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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**An EU Agenda for the Rights of the Child**

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## INTRODUCTION

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. Notably, Article 3(3) of the Treaty on European Union today explicitly requires the EU to promote the protection of the rights of the child. The rights of the child are furthermore enshrined in the Charter of Fundamental Rights of the European Union<sup>1</sup>. Article 24 of the Charter recognises that children are independent and autonomous holders of rights. It also makes the child's best interests a primary consideration for public authorities and private institutions.

Promoting the rights of the child is also a result of international commitments. All EU Member States ratified the United Nations Convention on the Rights of the Child (UNCRC).<sup>2</sup> The standards and principles of the UNCRC must continue to guide EU policies and actions that have an impact on the rights of the child. In 2006, the Commission established a basis for promoting and protecting the rights of the child in its internal and external policies with its Communication "Towards an EU Strategy on the Rights of the Child"<sup>3</sup>. The Commission thereby set up structures<sup>4</sup> to strengthen the capacity of EU institutions to address child rights issues, laying the foundations for evidence-based policies and stepping up interaction with stakeholders.

In view of the strong and reinforced commitment to the rights of the child in the Treaty of Lisbon and in the Charter of Fundamental Rights, the Commission believes it is now the time to move up a gear on the rights of the child and to transform policy objectives into action. The Europe 2020 Strategy<sup>5</sup> sets out a vision for the 21st century of a Europe where the children of today will have a better education, access to the services and to the resources they need to grow up and, one day, lead Europe into the 22nd century. This is why the Commission, with this Communication, advocates "An EU Agenda for the Rights of the Child". The purpose is to reaffirm the strong commitment of all EU institutions and of all Member States to promoting, protecting and fulfilling the rights of the child in all relevant EU policies and to turn it into concrete results. In the future, EU policies that directly or indirectly affect children should be designed, implemented, and monitored taking into account the principle of the best interests of the child enshrined in the EU Charter of Fundamental Rights and in the UNCRC.

This EU Agenda for the Rights of the Child is based on contributions from a wide public consultation<sup>6</sup> and on the needs and concerns that children from all EU Member States

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<sup>1</sup> Charter of Fundamental Rights of the European Union, OJ C 83, 30.3.2010, p. 389–403.

<sup>2</sup> Available at: <http://www2.ohchr.org/english/law/crc.htm>. The Optional Protocol of the UNCRC on the Involvement of Children in Armed Conflict has been ratified by all EU Member States but Estonia. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography has been ratified by all EU Member States except the Czech Republic, Finland, Ireland, Luxembourg and Malta.

<sup>3</sup> Communication from the Commission: Towards an EU Strategy on the Rights of the Child, COM(2006) 367 final, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF>

<sup>4</sup> European Forum on the Rights of the Child and its Steering Group; Commission Interservice Group; Commission Coordinator for the Rights of the Child.

<sup>5</sup> Communication from the Commission on Europe 2020 - A Strategy for smart, sustainable and inclusive growth, COM (2010) 2020 final, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>.

<sup>6</sup> In addition to the public consultation, available at:

[http://ec.europa.eu/justice/news/consulting\\_public/news\\_consulting\\_0009\\_en.htm](http://ec.europa.eu/justice/news/consulting_public/news_consulting_0009_en.htm) this Communication is also based on the results of a targeted consultation with experts from specific policy areas.

expressed during a separate, targeted consultation<sup>7</sup>. It also takes into account the preliminary results of an evaluation of the impact of EU instruments affecting the rights of the child. The European Parliament<sup>8</sup>, the Committee of the Regions<sup>9</sup>, the Economic and Social Committee and the Council of Europe<sup>10</sup> as well as key stakeholders such as UNICEF, the Ombudspersons for children in the Member States, and civil society have contributed to the preparation of this Communication including through the work of the European Forum on the Rights of the Child<sup>11</sup>.

The EU Agenda for the Rights of the Child presents general principles that should ensure that EU action is exemplary in ensuring the respect of the provisions of the Charter and of the UNCRC with regard to the rights of children. In addition, it focuses on a number of concrete actions in areas where the EU can bring real added value, such as child-friendly justice, protecting children in vulnerable situations and fighting violence against children both inside the European Union and externally.

## 1. GENERAL PRINCIPLES

The EU's commitment to the rights of the child requires a coherent approach across all relevant EU actions. This objective can be reached by using the Treaties, the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child (UNCRC) as a common basis for all EU action which is relevant to children. The "child rights perspective" must be taken into account in all EU measures affecting children.

