarding key issues. For example, centres cover issues concerning child–parent contact, social work in schools and social work in hospitals. They provide experts in legal and psychological assistance and support professional child protection work in the district and county.

Church-related organisations are also involved in child protection in 10 Member States: Czechia,

Denmark, Greece, Croatia, Hungary, Malta, Austria, Poland, Portugal and Slovenia. Religious institutions provide, for instance, financial support, assistance of various kinds and counselling, care centres, crisis accommodation and other services. They also undertake street work.

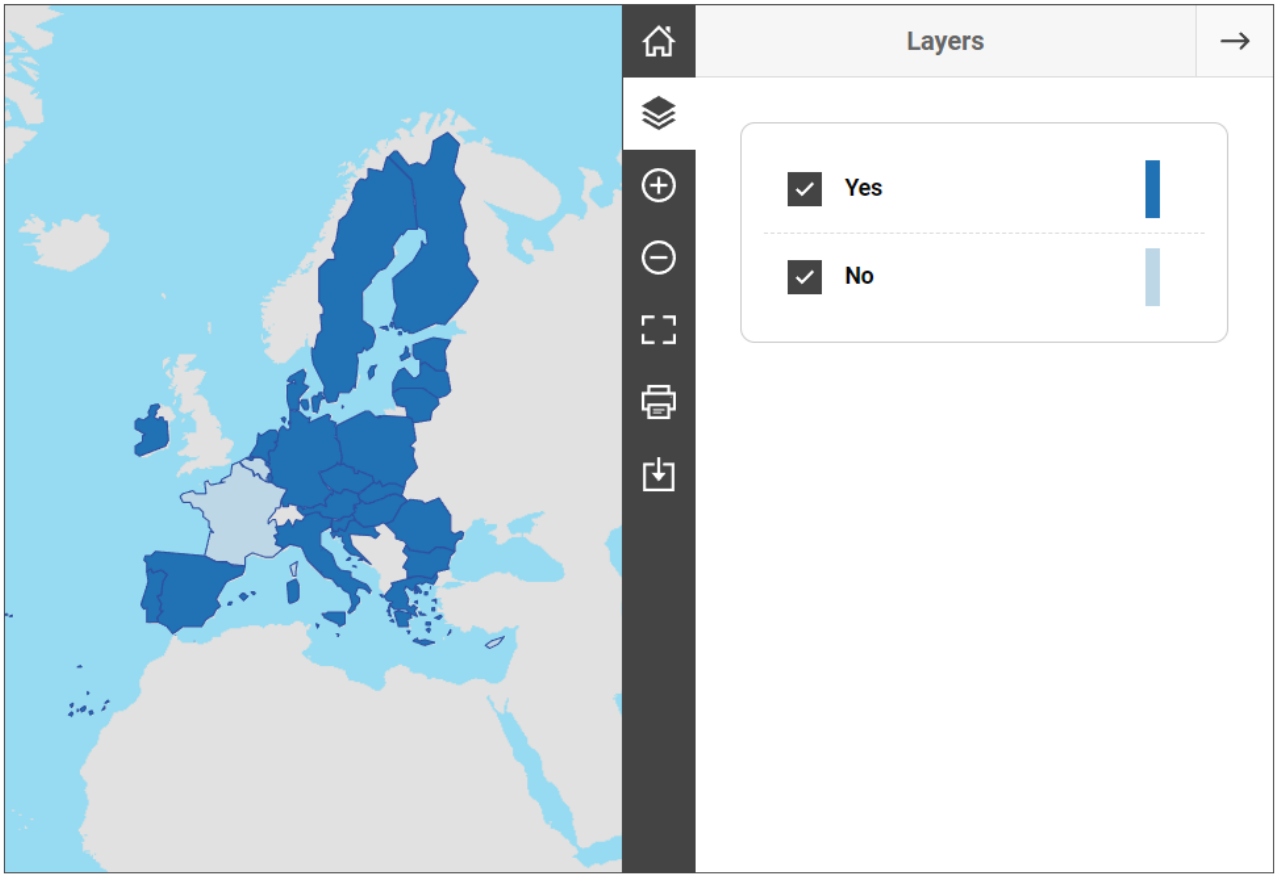
# 4. Human and financial resources, focusing on qualification and training of personnel

## 4.1. Financial resources and budget allocation

Member States need to allocate sufficient financial and human resources to child protection systems. This will ensure the full respect, protection and fulfilment of children's rights. Resource shortages undermine the overall performance of child protection systems, diminishing their sustainability and the quality and scope of the protection they provide.

In decentralised systems, the national, regional and local budgets fund child protection. When ensuring adequate resource allocation, it is important to identify the proportion of national and other budgets allocated to children, both directly and indirectly.

**Figure 6 – Specific budget item allocated to child protection in the annual state budget**




*Alternative text:* A map shows whether or not EU Member States have a specific budget item allocated to child protection in the annual state budget. 14 Member States allocate a specific budget item for child protection. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Within decentralised systems, local authorities are primarily responsible for developing child protection and family support services. Therefore, the budget national governments allocate aims to supplement local budgets.
- National budgets are often allocated based on a formula. The formula includes variables such as the number of inhabitants in a municipality and/or the number of cases involving children living there.
- Expenditure related to child protection is often not clearly visible in the state budget. It is distributed across various areas concerning children. These areas include education, social welfare, allowances and benefits, care, healthcare, justice and early childhood education and care.
- The budget allocated to child protection is very often included in overall expenditure for social policy / social welfare. However, types of expenditure listed under social expenditure

vary by Member State. Typically, they include child allowances, or the budget allocated to the responsible child protection authority, but do not cover those that fall under the scopes of other ministries. The lack of a separate budget could be linked to the absence of a separate institution responsible for child protection.

- No CRC provision dictates the expenditure/budget that local authorities should devote to child protection. Nor does one dictate how expenditure should be determined. The Member States / states parties and their respective authorities have full discretion in this.
- Poor working conditions in child protection are a recurrent problem in many Member States due to insufficient human and financial resources. There is an increased risk of burnout. This appears to be leading to higher staff turnover and fewer people choosing a profession in this area. Consequently, the quality of services and protection is diminishing.

In almost half of the EU Member States, the budget allocated to child protection is not clearly visible.

Fourteen Member States allocate a specific item in their annual state budget to child protection. This applies in Belgium, Denmark, Estonia, Spain, France, Croatia, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Finland and Sweden.

Finland introduced child-oriented budgeting as a new feature of the national budget in 2022 [4] . It now has a section summarising expenditure targeting children and families. Children are included in the general part of the budget.

Some Member States incorporate the budget allocated to child protection into concrete national policy measures. This is the case, for instance, in Belgium, Denmark, Estonia, Spain, France, Croatia, Italy, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Portugal, Romania, Finland and Sweden.

In some Member States – for example, Czechia, Germany and Poland – there are multiple budget items covering expenditure connected to child protection. This is instead of a specific budget section or item encompassing all connected expenses.

More often, the budget allocated to child protection is included in the overall expenditure for social policy and social welfare. This is the case, for example, in France, Lithuania, Hungary, Poland and Romania.

However, the types of expenditure related to child protection that are listed under social expenditure vary among Member States. They typically include child allowances or the budget allocated to the responsible child protection authority. In principle, they do not cover expenditure that falls under the scopes of other ministries.

Only Spain, France, Cyprus, Luxembourg and Hungary currently have sufficient and sustainable funding for child protection, FRA's research shows.

In recent decades, the EU has invested millions of euro in strengthening child protection systems through a range of projects and programmes, e.g. European Social Fund+ (ESF+), European

Regional Development Fund (ERDF), Fund for European Aid to the Most Deprived (FEAD), Citizens, Equality, Rights and Values (CERV) programme, Asylum, Migration and Integration Fund (AMIF) and others. The national and regional bodies in each Member State are in charge of applying for the funds available. There are periodic open calls for proposals.

The different EU funding available for the national child protection systems or specific parts of them is important, more than half of Member States say. This applies to Bulgaria, Estonia, Greece, Croatia, Italy, Cyprus, Latvia, Lithuania, Austria, Portugal, Romania, Slovenia and Slovakia. However, 12 Member States do not use EU funds to significantly support their child protection systems or related measures.

The European child guarantee, adopted on 14 June 2021, aims to ensure that every child in Europe at risk of poverty or social exclusion has access to certain key services in high-quality and free early childhood education and care. These are education (including school-based and out-of-school activities), healthcare, healthy nutrition and adequate housing. Member States had to submit national action plans for the implementation of the European child guarantee and appoint a national co-ordinator. The national plans focus on the activities that require improvement in a given country.

The use of funds and their assessed role in child protection systems vary. EU funds support smaller projects in most of the Member States. They have contributed to reform efforts in Estonia and Greece.  In Spain, the European child guarantee contributes to desired changes to the child protection system.

Table 5 summarises the data Member States provided on the allocation of resources. The available data vary significantly. There is no harmonised approach to providing comparable data on financial resources allocated to child protection. This presents a barrier to assessing spending efficiency and addressing the needs of children in Member States.

**Table 5 – Percentage of national budget spent on child protection in recent year(s), by EU Member State**

| EU Member State | Percentage of national budget spent on child protection in recent year(s) |
|---|---|
| **Belgium** | Flemish community: 1.2 % of the total budget of the Flemish Region in 2022<br>French community: 2.71 % of the total budget of the French community in 2022 and 2.96 % in 2023 (planned)<br>German-speaking community: EUR 7,299,000 in 2022 and EUR 7,369,000 in 2023 (percentages not available). |
| **Bulgaria** | 4.7 % of gross domestic product in 2017 |
| **Denmark** | 0.1 % of the expenditure of the central government (2019–2023) |
| **Estonia** | 0.38 % is the proportion of children's rights expenses from the State Budget administered by the Ministry of Social Affairs |
| **Finland** | 2.7 % of the total state budget in 2020 |
| **France** | 1.87 % of public spending in 2020 |
| **Ireland** | 1.03 % in 2022 |
| **Latvia** | 0.43 % of the total national budget in 2022 |
| **Malta** | 0.1 % of the government's total recurrent expenditure in 2022 |
| **Netherlands** | 0.08 % of the national budget in 2023 |
| **Spain** | Yearly average 0.9 %; 1.46 % in 2023 |
| **Sweden** | 0.06 % in 2022 |

Note: Data on budget for child protection systems not available for all Member States.

*Source:* Franet, 2023.

## 4.2. Certification, training and accreditation procedures for professionals

Article 3(3) of the CRC states that (emphasis added):

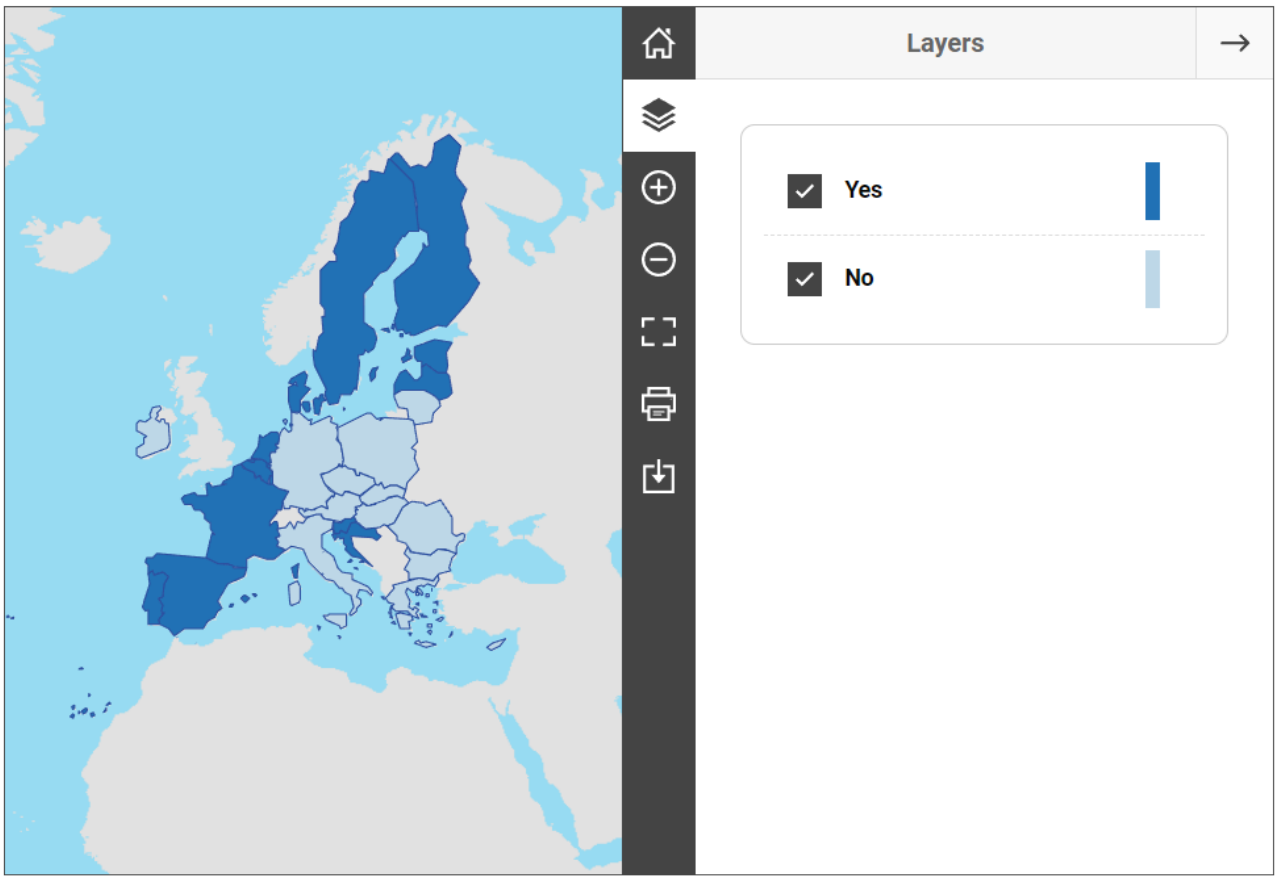
'States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and **suitability of their staff**, as well as competent supervision'.

The legal and regulatory framework reflects the qualification requirements of professionals and personnel working in child protection services in most EU Member States.

Accreditation and licensing procedures are in place in some Member States. These ensure compliance with existing requirements and ensure qualified personnel are available. The

procedures often include checking compliance with educational qualification and training requirements. They can include vetting procedures, such as requesting and checking criminal records.

**Figure 7 – Certification of social workers and compulsory training requirements**




*Alternative text:* A map shows whether or not EU Member States have certification of social workers and compulsory training requirements in place. 10 Member States have certification procedures for social workers that include training requirements. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Not all Member States have accreditation and licensing procedures for professionals in child protection.
- The accreditation and licensing procedures available are often limited to specific professional groups. They do not concern all those working with children. For example, they may not cover administrative personnel and staff involved in the daily care of children in institutions. Qualification requirements are not always sufficiently precise.
- Most Member States require people working with children to provide relevant documentation, such as criminal records. However, not all professionals must provide this documentation. Volunteers are not always as carefully vetted as professionals.
- Accreditation and licensing procedures do not always involve mandatory initial or ongoing training for professionals working with children. This includes training for administrative personnel and staff involved in the daily care of children in institutions.

- The lack of adequate training for staff involved in child protection affects over half of the Member States. It poses a serious risk to ensuring staff competence. Thus, it risks the protection, health, well-being and rights of children.

Certification and accreditation and vetting procedures vary across Member States. Spain, Malta, Austria, Portugal and Finland require vetting plus proof of an accredited diploma in social work. There is no specific training. In general, there are no provisions requiring review.

Ten Member States have certification procedures for social workers that include training requirements. This applies to Denmark, Estonia, Ireland, Italy, Lithuania, the Netherlands, Poland, Slovenia, Slovakia and Sweden.

In Belgium, Czechia, Denmark, Ireland, Greece, Spain, France, Croatia, Cyprus, Latvia, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden, people who are working with children must provide relevant documentation, such as criminal records. For example, in Latvia, volunteers working with children must not have criminal convictions.

In Czechia, Germany and Hungary, no certification or accreditation procedures exist for social workers. There are, however, accreditation provisions specifying mandatory training for certain professionals. These apply to child protection officers, guardians, social assistants, family assistants and child carers, for example. In Czechia, child protection workers, social workers and teachers must complete a number of hours of training per year. The content of the training is not specified.

The allocated personnel are not always competent and appropriately trained, according to 15 Member States: Belgium, Bulgaria, Estonia, Ireland, Greece, Spain, France, Italy, Latvia, Lithuania, Malta, Romania, Slovenia, Slovakia and Sweden. Only Denmark, Croatia, Cyprus, Luxembourg, the Netherlands, Poland and Finland disagree. The allocated personnel are competent in the area of child protection and appropriately trained, they state.

There have been recent developments in children's rights and child protection training in several Member States. Training activities cover diverse professionals who are working closely with children, such as judges, prosecutors, lawyers, police officers and social workers. This applies in Denmark, the Netherlands and Finland, for example.

