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Accompanying the document

Commission Recommendation

**on developing and strengthening integrated child protection systems in the best interests
of the child**

{C(2024) 2680 final}

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Introduction

The EU Charter of Fundamental Rights¹ recognises that ‘children² shall have the right to such protection and care as is necessary for their wellbeing’ and that children’s views shall be taken into consideration on matters which concern them. The child’s best interests must be a primary consideration in all actions relating to children.

Too often, children are society’s first silent victims or witnesses of violence in all its forms. These forms of violence include, among others: (i) physical, psychological or sexual abuse; (ii) bullying, discrimination and intolerance, gender-based violence, including female genital mutilation and child marriage (iii) domestic violence; and (iv) human trafficking. Children must also navigate through a digital environment that amplifies opportunities but also threats. Recent crises, such as COVID-19³ and Russia’s war of aggression against Ukraine, have exacerbated pre-existing gaps and challenges in child protection⁴. Children are also at high risk in the event of crises and emergency situations notably caused by: public health crises, economic crises, terrorism, climate change or natural disasters, armed conflicts and their aftermath. Violence can also infiltrate through loopholes in systems and societies, leaving lifelong scars, including mental and intergenerational trauma, on children. The resilience of child protection systems needs to increase so they can offer comprehensive, interdisciplinary, whole-of -society support that responds to the variety of children’s needs.

In the EU strategy on the rights of the child⁵, the Commission committed to present an initiative aimed to support the development and strengthening of integrated child-protection systems. This initiative should encourage all relevant authorities and services to work together more effectively in a system that puts the child at the centre of their focus.

In June 2022, the Council Conclusions on the EU strategy on the rights of the child⁶ called upon Member States to take an integrated approach to child protection⁷. In its resolution on reducing inequalities and on promoting social inclusion in times of crisis for children and their families⁸, the European Parliament also called on the Member States to develop, strengthen and implement integrated prevention and protection systems for children and other victims with a view to eradicating violence, abuse, exploitation and negligence. In its own initiative report, the Committee of the Regions also recognised the crucial role of local and regional authorities in protecting vulnerable children from violence in their communities⁹. In the 2024 Commission

¹ Charter of Fundamental Rights of the European Union, 2012/C 326/02, OJ C 326, 26 October 2012, article 24.

² A child is any person below 18 years of age, as defined in the UN Convention on the rights of the child.

³ The COVID-19 pandemic has affected both: (i) the availability of services; and (ii) the situation – and need for help – of children and families.

⁴ [The Russian aggression against Ukraine – Displaced children finding protection in the EU](#), FRA’s Bulletin, No 3, Publications Office of the European Union, Luxembourg, 2023, 1-84.

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU strategy on the rights of the child (EU strategy on the rights of the child), COM(2021) 142 final, 24 March 2021.

⁶ Conclusions of the Council of the European Union on the EU strategy on the rights of the child (Council conclusions on the EU strategy on the rights of the child), 10024/22, 9 June 2022.

⁷ Specifically, at page 7, the Council called on Member States to increase their efforts to strengthen 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.

⁸ European Parliament resolution of 21 November 2023 on reducing inequalities and promoting social inclusion in times of crisis for children and their families’, 2023/2066(INI), 21 November 2023. See also, European Parliament resolution of 11 March 2021 on children’s rights in view of the EU Strategy on the rights of the child, 2021/2523(RSP).

⁹ European Committee of the Regions Opinion on ‘Empowering Local and Regional Authorities in Integrated Child Protection Systems’ adopted at the Plenary session of 17-18 April 2024. See: Opinion Factsheet (europa.eu).

work programme ‘Delivering today and preparing for tomorrow’¹⁰, the Commission planned to adopt, as a priority initiative, a recommendation on developing and strengthening integrated child protection systems (the ‘Commission Recommendation’).

This staff working document accompanies the Commission Recommendation¹¹, which aims at supporting the development and strengthening of integrated child protection systems in EU Member States. Focused on children’s needs, the Commission Recommendation encourages all relevant authorities and services to work together more effectively. To protect children from any form of violence¹², national child protection systems should be context-specific, child-centred and implemented at the most appropriate level of governance. Member States should facilitate cross-sectorial cooperation and coordination between private actors, local, regional and national authorities and Union institutions, bodies and agencies, to ensure equal access to child protection services. An integrated approach should also connect prevention, early warning, reporting, cross-sectorial support and monitoring. The best interests of the child should be taken as a primary consideration, while listening to children’s views and preventing any discrimination that would impede the enjoyment of any child’s rights.

Preventing and protecting children from violence and other adverse situations has already been the objective of EU actions, through legislation, policy initiatives or funding activities, including those actions focusing on specific groups of children¹³. This Commission Recommendation therefore presents guidance on how to better use these existing EU tools in a cross-cutting way to better integrate child protection systems and make them more robust by avoiding silos.

This staff working document is composed of chapters across key features of integrated child protection systems. It analyses the gaps, challenges, existing EU support, good practices and recommendations emerging from the consultation with children, members of the public, stakeholders, international and civil society organisations, Member States and regional authorities. These consultations included an open public consultation, a call for evidence, and meetings under the EU Network for Children’s Rights. This staff working document reflects the views of more than 1 000 children, who were for the first time consulted in the preparation of the Commission Recommendation under the new EU Children’s Participation Platform¹⁴.

This document should be read in conjunction with the mapping and comparative studies that the EU Agency for Fundamental Rights (FRA) conducted on national child protection systems

¹⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Commission work programme 2024 delivering today and preparing for tomorrow, COM/2023/638 final, 17 October 2023.

¹¹ Commission Recommendation on developing and strengthening integrated child protection systems in the best interests of the child, C/2024/2680; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Putting Children’s Interest First: a Communication accompanying the Commission Recommendation on Integrated Child Protection Systems, COM/2024/188; and the Annex to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Putting Children’s Interest First: a Communication accompanying the Commission Recommendation on Integrated Child Protection Systems, COM/2024/188.

¹² Meaning ‘all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse’ according to Article 19 of the UN Convention on the Rights of the Child, 1989.

¹³ As summarised in Annex on key Union Acquis, key policy documents and funding relevant to child protection systems of the Communication on Putting Children’s Interest First: a Communication accompanying the Commission Recommendation on Integrated Child Protection Systems, COM/2024/188.

¹⁴ [EU Children’s Participation Platform](#).

in 2023¹⁵. Consultations and work by the Commission also informed the Commission Recommendation¹⁶.

Annex 1 to this staff working document provides a synopsis report of stakeholder consultations and lists the organisations that responded to the consultation (references to relevant respondents are consistently referred to throughout the text of this document in parentheses).

1. Strengthening a comprehensive approach to child protection, centred on children's needs

1.1 Investing in child protection to uphold children's rights

The overarching goal of child protection systems is to prevent and respond to violence against children and to attend to children's other protection needs. **An integrated child protection system endorses and promotes the provisions of both the EU Charter of Fundamental Rights and the United Nations Convention on the Rights of the Child ('UN Convention')**¹⁷. Based on the rights and obligations enshrined in the UN Convention, an integrated child protection system should: (i) aim to ensure that all essential actors and systems work together to prevent abuse, exploitation, neglect and other forms of violence against children; (ii) protect and assist children in these situations¹⁸. The general comments of the UN Committee on the Rights of the Child (UNCRC) include recommendations on various issues relating to children, in particular the protection of children against all forms of violence¹⁹, to which the Committee believes the State parties should devote more attention.

Child protection is also a key objective of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)²⁰, as well as other international legal

¹⁵ European Union Agency for Fundamental Rights (FRA), [Mapping Child Protection Systems in the EU](#), Office of the European Union, Luxembourg, 2024.

¹⁶ See also for consideration [10 principles for integrated child protection systems](#).

¹⁷ UN Convention on the Rights of the Child, 1989. See also the three Optional Protocols to the UN Convention, namely the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (A/RES/54/263), 2000; the UN Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (A/RES/54/263), 2000 and the UN Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure (A/RES/66/138), 2011.

¹⁸ FRA, Mapping Child Protection Systems in the EU, see note 15 p. 5. See also, UN Special Representative of the Secretary-General on Violence Against Children - [High Time to End Violence against Children](#).

¹⁹ United Nations Committee on the Rights of the Child (UNCRC), [General Comments](#), notably [UNCRC General Comment \(GC\) No. 13 on the right of the child to freedom from all forms of violence, 2011](#) and No. 5, 6, 8, 9, 10, 14, 15, 18, 21, 22, 23, 24, 25, 26.

²⁰ See also the protocols to that Convention, as interpreted by the case-law of the European Court of Human Rights (ECtHR), as well as a number of Council of Europe Conventions specifically related to children, such as the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007; and the Convention on Contact concerning Children, 2003.

instruments²¹ and non-legally binding instruments at UN level²² and at Council of Europe level²³.

In the European Union, there were 73 million children (below 18 years old) in 2021²⁴. Almost 1 out of 5 EU citizen is a child²⁵. Every child is vulnerable to violence. As outlined in the Communication accompanying the Commission Recommendation²⁶, **violence can take many forms** and include all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, physically, online, or in virtual worlds. Such violence includes domestic violence, human trafficking, sexual abuse, gender-based violence, including female genital mutilation and child marriage, as well as all forms of bullying and corporal punishment. Children are also exposed to discrimination and intolerance, including in their digital life.