### 1.1. Making the rights of the child an integral part of the EU's fundamental rights policy

The Commission's Strategy for the effective implementation of the Charter of Fundamental Rights, adopted on 19 October 2010<sup>12</sup>, requires the Commission to ensure from an early stage, by means of a "**fundamental rights check**", that its legislative proposals are always in full compliance with the fundamental rights guaranteed by the Charter. In line with this Strategy, the Commission is working with the European Parliament and the Council to ensure that also amendments introduced during the legislative process are fully respecting the Charter. The Commission is also working with Member States that they comply with the Charter when implementing EU legislation into national law, as required by Article 51(1) of the Charter.

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<sup>7</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at: [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

<sup>8</sup> European Parliament resolution of 16 January 2008 (2007/2093 INI): Towards an EU Strategy on the rights of the child, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0012>.

<sup>9</sup> Opinion of the Committee of the Regions on "Local and regional cooperation to protect the rights of the child in the European Union", OJ C 267, 1.10.2010, p. 46–51; Opinion of the Committee of the Regions towards an EU Strategy on the Rights of the Child, OJ C 146, 30.6.2007, p. 58–62.

<sup>10</sup> Council of Europe reaction to Consultation document: European Commission's Consultation on the Rights of the Child, available at:

[http://www.coe.int/T/TransversalProjects/Children/News/EU%20Consultation%20paper%20final\\_en.pdf](http://www.coe.int/T/TransversalProjects/Children/News/EU%20Consultation%20paper%20final_en.pdf)

<sup>11</sup> The European Forum on the Rights of the Child – created by the Commission under German Presidency in 2007 – brings together representatives of Member States, the European Parliament, the Committee of the Regions, the European Economic and Social Committee, the Council of Europe, UNICEF, national observatories on childhood, Ombudspersons for children, civil society and other stakeholders.

<sup>12</sup> Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union COM(2010) 573 final, 19 October 2010, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0573:FIN:EN:PDF>

The rights of the child, guaranteed by Article 24 of the Charter, are one of the fundamental rights mentioned explicitly in the Commission's Strategy. It is thus included in the regular "fundamental rights check" which the Commission applies to relevant draft EU legislation.

As announced in the Communication on the Strategy for the effective implementation of the Charter, the Commission has developed mechanisms **to monitor the conformity of draft legislative actions with the Charter**. In order to reinforce its assessment of the impact of its proposals on fundamental rights, including on the rights of the child, the Commission has prepared operational guidance that will enable its departments to examine the impact of an initiative on fundamental rights, including the rights of the child, and to select the option that best takes into consideration the best interests of the child. This operational guidance covers the questions set out in the "fundamental rights check-list" announced in the Strategy for the effective implementation of the Charter. The Commission will also provide practical internal training on the rights of the child and other fundamental rights to reinforce and further promote a culture of respect for fundamental rights. The Commission will also continue to follow attentively the work of the UN Committee on the Rights of the Child and its interpretation of the provisions of the UNCRC. Where relevant, the explanatory memorandums of the relevant legislative proposals will explain how child rights considerations were taken into account in the drafting of proposals.

## **1.2. Building the basis for evidence-based policy making**

Experience with implementing the 2006 Communication has revealed a significant **lack of reliable, comparable and official data**. This is a serious obstacle for the development and implementation of genuine evidence-based policies. Improving the existing monitoring systems, establishing child rights-related policy targets, and monitoring their impact are one of the key challenges. Gaps in knowledge about the situation and needs of the most vulnerable groups of children should be addressed as a matter of priority. In this context, there is also a need for more information on methods to prevent crimes against children.

The Commission will cooperate with the relevant organisations and institutions to **produce basic data** and information to guide decision making. The process will take stock of existing work in this area, including the outcome of the study on indicators carried out by the EU Fundamental Rights Agency<sup>13</sup>. These indicators were developed on the request of the Commission to measure how the rights of the child are implemented, protected, respected and promoted across the EU. They are intended to guide the Agency's data collection and research, allowing it to develop evidence-based opinions and support the EU institutions and Member States when they take measures or formulate actions.

## **1.3. Cooperation with stakeholders**

The Commission will continue to work together and maintain a dialogue with all stakeholders through the **European Forum for the Rights of the Child**, which meets regularly.