## 4.3. Vetting of foster families and residential care personnel

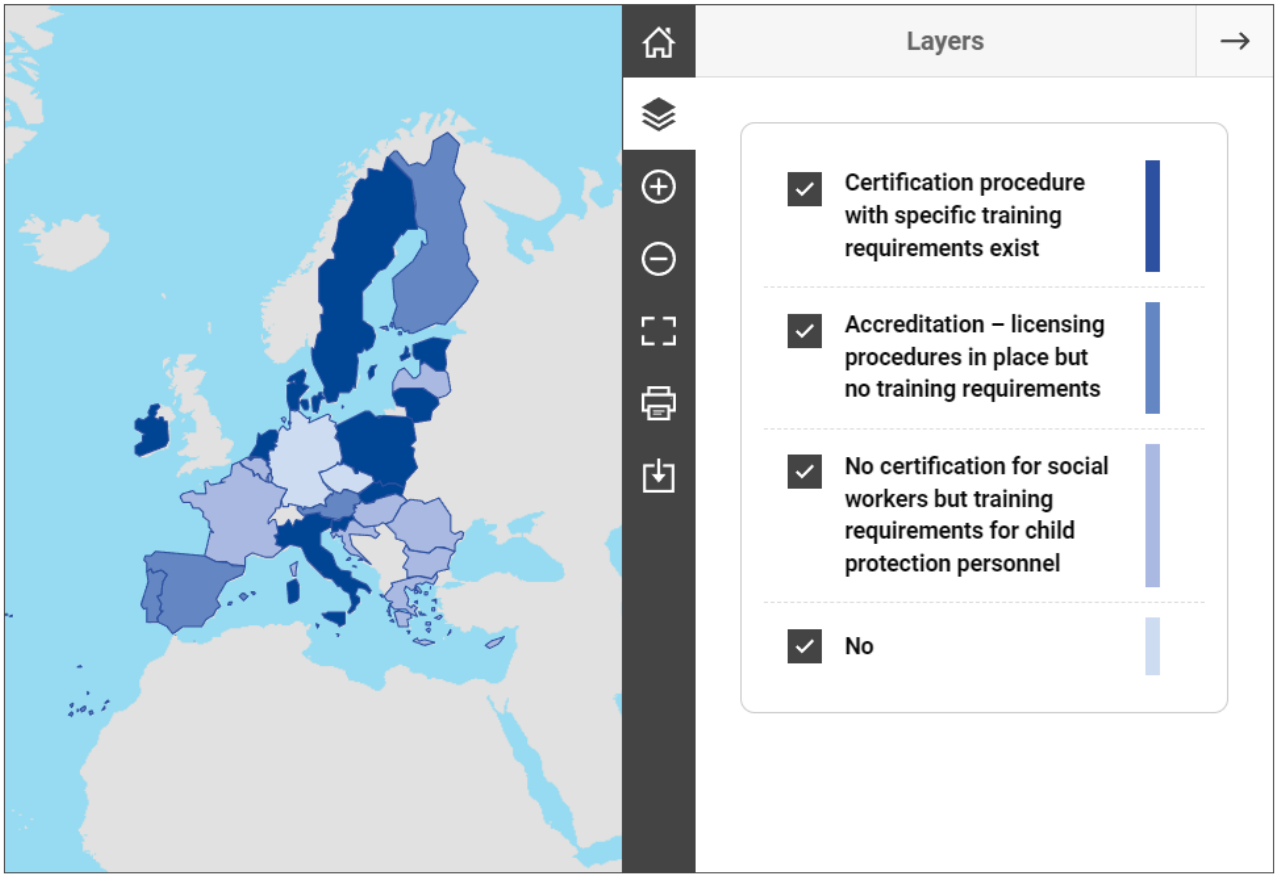
According to Article 3(3) of the CRC (emphasis added):

'States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and **suitability of their staff**, as well as competent supervision'.

Vetting refers to procedures through which child protection authorities ensure that those seeking

to work regularly with children have no criminal convictions that could endanger a child's well-being and safety. This covers acts such as the sexual exploitation or sexual abuse of children. More information on EU Member States' provisions requiring vetting can be found in the maps below.

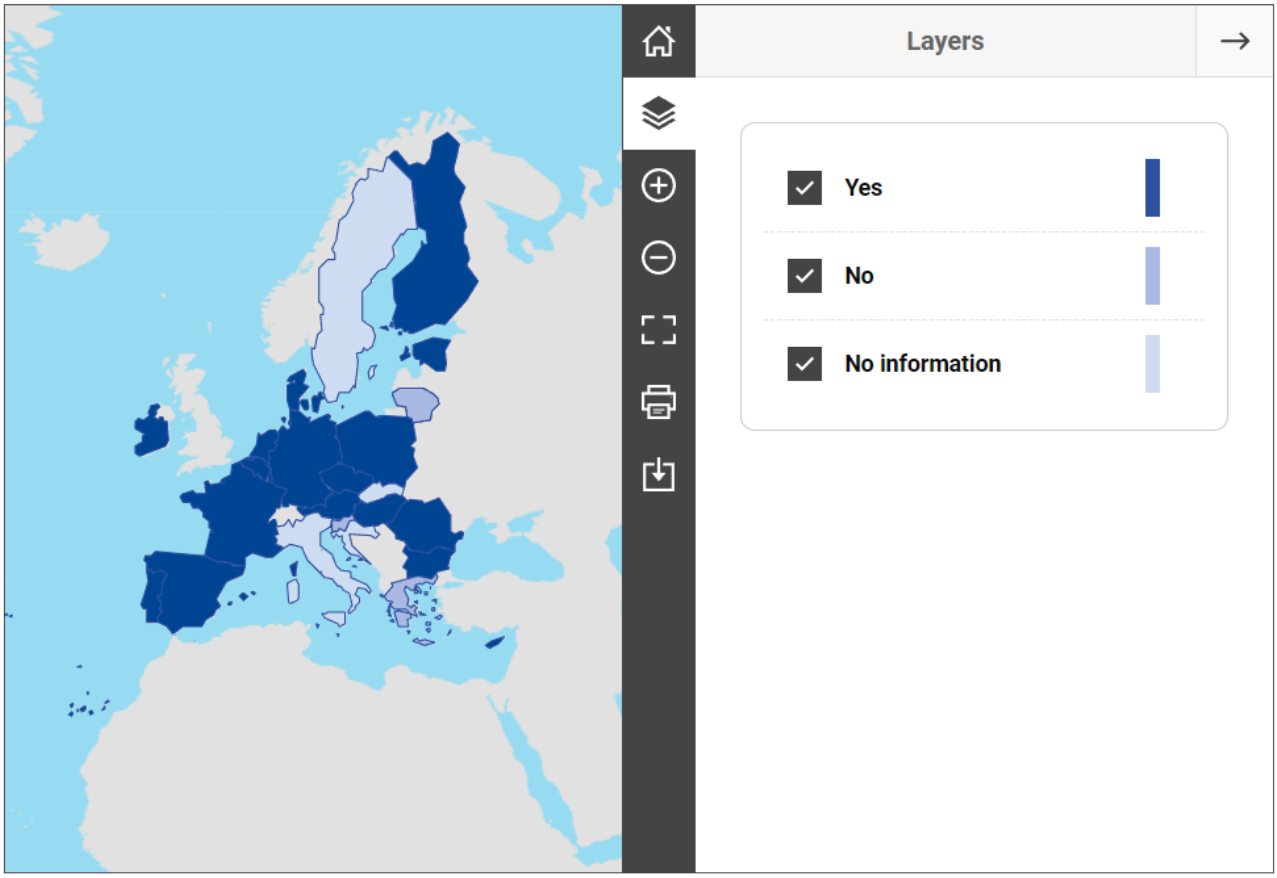
**Figure 8 – Provisions requiring frequent vetting of foster families**




*Alternative text:* A map shows whether or not EU Member States have provisions requiring frequent vetting of foster families. 19 Member States have provisions for the frequency of review of foster families. The status for each Member State can be found in the following “Key findings” section.

*Source:* FRA, 2023

**Figure 9 – Provisions requiring frequent vetting of residential care personnel**




*Alternative text:* A map shows whether or not EU Member States have provisions requiring frequent vetting of residential care personnel. 13 Member States have provisions for the frequency of review of residential care personnel. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- In most Member States, foster families and residential care personnel are selected in accordance with appropriate rules and they can complete training. Authorities vet the groups.
- Most Member States have vetting procedures. However, they often only apply to a limited group of professionals, such as social workers or teachers. They do not cover all those in direct and regular contact with children. For example, they may not cover administrative staff and assistants.
- The police and/or judicial authorities provide specific certificates for people working with children in some Member States. This applies, for example, in Denmark, Germany, Ireland, the Netherlands, Austria and Sweden.
- Vetting provisions are often, but not always, part of accreditation and licensing procedures.
- As a minimum, vetting procedures require checking criminal records. In particular, they are

checked for sexual abuse and sexual exploitation of children. Some countries have additional requirements, including mental health and psychological reports. These are requirements in Cyprus and Poland, for example.

- Very often it is service providers who must vet professionals. They must apply the provisions when recruiting staff. Nevertheless, state, regional and municipal authorities retain responsibility for implementing provisions. Systematically monitoring vetting procedure implementation is challenging given the plurality of service providers.
- Following initial checks, the frequency of reviews varies significantly. Some Member States have no provisions on the frequency of reviews and monitoring.
- Many Member States lack information and data on vetting.
- All Member States have requirements for vetting candidate foster parents. However, in at least Estonia, Greece, Lithuania and Slovenia, there are no mandatory provisions on review frequency.

All Member States have requirements for vetting candidate foster families upon initial selection. Nineteen Member States have provisions setting a specific timeline for the frequency of reviews: Belgium, Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Spain, France, Cyprus, Latvia, Hungary, Luxembourg, the Netherlands, Austria, Poland, Portugal, Romania and Finland.

Requirements vary significantly in these provisions. In Belgium (French community), for example, reviews take place every 5 years. In France and Romania, vetting is part of the licensing process of foster parents. These licenses must be renewed every 5 years in France and every 3 years in Romania.

In the Netherlands, foster parents are assessed annually. A new certificate of good conduct can be requested in assessments. In Ireland, general provisions require the police (Garda Síochána) clearance certificates to be renewed every 3–5 years.

In some Member States, such as Poland, the law establishes the frequency of reviews of foster parents' health status and psychological suitability. However, there are no provisions requiring criminal record checks.

In other Member States, such as Greece, there are general provisions for initial requirements that apply throughout the placement period. These include a clean criminal record. There are, however, no specific provisions in place stipulating the frequency of and the procedure for reviews.

Regarding vetting of residential care, thirteen EU Member States have specific provisions for the frequency of reviews and checks following an initial vetting: Belgium (French community), Bulgaria, Denmark, Germany, Ireland, Spain, Latvia, Hungary, Malta, the Netherlands, Poland, Romania and Sweden.

In Latvia and Romania, for example, residential facility personnel undergo annual vetting. Latvia also assesses the personnel annually. In Bulgaria, assessment, including vetting, of personnel in these facilities takes place every three years.

# 5. Identification and reporting procedures for children in need of protection and procedures for placing children

## 5.1. Provisions on the legal obligation of professionals to report cases of abuse

According to Article 19(2) of the CRC (emphasis added):

'[s]uch protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of **prevention and for identification, reporting**, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement'.

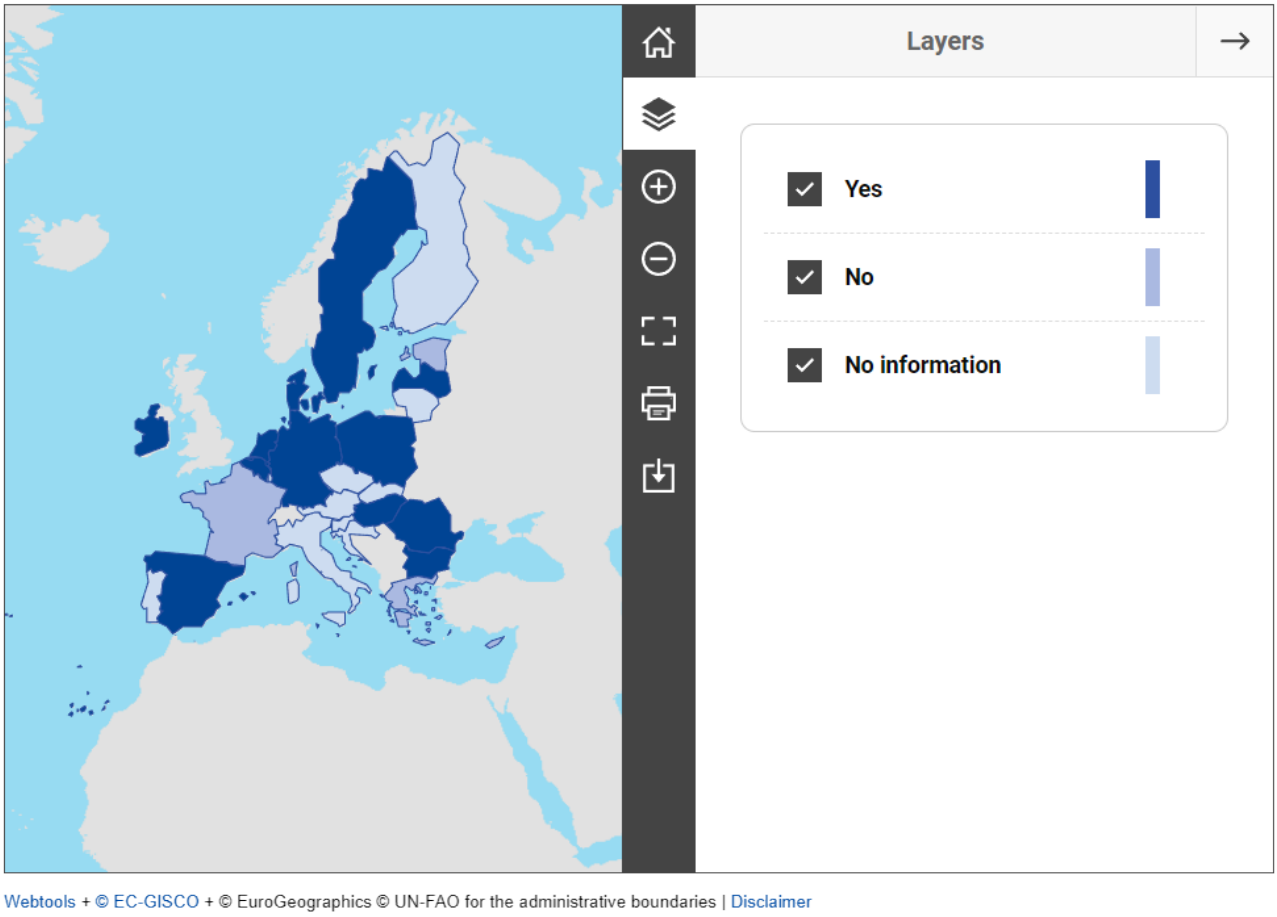
In integrated child protection systems, the emphasis should be on prevention and the development of generic services such as warning features for children and families. However, identification, reporting and referral procedures regarding children in need of protection are also needed.

Procedures and methods for competent authorities to assess the reporting of cases should reflect the principle of the best interests of the child. They should seek to take children's views into consideration.

The Barnahus model is a child-friendly and multidisciplinary approach for handling cases of child abuse and exploitation. It provides a safe and coordinated environment for child victims following European standards on child-friendly justice [5] . The model combines medical, legal and support services under one roof to minimise trauma and improve outcomes for the child.

EU Member States should improve identification, reporting and referral mechanisms for children in need of protection. Existing mechanisms should be confidential, well-publicised and accessible to professionals and the general population. They should also be accessible to children and to children's representatives. The data provide information on professionals' obligations to report cases falling under the scope of child protection systems.

**Figure 10 – Provisions on professionals' legal obligation to report cases of child abuse, neglect and violence**




*Alternative text:* A map shows whether or not EU Member States have provisions on professionals' legal obligation to report cases of child abuse, neglect and violence. 15 Member States have reporting obligations in place for all professionals. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Most Member States have reporting obligations for some, but not necessarily all, professionals who are in contact with children.
- Some Member States have a comprehensive referral mechanism. However, many lack clear reporting procedures and protocols. This could create delays or lead to under-reporting of cases.
- Lacking a specific, comprehensive procedure for the referral mechanism assigning responsibilities to each actor involved can negatively affect cooperation among professionals.
- An important challenge in tackling under-reporting is professionals' failure to effectively recognise forms of abuse.

Fifteen Member States have reporting obligations in place for all professionals: Bulgaria,

Denmark, Estonia, Ireland, Spain, France, Croatia, Lithuania, Luxembourg, Malta, Austria, Poland, Romania, Slovenia and Sweden.

In nine Member States (Belgium, Czechia, Greece, Italy, Cyprus, Latvia, Portugal, Slovakia and Finland), the existing obligations only address certain professional groups, such as social workers or teachers.

Germany, Hungary and the Netherlands had no reporting obligations in place in early 2023.