In 2021, 114 children were the victims of intentional homicide across the EU²⁷. It is estimated that 20% of children in Europe suffer some form of sexual abuse during their childhood²⁸. In a recent survey of violence against women, up to 13.7% of adult women reported at national level to have experienced sexual violence in childhood²⁹, although this share might even be higher, since disclosure rates are unfortunately lower than the reality. It is estimated that 190,000 girls across the EU are at risk of being forcibly subjected to genital mutilation³⁰. Suicide is the second leading cause of death among young people (15 to 19 years old)³¹. 13%

²¹ Including the UN Convention on the Rights of Persons with Disabilities ('UNCRPD'), 2006; the Hague Conference on Private International Law instruments, such as the Convention on the Civil Aspects of International Child Abduction, 1980; Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993; the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, 1996; the Convention on the International Recovery of Child Support and other Forms of Family Maintenance, 2007; the Protocol on the Law applicable to Maintenance Obligations, 2007; as well as the International Labour Organisation Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour, 1999.

²² See in particular the UN Committee on the Rights of the Child, General Comments on the Convention on the Rights of the Child; the UN Committee on the Rights of Persons with Disabilities, General comments No. 4 on Article 24 - the right to inclusive education, 2016 and No. 5, 2017 on living independently and being included in the community; Guidelines on deinstitutionalisation, including in emergencies, 2022; the UN General Assembly, Guidelines for the Alternative Care of Children: resolution / adopted by the General Assembly, 2010; and [UN Sustainable Development Goals: a 2023 Agenda](#).

²³ See in particular the Guidelines of 17 November 2010 of the Committee of Ministers on child-friendly justice; Recommendation CM/Rec(2023)8 of the Committee of Ministers on strengthening reporting systems on violence against children; Recommendation CM/Rec(2012)2 of the Committee of Ministers on the participation of children and young people under the age of 18; Recommendation CM/Rec(2019)11 of the Committee of Ministers on effective guardianship for unaccompanied and separated children in the context of migration; Recommendation CM/Rec(2022)22 of the Committee of Ministers on human rights principles and guidelines on age assessment in the context of migration; Recommendation CM/Rec(2018)7 of the Committee of Ministers on guidelines to respect, protect and fulfil the rights of the child in the digital environment; Recommendation CM/Rec(2011)12 of the Committee of Ministers on children's rights and social services friendly to children and families; Guidelines of 21 September 2011 of the Committee of Ministers on child-friendly health care; Recommendation CM/Rec(2005)5 of the Committee of Ministers on the rights of children living in residential institutions and the [Council of Europe Strategy for the Rights of the Child \(2022-2027\)](#).

²⁴ Children accounted for 18.2% of the EU population in 2021. See, Eurostat, [Child and youth population on 1 January by sex and age](#), 2024; Eurostat, [Ratio of children and young people in the total population on 1 January by sex and age](#), 2024.

²⁵ Children (persons below 18 years old) accounted for 18.2% of the EU population in 2021 (73 million children). See: Eurostat, [Child and youth population on 1 January by sex and age](#), 2024; and Eurostat, [Ratio of children and young people in the total population on 1 January by sex and age](#), 2024.

²⁶ Communication on Putting Children's Interest First: a Communication accompanying the Commission Recommendation on Integrated Child Protection Systems, COM/2024/188.

²⁷ Eurostat, [Intentional homicide victims by age and sex - number and rate for the relevant sex and age groups](#), 2021.

²⁸ [Council of Europe Human Rights Channel](#).

²⁹ Eurostat, [EU survey on gender-based violence against women and other forms of inter-personal violence \(EU-GBV\)](#), 2022.

³⁰ [Zero Tolerance for Female Genital Mutilation \(europa.eu\)](#).

³¹ UNICEF, [The State of the World's Children 2021: On My Mind – Promoting, protecting and caring for children's mental health, Regional brief: Europe](#), 2021.

to 29% of children (15-years old) reported being frequently bullied in different Member States³².

The Flash Eurobarometer on mental health³³, launched on 9 October 2023 ahead of World Mental Health Day, showed that 59% of young people (15-24-year-olds) had an emotional or psychosocial problem (such as feeling depressed or anxious) in the last 12 months. Furthermore, the increasingly digital and virtual environment in which children are navigating presents both opportunities and risks³⁴.

Violence is also a daily threat for children on the move, especially those who travel unaccompanied or separated from their families³⁵. In 2022, 236,000 asylum applicants were children, accounting for 25% of all applicants in the EU. 17% of all applicants (around 40,000) were unaccompanied children, most of which came from Afghanistan, Syria and Somalia³⁶. Globally, every 10 minutes, somewhere in the world, an adolescent girl dies as a result of violence³⁷.

Investing in early childhood and violence prevention also yields high economic returns from investments and long-term cost savings³⁸. Violence against children is estimated to cost up to 8% of global GDP, amounting to around EUR 6.5 trillion, as it slows economic development, increases socioeconomic inequality, stifles economic growth, and reduces per capita income³⁹. The annual loss of human capital from mental disorders of children and young people is estimated at EUR 54.2 billion in Europe⁴⁰.⁴¹ Childhood socio-economic disadvantage also bears large costs for societies, totalling on average the equivalent of 3.4% of GDP in the EU⁴².

1.2 Structural and operational issues for strengthening integrated child protection systems

The collection of evidence and information from consultations points at gaps in child protection systems across the EU, with recurring challenges both within Member States and in cross-border cases. These recurring challenges include: (i) fragmented child protection systems; (ii) insufficient prevention policies; (iii) insufficient early-identification systems; and (iv) a lack of timely and comprehensive support responding to children's needs (including psychosocial needs). Gaps were also reported in the coordination and cooperation mechanisms between services and authorities (such as a lack of inter-agency cooperation) and between different

³² [The twin challenge of equity and excellence in basic skills in the EU, An EU comparative analysis of the PISA 2022 results - Publications Office of the EU \(europa.eu\)](#), 2024.

³³ [Eurobarometer on Mental health](#).

³⁴ UN Committee on the Rights of the Child, General comment No. 25 on children's rights in relation to the digital environment, 2021.

³⁵ Office of the Special Representative of the Secretary-General on Violence against Children and Universidad Iberoamericana, [Violence against children on the move From a continuum of violence to a continuum of protection](#), 2020.

³⁶ Eurostat, [Migration and asylum in Europe – 2023 edition - Eurostat \(europa.eu\)](#), 2023.

³⁷ UNICEF, [A Statistical Snapshot of Violence against Adolescent Girls](#), 2014.

³⁸ UNICEF, [Protecting the World's Children - An investment opportunity for the public and private sectors](#), 2022. See also, Office of the UN Special Representative on Violence against Children, UNICEF, World Vision International, Child Fund Alliance, Plan International and Save the Children International, [The Violence Prevention Dividend – Why Preventing Violence Against Children Makes Economic Sense](#). The Center for High Impact Philanthropy, [High Return on Investment \(ROI\)](#), 2015.

³⁹ [The Violence-Prevention Dividend. Why Preventing Violence Against Children Makes Economic Sense](#), 2022.

⁴⁰ *The State of the World's Children 2021*, see note 31 p. 6, figure initially available in \$ converted in EUR at current exchange rate.

⁴¹ *The State of the World's Children 2021*, see note 31 p. 6.

⁴² Clarke, C., et al. (2022), [The economic costs of childhood socio-economic disadvantage in European OECD countries](#), *OECD Papers on Well-being and Inequalities*, No. 9, OECD Publishing.

layers of competence. In most EU Member States, there are mechanisms for inter-agency cooperation between actors with responsibility for child protection. However, operational coordination is often challenging because of the overlapping roles and responsibilities of actors in child protection and the failure to clearly delineate these roles and responsibilities⁴³. Relevant professionals and actors cover various sectors, such as education and training (teachers, educators, support services at all levels, including early childhood education and care), social (e.g. social workers, service providers, residential and foster care givers), health (including mental health), justice and law enforcement (e.g., lawyers, judges, police, professionals working in closed or semi-closed institutions), asylum and migration, diplomatic and consular authorities, sport, leisure, media or cultural sectors, finance, business and environment, as well as traditional and religious leaders. Families and communities have a central role to play in child protection, as well as children themselves. Other challenges include: (i) insufficient staffing; (ii) insufficient funding; (iii) insufficient coordination structures; and (iv) insufficient tools for data collection and monitoring.

These challenges are detailed in the subsequent sections, based on the Commission's consultations during the preparation of this staff working document.

1.3 Child participation – taking children's views into account to better protect them

Children have the right to express their views freely and have their views taken into consideration on matters that concern them according to their age and maturity, and in respect of the evolving capacities of children with disabilities. This right has been enshrined in the EU Charter of Fundamental Rights (Article 24), the UN Convention on the rights of the child (Article 12), and the UN Convention on the Rights of Persons with Disabilities (UNCRPD) (Article 7).

As a cross-cutting priority, the **EU strategy on the rights of the child** invites Member States to encourage and promote the inclusive democratic participation of all young people in society and in democratic processes. The **EU Children's Participation Platform**, a flagship initiative of the strategy, was launched in 2022 to amplify children's voices and embed children in the EU decision-making process. The Platform brings together existing child-participation mechanisms to work towards a more systemic, coherent, meaningful, inclusive, and safe approach to child participation. For the first time under the Platform, 1 095 children from 21 Countries were consulted from May to October 2023 to inform this Commission Recommendation⁴⁴.