There are a variety of institutional and policy structures designed to protect and promote the rights of the child in Member States. While all EU Member States have recognised the need to develop policies in relation to the rights of the child, the institutional mechanisms for making and delivering policy in this area vary among them. In full respect of the principle of subsidiarity the Commission will continue to support Member States' efforts by promoting

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<sup>13</sup> Developing indicators for the protection, respect and promotion of the rights of the child in the European Union, available at: [http://fra.europa.eu/fraWebsite/attachments/RightsOfChild\\_summary-report\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/RightsOfChild_summary-report_en.pdf).

exchange of best practice, cooperation and communication with and among national authorities responsible for protecting and promoting the rights of the child.

## 2. TOWARDS CONCRETE EU ACTION FOR CHILDREN

### 2.1. Child-friendly justice

Making the justice system more child-friendly in Europe is a key action item under the EU Agenda for the Rights of the Child. It is an area of high practical relevance where the EU has, under the Treaties, competences to turn the rights of the child into reality by means of EU legislation. The Commission's Action Plan implementing the Stockholm Programme<sup>14</sup> has therefore highlighted this aspect for the period 2010-2015.

Children may become involved with the justice systems in a number of ways, for example when their parents divorce or disagree over custody, when they commit offences, when they witness crimes or are their victims, or when they seek asylum. When children are involved with justice systems that are not child-friendly, they can be subject to manifold restrictions or violations of their rights.

Children can face obstacles with regard to legal representation or being heard by judges. Likewise, the information which is necessary for children and their representatives to exercise their rights or defend their interests in judicial proceedings can be inadequate. Children can be treated as adults without always being afforded specific safeguards in accordance with their needs and vulnerability, and may have difficulties coping with this situation. Effective **access to justice** and participation in administrative and court proceedings are basic requirements to ensure a high level of protection of children's legal interests.

**Family law disputes** may have adverse effects on the well-being of children. Children who are separated from one or both parents must be allowed to maintain personal relations and direct contacts with both of them on a regular basis, except where it is contrary to their best interests.<sup>15</sup> Civil proceedings, especially transnational litigation, deriving from dissolution of marriage or legal separation may result in a restriction of this right. Particularly during proceedings to determine parental responsibility, children can become hostage to long cross-border legal disputes between the former partners. EU legislation<sup>16</sup> already facilitates the recognition and enforcement of decisions on parental responsibility. The adequate **provision of information** to children and parents about their rights under EU law and national law is a prerequisite to enable them to defend their rights in family law litigation. Information should be easily accessible and provide clear guidance on the relevant procedures. The Commission, in cooperation with Member States, will develop and keep updated factsheets on EU and national legislation on maintenance obligations, mediation and recognition and enforcement of decisions on parental responsibility. As regards **parental child abduction**, the Commission will pay particular attention to the information provided by the European Parliament Mediator for International Parental Child Abductions.

The **registration and recognition of documents related to civil status** are important for the determination of a child's rights. When children and their parents move within the EU and

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<sup>14</sup> Communication from the Commission on Delivering an area of freedom, security and justice for Europe's citizens: Action Plan Implementing the Stockholm Programme, COM (2010) 171 final, available at: [http://ec.europa.eu/justice/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice/news/intro/doc/com_2010_171_en.pdf).

<sup>15</sup> Article 24(3) Charter of Fundamental Rights of the European Union.

<sup>16</sup> Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ L 338, 23.12.2003, p. 1–29.

need to use such documents in another Member State they often encounter costly and lengthy requirements for their recognition (involving translations and proof of authenticity), which may make access to justice difficult. This is why the Commission has launched a public consultation on ways to facilitate the mutual recognition across the EU of the effects of civil status documents with a view to proposing EU measures in 2013<sup>17</sup>.

The right to a fair trial for children who are subject to **criminal proceedings** implies the protection of privacy, the right to be informed about the charges and the proceedings in a way which is adapted to the child's age and maturity, legal assistance and legal representation. This is especially important when the language of the proceedings is not the mother tongue of the child. In 2010, the EU adopted **rules on interpretation and translation** that ensure that all persons, including children, receive information about their rights in the proceedings in a manner that they can understand<sup>18</sup>. The Commission will pursue its agenda aiming at strengthening the **procedural rights** of suspected or accused persons in criminal proceedings, including children. In 2011 the Commission will put forward a proposal containing rules to ensure access to a lawyer, and a proposal concerning the right for detainees to communicate with family members, trusted persons, employers and consular authorities. Special attention is due with regard to suspected or accused persons who cannot understand or follow the content or the meaning of the proceedings, owing, for example, to their age, mental or physical condition. In 2012 the Commission will table a legislative proposal on **special safeguards for suspected or accused persons who are vulnerable**. This measure will be of key importance to ensure child-friendly justice.