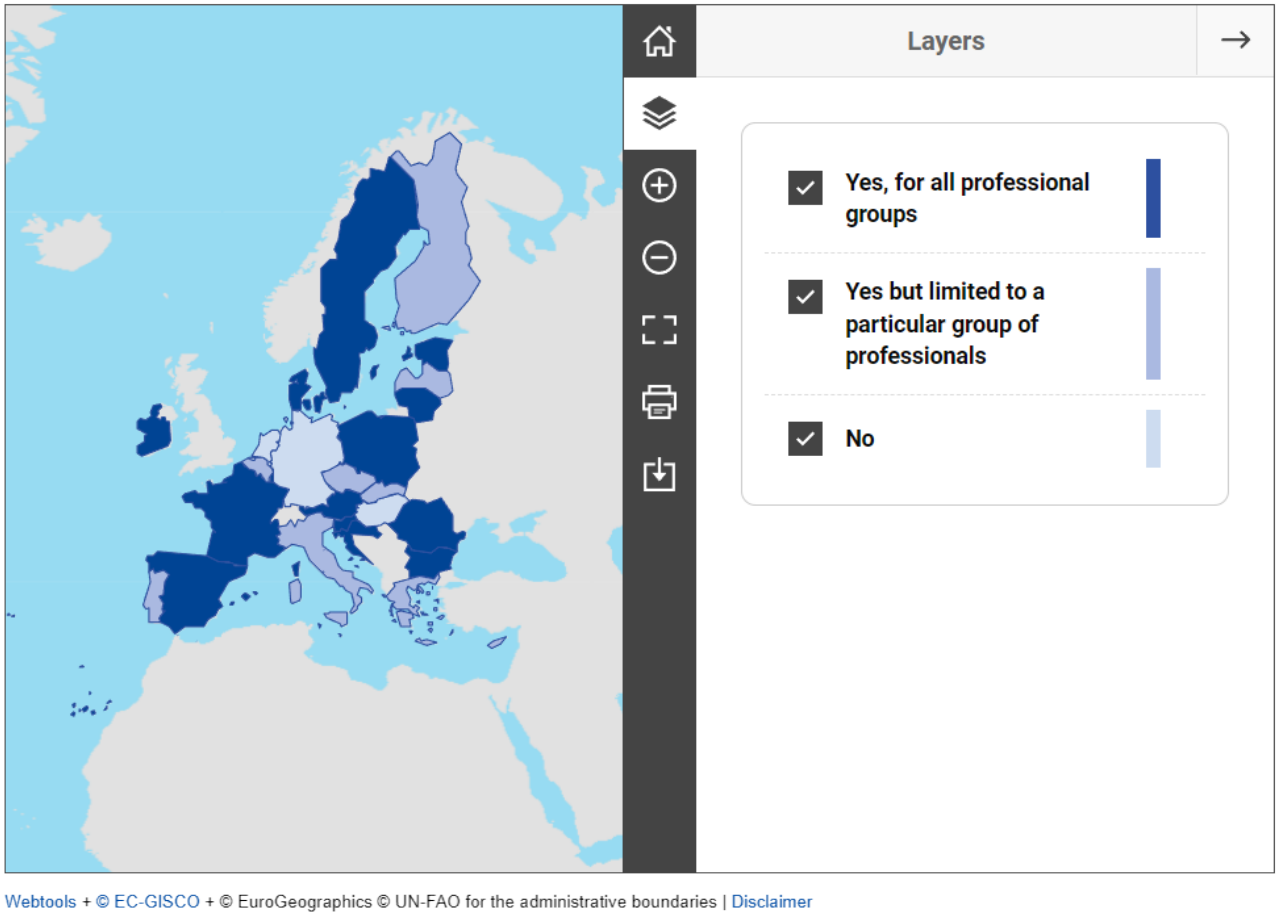
The anonymity of professionals who report incidents is not always guaranteed in many Member States. This is the case in Denmark, Greece and Lithuania, for example. This lack of anonymity may discourage professionals from reporting a suspected case.

The Barnahus model has become a recommended practice in recent years. Several EU Member States have now established the model: Denmark, Germany, Estonia, Ireland, Malta, Slovenia, Finland and Sweden. Greece, Spain, France, Cyprus, Latvia, Hungary and Romania are developing their Barnahus projects.

## 5.2. Specific legal obligations of the public to report cases of abuse

In integrated child protection systems, the emphasis should be on primary prevention and the development of generic services for children and families. Many Member States do not have any obligations for professionals to report cases of abuse. This is because, in some Member States, it does not make any difference whether it is a professional or a member of the public who makes a report.

**Figure 11 – Specific legal obligations for civilians to report cases of child abuse, neglect and violence**




*Alternative text:* A map shows whether or not EU Member States have provisions on professionals' legal obligation to report cases of child abuse, neglect and violence. Most Member States have such provisions. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Most EU Member States have provisions setting forth specific obligations for the public to report cases of child abuse, neglect and/or exploitation, that are within the scope of national child protection systems.
- Some Member States do not have specific provisions, such as Germany, the Netherlands and Poland. The public can report cases of abuse in these countries, but it is not a legal obligation.
- In many Member States without specific provisions, general provisions on the obligation for all citizens to report criminal acts under national law apply. However, there is no particular obligation to report a child at risk or presumed cases of abuse.

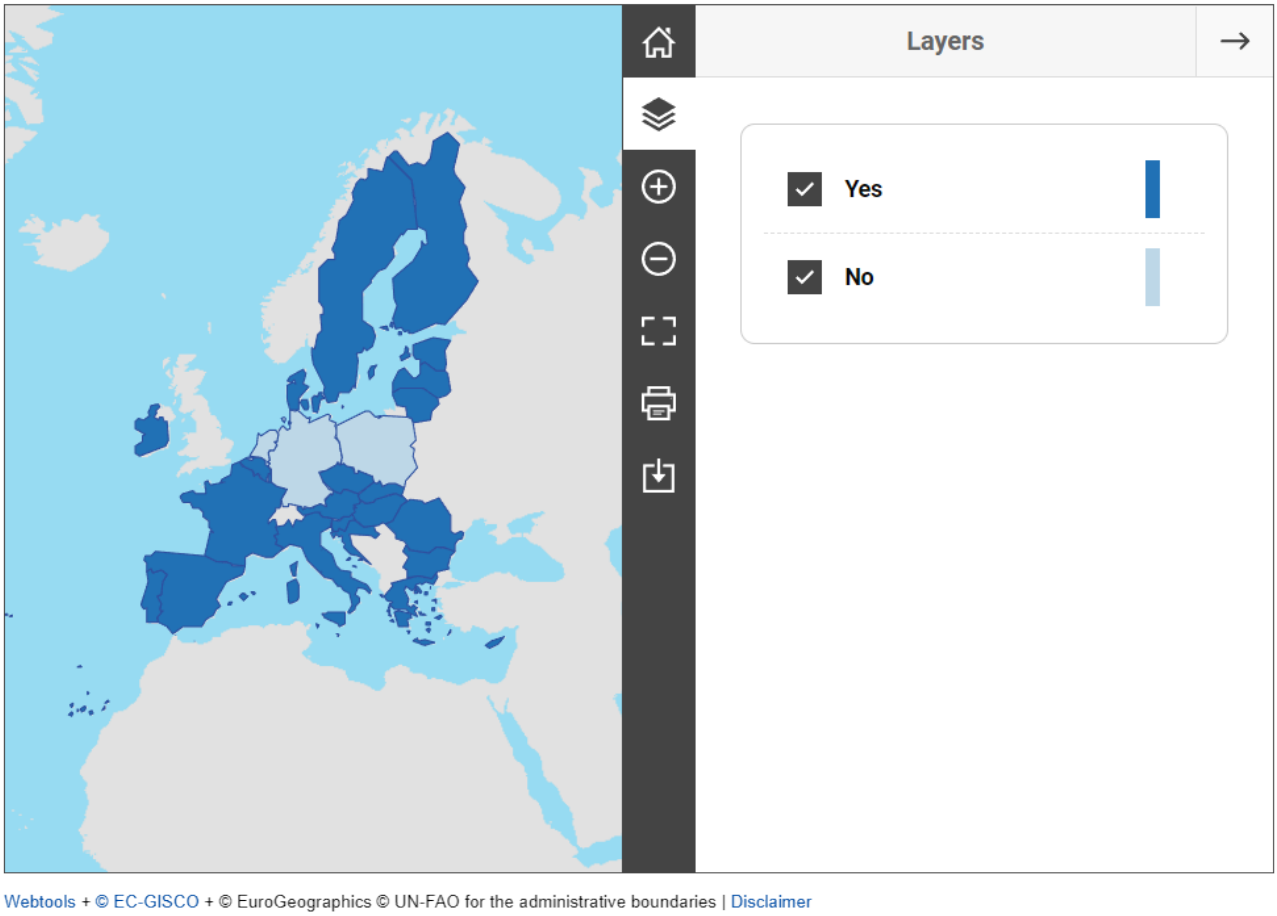
## 5.3. Provisions for children to lodge complaints

Article 12 of the CRC guarantees the right to lodge complaints. This is based on the interpretations of general comment No. 5 (2003) on general measures of implementation of the CRC (paragraph 24) and by general comment No. 12 (2009) on the right of the child to be heard (paragraph 46).

Children placed in alternative care are more vulnerable to abuse and neglect. All services and institutions or facilities responsible for the care and protection of children should inform children of their rights, including the right to file complaints against alternative care staff. Member States should therefore have accessible, confidential and child-friendly complaint procedures in place, even in alternative care systems (see Section 5.4).

Some Member States that have ratified Optional Protocol No 3 to the CRC have committed to more precisely formulated safeguarding of children's right to lodge a complaint with their national institution.

**Figure 12 – Provisions on the right of the child placed in alternative care to lodge complaints**




*Alternative text:* A map shows whether or not EU Member States have provisions on the right of the child placed in alternative care to lodge complaints. 25 Member States have such provisions in place. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- All Member States have mechanisms in place aimed at guaranteeing the child's right to be heard (normally without peremptory age limits) and the right to make maltreatment complaints. The latter right is normally regulated from both a procedural perspective and an age perspective. Typically, officers will try to obtain more information even though they cannot accept complaints from children under 14. If necessary, the officers will report to the prosecutor the need to appoint a special representative to file a complaint on the child's behalf.
- Even when specific provisions exist, children are not always adequately and systematically informed of their rights. There is often no particular authority or person responsible for informing children of their rights (in a specific, child-friendly way), including their right to report and how to do it.

Almost all EU Member States have provisions addressing the situation and the vulnerability of

children in alternative care and their right to lodge complaints, including against alternative care personnel. The exceptions are Italy and Austria.

Italy's Supervisory Authority for Children and Adolescents receives complaints about violations of the rights protected under the CRC for every child living in the territory. Regional offices receive the complaints. The Italian judicial system has a branch dedicated to handling civil and criminal proceedings involving children.

Children under 14 cannot report crimes or incidents of abuse to law enforcement and judicial authorities. However, they can request representation from an impartial third person. They can ask an adult to report their condition or to call the police.

In Portugal, the Department for Children, the Elderly, and Persons with Disabilities of the Ombuds Institution is responsible for an SOS hotline called Linha Criança. The hotline provides services to children and young people at risk. It can forward cases to the correct institutions. These include the Public Prosecutor's Office, the National Commission for the Promotion of the Rights and Protection of Children and Youth and the Social Security Institute.

Law No 141/2015 guarantees children's right for hearings to be private, safe, and peaceful. This means having minimal distracting stimuli and empathetic decorations. These requirements are in compliance with children's right to access justice and a child-friendly environment.

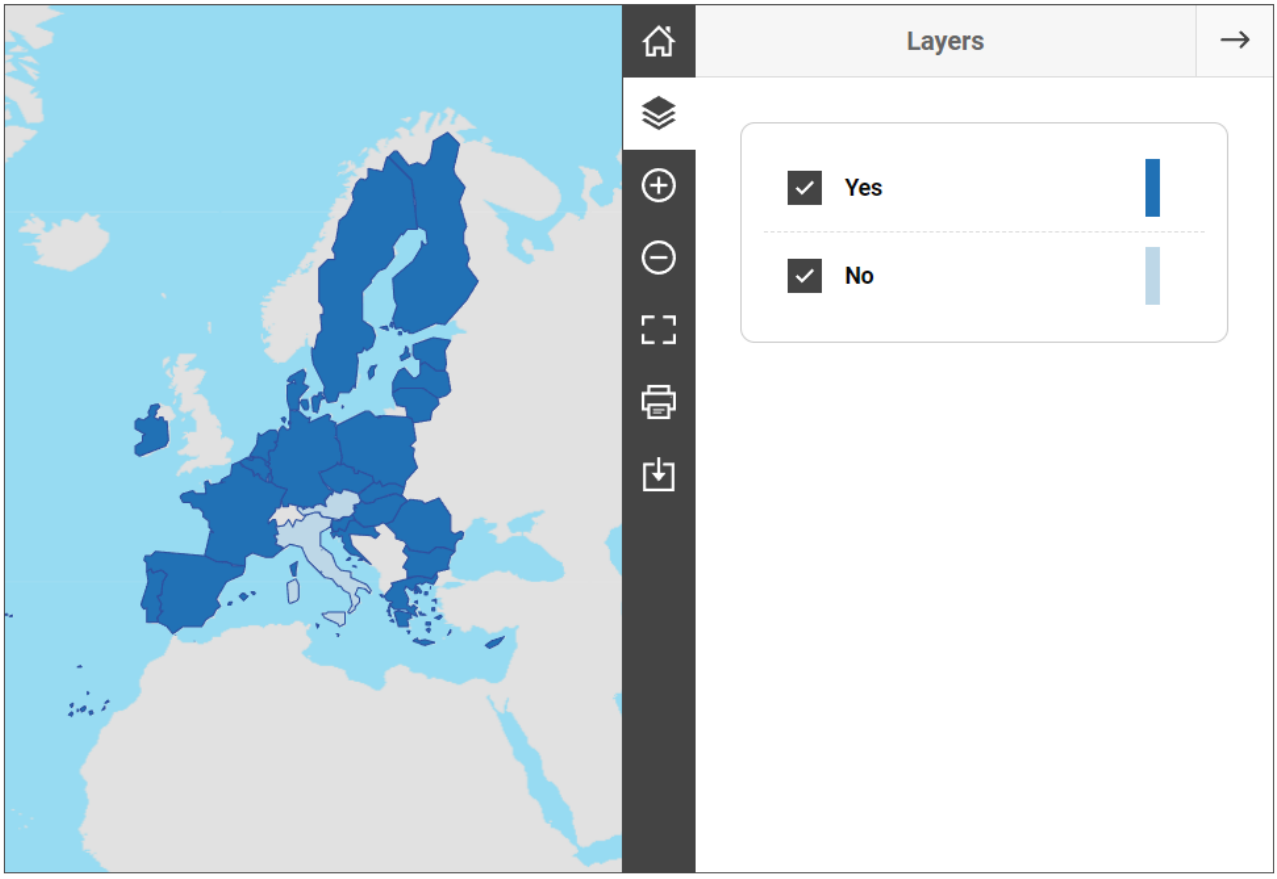
## 5.4. Specific legal provisions requiring the establishment of complaint mechanisms within alternative care institutions

According to Article 19(2) of the CRC (emphasis added):

'[s]uch protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of **prevention and for identification, reporting**, referral, investigation, treatment and **follow-up of instances** of child maltreatment described heretofore, and, as appropriate, for **judicial involvement**'.

All services and institutions or facilities responsible for the care and protection of children should establish complaint mechanisms. This is in addition to informing children of their rights, including their right to lodge complaints against alternative care personnel. Alternative care providers should have accessible, confidential and child-friendly reporting procedures in place.

**Figure 13 – Specific legal provisions requiring the establishment of complaint mechanisms within alternative care institutions**




*Alternative text:* A map shows whether or not EU Member States have provisions specific legal provisions in place requiring the establishment of complaint mechanisms within alternative care institutions. 19 Member States have such specific provisions. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Nineteen EU Member States have specific provisions on the rights of children in alternative care to lodge complaints. This applies in Belgium, Bulgaria, Germany, Estonia, Ireland, Greece, Spain, France, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Slovakia and Sweden.
- Eighteen Member States have recently made efforts to establish individual complaint mechanisms within alternative care institutions.
- Reporting mechanisms involve either the national human rights institution (NHRI) (or ombudsperson) or the social welfare system. Government and NGO hotlines or websites provide support.

There are no particular provisions in place in, for example, Italy and Austria. The countries have general provisions establishing the rights of children to report violations of their rights. The

provisions also apply to children in alternative care institutions.

In France, children can report abuse or mistreatment in alternative care to the Juvenile Court judge. They can also seek help from a qualified person or complain to the deputy rights defender responsible for children.