Children consulted under the EU Children's Participation Platform for the preparation of the Recommendation said that they associated safety with their right to be heard. These children also stressed: (i) the links between safety, respect and trust; and (ii) their need to be taken seriously. It is often difficult for children to ask for help and receive it. 'Children's voices should be empowered more and this could encourage other children not to hide their problems', said one girl from Lithuania consulted by the Children's Participation Platform in 2023. Children also expressed a strong desire for adults to listen attentively, be patient, believe them, treat children as equals, and take action to ensure their safety. Children seek a meaningful,

⁴³ FRA, Mapping Child Protection Systems in the EU, see note 15 p. 5.

⁴⁴ On 26 and 27 June 2023, the first General Assembly of the EU Children's Participation Platform (the Platform) took place in Brussels, Belgium. The General Assembly gathered: (i) 58 children from 16 European countries; (ii) international and civil society and child rights organisations; (iii) Member State representatives; and (iv) policy-makers from the European Parliament, Member States and the European Commission. For more information, see the [European Commission child-friendly website on Child Participation Platform](#). As regards the consultation, see: [Child protection – integrating systems \(europa.eu\)](#).

inclusive and safe dialogue with adults to address the issues they face and improve their safety and well-being. In the consultation, children stressed that adults should be more understanding towards problems that children face nowadays. ‘I think we should start talking freely and honestly about subjects that many would consider taboo,’ said a child from Romania in the consultation. Appropriate safeguards must be in place so that children can feel safe and comfortable in voicing their opinions.

Children want to be involved in the processes that create rules and systems. In the consultation, children from the Netherlands suggested regular meetings between policymakers and children should be held. They wanted adults to include them in developing solutions to the problems faced by children⁴⁵. Children’s ability to express their needs and to talk about child protection at local, national and EU level is of paramount importance (this view was expressed by the Ministry of Welfare of the Republic of Latvia, Ireland’s child protection agency Tusla, and the NGO Defence for Children (DCI) Italy).

Similar outcomes emerged from the consultation of 9,200 children across the EU under the ‘**Our Rights. Our Future. The Europe We Want**’ project. Many of those children also feel that not being heard or taken seriously contributes to their mental health challenges. While a minority of children feel that their opinion has always made a difference (9%) or most of the time (28%), most children’s experience is that their opinion has had an impact on the final decisions only sometimes (34%), rarely (17%), or never (5%). More than 70% of children consulted ask for more opportunities to be heard, and almost half of children would like adults to consider them as equal partners in finding solutions⁴⁶.

Moreover, the current lack of procedures for consulting children means that many decisions that may profoundly impact children’s lives are made without hearing their voices (this point was made by Greek NGO The Smile of the Child). There are still shortcomings in how policymakers look at children’s perspectives (this point was expressed by Latvia’s Child Welfare Network). In the consultation, **stakeholders also emphasised the importance of putting in place mechanisms that enable children and young people to participate in the formulation of public policies.** These mechanisms should simplify the process for children to express their views and provide them with a platform where their voices can be heard (this view was expressed by SOS Children’s Villages Spain, an NGO focused on supporting children without parental care and families at risk; Hope and Homes for Children, an NGO that seeks to stop the institutionalisation of children; Unicef; and the City of Helsinki). Alternatively, another view expressed was that instead of soliciting children’s participation per se, States should build – with the input of children – spaces where children’s participation in public-policy formulation could connect with the participation of society more broadly (this was the view of the NGO DCI Italy). The European Society for Child and Adolescent Psychiatry (ESCAP) encouraged the integration of expert voices from survivors of child maltreatment in the decision-making process.

In the consultation, children suggested that using an open intermediary channel (e.g., a council of pupils at school) could facilitate and improve communication between adults and children. Unicef encouraged the promotion and prioritisation of **mechanisms for child participation and community engagement** and called on Member States to support

⁴⁵ [Child Participation Platform Focus group on Children's Voices on Feeling Safe.](#)

⁴⁶ ChildFund Alliance, Eurochild, Save the Children, SOS Children’s Villages, UNICEF, Child and Youth Friendly Governance Project, [Our Rights. Our Future. The Europe We Want. - Children’s recommendations to European Union decision makers](#), 2024.

community forums that make it possible to gather and respond to children's feedback, stressing that all these mechanisms should be appropriately monitored. Children and young people who benefited from child protection or who lived in alternative care should also have a say in how the judiciary system for children or young people can be improved (this was the view of the French branch of the global NGO All together in diversity (ATD) Fourth World).

Children also said that they wanted adults to provide more information, in a child-friendly way, about questions such as who to ask for help and support, and how to report unsafe situations. Children asked to be educated about potential risks and dangers, both online and offline. And they stressed the importance of age-appropriate social media campaigns to promote children's rights to safety and support. Children suggested setting up a variety of communication and feedback channels. 'I am an artist and this is the way to express my emotions - whether I feel safe, anxious, worried or happy!', said a 17-year-old girl from Bulgaria in the consultations.

The engagement of children in decision making on policy that affects them varies from country to country. Direct consultation with children and families in decision-making processes was only identified in 13 EU Member States⁴⁷. In other Member States, children are consulted indirectly through formal structures and/or representatives⁴⁸. For example, the **German** Federal Youth Protection Act, amended in 2021, ensures child participation in decision making on child protection issues through the Advisory Board of the Federal Agency for the Protection of Children and Young People (a point made by the German NGO the Digital Opportunities Foundation). And in **Finland**, municipal youth councils and children's parliaments operate at the local level as statutory bodies. Since 2023, Finland's new well-being services are required to set up youth councils at regional level that are involved in the municipality's work⁴⁹. Also, the Child Barometer implemented by Finland's Office of the Ombudsman for Children, is used to survey children's own experiences on topics that are relevant to them (such as a survey they conducted on child safety in 2022)⁵⁰. In a similar vein, the city of Vienna opened a consultation process with children and young people in 2019 asking them what they felt about their city. The results informed the Vienna's children and youth strategy for 2020-2025⁵¹. Children and young people are also involved in the implementation of this strategy. With the support of EU Program for Citizens, Equality, Rights and Values (CERV), the Maltese Ministry for Social Policy and Children's Rights has worked on strengthening child participation at national level. It developed a mobile application and a website to consult children on national policy making, and to help children to look for a professional support. This is combined with capacity building for policymakers on child participation and with raising awareness about children's right to be heard⁵².

In many EU Member States, **national child ombudsperson's offices and children's rights commissioners** have organised consultation processes to promote the participation of children in their daily work⁵³. With EU funding, some stakeholders have also developed projects based

⁴⁷ Austria, Denmark, Estonia, Spain, Finland, Hungary, Ireland, Italy, Luxembourg, Malta, Netherlands, Sweden, and Slovakia. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

⁴⁸ Belgium, Bulgaria, Croatia, Latvia, Lithuania, Portugal, Romania, and Slovenia. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

⁴⁹ According to Section 26, subsection 2 of the Finnish Local Government Act (*kuntalaki/kommunallagen*), Act No. 410/2015. For reference, see *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

⁵⁰ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

⁵¹ [The Vienna Children and Youth Strategy 2020-2025](#).

⁵² [Empowering Children's participation in Malta](#).

⁵³ Austria, Belgium, Bulgaria, Germany, Estonia, Greece, Spain, Finland, Croatia, Hungary, Italy, Lithuania, Luxembourg, Latvia, Poland, Portugal, Slovakia. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

on input from children to build their own awareness-raising tools, for example on child protection in sport, on awareness of gender-based violence, or on preventing violence against migrant children (a point made by the Defence for Children International non-governmental organisation (NGO) - DCI Belgium)⁵⁴.

The **Council of Europe** has developed a Child Participation Assessment Tool (CPAT), and child-friendly versions of this tool have been rolled out in several EU Member States, including Czechia, Iceland, Finland, Portugal and Slovenia. The CPAT gives a set of indicators that make it possible to assess the state of play and measure progress on the participation of children by countries⁵⁵. In addition, under the EU-funded CP4Europe project, the Council of Europe developed: (i) a handbook on children's participation for professionals working for and with children; (ii) a child-friendly campaign package to raise the awareness of national and local authorities of the importance of child participation; and (iii) an online training course for professionals working for and with children⁵⁶.

To promote and disseminate children's actions to end violence against them, the **UN Special Representative of the Secretary-General on Violence against Children** invited children, young people, and organisations everywhere, to share their work and actions through the Child Participation Map⁵⁷. The data collected fed a report on children's participation, allowed to identify children influencing specific issues and to connected them with decision making people as well as working as bridge between children and organisations.

The European Student Volunteer Network of the NGO **The Smile of the Child** started in 2012 as a broadcasting station where children could create their own web shows to: (i) make their voices heard; and (ii) support actions for providing care and support for exploited and vulnerable children. The **Child Justice Caravan**⁵⁸ is an initiative of the Child Friendly Justice European Network (CFJ-EN). It gives children and young people with experience with the justice system the opportunity to visit European institutions, meet with policymakers, and advocate for change in European justice systems to better respect their rights and needs. In 2021, the **NGO Save the Children** published a guide on meaningful and quality child participation in all processes in which children are to be heard⁵⁹. The Children's Council and national forums⁶⁰, organised by **Eurochild** (a network of organisations and individuals working with and for children in Europe), offers a platform for children to discuss issues of concern in their country and at the EU level, to bring these issues to the attention of European policymakers and to provide capacity building.