**Children sentenced to custody and placed in criminal detention** structures are particularly at risk of violence and maltreatment<sup>19</sup>. At international level there are several guiding principles on how to deal with children who are deprived of their liberty<sup>20</sup>. Detention of children should be a measure of last resort and for the shortest appropriate period of time<sup>21</sup>.

Children often participate as **vulnerable witnesses or victims in criminal judicial proceedings**. They may be exploited in criminal activities, such as trafficking of illicit drugs. Legal and practical arrangements should be put in place to avoid unnecessary multiple interrogations, and to reduce the negative experience of being involved in criminal proceedings. Child victims should be given the opportunity to play an active part in criminal proceedings so as to have their testimony taken into account. The use of Information and Communication Technology (ICT) tools, and especially video-conferencing, can allow child victims to take an active part in the proceedings while not being put in direct contact with the accused persons. Child victims should receive adequate support leading to their recovery and compensation for the harm inflicted on them.

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<sup>17</sup> Commission's Green Paper on Less Bureaucracy for Citizens: Promoting free movement of public documents and recognition of the effects of civil status records, COM (2010) 747 final, available at: [http://ec.europa.eu/justice/policies/civil/docs/com\\_2010\\_747\\_en.pdf](http://ec.europa.eu/justice/policies/civil/docs/com_2010_747_en.pdf)

<sup>18</sup> Directive 2010/64/EU of the European Parliament and the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, p. 1–7.

<sup>19</sup> Pinheiro, P. 'World Report on Violence Against Children', United Nations, Geneva, 2006, p. 195–199. Available at: <http://www.unviolencestudy.org/>.

<sup>20</sup> See for example United Nations Rules for the Protection of Juveniles Deprived of their Liberty, General Assembly Resolution 45/113 of 14 December 1990, available at: [http://www2.ohchr.org:80/english/law/res45\\_113.htm](http://www2.ohchr.org:80/english/law/res45_113.htm); Council of Europe Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules, 11 January 2006, available at: <https://wcd.coe.int/ViewDoc.jsp?id=955747>.

<sup>21</sup> Art. 37 of the United Nations Convention on the Rights of the Child.



## **Actions:**

In the context of its civil and criminal justice policies, and in line with its Strategy on the effective implementation of the Charter of Fundamental Rights, the Commission will contribute to making the justice systems in the EU more child-friendly, notably by:

1. adopting, in 2011, a proposal for a Directive on victims' rights raising the level of protection of vulnerable victims, including children;
2. tabling, in 2012, a proposal for a Directive on special safeguards for suspected or accused persons who are vulnerable, including children;
3. revising, by 2013, the EU legislation facilitating the recognition and enforcement of decisions on parental responsibility with a view to ensuring, in the interest of the child, that decisions can be recognised and enforced as quickly as possible, including, where appropriate, the establishment of common minimum standards;
4. promoting the use of the Council of Europe Guidelines of 17 November 2010 on child-friendly justice<sup>22</sup> and taking them into account in future legal instruments in the field of civil and criminal justice;
5. supporting and encouraging the development of training activities for judges and other professionals at European level regarding the optimal participation of children in judicial systems.

## **2.2. Targeting EU action to protect children when they are vulnerable**

Some categories of children are particularly vulnerable and face greater risks to their lives and well-being due to social, political and economic factors. For example, children growing up in poverty and social exclusion<sup>23</sup>, often accompanied with drug abuse, are less likely to do well in school and enjoy good physical and mental health<sup>24</sup>. They are also more likely to find themselves in conflict with the justice system. The needs of **children at risk of poverty** and social exclusion will be addressed in a Commission Recommendation on child poverty, which will outline common principles and propose effective monitoring tools to prevent and combat child poverty within the framework of the Platform against Poverty and Social Exclusion.

**Disabled children** are also more vulnerable to the violation of their rights and they require and deserve special protection<sup>25</sup>.