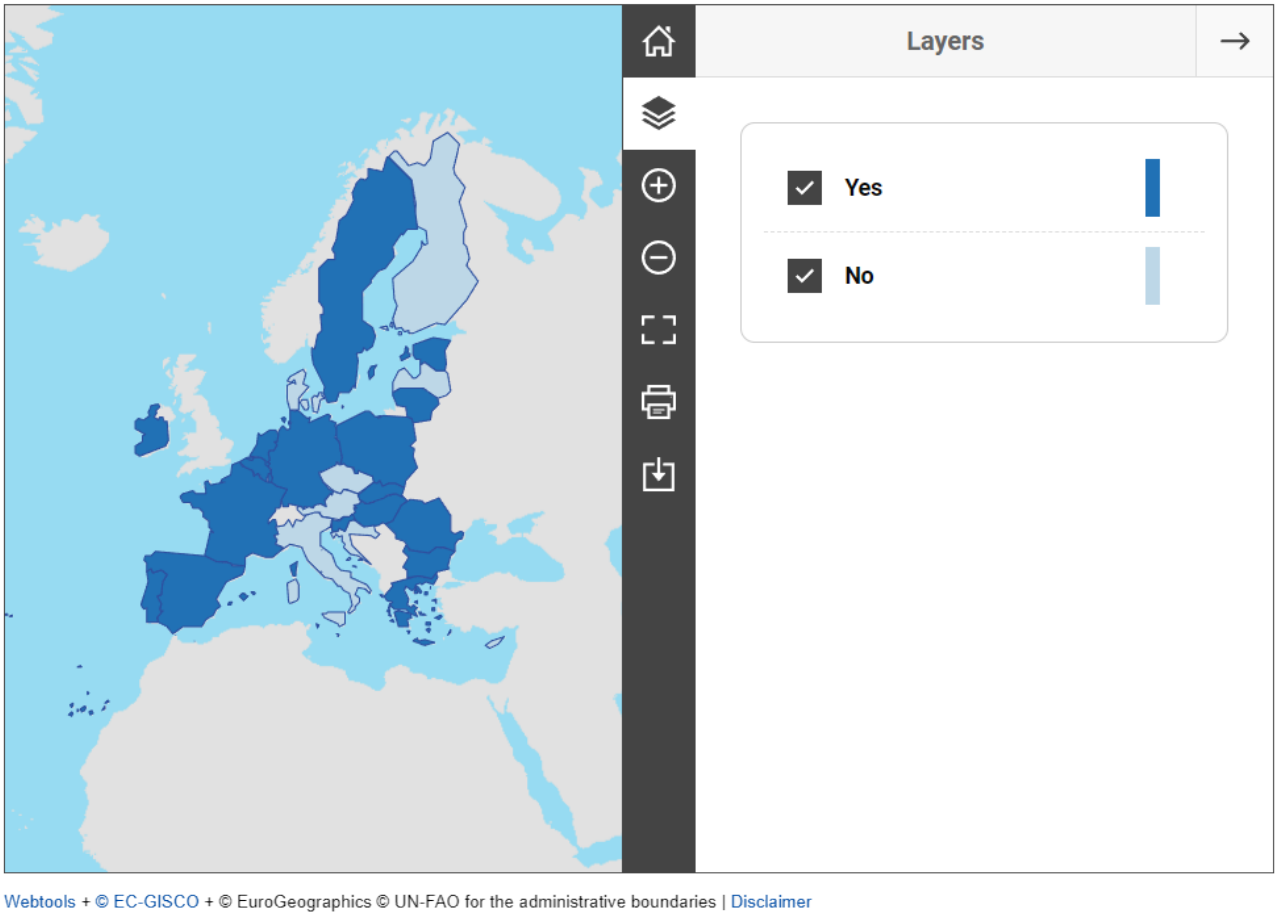
Estonia's Chancellor of Justice Act allows children to contact their caregiver, local government unit child protection assistant and Ombudsman for Children. Institutions must ensure the child's right to file complaints, provide the opportunity to file complaints independently, record opinions and provide feedback. Institutions must not disclose the child's identity except in criminal proceedings. Children can also directly contact parents, guardians, child protection officers or the Chancellor of Justice.

## 5.5. Multidisciplinary assessment of child protection cases

Child protection case investigations and family assessments are complex. Therefore, the reference and assessment process of reported cases should involve a participatory, multi-disciplinary assessment of the short-, medium- and long-term needs of the child. This would enhance investigations and responses for children and families.

The views of the child and those of the caregiver and family must be taken into consideration, as Article 12 of the CRC emphasises.

**Figure 14 – Provisions requiring a multidisciplinary assessment of child protection cases**




*Alternative text:* A map shows whether or not EU Member States have legal provisions requiring a multidisciplinary assessment of child protection cases. 22 Member States have such provisions. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- All EU Member States have provisions on individual needs assessment requiring the development of a care plan for children. These provisions, however, are not always anchored in law.
- The CRC rights and the principle of the best interests of the child must be enshrined in the national law of all 27 EU Member States. However, most Member States lack criteria and practical guidance on how to assess these.
- Most Member States have provisions on multidisciplinary assessment. These provisions, however, are not regulated by law in some instances. The case manager or the leading social worker on the case must decide whether or not to perform this type of assessment.
- Effective implementation depends on whether provisions of concrete actions and structures exist, and whether they are described in the procedures and protocols.
- Multidisciplinary assessment requirements often apply to second-line assessment.

- In several Member States, existing standards cannot always be applied effectively. This is due to a lack of human resources, the heavy workload of professionals and financial constraints.

In five EU Member States (Greece, Spain, Malta, Slovakia and Sweden) no legal provisions for multidisciplinary assessment of child protection cases were identified. In Germany and Finland, multidisciplinary assessment is possible. However, it is not always applied in practice.

Some Member States, such as the Netherlands, have no mandatory provisions. However, a multidisciplinary team of professionals carries out the assessment de facto. The advice and report centres for child abuse (*Advies- en Meldpunten Kindermishandeling*) such as Safe at Home, and the Child Care and Protection Board (Raad voor Kinderbescherming) are responsible for assessing cases of potential abuse and deciding on child protection measures. Both have multidisciplinary teams.

Other Member States have developed multidisciplinary teams in the form of panels or other advisory bodies within the system and assigned assessment responsibilities. Member States have subsequently put cooperation protocols in place. In Belgium, for example, the Youth Care Services (Services de l'administration de l'aide à la jeunesse) and the Birth and Childhood Office (Office de la Naissance et de l'Enfance) have signed a protocol of cooperation. This facilitates cooperation between youth care workers and the Birth and Childhood Office medical social workers or doctors.

## 5.6. Provisions introducing age requirements on the right of the child to be heard in placement decisions and other relevant procedures

According to Article 12 of the CRC (emphasis added):

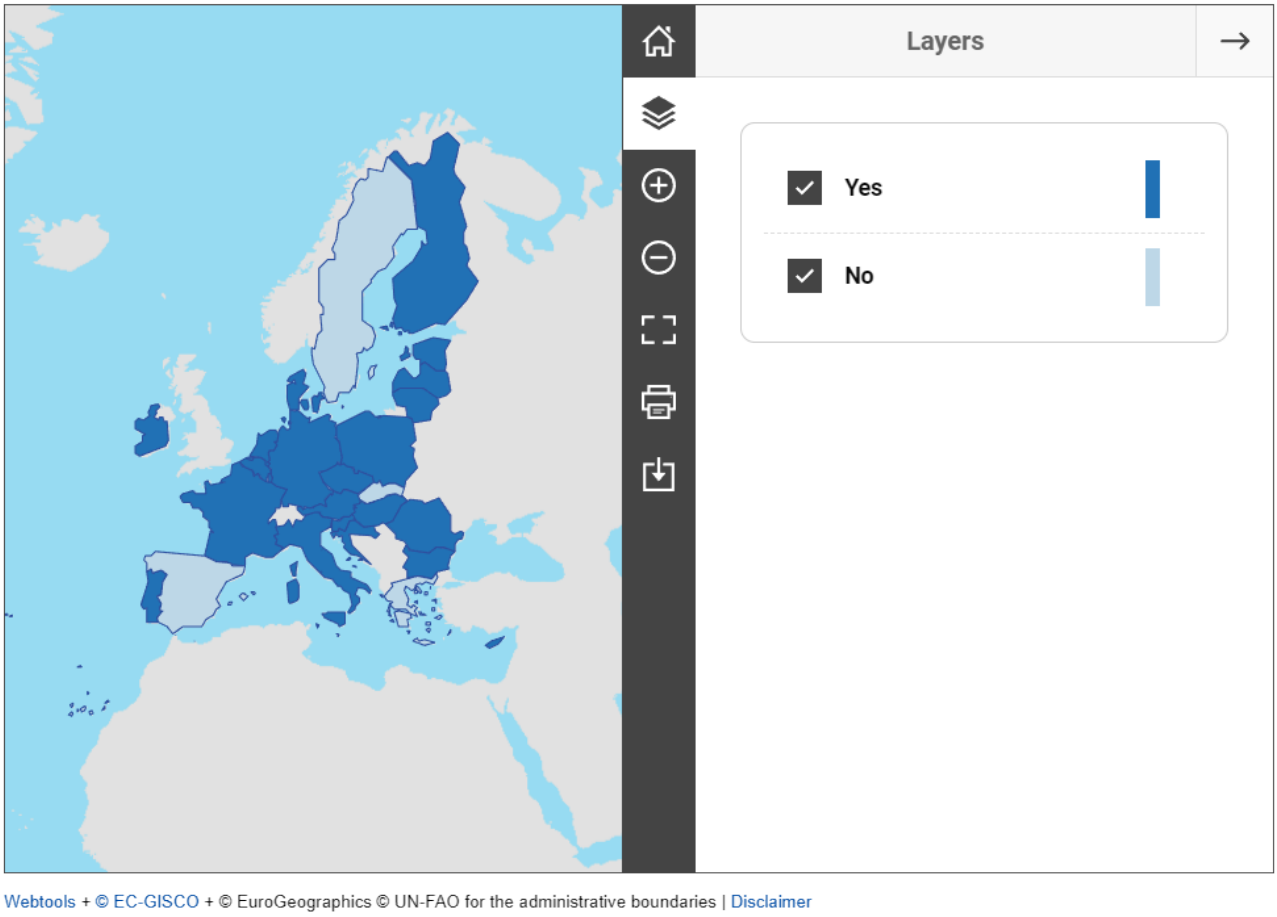
'States Parties shall assure to the child who is capable of forming his or her own views the **right to express those views freely in all matters affecting the child**, the views of the child being given due weight in accordance with the age and maturity of the child. […] For this purpose, the child shall in particular be provided the **opportunity to be heard in any judicial and administrative proceedings affecting the child**, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law'.

Map 15 presents data on existing provisions on the right of the child to be heard in placement decisions. These include provisions applying in cases of voluntary placements, where there are administrative procedures, in cases of forced placement (without the parents' consent) and where competent judicial authorities have taken relevant decisions.

Provisions regarding the right of the child to be heard in judicial or administrative procedures on placement in care differ from those establishing the requirement to consider the child's views when developing an individual care plan. The latter are frequently optional. That is, they are left to the discretion of the social workers and case workers.

The child’s right to be heard is regulated differently in different procedures. This analysis considers the main types of proceedings: (i) adoption; (ii) custody and (iii) criminal proceedings.

**Figure 15 – Provisions introducing age requirements on the right of the child to be heard in placement decisions**




*Alternative text:* A map shows whether or not EU Member States have legal provisions introducing age requirements on the right of the child to be heard in placement decisions. Eight Member States have such provisions. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Almost all Member States apply statutory age limitations and take into account factors such as the child's maturity and ability to express themselves. In some Member States, support from psychologists and social workers accompanies the child's statement to ensure that it is fully understood.
- Authorities can decide whether or not to hear the child and take their views into account if the age limit is not enshrined in law.
- The weight to be granted to the child's views differs by case. It depends on an assessment of the child's age, maturity and understanding.
- When age limits apply, it is often children aged 12+ or 14+ who have to be heard. Whether it applies to younger children remains at the discretion of the authorities.
- Regarding adoption, some Member States require the child's consent after a certain age. For

instance, in Spain, this applies after the age of 12. The child has the right to express their views during the adoption process.

Eight Member States have provisions requiring authorities to listen to children of a certain age: Bulgaria (10), Czechia (12), Spain (12), Croatia (14), Hungary (14), the Netherlands (4), Finland (12) and Sweden (15). In these Member States, whether children younger than these ages have this right largely depends on the authorities. Where no age requirements are in place, it is up to the authorities, for example the judge, the competent court or the administrative body, to assess the child's maturity and evolving capacities.

In the Netherlands, during investigations of child abuse reports, the investigating team will speak with those affected if they are older than four, the protocol of the Safe at Home organisation states. Those younger than four are only observed.

In France, the juvenile court judge always hears the child, as long as the child is considered capable of discernment. The magistrate has full discretion to decide if the child should be heard.

In Romania, children aged 10 and older need to consent to adoption, according to Law No 273/2004 concerning adoption.

The levels of child participation differ between Member States. At least four Member States – Belgium, Denmark, Poland and Romania – have legal provisions requiring children's consent or a statement of non-opposition to placement decisions if they are above a certain age (usually 14 or 15).

In almost all Member States, the law provides that children must be heard in proceedings where their interests are at issue, if it does not prejudice their interests or expose them to possible hardship, such as in criminal abuse proceedings. Thus, many Member States have general clauses that allow children to ask to be heard in proceedings affecting them.

For example, in Ireland, the Child Care Act, 1991, as amended by the Children First Act 2015, gives children the right to be heard and to express their views in all matters affecting their welfare. This includes child protection issues.

In Croatia, Article 360 of the Family Act addresses proceedings in which the rights and personal interests of the child are decided, such as adoption. The court will allow children to express their views if the court deems this necessary given the circumstances of the case. Children express their views in a suitable place and with an expert present. Children can revoke their consent to the adoption until the decision on adoption becomes final.

In Italy, children have the right to be heard by competent authorities in judicial proceedings, with the support of psychologists. This ensures the credibility of their statement, that is, that they understand its implications, and the protection of the child. For more information, see Law No 172/2012 and Article 398 of the Italian Criminal Procedure Code.

# 6. Accountability and monitoring systems, focusing on monitoring and development of common quality indicators

## 6.1. Monitoring the performance of national child protection systems

An effective accountability mechanism should include regular monitoring based on clear indicators and evaluation through systematic data collection.

NHRIs and/or ombudspersons are vital to ensuring independent monitoring of a Member State's compliance with the obligations to respect, protect and fulfil children's rights and implement child protection laws and policies.

### Key findings

- At national level, an authority affiliated with the ministry primarily responsible for child protection, or a department or secretariat within that ministry, is usually in charge of monitoring the child protection system as a whole (Table 6).
- All Member States have independent bodies responsible for monitoring (ombudsperson offices for children and/or other NHRIs) (Table 7).
- All Member States have provisions for self-monitoring and evaluation of services.
- Ombudspersons for children may not have sufficient human and financial resources to allow them to systematically and effectively monitor the performance of national child protection systems.
- Most NHRIs and ombudspersons do not systematically monitor child protection systems and institutions. Instead, they respond to filed motions and individual complaints.
- In many Member States, ombudspersons and/or NHRIs are the only independent bodies responsible for monitoring children's rights and child protection systems.

Most EU Member States assign monitoring responsibilities to different national, regional and local authorities.

Table 6 presents information on national public authorities.

Some Member State have established independent monitoring bodies. These complement effective government monitoring structures and accountability mechanisms.

Table 7 presents information on independent monitoring bodies.

All Member States have provisions for self-monitoring and evaluation of services. In some Member States, data are collected but not used by monitoring mechanisms.