The Commission's '**Defence of Democracy**' package, a recommendation promoting high democratic standards on European and national elections and referenda, supports broad participation by different groups, including the participation of young people in elections⁶¹. The package also includes a recommendation on promoting the engagement and effective

⁵⁴ Defence for Children International (DCI) Belgium, [PARCS 2.0, Protéger les enfants contre les violences lors d'activités sportives](#) (March 2023 – March 2025); [BRIDGE project](#); DCI [BECOME Safe](#). See also, [DCI's Annual Report 2022-2023](#).

⁵⁵ Council of Europe Children's Rights Division and Youth Department, [Child participation assessment tool](#), 2016.

⁵⁶ [CP4Europe](#).

⁵⁷ [UN Special Representative of the Secretary-General on Violence against Children - Child Participation Map](#).

⁵⁸ [CFJ-EN's Child Justice Caravan](#).

⁵⁹ Save the Children, [The Nine Basic Requirements for Meaningful and Ethical Children's Participation](#), 2021.

⁶⁰ According to para 3 of the [UNCRC General Comment No. 12 on the right of the child to be heard, 2009](#). See, [Eurochild - Child Participation](#).

⁶¹ Commission Recommendation (EU) 2023/2829 of 12 December 2023 on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament, [C/2023/8626](#), OJ L 2023/2829, 20 December 2023.

participation of the public and civil-society organisations in public policymaking processes⁶². It promotes the meaningful, inclusive and safe participation of children and young people, without discrimination of any kind. In line with the Recommendation, Member States should undertake specific efforts to strengthen the participation of children and young people in political and democratic life at local, regional and national level including in rural and remote areas.

Encouraging the participation of children and young people also features prominently in other EU initiatives. **The EU youth strategy⁶³ fosters the participation of young people in democratic life**, in line with Article 165 of the Treaty on the Functioning of the EU. All policies and activities concerning young people should uphold their right to participate in the development, implementation and follow-up of policies affecting them. The **EU Youth Dialogue** brings together young people, youth organisations, policy and decision makers, experts, researchers, and civil-society groups. It serves as a forum for continuous joint reflection and consultation on the priorities, implementation and follow-up of European cooperation in the field of youth. The European Youth Portal⁶⁴ offers young people information on opportunities in Europe and beyond.

Activities to promote the participation of children and young people are also at the heart of the **European strategy for a better internet for kids (the BIK+ strategy)⁶⁵** whose youth ambassadors support peer-to-peer and child learning. An accessible and child-friendly version of the BIK+ strategy⁶⁶ is available in EU official and other languages. Children and young people will be involved in the evaluation of the implementation of the strategy.

The right of the child to be heard is enshrined under EU **criminal and civil procedural law** (see paragraph 2.2.2.1 on child-friendly justice). The provisionally agreed proposal for a directive on **combating violence against women and domestic violence**, including all forms of offline and online violence, requires Member States to take measures to prevent violence (such as awareness-raising campaigns, research, and education programmes) and give information to children in a child-friendly way⁶⁷.

1.4 Responding to children's needs, both online and offline.

1.4.1 Children need to feel safer in their physical environment

85% of children surveyed from May to October 2023 via the EU Children's Participation Platform agree that it is important to prevent children from being unsafe in physical spaces (e.g. school and after-school activities). Children surveyed felt that adults should do more to

⁶² Commission Recommendation promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes, C/2023/8627 final, 12 December 2023.

⁶³ Resolution of the Council of the European Union and the Representatives of the Governments of the Member States meeting within the Council on a framework for European cooperation in the youth field: The European Union Youth Strategy 2019-2027, OJ C 456, 18 December 2018, 1–22.

⁶⁴ [European Youth Portal](#).

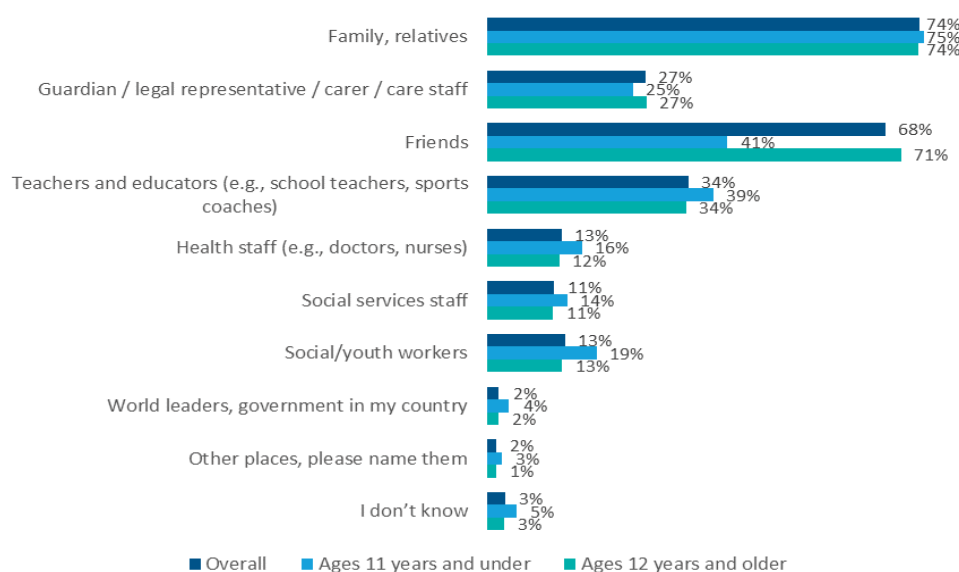
⁶⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Digital Decade for children and youth: the new European strategy for a better internet for kids (BIK+), COM/2022/212 final, 11 May 2022.

⁶⁶ European Union, [The European strategy for a better internet for kids \(BIK+\) – child friendly version](#), 2022.

⁶⁷ Article 36 of the Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM/2022/105 final, 8 March 2022. Provisional agreement was reached on this instrument on 6 February 2024.

ensure that children are physically safe and that they feel safe. Children are most likely to seek help from family and friends and prefer in-person information sources over online ones.

Who do you think children are most likely to seek help from? N=896



In this survey, children mentioned several people with whom – and several places where – they feel safe. Children mostly feel safe at home, especially when their home is stable, with caregivers offering support and creating a relaxed and trusting environment, preferably with a dedicated personal space and financial stability in families. However, for some children, home can be a place of danger and fear due to family issues, abuse, neglect, and a lack of necessary support and protection. Some children experience violence at home, undermining their trust in adults. Some children in the survey expressed clearly the advantages for their own safety resulting from a placement in a foster family.

A **positive school climate is of paramount importance to children**, who need a secure and respectful educational environment. Children consider school safe when: (i) they feel listened to and respected; (ii) they receive appropriate educational provisions; and (iii) their basic health, mental and physical, and safety needs are met. These conditions for safety can be undermined by concerns about violence, in particular **bullying** (see Section 1.6 on bullying)⁶⁸. Teachers play a vital role in fostering safety in schools by building trust and creating mutual respect, training on non-formal educational skills and participatory methods. One 17-year old boy from Croatia said that ‘it should be a two-way conversation with the child, to examine the background of the violence. Trust is important, and the person should be someone the child trusts at school. School psychologists and other expert staff in school should do their work in such a way that children can trust them’⁶⁹. Surveyed children also stressed that schools should respect children’s voices and individual learning needs, with one girl saying ‘I think teachers should listen to us more carefully because even though they think we are very young, we have our opinion and they should not ignore it’⁷⁰. Children surveyed also suggested increasing the

⁶⁸ For more information on the impact of violence against children and its relationship with educational opportunities and students’ academic achievement see NESET, [Achieving student well-being for all: educational contexts free of violence](#), 2023.

⁶⁹ EU Children’s Participation Platform, see note 14 p. 4.

⁷⁰ Quote of a 14-year-old child from Bulgaria consulted in the Child Participation Platform, see note 14 p. 4.

number of child protection staff and dedicated child protection roles in schools to provide better safeguarding. They also called for better hygiene in schools and putting a stop to bullying.

The Commission Expert Group on supportive learning environments for groups at risk of underachievement and for supporting well-being at school⁷¹ contributes to the implementation of the **European Education Area**⁷². In spring 2024, it is expected to issue policy recommendations and proposals to: (i) encourage the up-take of successful practices for creating supportive learning environments in schools; and (ii) promote activities to raise awareness on supportive learning environments. The so-called **whole-school approach to well-being and mental health** gives specific attention to preventing bullying and violence, with targeted intervention in collaboration with mental-health professionals and families. It is also important to address the mental health and well-being of teachers and staff and their training needs. Implementation of the whole-school approach in schools requires a comprehensive and coordinated effort across all levels of the education system, and across different sectoral policies (including health, social policies, migration and justice)⁷³. As an example, the child-rights schools programme is promoted by the EU and Unicef and implemented in seven countries under the CCC NatCom project⁷⁴. This whole-school approach to child-rights education embeds respect for rights throughout the school on an everyday basis⁷⁵. In addition, the EU-funded research project REFUGE-ED⁷⁶ stresses the positive impact of best practices in education and mental health for the integration of migrant children⁷⁷. And the Horizon Europe research project LET'S CARE⁷⁸ is also exploring new ways to build safe and caring schools to foster educational inclusion and school achievement.