The well-being of children can only be achieved in a society which is free of violence, abuse and exploitation of children. In March 2010, the Commission adopted two proposals for Directives aiming at reinforcing the framework for protection of some of most vulnerable children, those who are **victims of sexual exploitation and trafficking**. In the area of

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<sup>22</sup> Guidelines of the Council of Europe on Child Friendly Justice - Adopted by the Committee of Ministers on 17 November 2010, available at: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1705197&Site=CM>

<sup>23</sup> See the report by the Commission's DG Employment, Social Affairs and Equal Opportunities on Child poverty and well-being in the EU: Current status and way forward, 28 February 2008, available at: <http://ec.europa.eu/social/main.jsp?catId=751&langId=en&pubId=74&type=2&furtherPubs=yes>

<sup>24</sup> Commission Communication on Solidarity in Health: Reducing health inequalities in the EU, COM (2009) 567 final, available at: [http://ec.europa.eu/health/ph\\_determinants/socio\\_economics/documents/com2009\\_en.pdf](http://ec.europa.eu/health/ph_determinants/socio_economics/documents/com2009_en.pdf).

<sup>25</sup> Commission Communication on a European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, COM (2010) 636 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

trafficking it is important that specific needs of children are fully taken into account in further development of trafficking policy notably within the integrated strategy on countering trafficking in human beings which will be adopted in 2012.

As regards detention for administrative purposes of **children seeking asylum**, the Commission has worked to take forward its 2008 and 2009 proposals amending EU asylum law. These proposals prohibit the detention of children unless it is in their best interest and only after all possible alternatives have been exhaustively assessed. A number of necessary safeguards and procedural guarantees are also introduced concerning access to a judicial review and legal representation. Finally, the proposals provide for a clear prohibition of the detention of unaccompanied asylum seeking children.

The Commission's 2010 Action Plan on Unaccompanied Minors<sup>26</sup> puts forward a common EU approach towards **unaccompanied or separated children** coming from outside the EU. The Action Plan identifies child-specific reception measures and procedural guarantees that should apply from the moment the child is found until a durable solution is found. It also stresses the importance of appropriate representation of the child, proposes actions to address the shortcomings in the care provided to unaccompanied asylum-seeking children in the EU<sup>27</sup> and to avoid the disappearance of unaccompanied children who are in the care of public authorities.

Experienced and well **trained professionals** can prevent problems and help children deal with the trauma they experience. Professionals working with and for children should receive adequate training on the rights and needs of children of different age groups, as well as on the type of proceedings that are adapted to them. They should also be trained in communicating with children of all ages and stages of development, as well as with children in situations of particular vulnerability.

In 2009, more than 6 million young people left **education and training**, completing lower secondary education or less; 17.4% of them completed only primary education. This is the reason why one of the headline targets agreed by the European Council in the framework of the Europe 2020 Strategy is to reduce the share of early school leavers to less than 10%. Giving all children access to **early childhood education** and care is the foundation for successful lifelong learning, social integration, personal development and later employability. The Commission has already identified specific policy actions and recommendations to tackle early school leaving<sup>28</sup>. It will also promote initiatives in collaboration with Member States to encourage quality early childhood education and care, fight against segregation in educational systems, and disseminate good practices.

The situation of **Roma children** in the EU is particularly worrying, due to a range of factors that may make them especially vulnerable and exposed<sup>29</sup> to poor health, poor housing, poor

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<sup>26</sup> Communication from the Commission to the European Parliament and the Council on an Action Plan on Unaccompanied Minors (2010–2014), COM(2010) 213 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF>.

<sup>27</sup> Report by the EU Agency for Fundamental Rights, Separated, asylum-seeking children in EU Member States, April 2010.

<sup>28</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Tackling early school leaving: A key contribution to the Europe 2020 Agenda, COM(2011)18 final, available at [http://ec.europa.eu/education/school-education/doc/earlycom\\_en.pdf](http://ec.europa.eu/education/school-education/doc/earlycom_en.pdf)

<sup>29</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Non-discrimination and equal opportunities: A renewed commitment, COM (2008) 420 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0420:FIN:EN:PDF>.

nutrition, exclusion, discrimination and violence<sup>30</sup>. Social exclusion of Roma children is often linked to lack of birth registration, low participation in early childhood and higher education, high school drop-out rates, trafficking and labour exploitation. Segregation is a crucial barrier preventing access to quality education for Roma children.

Children may go missing regardless of their age, gender or social status. There is little knowledge about the reasons why children **run away** from home or from institutions in which they live, but we do know that the risks are enormous: risks to their safety, mental and physical health, well-being and life. Missing children can suffer violence and abuse; they can be trafficked or exposed to begging and prostitution.

The Commission has identified a number of tools that can be of help in case a child is missing. For several years now, some Member States<sup>31</sup> have been introducing public alert systems in cases of child abduction or disappearances of children in circumstances which could pose a serious risk to the safety and well-being of the children concerned. The Commission will continue to promote cross-border cooperation between Member States in cases of criminal abductions of children through **child alert mechanisms**. In order to enhance cooperation in this field, the Member States agreed, in June 2009, on better use of the Schengen Information System, and the related SIRENE Bureaux based in each Member State, in the search for the missing children. The Commission will contribute to this process by adopting, by May 2011, a new version of the SIRENE Manual, within a Commission Decision. This will contain the set of rules and procedures for such cases.