**Table 6 – National authorities responsible for monitoring the child protection system's performance at national level, by EU Member State**

| EU Member State | National authorities responsible for monitoring the child protection system's performance at the national level |
|---|---|
| **Austria** | Austrian Advocates for Children and Juveniles (Kinder- und Jugendanwaltschaften Österreichs)<br>Austrian National Youth Council (Österreichische Bundesjugendvertretung) |
| **Belgium** | National Commission on the Rights of the Child (De Nationale Commissie voor de Rechten van het Kind / La Commission nationale pour les droits de l'enfant / Die Nationalen Kommission für die Rechte des Kindes) |
| **Bulgaria** | The State Agency for Child Protection (Държавна агенция за закрила на детето) |
| **Croatia** | Council for Children (Vijeća za djecu)<br>Office for Human Rights and Rights of National Minorities (Ured za ljudska prava i prava nacionalnih manjina Vlade) |
| **Cyprus** | n/a |
| **Czechia** | Committee on the Rights of the Child (Výbor pro práva dítěte) |
| **Denmark** | Social Supervisory Boards (Socialtilsynet) (since 2014) |
| **Estonia** | National Audit Office (Riigikontroll) |
| **Finland** | National Supervisory Authority for Welfare and Health (Sosiaali- ja terveysalan lupa- ja valvontavirasto / Tillstånds- och tillsynsverket för social- och hälovården)<br>Regional State Administrative Agencyies (Aluehallintovirasto/Regionförvaltningsverket)<br>National Audit Office of Finland (Valtiontalouden tarkastusvirasto / Statens revisionsverk) |
| **France** | General Inspectorate of Social Affairs (Inspection générale des affaires sociales)<br>General Inspectorate of Judicial Services (Inspection générale des services judiciaries)<br>National Observatory of Child Protection (Observatoire national de la protection de l'enfance) |
| **Germany** | Children's Commission (Kinderkommission) of the Federal Parliament |
| **Greece** | General Secretariat of Welfare (Γενική Γραμματεία Πρόνοιας) within the Ministry of Labour and Social Security (*Κοινωνικοί Σύμβουλοι*)<br>Office of the General Inspector of Public Administration (Γενικός Επιθεωρητής Δημόσιας Διοίκησης) |
| **Hungary** | Ministry of Human Resources (Emberi Erőforrások Minisztériuma),<br>Directorate-General forof Social Affairs and Child Protection (Szociális és Gyermekvédelmi Főigazgatóság) |
| **Ireland** | Health Information Quality Authority (An tÚdarás Um Fhaisnéis agus Cáilíocht Sláinte) |
| **Italy** | Parliamentary Committee on Childhood and Adolescence (Commissione parlamentare per l'infanzia e l'adolescenza)<br>National Observatory on Childhood and Adolescence (Osservatorio nazionale per l'infanzia e l'adolescenza) |
| **Latvia** | Ministry of Welfare (Labklājības ministrija) – State Inspectorate for Protection of Children's Rights (Valsts bērnu tiesību aizsardzības inspekcija) |
| **Lithuania** | National Audit Office of the Lithuanian Republic (Lietuvos Respublikos valstybės kontrolė) |

| EU Member State | National authorities responsible for monitoring the child protection system's performance at the national level |
|---|---|
| **Luxembourg** | Ombuds Committee for the Rights of the Child (Ombuds-Comité fir d'Rechter vum Kand) |
| **Malta** | Commissioner for Children(Kummissarju għat-Tfal) |
| **Netherlands** | Dutch Inspectorate for Healthcare and Youth Care (Inspectie GezondheidsJeugdzorg en Jeugd)<br>Joint Inspectorate for Youth (Samenwerkend Toezicht Jeugd) |
| **Poland** | Council of Ministers (Rada Ministrów)<br>Parliamentary Committee for Social Policy and Family (Komisja Polityki Społecznej i Rodziny) |
| **Portugal** | Social Security Institute (Instituto de Segurança Social)<br>Public Prosecutor (Procuradoria-Geral da República) |
| **Romania** | National Authority for the Protection of the Rights of the Child and Adoption (Autoritatea Naţională pentru Protecţia Drepturilor Copilului şi Adopţie)<br>National Agency for Payments and Social Inspection (Agenţia Naţională pentru Plăţi şi Inspecţie Socială, ANPIS) through the local ACounty Agencyies for Payments and Social Inspection (Agenţia Judeţeană pentru Plăţi şi Inspecţie Socială, AJPIS) |
| **Slovakia** | Department of Strategy and Social Protection of Children and Family – Section of Social and Family Policy (Odbor stratégie sociálnej ochrany detí a rodiny – Sekcia sociálnej a rodinnej politiky)<br>Ministry of Labour, Social Affairs and Family of the Slovak Republic (Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky) |
| **Slovenia** | Social Inspection (Socialna inšpekcija) of the Labour Inspectorate of the Republic of Slovenia (Inšpektorat Republike Slovenije za delo)<br>Inspectorate for Education and Sport of the Republic of Slovenia (Inšpektorat Republike Slovenije za šolstvo in sport) |
| **Spain** | Childhood Observatory (Observatorio de la Infancia)<br>Juvenile Prosecution Services (Fiscal de Sala Coordinador de Menores de la Fiscalía General del Estado) |
| **Sweden** | Health and Social Care Inspectorate (Inspektionen för vård och omsorg) |

Note: n/a: not available.

*Source:* Franet, 2023.

**Table 7 – Independent bodies monitoring child protection at national level, by EU Member State**

| EU Member State | Ombudspersons office(s) and NHRIs | Ombudspersons for children's office(s) |
|---|---|---|
| **Austria** | Austrian Ombudsman Board(Volksanwaltschaft) – Austrian NHRI | Ombuds Institution for Children in Alternative Care (Kinder- und Jugendanwaltschaft Wien) – functions at regional level in Vienna |
| **Belgium** | Federal Ombudsman (federale Ombudsman / federale Ombudsman / föderale Ombudsmann) | Flemish Office of the Children's Rights Commissioner(Kinderrechtencommissariaat)<br>General Delegate for the Rights of the Child(Délégué Général aux droits de l'enfant) – French Community<br>Observatory for Childhood, Youth and Youth Care(Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse) – French Community<br>Ombudsperson of the German-speaking Community of Belgium (Ombudsperson der deutschsprachigen Gemeinschaft Belgiens) |
| **Bulgaria** | Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*)<br>Commission for Protection against Discrimination (Комисия за защита от дискриминация) | n/a |
| **Croatia** | n/a | Ombudsperson for children(Pravobranitelj za djecu) |
| **Cyprus** | n/a | Commissioner for Children's Rights(Επίτροπος προστασίας των δικαιωμάτων του παιδιού) |
| **Czechia** | Ombudsperson | n/a |
| **Denmark** | Parliamentary Ombudsman (Folketingets Ombudsmand) – Children' Division (Børnekontor) | n/a |
| **Estonia** | Ombudsman for Children(Lasteombudsman) | Chancellor of Justice(Õiguskantsler) – conducts independent monitoring of child protection system in his duties as Ombudsman for Children |
| **Finland** | Parliamentary Ombudsman(Riksdags justitieombudsman)<br>Chancellor of Justice (oikeuskansleri/justitiekansler) | Ombudsman for Children(Lapsiasiavaltuutettu) – acts with the assistance of the Child Advisory Board (Lapsiasiavaltuutettu) established by the government |

| EU Member State | Ombudspersons office(s) and NHRIs | Ombudspersons for children's office(s) |
|---|---|---|
| **France** | Public Defender of Rights(Défenseur des droits) National Consultative Commission on Human Rights(Commission nationale consultative des droits de l'homme) | n/a |
| **Germany** | German Institute for Human Rights(Deutsches Institut für Menschenrechte) – German NHRI | n/a |
| **Greece** | Greek Ombudsman(Συνήγορος του Πολίτη) | National Commission for Human Rights (Εθνική Επιτροπή Δικαιωμάτων του Ανθρώπου) |
| **Hungary** | Office of the Commissioner for Fundamental Rights (Alapvető Jogok Biztosának Hivatala) | n/a |
| **Ireland** | n/a | Ombudsman for Children |
| **Italy** | n/a | Italian Authority for Childhood and Adolescence(Autorità garante per l'infanzia e l'adolescenza) |
| **Latvia** | n/a | Ombudsperson of the Republic of Latvia – Children's Rights Section(Latvijas Republikas tiesībsargs) |
| **Lithuania** | n/a | Ombudsperson for Child's Rights(Vaiko teisių apsaugos kontrolierius) |
| **Luxembourg** | n/a | Ombuds Committee for the Rights of the Child(Ombuds-Comité fir d'Rechter vum Kand) |
| **Malta** | n/a | Commissioner for Children(Kummissarju għat-Tfal) |
| **Netherlands** | n/a | Ombudsman for children (Kinderombudsman) |
| **Poland** | n/a | Children's Rights Ombudsman(Rzeczniku Praw Dziecka) |
| **Portugal** | Ombudsman(Provedor de Justiça), Centre for Children, the Elderly and the Disabled (Núcleo da Criança, do Idoso e da Pessoa com Deficiência) | n/a |
| **Romania** | National Ombudsman(Avocatul Poporului), department specialising in the rights of the child | n/a |
| **Slovakia** | Public Defender of Rights(Verejný ochranca práv) | n/a |
| **Slovenia** | n/a | Human Rights Ombudsman (Varuh človekovih pravic) |

| EU Member State | Ombudspersons office(s) and NHRIs | Ombudspersons for children's office(s) |
|---|---|---|
| **Spain** | Spanish Ombudsman(Defensor del Pueblo) Ombudsperson (autonomous regions) – 'Defender of the Andalusian People (Defensor del Pueblo Andaluz), Catalan Ombudsman (Síndic de Greuges) and Galician Ombudsman (O Valedor do Pobo) | Childhood Observatory(Observatorio de la Infancia) – subordinated to the Ministry of Health (Ministero de Sanidad) |
| **Sweden** | n/a | The Institute for Human Rights (Institutet för mänskliga rättigheter)<br>The Ombudsman for Children (Barnombudsmannen) |

*Source:* Franet, 2023.

## 6.2. Standards for foster care

According to Article 40 of the CRC (emphasis added):

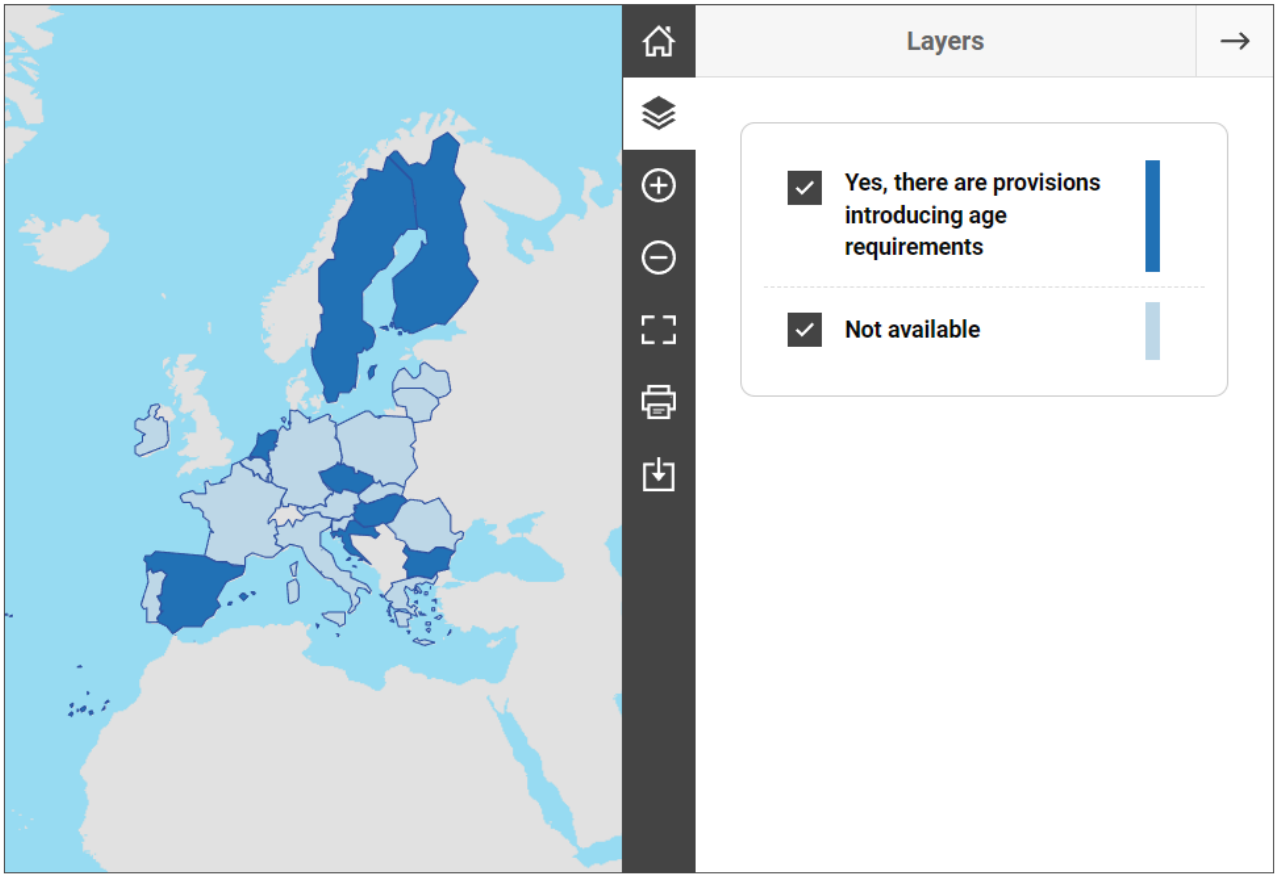
[w]henever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. […] A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; **foster care**; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that **children are dealt with in a manner appropriate to their well-being** and proportionate both to their circumstances and the offence'.

In all Member States, provisions and standards regarding foster care are established by law. Provisions cover the maximum number of children in one foster family, training and support for foster parents, proximity to biological family and minimum age for residential care. These aim to ensure the quality of children's care and facilitate the monitoring of foster parents.

Foster parents must complete the training that the responsible authority and/or the service foster care agency provides. However, in most Member States, training requirements do not apply when the foster parents are the child's relatives (kinship care). The training length and content vary significantly both within and between Member States. Usually, in Member States, the training is continuous rather than one session.

Member States may provide care measures other than foster care. Examples are residential/institutional care, other forms of family-based care and supervised independent living arrangements for children.

**Figure 16 – Provisions determining the maximum number of children in a foster family**




*Alternative text:* A map shows whether or not EU Member States have legal provisions determining the maximum number of children in a foster family. Austria, Croatia, Cyprus, Estonia, Finland, France, Hungary, Lithuania, Luxembourg, Latvia, Poland, Portugal and Slovenia all have such provisions. For Spain and Bulgaria no information was provided and in Belgium the provisions are established only at the regional level with no provisions in place for the Flanders region.

*Source:* FRA, 2023

## Key findings

- The most common forms of care are residential/institutional care, other forms of family-based care and supervised independent living arrangements for children. Some Member States also provide specific support and group-based homes to assist pregnant women or those who have just given birth, if they cannot be sufficiently supported in their homes. These could be used, for example, in a case of domestic abuse.
- Not all EU Member States have provisions specifying the maximum number of children in one foster family. Moreover, children in the foster care system can be difficult to track due to the constant flow of children entering and leaving the system.
- In some Member States, where the maximum number of children per foster family is not established by law, the number is dependent on other criteria: family income, the space in the home, the number of children in the family, etc. Decisions are made on a case-by-case

basis. In general, the more children a foster family accommodates, the less likely it is that they will obtain custody of others. The number and the circumstances of a foster family's own children are factors in this assessment.

- Where specific provisions exist, the maximum number of children per foster family varies significantly. For example, it is three in France and six in Latvia.
- Provisions are often related to the child's physical and mental health, the number of a family's own children and whether the foster child has siblings (and how many).
- The situation of children with disabilities is less regulated by national law. Thus, there is no upper limit on placement in foster care or adoption. Rather, it is an issue of families lacking sufficient professionalism to be able to take care of children with disabilities.

In several Member States, the number of children accommodated in a foster family is limited: Croatia (3), France (3) and Finland (4). The number can differ for siblings fostered together or children with disabilities.

In Member States without specific provisions regulating the number of children in foster families, the authorities decide a foster family's capacity. In Germany and Romania, the number of children is decided on a case-by-case basis. The authorities consider factors such as space, the child's physical and mental ability and needs, the number of adult carers and the number of biological children living in the house.

Some Member States make efforts to ensure that children are placed in a foster care home geographically close to their biological families, school, friends or community, if it is in the child's best interests. However, in Germany, France and Austria, this is not always the case. Here, the competent authorities look for a family that best suits the child's needs and do not necessarily consider proximity to the biological family. In some countries, such as Bulgaria, Spain, Latvia, Luxembourg and Slovenia, geographical closeness is never a criterion.

In some Member States, residential/institutional care is an alternative to foster care. In Croatia, the Ministry of Labour, Pension System, Family and Social Policy oversees residential/institutional care institutions, which can be established as social care homes under certain circumstances. The Social Assistance Law regulates other forms of family assistance. It offers supervised independent living arrangements for children in alternative foster care until they turn 18.

Italy categorises residential/institutional care as family-type communities and public or private institutions. Such communities for pregnant women, mothers and children accommodated 1,772 women in 2020. Foster care is a last resort for children under six years old.

In Germany, local authorities provide residential institutional care. Foster care is more prevalent for younger age groups and adolescents.

## 6.3. Standards for residential and alternative care and an overview of de-institutionalisation

According to Article 40 of the CRC (emphasis added):

'States Parties shall seek to […] Whenever appropriate and desirable, measures for dealing with […] children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. […] A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and **other alternatives to institutional care** shall be available to ensure that **children are dealt with in a manner appropriate to their well-being** and proportionate both to their circumstances and the offence'.

Standards on residential care (see Table 8) refer to the management of facilities, their human resources (number of staff, qualifications of staff), living conditions (premises and safety), number of children accommodated, operational practices and policies.

Not all Member States have registries for foster families and residential care. Those that do regulate the registries at local level rather than national level, as is the case with Germany.

14 Member States have nationwide registries for foster families: Bulgaria, Czechia, Denmark, Estonia, Greece, Croatia, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia and Slovakia.

Most Member States have nationwide registries for residential institutions: Bulgaria, Czechia, Denmark, Estonia, Ireland, Greece, Spain, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Poland, Portugal, Romania, Slovenia, Slovakia and Sweden.