Education is a top priority for children across Europe, consulted under the 'Our Rights. Our Future. The Europe We Want' Project⁷⁹. Unfortunately, children feel that the education system does not respond to their needs and prepare them adequately for the future. The overall message from children is strong: in addition to academic skills, a majority would like to learn in school about life skills, digital skills, social skills and emotional skills.

High-quality early-childhood education and care are a crucial part of integrated child protection systems. The Council Recommendation on high-quality **early-childhood education and care** systems⁸⁰ supports the Member States in their efforts to improve access to – and the quality of – early-childhood education and care. The Council Recommendation establishing a **European Child Guarantee**⁸¹ aims to ensure that all children in Europe at risk

⁷¹ [Commission Expert Group on well-being in schools](#).

⁷² Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on achieving the European Education Area by 2025, COM/2020/625 final, 30 September 2020. See also Council Recommendation of 28 November 2022 on Pathways to School Success and replacing the Council Recommendation of 28 June 2011 on policies to reduce early school leaving, OJ C 469, 9 December 2022, 1–15.

⁷³ European Commission, [Supporting well-being and mental health through education: a series of inspiring factsheets for schools](#), 2023.

⁷⁴ [Children as Champions of Change: Ensuring Children's Rights and Meaningful Participation](#).

⁷⁵ UNICEF & the European Union, [Child Rights Schools. Key Resources](#).

⁷⁶ REFUGE-ED. See also, [REFUGE-ED project description](#).

⁷⁷ [Combining mental health and education best practices helps migrant children find their feet](#).

⁷⁸ [LET'S CARE](#).

⁷⁹ *Our Rights. Our Future. The Europe We Want.*, see note 52 p. 9.

⁸⁰ Council Recommendation of 8 December 2022 on early childhood education and care: the Barcelona targets for 2030, ST/14785/2022/INIT, OJ C 484, 20 December 2022, 1–12.

⁸¹ Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee, ST/9106/2021/INIT, OJ L 223, 22 June 2021, 14–23.

of poverty or social exclusion have free and effective access to high-quality, early-childhood education and care⁸².

Children frequently feel safe during **after-school activities, cultural activities and sports**, especially when they know who they can turn to for help if they feel insecure or that their safety is threatened. Under the Daphne strand of the EU's Citizens Equality, Rights and Values (CERV) programme⁸³, the German project Start2Act (Safer Spaces and Participation in the Arts - Creating and Promoting Child Safeguarding Policies)⁸⁴ aims at helping local civil-society organisations for cultural education to be safer spaces, where children are protected from violence including sexual violence. In line with the European Child Guarantee, these after-school activities should be made available – and be free of charge – whenever possible.

Children value their **peer groups and friends** as safe places and sources of emotional support, understanding and empathy. This is especially true of older children. But although it can be helpful for children to talk to friends, it is not sufficient. In the consultation, some children said that some secrets can be very large burdens for them to carry and that additional help and training courses are necessary to help them shoulder it (see Section 1.6 on bullying).

Public spaces, such as streets, parks, playgrounds, public transport, and neighbourhoods often raise safety concerns for children⁸⁵. In the consultation, children living in cities commented on their lack of trust in authorities. Feelings of safety in public spaces also vary by gender, with girls feeling less safe in such environments. As they grow older, some children feel that they become: (i) a greater target of bullying; (ii) in danger of physical violence; or (iii) in danger of being mocked or judged. In Cyprus, children responding to the consultation said that parks and playgrounds should not be built around 'big unsafe roads' and said that the 'facilities where they spend time are often in neighbourhoods which are not the safest'. When they are well-known, police officers give children a greater feeling of safety. Better street lighting⁸⁶ and a good mobile phone network can also increase children's feelings of safety. As underlined by European Youth Goal Number 9, young people need access to physical spaces in their communities to support their personal, cultural and political development⁸⁷.

1.4.2 Increasing online safety and empowering children

Child protection in the digital world is also a critical concern for children. In the children's consultation, children raised concerns on cyberbullying, data security and online regulations. Children emphasised the need for increased **safety measures and effective regulations** to protect them in the digital world. For example, they referred to the need for stricter restrictions: (i) on age limits for social media; (ii) to prevent access to inappropriate content; and (iii) to ensure correct age verification when people access apps or websites. **Children said that they want more education on staying safe online** (e.g. outreach campaigns for children warning them not to befriend strangers on social media).

⁸² This is in line with Principle 11 of the European Pillar of Social Rights, which recognises children's right to affordable early-childhood education and care that is of good quality.

⁸³ Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values (CERV) Programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014, OJ L 156, 5 May 2021, 1-21.

⁸⁴ [Safer Spaces and Participation in the Arts - Creating and Promoting Child Safeguarding Policies](#).

⁸⁵ About children's perceptions of risk and unsafe school routes, see For Gössling, S., et al., 'Children's safe routes to school: Real and perceived risks, and evidence of an incapacity-incapability space', *Journal of Cycling and Micromobility Research*, Vol. 2, 2024.

⁸⁶ Child Participation Platform focus group on Children's Voices on Feeling Safe, see note 51 p. 9.

⁸⁷ [Youth Goals](#).

Children face many challenges from digital tools – including use of social media – and this puts increasing pressure on their mental health. Children going through puberty with online over-exposure are likely to experience far more social comparison, self-consciousness, public shaming, and chronic anxiety than adolescents in previous generations⁸⁸. It is important that they use social media prudently, and policy in this area should tackle issues such as: online child sexual abuse; online access to illicit drugs and new psychoactive substances; cyberbullying; hate speech; excessive screentime; and the digital editing of images.

Only 50% of children consulted under the ‘Our Rights. Our Future. The Europe We Want’ project **feel safe online**. This is very different for boys and girls: 66% of boys feel safe online, compared to 41% of girls⁸⁹.

A move to create a safer and healthier digital space for children and young people is needed. This is emphasised in the Council conclusions on digital empowerment to protect and enforce fundamental rights in the digital age⁹⁰ and on supporting well-being in digital education⁹¹. **This is especially the case for children in vulnerable situations.** In the consultation, stakeholders (Eurochild; the Federation of Catholic Family Associations in Europe (FAFCE), Save the Children; ESCAP; and CNZD, Croatia’s Centre for Missing Children) also identified **numerous threats** that could potentially harm children, such as: (i) child sexual abuse; (ii) the premature exposure of children to adult content; (iii) the risk of addiction to devices; (iv) artificial intelligence (AI); and (v) hate speech online. The issue of addictive behaviour due to the use of internet devices, without proper official recognition of their risks, is a particular concern (and was raised in the consultation by FAFCE). In a survey from the Joint Research Centre (JRC), children reported having spent an average of 6.5 hours online on a typical weekday during lockdown (including 3.8 hours for school purposes)⁹². Heightened levels of internet use can lead to a more sedentary lifestyle with possible health implications. Many psychologists have raised concerns about children developing attention disorders and having difficulty disconnecting from internet use⁹³. As highlighted in the Communication on a comprehensive approach to mental health⁹⁴, the Commission will support a practical guidance for authorities on improving the protection of children in the digital world.

In the consultation, children also stressed the need for increased safety measures and effective regulations to protect them in the digital world⁹⁵. On this issue, there is a risk of a mismatch between the legal framework and the **effectiveness of the measures implemented** to protect children online, showing how reality may diverge from legal standards (this was a concern expressed by the Spanish NGO Professionals For Ethics).

⁸⁸ Haidt, J., ‘End the phone-based childhood now -The environment in which kids grow up today is hostile to human development’. *The Terrible Costs of a Phone-Based Childhood*, Penguin Press, 2024.

⁸⁹ *Our Rights. Our Future. The Europe We Want.*, see note 52 p. 9.

⁹⁰ Council conclusions on digital empowerment to protect and enforce fundamental rights in the digital age, 14309/23, 20 October 2023.

⁹¹ Council conclusions on supporting well-being in digital education, 14982/22, 28 November 2022.

⁹² European Commission, Joint Research Centre, Lobe, B., Velicu, A., Staksrud, E. et al., How children (10-18) experienced online risks during the COVID-19 lockdown – Spring 2020 – Key findings from surveying families in 11 European countries, Publications Office of the European Union, 2021.

⁹³ BIK+, see note 72 p. 13.

⁹⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a comprehensive approach to mental health, COM/2023/298 final, 7 June 2023.

⁹⁵ Child Participation Platform focus group on Children's Voices on Feeling Safe, see note 51 p. 9.

Further threats to child protection online include inappropriate content, intrusive harvesting of information, aggressive (online) marketing of unhealthy foods and beverages, beauty standards, and alcohol and tobacco as well as aggressive (online) marketing of unhealthy foods and beverages. As regards the latter, the Group of Chief Scientific Advisors of the European Commission, under the Scientific Advice Mechanism, has issued a scientific opinion, ‘Towards Sustainable Food consumption’. This group has recommended to ban the advertising of unhealthy diets and of foods that are poor in nutrients or high in fat, salt and sugar to children from all media. According to this opinion, voluntary codes of conduct for responsible marketing have not proven sufficient to address the issue⁹⁶.