The **116 000 hotline for missing children** offers help, support and a potential lifeline for missing children and their parents. Because of the poor rate of implementation of the hotline at EU level, in 2010 the Commission adopted a Communication<sup>32</sup> with the objective to encourage the Member States to implement the missing children hotline as a matter of priority and to ensure that the same high quality of service is offered throughout the Union. The Commission will continue to closely monitor the implementation of the hotline for missing children in all Member States. If no further progress is made within a reasonable timeframe, the Commission will consider presenting a legislative proposal to make sure that the 116 000 hotline is fully operational in all Member States.

Children can also be especially vulnerable in relation to modern technology. Online technologies bring unique opportunities to children and young people by providing access to knowledge and allowing them to benefit from digital learning and participate in the public debate. Children are particularly vulnerable when they are confronted with harmful content and conduct, such as **cyber-bullying** and **grooming**, in audiovisual media and on the Internet. Children across Europe testify that physical and emotional **bullying in schools** is part of their everyday lives<sup>33</sup>. Cyber-bullying has been identified as a modern manifestation of bullying that calls for urgent responses and the involvement of all relevant actors, such as social networking sites, internet providers and the police. The Commission aims at achieving a high

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<sup>30</sup> Breaking the barriers: Romani women and access to public health care. Report by the former EU European Monitoring Centre on Racism and Xenophobia (now EU Fundamental Rights Agency), 2003.

<sup>31</sup> To date, a child alert system is in place in eight Member States: the Netherlands, Portugal, France, Luxembourg, Belgium, Greece, Germany and the United Kingdom.

<sup>32</sup> Commission Communication "Dial 116000: the European hotline for missing children" COM(2010) 674, available at: [http://ec.europa.eu/justice/policies/children/docs/com\\_2010\\_674\\_en.pdf](http://ec.europa.eu/justice/policies/children/docs/com_2010_674_en.pdf).

<sup>33</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at: [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

level of protection of **children in the digital space**, including of their personal data<sup>34</sup>, while fully upholding their right to access internet for the benefit of their social and cultural development. Through the Safer Internet programme<sup>35</sup>, the Commission coordinates and supports efforts to empower and protect children online. Various sectors of the Information and Communication Technologies industry have been engaged in self-regulatory initiatives in particular to increase the protection of **children using mobile phone**<sup>36</sup> and **social networking services**<sup>37</sup> and through the Pan European Game Information rating system of **video and online games**<sup>38</sup>. The Commission will now expand its call for action to manufacturers of mobile devices and game consoles, internet service providers, mobile applications and content providers, consumer organisations, researchers and child welfare organisations.

The Commission is closely monitoring the transposition of the **Audiovisual Media Services Directive**<sup>39</sup> by the Member States into their national law, for which the deadline was 19 December 2009. The Directive extends the standards for protection of children from traditional TV programmes to the fast growing on-demand audiovisual media services, particularly on the Internet.

#### **Actions:**

The Commission will contribute to empowering and protecting children when they are vulnerable, notably by:

6. supporting the exchange of best practices and the improvement of training for guardians, public authorities and other actors who are in close contact with unaccompanied children (2011-2014);
7. paying particular attention to children in the context of the EU Framework for National Roma Integration Strategies, which will be adopted in spring 2011 and will notably promote the more efficient use of structural funds for the integration of Roma;
8. strongly encouraging and providing support to all Member States to ensure the swift introduction and full functioning of the 116 000 hotline for missing children and the child alert mechanisms (2011-2012).
9. supporting Member States and other stakeholders in strengthening prevention, empowerment and participation of children to make the most of online technologies and counter cyber-bullying behaviour, exposure to harmful content, and other online risks namely through the Safer Internet programme and cooperation with the industry through self-regulatory initiatives (2009-2014).

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<sup>34</sup> See the Commission Communication on a comprehensive approach on personal data protection in the European Union, COM(2010)609 final, point 2.1.2., available at:

[http://ec.europa.eu/justice/news/consulting\\_public/0006/com\\_2010\\_609\\_en.pdf](http://ec.europa.eu/justice/news/consulting_public/0006/com_2010_609_en.pdf)

<sup>35</sup> Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ L 348, 24.12.2008, p. 118–127.