## Key findings

- Standards for alternative care do not always apply at national level. This may result in disparities in the care provided within a country.
- Existing standards are often non-binding recommendations or guidance.
- Existing standards often lack precision. They set out vague requirements and criteria. Monitoring compliance is therefore challenging.
- Some Member States' standards lack a holistic approach. They primarily cover only certain elements, such as financial aspects, technical requirements and material conditions. They fail to cover other relevant issues, such as human resources.
- Some countries have provisions regarding quality elements that must be adhered to at operational level. However, these do not always become concrete, measurable indicators, and are therefore often not complied with.
- Existing standards do not always apply across all types of institutions. In many Member States, national standards do not apply to institutions for juvenile offenders or to reception facilities for unaccompanied children.
- Most Member States have formal specific provisions for assistance for adolescents / young

people who leave alternative care.

Some Member States have registries for foster care families at local level. This is the case for Germany. National registries are found only in Bulgaria, Czechia, Denmark, Estonia, Greece, Croatia, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia and Slovakia.

Bulgaria, Czechia, Denmark, Estonia, Ireland, Greece, Spain, Croatia, Italy, Cyprus, Latvia, Luxembourg, Hungary, Malta, Poland, Portugal, Romania, Slovenia, Slovakia and Sweden have registries for residential institutions at national level.

EU Member States with federal structures, such as Belgium, Germany, Spain and Austria, develop standards at regional level. Some of these Member States, such as Austria, however, acknowledge the need for a national approach. Others, such as Spain, have also developed non-binding quality standards at national level.

Some Member States' quality standards apply only in certain types of facilities and institutions. This applies, for example, in Czechia and Italy.

Greece, Cyprus and Slovakia currently have no standards. However, the responsible authorities are considering their development.

Most Member States have national registries and/or accreditations and licensing procedures for residential institutions for children that are based on standards. The Netherlands and Finland have no national registry of residential institutions for children or accreditation and licensing procedures for residential institutions.

**Table 8– Standards for the operational frameworks of residential institutions, by EU Member State**

| EU Member State | Compulsory national standards for the operational framework of residential institutions | Compulsory standards applicable at region/province level | No standards identified | Standards developed at national level in the form of recommendations with no statutory value |
|---|---|---|---|---|
| **Austria** | (✔) | ✔ | | |
| **Belgium** | | ✔ | | |
| **Bulgaria** | ✔ | | | |
| **Croatia** | ✔ | | | |
| **Cyprus** | | | ✔ | |
| **Czechia** | ✔ | | | |
| **Denmark** | ✔ | | | |
| **Estonia** | ✔ | | | |
| **Finland** | ✔ | | | |
| **France** | ✔* | | | ✔ |
| **Germany** | | ✔ | | ✔ |
| **Greece** | | | ✔ | |
| **Hungary** | ✔ | | | |
| **Ireland** | ✔ | | | |
| **Italy** | (✔) | ✔ | | |
| **Latvia** | ✔ | | | |
| **Lithuania** | ✔ | | | |
| **Luxembourg** | ✔ | | | |
| **Malta** | | | | ✔ |
| **Netherlands** | ✔ | | | |
| **Poland** | ✔ | | | |
| **Portugal** | | | | ✔ |
| **Romania** | ✔ | | | |
| **Slovakia** | | | ✔ | |
| **Slovenia** | ✔ | | | |
| **Spain** | | ✔ | | ✔ |
| **Sweden** | ✔* | | | ✔ |
| **Total** | **19** | **5** | **3** | **6** |

*NB: (✔), Provisions at national level regulate some aspects of the operational framework of*

*residential care facilities. Detailed standards exist at regional level. ✔*, Provisions at national level set up the general standards of the operational framework of residential care facilities. National monitoring authorities have developed detailed quality standards in the shape of recommendations and guidance with no statutory status.*

*Source:* Franet, 2023.

## 6.4. Deinstitutionalisation of childcare

Deinstitutionalisation is an important topic in the context of integrated child protection. Eurochild, Hope and Homes for Children, the International Foster Care Organisation, the European branch of the International Federation of Educative Communities and SOS Children's Villages International launched the Opening doors for Europe's children campaign (2013–2019), with the goal of strengthening families and ending institutional care.

The campaign aimed to support national efforts to develop child protection systems that strengthen care for children, by leveraging EU funding and policy-building capacity in civil society. The campaign ran in 16 countries: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Greece, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Serbia, Spain and Ukraine. It contributed to the EU incorporating deinstitutionalisation reforms into its monitoring of social and economic reforms.

The campaign also contributed to the prioritisation of child protection reforms and deinstitutionalisation in several countries. Examples are Bulgaria, Bosnia and Herzegovina, Croatia, Estonia, Latvia, Lithuania, Moldova, Romania and Ukraine. These countries are seeing fewer children placed in institutional care and increased provision of family-based foster care.

The Polish Ministry of Family and Social Policy has been transitioning from institutional care to local community-based care. This involves developing support close to families and those in need, preventing children from remaining in inadequately supported families and reducing institutional care.

The ministry has announced activities related to deinstitutionalisation in national programmes, such as the national programme for combating poverty and social exclusion. Its goal is to introduce a comprehensive support system for foster parents, including employment stabilisation, professional development, therapeutic support, childcare organisation, training and building loans. It aims to raise awareness about foster family care, its challenges and the benefits for children, and encourage local authorities to transform the foster care structure.

Poland has passed a law amending the Family Support and Foster Care System Act, introducing paragraph 1a to Article 106. This limits the creation of social, intervention and specialised therapeutic care and education institutions if they do not increase institutional foster care places or if local need does not justify expansion.

Bulgaria's child protection policies have shifted from institutional care to deinstitutionalisation,

addressing issues such as poor conditions and abuse by staff. The government is promoting alternative community-based services to end these practices and protect vulnerable children. These children often live in poverty and face increased risks of neglect, institutional placement, child marriage, dropping out of school, begging and involvement in recyclable waste collection. This move aims to break away from the classic system of institutional care.

## 6.5. Child rights impact assessment

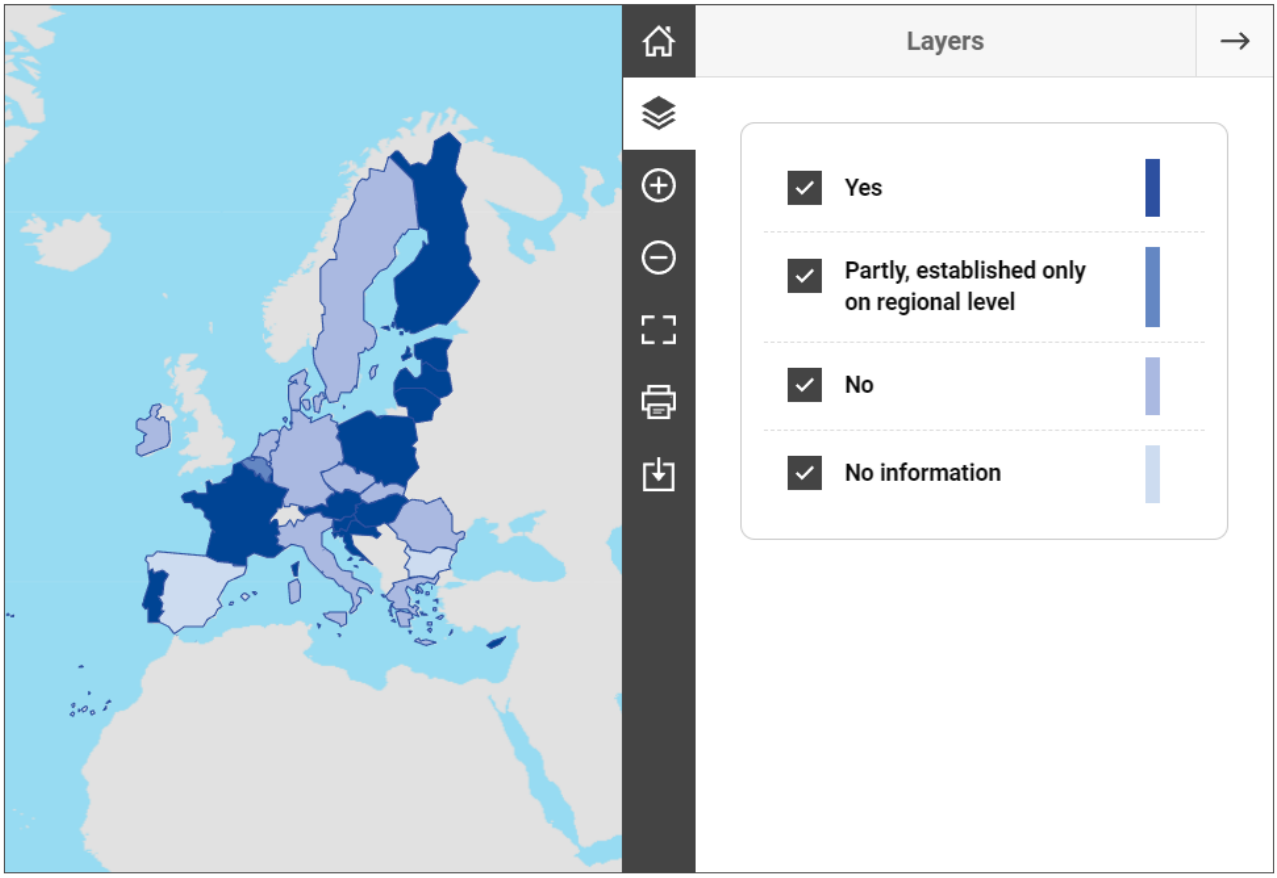
A child rights impact assessment is a process or tool used to analyse and predict the impact of any proposed law, policy or budgetary allocation that potentially affects children and their enjoyment of rights. This takes place before the policy, law or regulation is adopted or before a decision or action is implemented. Child rights impact assessments should be integrated into government decision making at all levels and as early as possible in policy and law development.

An ongoing child rights impact assessment process is needed, the UN Committee on the Rights of the Child notes in several of its general comments. In its general comment No. 5 (2003) on general CRC implementation measures, the committee focuses on: '[e]nsuring that the best interests of the child are a primary consideration in all actions affecting children (art. 3 (1)) and that all provisions of the Convention are respected in legislation and in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budget allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation)'.

The child and adolescent rights impact assessment is another example of assessment. It is an *ex post* analysis done after the adoption of a legislative act (or measure). This analysis is an opportunity to consider the intended or unintended effects that legislative changes, budgetary decisions, policies, programmes or services have had on children's and adolescents' rights.

Nonetheless, even Member States that provide for *ex post* analysis have no comprehensive data on the effectiveness of child right impact assessments. This might be because, many Member States devolve the implementation of these assessments to regional level. Therefore, there is no national or more general collation of these results.

**Figure 17 – Provisions requiring a child rights impact assessment**




*Alternative text:* A map shows whether or not EU Member States have legal provisions requiring a child rights impact assessment. Almost half of Member States have such provisions. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Not all Member States require specific child rights impact assessments of law or policy.
- In some Member States, a child rights impact assessment is part of the human rights or social impact assessment.
- When in place, a child rights impact assessment is often limited to laws and policies only directly affecting children.
- Not all authorities whose decisions directly or indirectly affect children systematically conduct child rights impact assessments.

Belgium, Germany, Estonia, Ireland, Spain, France, Cyprus, Latvia, Lithuania, Austria, Portugal, Romania, Slovenia, Sweden and Finland partially provide for specific provisions requiring a child rights impact assessment.

Nearly half of Member States have specific provisions requiring that a child rights impact

assessment takes place when developing laws and policies and in taking administrative decisions regarding children. Some Member States, such as Poland, are moving towards introducing this requirement.

The absence of any requirement does not necessarily mean that no child rights impact assessment ever takes place. In many Member States, the child rights impact assessment is part of the human rights or social impact assessment. Some of them specifically list children's rights. Others do not specifically reference children's rights, but list children with other vulnerable groups.

In some Member States, such as Ireland, the mandate of the ombudsperson for children includes conducting a child rights impact assessment for newly developed laws or policies and drawing attention to potential impacts. However, whether this is systematic and whether it takes place for all policies and laws that directly or indirectly affect children depends on the ombudsperson's financial and human resources.

## 6.6. Child participation

This section discusses children's right to be heard, child participation principles, models and examples, and direct consultation with children.

Article 12 of the CRC states that (emphasis added):

'States Parties shall assure to the **child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child**, the view of the child being given due weight in accordance with the age and maturity of the child'.

General comment No. 12 (2009) on the right of the child to be heard supports the states parties in effectively implementing this article. Accordingly, Article 12 is inextricably linked to other rights such as non-discrimination and the best interests of the child.

According to Article 24 of the Charter:

'[c]hildren […] may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity'.

Children's right to be heard on 'matters affecting the child' (see section 5.6) requires that the views of children affected by specific issues should be considered. Examples are considering the views of migrant children in relation to migration law and policy or those of children with judicial hearing experience regarding judicial system reform. Children should be given the opportunity to participate meaningfully in the planning, implementation and evaluation of child protection policies and programmes.

Sections 5.3, 5.4 and 5.6 each touch upon elements of child participation and the right to be heard. The right of all children to participate has come into greater focus in recent years. This can be seen in the growing number of international, EU and national child and youth delegates and

advisory committees. Children's participation has also increased in events that affect them, such as the European Forum on the Rights of the Child.

The first strand of the EU strategy on the rights of the child (2021) relates to child participation in political and democratic life. It emphasises children's role in society, not least as drivers of change. Children can become guardians of the respect for fundamental rights, diversity, tolerance and values in our societies, including for future generations, when they are meaningfully empowered.

The risk of tokenism is, however, prevalent in this space. For example, 'children and young people consistently expressed frustration that their views were not being heard and taken seriously', according to the Northern Irish Commissioner for Children and Young People's study of tokenism. Many policies aim to prevent 'a false right of the child' to prevent children and young people from developing fatigue from being consulted or cynicism from the perceived futility of participating.

Regarding child participation principles, models and examples, in 2007, Laura Lundy, professor of international children's rights at the School of Education of Queen's University Belfast, developed an important model of children's right to be heard. The model is now known as the Lundy model.

The Lundy model is a way to conceptualise the child's right to participation as set forth in Article 12 of the CRC. The model is based on four elements with a rational chronological order: (i) space, (ii) voice, (iii) audience and (iv) influence. Children must be given (i) space, inclusive and safe opportunities to form and express their views; (ii) voice, that is, helped to express their views; (iii) audience, meaning their views must be heard; and (iv) influence, meaning their views must be acted upon, as appropriate.

In addition, Professor Lundy developed a checklist on the child's effective participation in the right to be heard. '[T]his checklist is intended to help organisations working with and for children and youth comply with Article 12 of the UN Convention on the Rights of the Child', according to Ireland's national strategy on children and young people's participation in decision making for 2015–2020. The Irish Department of Children and Youth Affairs endorsed the Lundy model and thus featured it in the abovementioned national strategy.

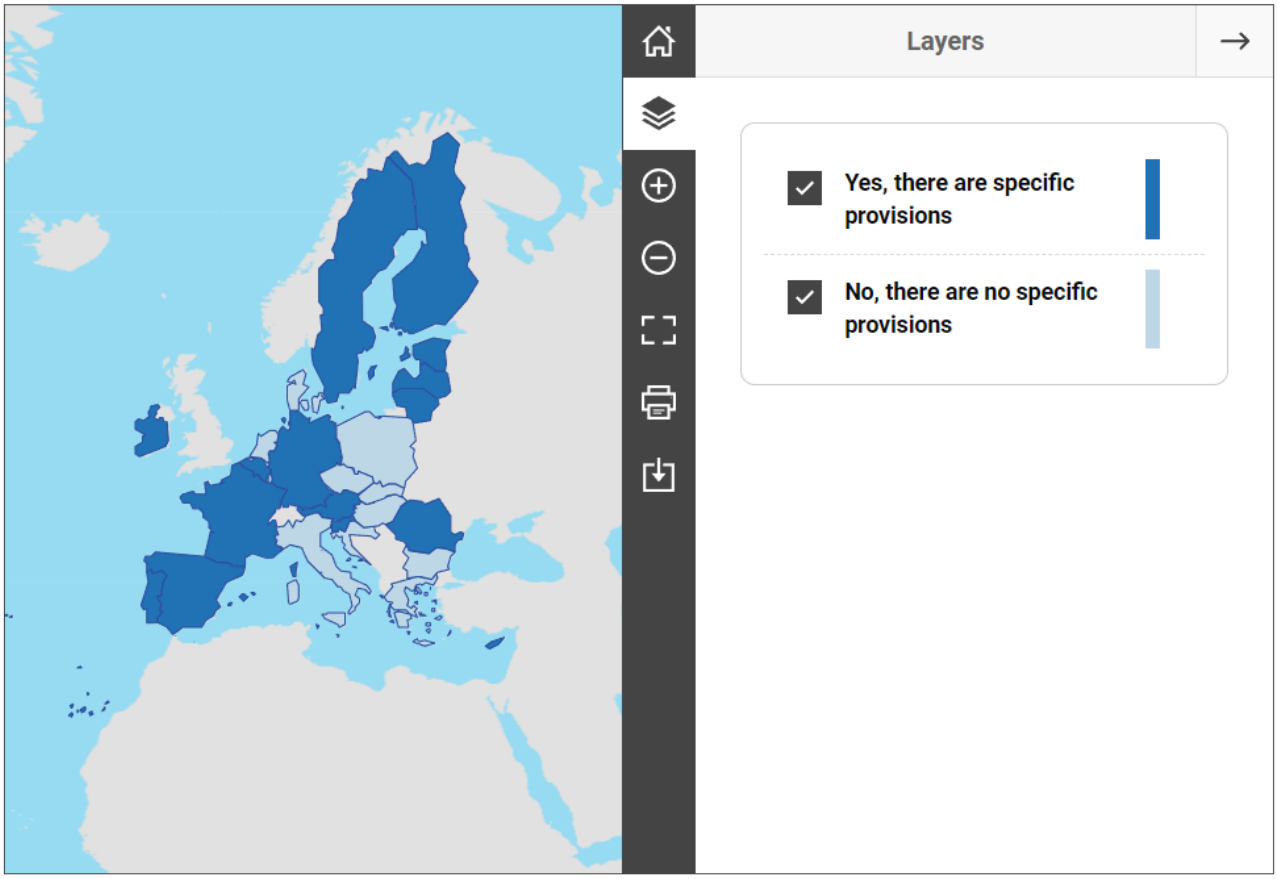
At EU institutional level, the European Commission together with the European Parliament and children's rights organisations established the EU Children's Participation Platform. The platform's first general assembly took place in June 2023. Its first consultation focused on child protection in support of the planned Commission's recommendation. The platform's goal is to ensure children's right to be heard. This right is often at the discretion of the competent authority, based on the child's degree of discernment (see Section 5.6).