Stakeholders also called for more – and more specific – provisions and a clear and common regulation for effective **age verification** in the EU (this point was made by Professionals For Ethics and the French NGO Digital Renaissance)⁹⁷. For example, France launched in February 2022 an action plan for the prudent use of screens by young people and children, and introduced a law in July 2023 to lay down an age at which people are considered to be digital adults⁹⁸. Stakeholders in this area have already tested an effective, user-friendly and interoperable system developed under EU co-funded pilot project (euCONSENT.asb⁹⁹) to verify users’ age.

Stakeholders also called for **awareness-raising or training activities** on digital literacy, privacy, and online safety for children (this appeal was made by both DCI Belgium and DCI Italy)¹⁰⁰. These stakeholders also suggested empowering family members as first agents of prevention against online risks to children. As a complementary action, respondents to the survey also recommended implementing wide-reaching education on internet safety and ‘netiquette’ in schools, before children are old enough to gain unsupervised access to the internet (respondents voicing this view included FAFCE, ESCAP, and the European Disability Forum). For instance, the Council of Europe has developed awareness-raising and training activities on digital literacy¹⁰¹.

Only seven EU Member States, Croatia, France, Hungary, Sweden, Slovakia and Slovenia) have developed a **comprehensive digital strategy** or programme with a focus on children and digital technologies¹⁰².

The UNCRC General comment No. 25 (2021) on children’s rights in relation to the digital environment highlights the ‘opportunities, risks and challenges in promoting, respecting, protecting and fulfilling all children’s rights in the digital environment’¹⁰³.

The **Council’s Conclusions on digital empowerment to protect and enforce fundamental rights in the digital age** invited Member States to raise awareness, in a language adapted to children and young people, of the importance of protecting their privacy and personal data in the digital world¹⁰⁴. In addition, the Conclusions invited Member States to adopt the necessary

⁹⁶ European Commission, [Towards sustainable food consumption – Promoting healthy, affordable and sustainable food consumption choices](#), Directorate-General for Research and Innovation, Group of Chief Scientific Advisors, Publications Office of the European Union, 2023.

⁹⁷ Renaissance Numérique, [Contrôle de l’âge en ligne : pour une approche proportionnée et européenne](#), 2022.

⁹⁸ “Je protège mon enfant” platform, relating to screen use and protection against pornography.

⁹⁹ euCONSENT - Trust Services for Children in Europe.

¹⁰⁰ For instance, see Council of Europe, [Digital citizenship education handbook](#), 2022.

¹⁰¹ [Digital citizenship education handbook](#), see note 106 p. 17.

¹⁰² Cyprus, Croatia, France, Hungary, Sweden, Slovakia and Slovenia. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

¹⁰³ UNCRC General comment No. 25 on children’s rights in relation to the digital environment, 2021.

¹⁰⁴ European Council, [Council sets out vision for protecting fundamental rights in the digital world](#), 2023.

measures to provide specific protection and/or digital skills tailored to the needs of children and people working with children. These measures could include: (i) training programmes for teachers and youth workers; (ii) help to identify cyberbullying, grooming and other forms of online harassment and crime; (iii) reporting on the support given to child and youth victims of crime online; (iv) support for the introduction of age-verification systems to tackle aggressive commercial practices; and (v) support to promote appropriate limits on screen time. The **Council's Conclusions on the EU strategy on the rights of the child** called on Member States to increase opportunities for children to be responsible and resilient members of digital society, in particular by: (i) investing to ensure equal access and support to digital technology for every child; (ii) empowering children to be conscious media users by supporting the development of media and information literacy needed to critically examine, evaluate and produce online content¹⁰⁵; (iii) providing protection on existing and emerging risks in the digital environment by focusing on digital literacy, privacy and online safety; and (iv) developing support services for child victims of online abuse.

At EU level, there are several important building blocks to protect, empower and respect children in the digital age. This include: (i) the new **BIK+ strategy**¹⁰⁶; (ii) the Digital Services Act (DSA); (iii) the Audiovisual Media Services Directive¹⁰⁷ (AVMSD); and (iv) the General Data Protection Regulation (GDPR). In the paragraphs below, these building blocks are discussed in more detail.

Firstly, **the EU-funded BIK platform**¹⁰⁸ and the network of **Safer Internet Centres** help to raise awareness of online challenges and opportunities by offering a wealth of resources and support for children, parents, teachers, and the general public including helpline services and training activities. In 2022, the network and platform together reached more than 31 million European citizens providing them with more than 1 300 new resources¹⁰⁹.

Secondly, **the DSA**¹¹⁰ has the protection of minors as a core objective. The DSA constitutes a novel piece of legislation that aims to create a safer and more trusted online environment, including by setting targeted rules for the protection of minors online. The DSA includes obligations for providers of online services to: (i) remove and report illegal and harmful content; (ii) create easy-to-use tools for flagging content; and (iii) set up efficient internal complaint mechanisms. In addition, the DSA requires very large online platforms (VLOP) and search engines (i.e., those with more than 45 million active users) to assess and mitigate systemic risks to children's rights and well-being. Mitigation measures that these very large online platforms and search engines may build include tools for minors to signal abuse, specific parental-control tools, or age-assurance tools. Under the DSA, platforms that are predominantly directed at – or used by – minors need to ensure that their terms and conditions are easily understandable for them. The DSA further prohibits the use of online advertising based on profiling of minors. The Commission may adopt guidelines to help providers of online platforms applying the DSA's requirement to ensure a high level of privacy, safety and security

¹⁰⁵ Council conclusions on the EU strategy on the rights of the child, see note 6 p. 3.

¹⁰⁶ BIK+, see note 72 p. 13.

¹⁰⁷ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU 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) in view of changing market realities, OJ L 303, 28 November 2018, 69–92.

¹⁰⁸ BIK+, see note 72 p. 13.

¹⁰⁹ European Commission, *Better internet for Kids review of the year 2022*, 2023.

¹¹⁰ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27 October 2022, 1-102.

of minors on their services. On 19 February 2024, the European Commission has opened **formal proceedings** to assess whether TikTok, designated as VLOP, may have breached the Digital Services Act (DSA) in areas linked to the protection of minors, advertising transparency, data access for researchers, as well as the risk management of addictive design and harmful content¹¹¹. A user-friendly booklet on the Digital Services Act (DSA) provisions on measures to protect children and young people online was also published¹¹².

Thirdly, the **AVMSD** includes specific provisions on audiovisual media-service providers to protect minors from content that may impair their physical, mental or moral development. Additionally, providers of video-sharing platforms must take appropriate measures including: (i) age verification; (ii) parental control; (iii) reporting mechanisms; (iv) systems to allow uploaders or users to rate content; and (v) measures to protect children from different forms of aggressive online marketing of unhealthy foods and beverages. Under the AVMSD, the most harmful content (such as gratuitous violence or pornography) must be subject to the strictest measures such as encryption and effective parental controls. The AVMSD addresses broadcast advertising to children and calls Member States to encourage media service providers and video-sharing platform service providers or organisations representing them to develop codes of conduct regarding inappropriate audio-visual commercial communications, accompanying or included in children's programmes, of foods and beverages high in fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.

Lastly, the **General Data Protection Regulation (GDPR)** applies to the processing of children's personal data both offline and online. The GDPR recognises that children deserve stronger protection of their personal data as they may be less aware of the risks and their rights. Therefore, controllers of these data should be aware of potential risks to the rights and freedoms of children when processing their personal data and take appropriate measures to mitigate these risks. The GDPR lays down conditions applicable to consent in relation to information services that affect children. These conditions include a requirement for processors of information to obtain consent for the processing of data belonging to that child under the age of 16¹¹³. This consent can be given or authorised by the holder of parental responsibility for children under 16. The GDPR also grants a specific right to 'erasure' (the so-called right to be forgotten) regarding children's personal data collected from online services.

The GDPR requires a legal basis for processing personal data. When a controller is processing personal data based on their legitimate interests, they should ensure that the legitimate interests pursued do not negatively impact the best interests of the child. GDPR clarifies that specific protection should be given to the personal data of children, in particular when these data: (i) are being used for the purposes of marketing or creating personality or user profiles; and (ii) are being used to offer services directly to a child. Furthermore, the GDPR requires that children should not be subject to automated decision making. It also requires controllers to provide any information on personal data processing and communication in relation to a data subject's rights in a clear, transparent, understandable, and easily available style, particularly where recipients are children, to guarantee that these rights are easily understandable by them.

¹¹¹ European Commission, [Commission opens formal proceedings against TikTok under the Digital Services Act](#), 2024.

¹¹² European Commission, [The Digital Services Act \(DSA\) explained - Measures to protect children and young people online](#), 2023.

¹¹³ Member States may provide by law for a lower age provided that this age is not below 13 years.

The **European Data Protection Board** is working on guidelines on children's data¹¹⁴. The protection of children in online environments, in particular when interacting with very large online platforms, has been the subject of several decisions of the European Data Protection Board¹¹⁵.

Furthermore, to address the spread of illegal hate speech online¹¹⁶, including the possible exposure of children and young people to hate speech, the Commission launched in 2016 a **code of conduct on countering illegal hate speech online**¹¹⁷ and promoted this code of conduct with the major online platforms. The code aims to both: (i) ensure a prompt response to hate-speech notifications; and (ii) promote awareness raising and education to better prevent hate speech.