<sup>36</sup> [http://ec.europa.eu/information\\_society/activities/sip/docs/mobile\\_2005/europeanframework.pdf](http://ec.europa.eu/information_society/activities/sip/docs/mobile_2005/europeanframework.pdf).

<sup>37</sup> [http://ec.europa.eu/information\\_society/activities/social\\_networking/docs/sn\\_principles.pdf](http://ec.europa.eu/information_society/activities/social_networking/docs/sn_principles.pdf).

<sup>38</sup> <http://www.pegi.info/>

<sup>39</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), OJ L 95, 15.4.2010, p. 1–24.

### 2.3. Children in the EU's external action

The EU is determined to give priority to the **promotion and protection of the rights of the child also in its external action**<sup>40</sup>, including in judicial cooperation in civil matters in areas of EU competence. In this respect, it is crucial for the EU to have a strong single voice in external matters when the rights of the child are concerned in relations with third countries to ensure swift and effective action where necessary. The EU's external policy on the rights of the child will be conducted in line with the 2008 Communication "A Special Place for Children in EU External Action" and the accompanying Action Plan.

The EU is strongly committed to eliminating all forms of violence against children. Approximately 200 million children worldwide witness domestic violence annually, over 200 million children worldwide are subject to sexual violence, over 50 000 children die as a result of homicide every year, and up to 2 million children are treated in hospitals for violence-related injuries. The EU will continue the implementation of the EU Guidelines on the Rights of the Child, which currently focus on combating all forms of **violence against children**. By the end of 2011, the EU will evaluate the implementation of the Guidelines since 2007. The "Investing in People" thematic programme envisages funding for projects aimed at combating violence against children in the years 2011-2013.

More than 200 million children worldwide are still in **child labour** and a staggering 115 million at least, are subject to its worst forms. The EU will continue its efforts to combat child labour, in line with the 2010 Commission Staff Working Document and Council conclusions on Child Labour. The EU will prepare by the end of 2011 a report on the worst forms of child labour and trade, taking into account international experience and the views of competent international organisations. In 2011, the EU will select projects targeting child labour in third countries under the "Investing in People" thematic programme.

**Children in armed conflicts**<sup>41</sup> are particularly vulnerable, even more so when they have lost or have been separated from their parents or care-givers. Children are exposed to risks of recruitment by armed groups, sexual abuse and exploitation or trafficking. They disproportionately suffer from malnourishment and illness as they are deprived from access to basic social services, health care and education. At any given time, an estimated 300 000 children are associated with armed forces and groups, among which 40% girls. The EU will continue its work on safeguarding rights of children in and affected by armed conflicts based on the concrete actions envisaged in the 2010 Implementation Strategy of the EU Guidelines on Children in Armed Conflicts.

**Child sex tourism** must be eradicated. This phenomenon is part of an organised sex industry that includes prostitution, human trafficking, the production and distribution of child pornography and the exploitation of children by travelling sex offenders. Since few travelling sex offenders face legal consequences in their respective home countries in the EU, action

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<sup>40</sup> The 2006 Communication Towards an EU Strategy on the Rights of the Child led to the development of a comprehensive policy framework in the external EU action, including the Communication "A Special Place for Children in EU External Action" and its accompanying Staff Working Paper on "Children in Emergency and Crisis Situations" (2008), the EU Guidelines on the Rights of the Child (2007), the EU Guidelines on Children and Armed Conflicts (2003, updated 2008), the Council Conclusions on Children in Development and Humanitarian Settings (2008) and the Council Conclusions on Child Labour (2010).

<sup>41</sup> In the past decade alone, armed conflicts are estimated to have claimed the lives of over 2 million children and physically maimed 6 million more while some 20 million children are displaced or refugee and one million have become orphans due to conflicts.

should be undertaken to increase the number of investigations and prosecutions within the EU for offences committed outside the EU.

The EU will continue to pursue a **political dialogue** with third countries and international organisations, in order to maintain or improve the respect and promotion of the rights of the child. As part of its **enlargement policy**, the EU will continue to promote the reform of child protection and will closely monitor progress on the rights of the child throughout the accession process in the candidate countries and potential candidates, especially as regards children of ethnic minorities and marginalised groups, such as Roma, which have been identified as particularly vulnerable.

**Bilateral co-operation** with third countries will be structured around measures such as scaling up development programmes focused on the rights of the child to, for instance, support stronger national structures and institutions, including the development of independent child rights institutions, promote legislative reforms in conformity with relevant international standards and promote the rights of the child through **trade instruments and in international negotiations**.