Specifically, the platform aims to link existing child participation mechanisms at local, national (in the different Member States) and community levels and to arrive at a uniform definition of children's involvement in decision-making processes in Europe. This definition must promote children's meaningful participation in decision-making processes, in a voluntary, respectful, transparent and informed manner. The Council of Europe Committee of Ministers underlines this in Recommendation CM/Rec(2012)2 on the participation of children and young people under the

age of 18. This is also based on Eurochild's statement that '[c]hildren are experts in their own lives. It is essential that they participate in decisions that affect them.'

Lastly, child consultation and participation should be through direct contact with children and not only through intermediaries, such as non-governmental organisations or human rights institutions.

**Figure 18 – Direct consultation with children**




*Alternative text:* A map shows whether or not EU Member States consult directly with children and their parents (guardians) when developing, implementing and evaluating child protection policies and laws. 13 Member States have such identifiable processes. The status for each Member State can be found in the following "Key findings" section.

*Source:* FRA, 2023

## Key findings

- Many EU Member States consult with children and their parents (guardians) when developing, implementing and evaluating child protection policies and laws.
- In some Member States, child and family consultations primarily take place through formal structures and representative bodies.
- General provisions on evaluating social services and programmes may cover consultations with service users and beneficiaries and hence with children and families.
- Guidelines and protocols for the implementation of these rights are essential. However, they do not always exist.
- Some Member States enshrine in law the responsible authorities' obligation to consult with service users, children and families.
- For a long time, most of these Member States did not embed child and parent consultations

in the decision-making process and did not perform them systematically. However, there have been positive developments and promising practices in recent years. The importance of children's rights awareness for children, their parents and educational or health staff has come more into focus, especially in child and youth participation.

- Children's access to complaints procedures varies across EU Member States. Every child can turn to children's ombudspersons for consultation or to lodge a complaint in Member States with such ombudspersons, according to the law.

Only 13 Member States have identifiable processes of direct consultation with children and families when developing or assessing the impact of laws and policies: Denmark, Estonia, Ireland, Spain, Italy, Luxembourg, Hungary, Malta, the Netherlands, Austria, Slovakia, Finland and Sweden. In the others, consultation is indirect, taking place through formal structures and/or representatives such as children's councils or parental associations. This is the case in Belgium, Bulgaria, Croatia, Latvia, Lithuania, Portugal, Romania and Slovenia.

In many EU Member States, national child ombudsperson's offices and children's rights commissioners have established consultation practices to promote children's participation in their daily work. This is the case in Belgium, Bulgaria, Germany, Estonia, Greece, Spain, Croatia, Italy, Latvia, Lithuania, Luxembourg, Hungary, Austria, Poland, Portugal, Slovakia and Finland. The ombudspersons consult children on various issues related to their rights, including child protection. Consultation takes place either ad hoc with a specific group of children or, more often, through formal structures, such as children's panels.

18 EU Member States have procedures that are consistent with international standards (the Paris Principles): Belgium, Bulgaria, Denmark, Estonia, Greece, Spain, Croatia, Italy, Latvia, Lithuania, Luxembourg, Hungary, Austria, Poland, Portugal, Romania, Slovakia and Finland. This means that the ombuds institutions of the 10 other EU Member States – Czechia, Denmark, Ireland, France, Cyprus, Malta, the Netherlands, Slovenia and Sweden – cannot hear, review and enforce individual complaints from children.

Some Member States, such as France and Romania, have general provisions concerning consulting children and families in their capacity as beneficiaries. This is part of the evaluation process of social services and programmes.

Cyprus has not embedded consulting children and families in law and policy development. However, children are consulted on the appointment of the Commissioner for Children's Rights. Some other Member States, such as Germany, Estonia and France, have similar identifiable promising practices.

## 6.7. Rights awareness and education

Children's rights awareness and education go hand in hand with child protection.

Article 42 of the CRC stipulates that:

‘States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike’.

Article 42 of the CRC has special importance, general comment No. 5 on general CRC implementation measures underlines. It is also important that children and those around them, such as parents, other family members, teachers and carers, know about the CRC and consider children rights holders, it notes. To this end, states parties need to ‘develop a comprehensive strategy for disseminating knowledge of the Convention throughout society’, the Convention on the Rights of the Child Committee states.

Moreover, school curricula should include education about the CRC and human rights in general at all stages. There should be child-friendly versions of the CRC for children of different ages, the committee encourages. Reports should be translated into all languages, including child-friendly language, and made accessible to people with disabilities.

The media has an important role in disseminating the CRC and making it understandable to the public, the committee recognises. The committee promotes cooperation with governments and NGO in this regard.

Within the EU, under the strategy on the rights of the child, the European Commission has committed itself to ‘help children, professionals working with and for children, the media, the public, politicians and policy-makers to increase awareness of children’s rights, and to ensure the right of the child to be heard and listened to’.

## Key findings

- The Committee on the Rights of the Child has made numerous recommendations to states parties, including all EU Member States. Nevertheless, teaching and raising awareness of children’s rights is still not anchored in most Member States’ school curricula, professional training, parenting programmes and national campaigns. There is even less effort to raise awareness of the welfare and protection of children in specific vulnerable situations.
- The EU and UNICEF jointly promote and fund the child rights schools programme. Schools and teachers are supported in recognising children as rights holders and in further realising children’s rights throughout the school environment. This model is a potential promising practice that could be mainstreamed across Member States.
- The provision of accessible materials on children’s rights, for example in child-friendly and minority languages, has increased. These include web texts, brochures and manuals. However, the practice is neither comprehensive nor systematic.
- Most Member States report some concrete promising practices regarding rights awareness and education. However, these activities are sporadic, project dependent and reliant on the availability of specific funding. These initiatives often take place in partnership with UNICEF and/or civil society organisations specialising in children’s rights and protection.
- Ombudsperson institutions run campaigns, programmes and/or operate websites for

awareness raising, some Member States report.

- Several countries, for example Latvia, Luxembourg, Malta and Sweden, have government-led campaigns.
- Campaigns usually address specific issues, such as domestic violence and digital safety.
- Some Member States identify raising awareness on children's rights as an objective of their national strategies, such as Ireland's Better Outcomes, Brighter Futures national policy framework for children and young people for 2014–2020.
- The number of universities in the EU providing postgraduate study programmes on children's rights is growing (e.g. those in Hungary, Romania and the Netherlands).
- There is no specific EU programme aimed at training professionals on children's rights. Several grants and programmes have provided opportunities to develop national and regional programmes for professionals and children themselves to run training on children's rights-related topics. However, there is no available catalogue of those programmes.
- Most EU Member States' children's rights teaching or awareness-raising campaigns that address human rights refer to the CRC, but not specifically to the Charter. However, some Member States regularly carry out fundamental rights awareness-raising activities aimed at children. These include information and activities on the Charter.

## 6.8. Children's rights, protection and participation

Some Member States have developed campaign partnerships, mostly with NGOs. For example, in Belgium, a partnership with children's rights organisations guides primary and secondary schools to obtain quality labels. These are 'child rights school' for primary schools and 'school for rights' for secondary schools.

In Denmark, Childrens Welfare (Børns Vilkår) launched a campaign in 2019 in collaboration with' the telecommunication company TDC. It equips parents so they can help their children with cyber security.

In addition, UNICEFs 'rights school model has become widespread since 2015. More than 50 Danish elementary schools in all parts of the country use the model. The Denmark's Council for Human Rights consists of children and adults. It works continuously to improve the conditions for all children in schools.

A Nordic Child Forum took place in Copenhagen in January 2020. Leading up to the event, children participated in the drafting process of a child participation and involvement declaration.

The Finnish Children's Rights Week (Lapsen oikeuksien viikko / Veckan för barnets rättigheter) takes place annually in connection with World Childrens Day. It aims to increase awareness of the' CRC among children and young people The Children's Rights Communication Network organises the event and the Ministry of Education and Culture and the Central Union for Child Welfare (Lastensuojelun keskusliitto / Centralförbundet för Barnskydd) provide funding. The campaign

has a different thematic focus each year; in 2022, the theme was child security. Its resource materials are available online throughout the year.

In France, the National Consultative Commission on Human Rights and the Defender of Rights (Défenseur des droits) carry out various actions to raise awareness of children's rights. The Defender of Rights has set up an educational programme for children and young adults. They take part in a 9-month civic service assignment with the institution. It has also created the Educadroit platform to raise awareness.

The National Consultative Commission on Human Rights has published *Human Rights: 13 preconceived ideas to deconstruct* (*Les driots: 13 idées reçues à déconstruire*). The book targets 14- to 20-year-olds. There are various distribution channels in France, with the Ministry of Education, and internationally, with UNESCO. It is available in child-friendly French, but Arabic, English, Spanish translations are planned.

In Sweden, the Ombudsman for Childrens developed the web portal 'My rights (*Mina rättigheter*) on children's rights.

In Austria, UNICEF carried out awareness-raising campaigns on children's rights targeting children and the general public. They covered children's meaningful participation and violence against children and adolescents. The Austrian Minister of Justice presented envisaged measures regarding child protection and prevention of violence against children/adolescents through awareness raising on children's rights in January 2023.

In Poland, UNICEF ran the public awareness campaign School with children's Rights. It drew attention to the importance of education about children's rights.

In Italy, UNICEF and the National Association of Italian Municipalities wrote a letter to all Italian municipalities in 2022. It shared information on childrens rights and invited municipal' administrations to organise discussions and meetings on this issue.

In Luxembourg, the Ministry of Education, Children and Youth developed a separate website section with material on the promotion of children's rights. The section is suitable for a wide audience, including parents, stakeholders and citizens. It includes a video banner of children explaining their rights in various languages of the country.

In Greece, UNICEF runs the U-Report campaign in cooperation with the NGO Network for Childrens Rights. The campaign aims to empower young people and promote their participation' in matters concerning them and their communities.

The Latvian Ministry of Welfare, State Inspectorate for Protection of Children's Rights and NGOs regularly organise awareness-raising and promotion campaigns on children's rights and protection issues.

## 6.9. Preventing violence against children

In 2022, the Spanish Ministry of Social Rights and Agenda 2030 launched the online campaign 'It matters to you' ('A ti te importa') to address violence against children. The same year, the Ministry of Social Rights denounced all forms of violence. In 2019, the Ministry of Health raised awareness about the protection of children and adolescents. In 2018, Save the Children launched #LosÚltimos100, a campaign against violence against children, requesting the approval of a law for the eradication of this violence.

In Portugal, the Institute for Child Support is promoting the awareness campaign Not one more slap, which is open to the public. Physical punishment of children and young people continues to be tolerated, despite it being expressly forbidden by law. Therefore, the institute is promoting a set of actions aimed at raising awareness among families, society and the state to eradicate these harmful and degrading practices from children's and young people's daily lives. These actions include raising awareness of the negative impacts violence has on children's development, running training sessions for professionals and parents and studying parental beliefs regarding physical punishment.

Malta's Ministry for Social Policy and Children's Rights has launched a book targeting children between the ages of 7 and 12. It is written in simple language. The book aims to raise awareness in young children of the perils and dangers related to domestic violence in various forms. Parents, teachers and professionals support the book and it will be available in national libraries.

In addition, Children's Rights Observatory Malta has published a children's manifesto. The observatory is a joint initiative between the Malta Foundation and the University of Malta.

In 2022, the Swedish government agency the Living History Forum launched the exhibition and workshop Children have rights too! It focuses on children's rights and the CRC. The Living History Forum, the Ombudsman for Children, Save the Children and UNICEF produced the exhibition. It was co-developed with children aged 9–13 and will tour Sweden in 2023.

In addition, the Equality Ombudsman has the task of providing information on protection against discrimination and abusive treatment. This is to be completed by November 2023.

## 6.10. Children in judicial proceedings

The Croatian Bar Association organised the seminar 'Manipulation of children and the system in divorce proceedings and children's participation in parental care proceedings for the purpose of sensitisation and education of lawyers', as the Ombudsperson for Children recommended. The seminar was a one-time activity.

The ombudsperson also created a calendar for 2022 entitled 'Let's build a digital world tailored to children and young people!' The ombudsperson aimed to reach as many children as possible with the messages of the related CRC general comment.

The Bulgarian Supreme Judicial Council, in cooperation with the Ministry of Education and Science, offers the educational programme 'Judiciary – Informed choice and civic trust, open

courts and prosecution offices' [6] . It aims to raise school children's awareness of the judiciary's structure, functions and importance.

The programme was piloted during the 2014/2015 school year. Since then, it has been offered in cooperation with NGOs, local authorities and the media. Students and judges discuss children's rights and the treaties protecting them, including the Charter.

## 6.11. The Charter in the context of children's rights

In Italy, some initiatives were organised locally to raise awareness of the rights enshrined in the Charter. For instance, during the 2022/2023 school year, Europe-Direct Emilia Romagna made an education kit available to primary and secondary schools and teachers. It comprises activities aimed at raising awareness of fundamental rights, including children's rights. These include labs with a board game focused on the principles and rights included in the Charter.

In Spain, the municipality of Barcelona has organised Diversity Day – Barcelona for Human Rights (*Dia de la Diversitat – Barcelona pels Drets Humans*) annually since 2011. The programme includes awareness-raising activities on fundamental rights that aim to make children aware of the rights recognised under the Universal Declaration of Human Rights and the Charter.

Portugal established the nationwide Safe school programme (*Projeto Escola Segura*), which the Public Security Police promotes. The programme includes all non-higher education establishments (public, private and cooperative) and targets the school community. This programme aims to ensure the safety of the school environment and its surroundings by preventing risky behaviour and reducing acts that generate insecurity in the school environment. Every year, the Public Security Police conducts awareness-raising actions on topics related to human rights and fundamental rights, including children's rights.

Slovenia launched the Active EU Citizenship – Teachers' guide (Aktivno državljanstvo EU – priročnik za učitelje) in 2022 as a handbook for teachers. It explicitly mentions various EU efforts aimed at protecting and promoting rights and values enshrined in the EU treaties and, explicitly, the Charter.

## 6.12. Other relevant awareness-raising activities, resources and studies

UNICEF conducted a study on teaching and learning children's rights in 26 countries: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, the Netherlands, New Zealand, Norway, Poland, Scotland, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland and the United States. It identified several issues about the lack or partial nature of different levels of policies supporting children's rights education. These included the need for training and knowledge/skills sharing with teachers to create change and the attitude needed, which could then be combined with other education agendas and topics.

Where policymakers and teachers are aware of these options, relationships and networks are essential to introduce children's rights education.

Only 11 countries have included children's rights in their national curriculum lessons, according to country reports. This applies to Finland, France, Hungary, Iceland, Norway, Poland, Slovakia, Slovenia, South Korea, Sweden and Switzerland. In seven countries, some schools or regions include partial children's rights education. None of the 26 countries in the study could ensure teacher training on children's rights or familiarity with the CRC, according to UNICEF [7].

Eurochild and the International Step by Step Association have conducted a European campaign on the importance of the first years of life, with a specific focus on children in vulnerable situations. It covers nine countries: Bulgaria, Finland, France, Hungary, Ireland, Romania, Serbia, Slovakia and Spain. The First Years First Priorities campaign can raise awareness on the developmental needs of children, supporting parents, professionals and the public to learn more about the well-being of young children.