Under EU consumer law, **the Unfair Commercial Practices Directive** protects children as vulnerable consumers and prohibits direct exhortations encouraging them to purchase something. Furthermore, the ongoing fitness check of consumer law on digital fairness is examining the effectiveness of current EU consumer-protection legislation in tackling the addictive use of digital services.

The **Consumer Protection Cooperation Network**¹¹⁸ endorses key principles on fair advertising towards children that traders should consider to better protect children who shop across national borders¹¹⁹. It has also coordinated actions to promote the rights of children as consumers, leading TikTok to make a commitment to better protect children as consumers¹²⁰. On product safety, the European Commission has developed communication campaigns and webss under the Safety Gate Portal¹²¹, the EU rapid alert system for dangerous non-food products. Additionally, the **General Product Safety Regulation**¹²² sets standards for products that are attractive to children.

In the context of the broader digital risks facing children, it is essential to highlight the potential hazards associated with **Artificial Intelligence (AI)** and virtual worlds¹²³. In the **EU initiative on Web 4.0 and virtual worlds**¹²⁴, the Commission acknowledged that the development of

¹¹⁴ European Data Protection Board (EDPB), *EDPB Work Programme 2023/2024*, 2023.

¹¹⁵ See for example in that context the [EDPB Binding Decision 2/2022](#) on the dispute arisen on the draft decision of the Irish Supervisory Authority regarding Meta Platforms Ireland Limited (Instagram) under Article 65(1)(a) GDPR adopted on 28 July 2022, and the [EDPB Binding Decision 2/2023](#) on the dispute submitted by the Irish SA regarding TikTok Technology Limited (Article 65 GDPR) adopted on 2 August 2023.

¹¹⁶ As defined by the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328, 6 December 2008, 55-58.

¹¹⁷ European Commission, *The EU Code of conduct on countering illegal hate speech online*, 2016.

¹¹⁸ Established by the Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004, OJ L 345, 27 December 2017, 1-27. See also, [How are consumer rights enforced in the EU?](#).

¹¹⁹ [Cooperation between consumer and data protection authorities: 5 key principles of fair advertising to children](#).

¹²⁰ For example European commission, *EU Consumer protection: TikTok commits to align with EU rules to better protect consumers*, 2022.

¹²¹ [Safety Gate: the EU rapid alert system for dangerous non-food products](#).

¹²² Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC, OJ L 135, 23 May 2023, 1-51.

¹²³ The Institution of Engineering and Technology, *Children likely to spend 10 years of their lives in VR metaverse*, 2022 (updated on 9 October 2023).

¹²⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions An EU initiative on Web 4.0 and virtual worlds: a head start in the next technological transition, COM/2023/442 final, 11 July 2023.

virtual worlds is likely to pose challenges to fundamental rights, in particular the rights of the child. Children and young people may be digital ‘natives’ but they still need to better understand specific issues in relation to: (i) their safety, security and privacy; (ii) the protection of their personal data and other rights; and (iii) the obligations in immersive environments. Children’s rights should be upheld in virtual worlds, including through measures to ensure child safety and privacy by design. The Commission is committed to: (i) supporting skills development for virtual-world technologies; (ii) promoting guiding principles for virtual worlds; (iii) supporting specific research on the impact of virtual worlds on children’s health and well-being, through Horizon Europe¹²⁵; and (iv) developing a virtual-worlds toolbox for the general public, as well as resources on virtual environments for young people under the BIK+ strategy.

For this reason, the proposed **AI Act**¹²⁶ aims to ensure safety and respect of those fundamental rights in relation to AI systems intended to be used in high-risk contexts (e.g., essential public services, law enforcement, or education). Under the proposed AI Act, before such systems may be placed on the market or put into service in the EU, they would need to comply with a set of safety requirements and procedures, including: (i) a risk assessment; (ii) the management of foreseeable risks to children; (iii) human oversight; and (iv) *ex post* monitoring. Furthermore, the proposed AI Act would prohibit unacceptable AI practices that have the objective or effect of exploiting vulnerabilities of children in a way that could cause them harm.

Research is also underway to help establish a balance between the development of AI and individual rights. A report by the JRC proposes a set of science-for-policy principles for AI and children’s rights¹²⁷. Another JRC project¹²⁸ is studying the impact of AI and algorithmic systems on people and society, and assesses the potential long-term impact of algorithms on children, mental health, and democratic processes.

1.4.3 Child sexual abuse

It is estimated that 1 in 5 children in Europe fall victim to some form of sexual abuse during their childhood¹²⁹. Every second, at least two images or videos of a child’s sexual abuse are published online and reports of grooming increased by 82% from 2021 to 2022¹³⁰. Among 1 276 children consulted in a recent survey, 42% answered ‘yes’ to the question ‘Did any of your friends experience online teen dating violence?’¹³¹. Moreover, during the COVID-19 Pandemic, Children were exposed to increased domestic violence, cyberbullying, online abuse and exploitation, including a steep rise in the circulation of online child sexual abuse materials¹³².

¹²⁵ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013, OJ L 170, 12 May 2021, 1–68.

¹²⁶ Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts, COM/2021/206 final, 21 April 2021.

¹²⁷ European Commission, Joint Research Centre, Chaudron, S. and Di Gioia, R., Artificial Intelligence and the Rights of the Child - Young people’s views and perspectives, EUR 31094 EN, Publications Office of the European Union, Luxembourg, 2022.

¹²⁸ [HUMAIINT - Human behaviour machine intelligence](#).

¹²⁹ [Council of Europe Human Rights Channel](#).

¹³⁰ [National Center for Missing & exploited children](#). See also, [Eurochild: Last call: protect children from online sexual exploitation!](#).

¹³¹ [Save the Children: Progetto Date \(Develop Approaches and Tools to end online teen dating violence\)](#).

¹³² Europol, [Exploiting isolation: Offenders and victims of online child sexual abuse during the COVID-19 pandemic](#), 2022.

Child sexual abuse can have profound long-term consequences on children's psychological well-being, and also lead to the development of associated disorders or co-morbidities¹³³. Children may also have misconceptions about sexual relations, with more and more children receiving information about sex through pornography. Support and intervention mechanisms should help these children cope with trauma, a point made by the French NGO Point of Contact. Stakeholders proposed preventive campaigns and protocols on the risks related to pornography and sexually explicit content generated by children (this was a point made by both FAFCE and the Czech NGO NePorno).

This is why the EU is on the frontline in tackling the issue, laying down a European legal framework to protect children under **the EU strategy for a more effective fight against child sexual abuse**¹³⁴, which includes a pillar on prevention in both legislative and non-legislative initiatives. For more insights on the prevention of sexual abuse and protection of its victims, see Section 1.4.3.

The **Directive on combating the sexual abuse and sexual exploitation of children and child pornography**¹³⁵ provides a common framework for criminal investigation into – and prosecution of – child sexual abuse and exploitation crimes. The Directive imposes minimum standards with regards to the definitions of offences and sanctions. It also obliges Member States to prevent those crimes and give assistance and support to victims. The Directive contains provisions requiring Member States to take the necessary measures to ensure the prompt removal or blocking of web pages containing or disseminating child sexual abuse material. On 6 February 2024, the Commission proposed a recast of the Directive¹³⁶, which, besides updating the definitions of offences and penalties, reinforces the provisions on both prevention and assistance to victims.

The **proposal for a regulation to prevent and combat child sexual abuse**¹³⁷ sets out measures to combat abuse against children both online and offline. The proposal would require companies to systematically assess and mitigate the risk of child sexual abuse on their services (i.e., by implementing 'child safety by design') and, if prevention is not sufficient, to detect, report, remove and block online child sexual abuse. It would also set up an EU centre to prevent and combat child sexual abuse as an EU agency to facilitate the implementation of these obligations in Member States and provide support to victims. The **Interim Regulation**¹³⁸ to combat child sexual abuse lays down temporary and strictly limited rules derogating from certain obligations laid down in Directive 2002/58/EC, with the sole objective of enabling providers of interpersonal communications to process personal data to use specific

¹³³ CIIVISE, *Violences sexuelles faites aux enfants: le coût du déni*, 2023; CIIVISE, *Violences sexuelles faites aux enfants: on vous croit*, 2023.

¹³⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU strategy for a more effective fight against child sexual abuse, COM/2020/607 final, 24 July 2020.

¹³⁵ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (Child Sexual Abuse Directive), OJ L 335, 17 December 2011, 1–14.

¹³⁶ Proposal for a directive of the European Parliament and of the council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast), COM/2024/60 final, 6 February 2024.

¹³⁷ Proposal for a regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, COM/2022/209 final, 11 May 2022.

¹³⁸ Proposal for a Regulation of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC of the European Parliament and of the Council as regards the use of technologies by number-independent interpersonal communications service providers for the processing of personal and other data for the purpose of combatting child sexual abuse online, COM/2020/568 final, 10 September 2020.

technologies, without prejudice to the GDPR and to the extent necessary, to detect, report and remove online child sexual abuse material from their services. On 30 November, the Commission proposed an extension of the Interim Regulation which the Council and the European Parliament endorsed with a provisional agreement. Thereafter, the Interim Regulation will be extended until 3 April 2026.

As proposed in the EU strategy for a more effective fight against child sexual abuse, setting up a **network for the prevention of child sexual abuse** would help Member States to put in place effective prevention measures against child sexual abuse in the EU. EU funding will also support projects to prevent and combat child sexual abuse. The JRC has published several reports on the matter, also identifying criteria for classifying prevention programmes regarding prevention of child sexual abuse¹³⁹.