In **multilateral cooperation** the EU will continue its support for international initiatives, including tabling resolutions at the UN General Assembly and the UN Human Rights Council. It will also intensify coordination with international stakeholders.

In **humanitarian aid**, the EU will continue and increase the support to projects and activities that directly target the specific needs of children in emergencies along the lines set in the 2008 Staff Working Paper on "Children in Situations of Emergency and Crisis".<sup>42</sup>

**Action:**

10. The EU will continue the implementation of the 2007 EU Guidelines on the Protection and Promotion of the Rights of the Child<sup>43</sup> that focus on combating all forms of violence against children. The EU will also evaluate the implementation of the Guidelines. The EU will implement the EU Guidelines on Children and Armed Conflicts<sup>44</sup> based on the 2010 Revised Implementation Strategy.

### 3. CHILD PARTICIPATION AND AWARENESS RAISING

The results of two Eurobarometer surveys of 2008 and 2009 showed that 76% of children<sup>45</sup> interviewed were not aware of having rights and 79% did not know who to contact in case of need. When asked what action the EU should take to promote and protect the rights of the child, 88% of respondents indicated that the EU should provide more information to children about their rights in an accessible way.

Full recognition of the rights of the child means that **children must be given a chance to voice their opinions** and participate in the making of decisions that affect them. Article 24(1) of the Charter requires the EU to take children's views into considerations on matters which concern them in accordance with their age and maturity.

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<sup>42</sup> Commission Communication on a Special Place for Children in EU External Action, COM (2008) 55 final, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0055:FIN:EN:PDF>

<sup>43</sup> Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/16031.07.pdf>

<sup>44</sup> Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/10019.en08.pdf>

<sup>45</sup> Available at: [http://ec.europa.eu/public\\_opinion/flash/fl\\_235\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_235_en.pdf) and [http://ec.europa.eu/public\\_opinion/flash/fl\\_273\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_273_en.pdf).

Steps taken by the Commission so far to **consult children and listen to them**<sup>46</sup> are a starting point in providing possibilities for greater participation of children in the development and implementation of actions and policies that affect them, such as for example education, health or environment policies. To this end, the Commission will draw on the expertise of the European Forum on the Rights of the Child and will continue to work with this Forum and with Ombudspersons for children and other relevant partners in this area.

To ensure **better and more effective information of children** about their rights and about relevant EU policies will require consolidation and modernisation of existing information tools. At present the information targeting children on the EU's web portal *EUROPA* can be found via *Quick links for kids*<sup>47</sup> and the *Teachers' Corner*<sup>48</sup>. These links give access to material provided by all EU institutions which is relevant for children. Many of the material accessible from these web pages are also hosted on individual Commission Directorate Generals' or the websites of other EU institutions. However, comprehensive, consolidated and easily accessible information on the rights of the child and EU policies relevant for children is currently missing.

**Action:**

11. The Commission will set up, in the course of 2011, a single entry point on EUROPA with information for children on the EU and on the rights of the child. This single entry point will provide easy access to information that can be understood by children of different age groups and can be used by parents and teachers to find information and teaching materials. The Commission will invite other EU institutions to join this initiative.

## CONCLUSION

With this EU Agenda for the Rights of the Child, the Commission calls on the EU institutions and on the Member States to renew their commitment to step up efforts in protecting and promoting the rights of children. The action of the EU should be exemplary in ensuring the respect of the provisions of the Treaties, the Charter of Fundamental Rights of the European Union and of the UNCRC with regard to the rights of children. The Commission will review regularly progress made in the implementation of the EU Agenda for the Rights of the Child in its Annual Report on the application of the Charter.

As underlined in the Europe 2020 Strategy, the long-term effects of not investing enough in policies affecting children may have a profound impact on our societies. Many of these policies require determined action by the Member States, and the Commission is ready to offer its support and cooperation. The Commission will continue to play its part in joint efforts to achieve well-being and safety of all children. A renewed commitment of all actors is necessary to bring to life the vision of a world where children can be children and can safely live, play, learn, develop their full potential, and make the most of all existing opportunities.

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<sup>46</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at: [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

<sup>47</sup> [http://europa.eu/quick-links/eu-kids/index\\_en.htm](http://europa.eu/quick-links/eu-kids/index_en.htm)

<sup>48</sup> [http://europa.eu/teachers-corner/index\\_en.htm](http://europa.eu/teachers-corner/index_en.htm)