Within the EU context, a group of 16 NGOs launched the campaign VoteforChildren before the EU Parliamentary elections of 2013 and 2019. The campaign advocated for the creation of a new children's rights intergroup in the European Parliament. VoteforChildren did not only ask EU citizens to vote for the child rights champions candidates. It also called on the Member of the European Parliament candidates to break the cycle of poverty, invest in children, listen to children and act on children's views.

The Training professionals working with children in care project was a 2-year partnership (2015–2016) between SOS Children's Villages International, the Council of Europe, Eurochild and partners in Bulgaria, Estonia, France, Croatia, Italy, Latvia, Hungary and Romania. This project aimed to improve the living conditions and life prospects of children and young people living in alternative care by providing care professionals with continuous training on applying a children's rights-based approach to their work. The training was based on two SOS Children's Villages International and Council of Europe guidelines prepared for children titled Securing Children's Rights and Discovering Your Rights.

SOS Children's Villages prepared the handbook Realising Children's Rights: A training manual for care professionals working with children in alternative care. It is based on the experiences and best practices of European countries. A team of international experts also conducted training workshops for two trainers from each country. National training for 842 care professionals from various care-providing organisations followed.

SOS Children's Villages International and Eurochild developed European recommendations on the implementation of a child rights-based approach for care professionals working with and for children as another output of the programme. This was possible owing to funding from the EU.

A specific 5-hour training course was conducted on the basic knowledge and skills needed for meaningful inclusion of children's rights principles and practices in EU development cooperation [8]. The EU rights, equality and citizenship programme funded the Children as champions of

change: ensuring children's rights and meaningful participation project. Seven UNICEF national committees implemented the project: Ireland as a lead partner, and Austria, France, Germany, Iceland, the Netherlands and Portugal. It aimed to raise awareness about children's rights, child rights schools and child participation between 2021 and 2023 and included training for professionals and children.

The Hungarian Family, Child, Youth Association prepared the project Unlocking Children's Rights: Strengthening the capacity of professionals in the EU to fulfil the rights of vulnerable children. It involved partners from 10 European countries, including the Bulgarian branch of the International Federation of Educative Communities, the Czech Helsinki Committee, the Estonian Human Rights Centre, Social Educational Action (Greece), University College Cork (Ireland), the European Roma Rights Centre and the Family, Child, Youth Association (Hungary), Fondazione L'Albero della Vita (Italy), the Empowering Children Foundation (Poland), the Children of Slovakia Foundation, and Coram Voice and Coram Children's Legal Centre (the United Kingdom).

The project aimed to develop a comprehensive learning system, including face-to-face training modules, e-learning packages and an online knowledge-sharing resource for professionals working with children in residential care facilities, detention centres and justice systems across the EU. It developed an accompanying advocacy and dissemination guide to identify how training could be integrated into existing training in different sectors and registration and accreditation systems. Following the project, national partners could accredit the training programmes and invite professionals to participate in the translated and adapted versions.

# 7. Children in migration

Children in migration are vulnerable and face significant risks, especially when unaccompanied or separated. These children's circumstances vary. Some travel with their families. Others are left behind by migrant parents or embark on solitary migration journeys without parental or adult protection. Many undertake perilous journeys, often fleeing conflict, persecution or poverty. They can easily become victims of exploitation, trafficking and abuse, and suffer psychological and physical harm.

As parties to the CRC, all EU Member States must ensure that children in their territory enjoy access to all the rights in the convention, independent of their nationality, birth or other status, Article 2 of the CRC states.

On 1 January 2022, around 6.6 million children did not have citizenship of their Member State of residence. This accounted for 8.2 % of the total number of children living in the EU and 17.6 % of the total number of non-national residents. Germany (27.6 %), France (16.6 %), Italy (15.8 %) and Spain (14.2 %) are the main Member States hosting non-national children in absolute terms in 2023, according to Eurostat.

There have been increased refugee and migrant flows in Europe since 2015. The Russian war of aggression against Ukraine has also triggered the migration of children since 2022.

Children in migrant families encounter a range of challenges, such as discrimination and economic insecurity. They often face critical issues related to access to services in important areas of life, such as health, education, housing and employment opportunities. The EU has adopted an extensive acquis in the area of international protection for families and children seeking asylum in Europe.

Both the reception conditions directive (Directive 2013/33/EU) and the asylum procedures directive (Directive 2013/32/EU) stress the importance of considering the child's best interests in all procedures involving children. A child should grow up in a family environment. Children who are temporarily deprived of their family environment, including migrant children, are entitled to special protection and assistance.

Unaccompanied children seeking to obtain international protection in the EU are entitled to a set of additional procedural guarantees within the framework of examination of their applications, in line with the requirements of Article 24(2) of the reception conditions directive and Article 25 of the asylum procedures directive. They must be provided with suitable and safe reception conditions. These include placement with a foster family, accommodation centres with special provisions for children or other suitable accommodation.

## Key findings

- Most Member States have amended their national legislation or have presented new

legislation regarding children in the context of migration since 2014. The areas/topics national legislation covers vary.

- Several Member States introduced legislation related to the legal status of third-country nationals, which also applies to children. This legislation updates national law related to admission, procedural aspects and deportation.
- Several Member States introduced changes to legislation related to legal representation and guardianship, according to FRA's 2022 guardianship research.
- Several Member States reported amendments that aimed to enhance protection of unaccompanied minors. These addressed residence permits for unaccompanied children and the conversion of permits on reaching the age of majority.
- Family-based care systems are still underutilised for migrant children. Very often child protection and migration legislation are not aligned. There is a fragmentation of the relevant procedures among various bodies.
- Access to health services, especially preventive care, became the subject of amendments in several countries.

Member States have introduced legislative amendments on several child-related issues. Amendments relate to financial support for children, families and people in need of international protection.

In December 2022, the Finnish parliament adopted amendments to the Aliens Act that is relevant for children. It repeals the requirement to have sufficient financial resources for persons with international protection who wish to bring their family members to Finland.

In Ireland, a child arriving at a port of entry or at the International Protection Office who is not in the custody of an adult will be referred to the Child and Family Agency, according to the International Protection Act 2015.

Another area of national legislation concerns guardianship and temporary protection provided to children in Germany and Luxembourg.

In Germany, the Child and Youth Welfare Authority must appoint a guardian for unaccompanied children entering the country, according to legislation introduced on 1 November 2015 and revised in 2019. During the procedure, siblings are not separated. Unaccompanied children who do not have relatives in Germany must be placed in a regular residential care facility or foster family provided by the Child and Youth Welfare Services (§ 42a, 42b of Social Service Codebook VIII, Sozialgesetzbuch VIII).

In Luxembourg, the Act of 18 December 2015 on international protection and temporary protection was amended in 2021. This transferred the jurisdiction for appointing ad hoc administrators from the guardianship judge to the family affairs judge. Ad hoc administrators are responsible for assisting and representing unaccompanied children in international protection procedure.

In 2021, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth published guidelines for minimal standards for (joint) refugee accommodations in Germany. The guidelines outline necessary steps to ensure children's safety and develop a child-friendly environment. They also consider the special needs of people with disabilities and mental health problems, and those of LGBTIQ+ people.

Amendments to laws concerning unaccompanied children represent most of Member States' legislative changes, especially in Bulgaria, Czechia, France, Greece, Hungary, Lithuania, Malta and Slovenia.

In 2018, Bulgaria's amendment to the rules on the implementation of the Foreigners in the Republic of Bulgaria Act introduced legal definitions of unaccompanied children and accompanying persons. It also established a procedure for identifying and safeguarding them and eliminated short-term detention options. In 2020, an amendment to the Asylum and Refugees Act introduced requirements for specialised lawyer representation for unaccompanied children seeking international protection. This applies until they are reunited with their parents or guardians.

With regard to unaccompanied children in Czechia, the Act on the residence of foreign nationals stipulates that if an unaccompanied third-country national refuses to participate in the age determination procedure, they are viewed as an adult. They are considered an unaccompanied child if the results of the age determination are not conclusive, in line with Article 25 of the EU asylum procedures directive.

In France, the Social Action and Family Code amendment of 2022 introduces several changes. These include a change in the national distribution key for unaccompanied children, the addition of socio-demographic and young adult support criteria and the prohibition of departmental councils reassessing minority and isolation status.

Greece's Law 4960/2022 introduced an emergency mechanism for unaccompanied minors identified in precarious living conditions.

The Hungarian Act on the protection of children and the administration of guardianship affairs(1997) does not include unaccompanied children aged 14 to 18 during a 'crisis caused by mass immigration'.

The Lithuanian Law on the legal status of foreigners (2004) was amended in 2022 regarding unaccompanied migrant children due to the Russian war of aggression against Ukraine. A representative is immediately appointed to unaccompanied foreign children, that is, temporary guardianship/curatorship is established, during their stay in the territory of Lithuania, regardless of the legality of their presence, Article 32(1) states. The mayor of the municipality appoints the representative.

In Malta, the Minor Protection (Alternative Care) Act (2020) was amended in 2021 and 2022.

Slovenia adopted the International Protection Act in 2016. A child, an unaccompanied child and a

single parent with a child are all deemed 'vulnerable groups with special needs' who have a right to special care and treatment, according to its latest amendment in 2021.

Topics related to age assessment were introduced in the amendments of laws in only a few Member States, for example France. Here, the Act of February 7, 2022 on child protection establishes the prohibition of reassessing age and the obligation for responsible bodies to cooperate.

Health and health-related issues of migrating children are the subjects of legislative changes in several Member States, such as Croatia, Czechia, France and Spain.

Croatia's Law on compulsory health insurance and health protection of foreigners(2022) regulates access to healthcare for third-country nationals, including children.

In Czechia, the Public Health Insurance Act of 2021 expanded the public health system's scope to include children of third-country nationals. This change significantly expands public health insurance's coverage of children.

In France, the Social Action and Family Code (2022) mandates a compulsory health and prevention check-up for children entering the child protection system, including migrating children. The check-up aims to identify prevention and care needs to improve the child's physical and psychological health. The Civil Code allows the Child Welfare Service (Aide sociale à l'enfance) to request authorisation from a juvenile court judge in cases of abusive or unjustified parental authority refusal or negligence.

The Spanish Organic Law 10/2022 on the comprehensive guarantee of sexual freedom aims to promote the prevention of sexual violence and guarantee the rights of all victims. It applies to women and children who have experienced sexual violence in Spain or abroad, regardless of their nationality or administrative status.

## 7.1. Policy development regarding children in migration

In recent years, some Member States have developed specific national programmes and action plans to reduce the risks unaccompanied children face and to better accommodate their needs.

In Belgium, the national action plan against gender-based violence 2021–2025 mentions the need to ensure that gender-based violence is taken into account in asylum and migration policies.

In Bulgaria, the national programme for the prevention of child violence and abuse (2023–2026) aims to develop training materials on children's rights, refugee protection and migration. It aims to translate them into various languages and adapt them for children. In 2022, the Minister of Labour and Social Policy approved a coordination mechanism for cases of unaccompanied or separated children, including children seeking or receiving international protection.

In Luxembourg, the national action plan for children's rights provides for giving children a

document that describes the age assessment procedure in accessible language and reflects the holistic and scientific approach currently used.

The Slovenian programme for children 2020–2025 creates a multi-tier system that considers individual needs and vulnerabilities, strengthens placement in foster families and creates an individual development plan for each child.

Spain approved the model for the management of migratory contingencies for unaccompanied children and adolescents in 2022. It points out the need for a contingency model to address emergency situations in migration crises. The model is based on co-responsibility, cooperation and interterritorial solidarity. It allows children's referral and integration.

In 2020, the Italian Authority for the Protection of Childhood and Adolescence released guidelines for the selection, training and enrolment of voluntary guardians. They emphasise principles such as prompt appointment, non-discrimination, independence, quality, transparency and migrant child participation.

Since 2018, Greece's policies have been addressing the rising number of homeless and unaccompanied children in migration. Support for this includes street work, the establishment of a Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM), voluntary relocation programmes, research studies and the abolishment of protective custody, the legislative establishment of a National Registry for the Protection of Unaccompanied Minors which will operate under the responsibility of the SSPUAM of the EL Ministry of Migration and Asylum, and a national emergency response mechanism for homeless children, set up with the support of the Office of the United Nations High Commissioner for Refugees and transitioned to SSPUAM.

**FRA activity box: Relevant FRA publications on child migration**

- Guardianship for Unaccompanied Children – A manual for trainers of guardians
- Handbook on European law relating to the rights of the child – 2022 edition
- Guardianship systems for unaccompanied children in the European Union: Developments since 2014
- Unaccompanied children outside the child protection system – Case study: Pakistani children in Greece
- Relocating Unaccompanied Children: Applying good practices to future schemes
- Practical guidance for protecting unaccompanied children in the relocation process
- Handbook on European law relating to asylum, borders and immigration – Edition 2020
- Children in Migration in 2019
- FRA Opinions Migration Children in Detention
- European legal and policy framework on immigration detention of children

## 7.2. Child protection for children displaced from Ukraine

Council Directive 2001/55/EC of 20 July 2001 defines temporary protection status and the conditions of applications. Council Decision 2022/382 of 4 March 2022 introduced temporary protection. It established the existence of a mass inflow of displaced people from Ukraine within the meaning of Article 5 of Directive 2001/55/EC. On 28 September 2023, the European Council agreed to extend the temporary protection to cover 4 March 2024 to 4 March 2025 [9] .

One third of the over 4 million people who are receiving temporary protection in the EU are children, according to Eurostat.

Children arriving from Ukraine fleeing the war must be quickly identified, registered and monitored during their transit through a Member State or during their temporary stay, including with a view to preventing possible abuse, neglect or human trafficking situations or detecting them early on. It also aims to ensure the implementation of all measures necessary to ensure and protect their rights.

### Key findings

- The consequences of the Russian war of aggression against Ukraine and its particular impacts on children displaced in the EU are evident in many Member States, especially those neighbouring Ukraine. The relevant and applicable legal and regulatory frameworks and

responses vary between Member States.

- Some Member States reacted quickly and set up special electronic registration platforms for children displaced from Ukraine which were not necessarily linked to the national child protection systems. Member States found it necessary to have specific guidelines for these children.
- Some Member States, particularly Ukraine's neighbouring countries, saw the need to change their legislation to support children and families fleeing Ukraine. Others found that their legislation was sufficient in this respect.
- Some Member States established blue dots hubs with UNICEF and the Office of the United Nations High Commissioner in the early days of the conflict. The hubs offered children and families displaced from Ukraine practical support and information as they moved onward. They also provided specialised expert support for children travelling alone, women with young children, people with disabilities and other vulnerable groups.
- In some cases, the Member States' action plans on the European child guarantee were adjusted to include specific provisions accounting for the needs of children and families arriving from Ukraine [10].
- Some Member States endeavoured to find quick and practicable solutions to integrate Ukrainian children, particularly in education. However, some special challenges have been identified for Ukrainian children from vulnerable groups, such as Roma.

Belgium, Croatia, Denmark, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovenia and Slovakia amended their legislation to support children and families fleeing from Ukraine, though in different areas of regulation. Some strengthened integrated childcare services: Croatia, Lithuania, Hungary and Romania. More detail is provided in FRA's 2023 report, The Russian aggression against Ukraine – Displaced children finding protection in the EU - Bulletin 3.

France and Austria needed no special legislative amendments, they report. This is because their legislation already provides for several measures in this area, such as access to education and healthcare, particularly through the incorporation of Council Directive 2001/55/EC into national law.

In Belgium, the Flemish Region had the means to quickly establish mobile units, that is, container classrooms. These increased the capacity of schools and accommodated newly arrived children from Ukraine.

Poland's Ministry of Science and Higher Education signed a memorandum of understanding with UNICEF to address Ukrainian children's educational exclusion. This included support for teacher training, mental health and inclusive education.

In Hungary, asylum-seeking children have the right to public education. However, the complex administrative procedure can be challenging for Roma children. Pre-existing educational disadvantages in Transcarpathian Roma children further undermine their chances of enrolling in public education. Administrative requirements, such as a registered address and social security

number, can be complicated without local knowledge and assistance.

Portugal has launched an electronic registration platform for children displaced from Ukraine. This facilitates the identification, reception and visualisation of the availability of temporary shelter and voluntary transport programmes.

In Sweden, in 2020, the National Board of Health and Welfare developed a handbook on unaccompanied children. It aimed to complement other guidance on the investigation, placement and follow-up of cases within social services concerning children and young people. The handbook has been particularly useful since 2022 with the increased number of unaccompanied children displaced from Ukraine.

**FRA activity box: Relevant FRA publications on children displaced from Ukraine**

- The Russian Aggression against Ukraine – Displaced children finding protection in the EU – Bulletin 3
- The Russian War of Aggression against Ukraine – The broad fundamental rights impact in the EU – Bulletin 2
- The War in Ukraine – Fundamental rights implications within the EU
- Children Fleeing Ukraine – Fundamental rights challenges

# Endnotes

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[9] Eurostat, Statistics Explained (2023), 'Temporary protection for persons fleeing Ukraine – monthly statistics: who are the people fleeing Ukraine and receiving temporary protection?'.

[10] See Figure 3 in FRA (2022), 'Children fleeing Ukraine – fundamental rights challenges'.

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