EU funds have helped to strengthen various specific projects. Under the **CERV programme**, the so-called Daphne strand funds projects some of which seek to prevent and combat all forms of violence against children and young people. The Daphne strand also funds projects: (i) to combat all forms of gender-based violence against girls and domestic violence; and (ii) support and protect all direct and indirect victims of such violence (such as domestic violence exerted within the family or violence in intimate relationships, including children orphaned by domestic crimes).

Moreover, under the EU's **Internal Security Fund**¹⁴⁰: (i) **PROMISE Elpis**¹⁴¹ promotes multidisciplinary and inter-agency models for helping child victims and witnesses of sexual violence; (ii) **CSAPE 2022-2024**¹⁴² helps to ensure that children have the knowledge to express their own sexuality in an age-appropriate and safe manner to protect themselves from child sexual abuse; and (iii) **ALUNA**¹⁴³ has as one of its key three pillars the prevention of child sexual abuse and exploitation. **Project Bridge**¹⁴⁴ is a project funded by the EU to offer professional services to individuals who are concerned about their thoughts or behaviours involving children. Similarly, **Horizon Europe** (Cluster 3 on civil security for society) is currently funding the project **2PS - Prevent & Protect Through Support**¹⁴⁵ committed to raising awareness on actions to prevent child sexual abuse and to increase access to support and therapy for people who fear they might sexually abuse children. Under the same funding umbrella, the **RAYUELA**¹⁴⁶ project aims to use play to educate young people on the benefits, risks and threats of the digital world. The Union's framework programme for research and innovation Horizon Europe¹⁴⁷ also supports various projects linked to the protection of children in a number of thematic areas of research, including for example on the prevention of child

¹³⁹ European Commission, Joint Research Centre, Di Gioia, R., Beslay, L., Cassar, A. and Pawula, A., Classification criteria for child sexual abuse and exploitation prevention programmes, EUR 30973 EN, Publications Office of the European Union, Luxembourg, 2022; for More details on the 14 classification criteria, see: [JRC: Classification criteria for child sexual abuse and exploitation prevention programmes](#). Di Gioia, R. and Beslay, L., Help seeker and Perpetrator Prevention Initiatives - Child Sexual Abuse and Exploitation, O'Neill, G. editor(s), Publications Office of the European Union, Luxembourg, 2023; see also, [JRC: Helping Member States to apply EU rules on combatting child sexual abuse](#).

¹⁴⁰ Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund, OJ L 251, 15 July 2021, 94–131. See also, [Internal Security Fund \(2021-2027\)](#).

¹⁴¹ [PROMISE Elpis](#).

¹⁴² [CSAPE 2022-2024](#). See also, [Child Sexual Abuse Prevention and Education, CSAPE 2022–2024 project](#).

¹⁴³ [ALUNA](#). See also, [ALUNA's web page](#).

¹⁴⁴ [BRIDGE](#). See also, [project Bridge's web page](#).

¹⁴⁵ [2PS - Prevent & Protect Through Support](#). See also, [2PS \(Prevent & Protect through support\)'s web page](#).

¹⁴⁶ [RAYUELA](#).

¹⁴⁷ Regulation (EU) 2021/695, see note 131, p. 21.

sexual exploitation and domestic and sexual violence¹⁴⁸. Specifically, Horizon Europe-funded projects are working on preventing domestic and sexual violence (Projects **ISED**A: Innovative Solutions to Eliminate Domestic Abuse¹⁴⁹ and **IMPROVE**: Improving Access to Services for Victims of Domestic Violence by Accelerating Change in Frontline Responder Organisations¹⁵⁰).

1.5 Promoting a healthy environment, fostering mental health

Addressing the mental health of children is of paramount importance: **59% of young people (15-24-year-olds) said in a recent survey that they had experienced an emotional or psychosocial problem (such as feeling depressed or feeling anxious) in the last 12 months. Suicide is the second largest cause of death among young people (15-19 years of age) after road accidents**¹⁵¹. In the EU, the annual value of lost mental health, in children and young people is estimated at EUR 50 billion¹⁵². Symptoms of anxiety and depression among young people more than doubled in several European countries during the pandemic. Health systems were already struggling with the increasing demand for mental-healthcare services that were already stretched thin, and this meant that nearly half of all young Europeans reported unmet needs for mental healthcare in the spring of 2022¹⁵³. During their school years, 20% of school children experience mental health problems, with 1 in 5 reporting unhappiness and anxiety about the future due to bullying challenges, coping with schoolwork and loneliness¹⁵⁴. However, for many children, the cost of private mental health services is prohibitive¹⁵⁵. Children's gender, socio-economic background and lack of support exacerbated these issues: before the COVID-19 crisis, the World Health Organization found that European girls from low-income families were the most likely to say that they felt low more than once a week¹⁵⁶.

To identify the roots of mental-health distress in young people, stakeholders responding to the Commission's consultation ask to consider the impact of a variety of factors, such as digitalisation, climate change, digital addictive behaviour, cyber-violence, sexual abuse, the absence of work-life balance, and youth unemployment (all of these factors were mentioned in the consultation by FAFCE). In addition, research conducted by various international organisations (e.g., the World Health Organization and the International Monetary Fund¹⁵⁷) underlines the impact of gender and poverty on children's mental health. Young people cite the immense societal pressures they face today and express a need for better services to promote mental health in young people.

For 66% of children consulted under the 'Our Rights. Our Future. The Europe We Want' Project, **school pressure is the biggest challenges to their mental health**, followed by **not feeling heard** or taken seriously, loneliness, **uncertainty about the future** and **bullying** for

¹⁴⁸ [Horizon Europe Framework Programme \(HORIZON\) - Fighting Crime and Terrorism 2021 \(HORIZON-CL3-2021-FCT-01\)](#).

¹⁴⁹ [ISED](#)A.

¹⁵⁰ [IMPROVE](#).

¹⁵¹ *The State of the World's Children 2021*, see note 31 p. 6.

¹⁵² *The state of the World's Children 2021*, see note 31 p. 6.

¹⁵³ OECD, *Health at a Glance: Europe 2022: State of Health in the EU Cycle*, 2022.

¹⁵⁴ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Bruckmayer, M., Phillips, W., *Children and mental health – Preventive approaches to anxiety and depression – European platform for investing in children*, Publications Office, 2021.

¹⁵⁵ *Our Rights. Our Future. The Europe We Want.*, see note 52 p. 9.

¹⁵⁶ WHO, *Spotlight on adolescent health and well-being*, 2020; *The State of the World's Children 2021*, see note 31 p. 6; Eurofound, *Challenges and prospects in the EU: Quality of life and public services*, 2019.

¹⁵⁷ International Monetary Fund, *Rising Child Poverty in Europe: Mitigating the Scarring from the COVID-19 Pandemic*, 2023.

most of them. Over half of those children find addressing the stigma related to mental health as key to tackling mental health challenges¹⁵⁸.

‘I would put awareness on mental health, stress, and teach about it in school’, said one Danish child consulted in a focus group¹⁵⁹. **Many children responding to the EU Children’s Participation Platform consultation highlighted the importance of mental health and psychological support, and said they regretted the fact that there was a stigma about talking about mental health issues.** These children said it was important to help people to come up with solutions to these issues, and to organise events to help raise awareness of these issues, both in and out of school. They noted that it is often difficult for children to acknowledge that they need help and that adults should recognise this and provide support. ‘Parents need to understand how to communicate about the importance of emotional health for adults and children,’ said one child from Romania. Children said that they need to know who they can turn to and who can assist and guide them. They also said that supportive adults should create an environment in which children feel comfortable opening up without fearing negative reactions.

Mental and sexual health are also interconnected. In Spain, sexuality education courses are held in municipal halls, with EU funding, targeting any person that works with teenagers. Children from Denmark recommended in the consultation that the EU should initiate more open discussions about mental health and fund more related services (see Section 2.2.3 on support measures).

In June 2023, the **Commission adopted a comprehensive approach to mental health**, with a focus on ‘boosting the mental health of children and young people’ with four specific flagship initiatives on: (i) setting up a mental-health network for children and young people; (ii) developing a prevention toolkit and addressing key health determinants; (iii) developing tools, e.g. on promoting healthy lifestyles and resilient mental health; and (iv) better protection for children in the digital sphere, online and on social media.

Under the **EU4Health programme**¹⁶⁰, funds are available for Member States and stakeholders to implement projects that support better mental health for children. This includes: (i) projects promoting best practices such as the ‘Ice hearts’ and ‘Let’s talk about children’ projects, each of which received EUR 4 million in funding; and (ii) psychological first aid to displaced people/children from Ukraine via a contribution agreement of EUR 31.2 million with the Red Cross.

The **European Child Guarantee** identifies children with mental health issues as one of the target groups, whose specific disadvantages should be taken into account while designing national measures for children in need. The Guarantee also recommends Member States to facilitate early detection and treatment diseases and developmental problems, including those related to mental health.

¹⁵⁸ *Our Rights. Our Future. The Europe We Want.*, see note 52 p. 9.

¹⁵⁹ Quote of a child from Denmark who participated in the focus group on Children’s Voices on Feeling Safe, see note 51 p. 9.

¹⁶⁰ Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union’s action in the field of health (‘EU4Health Programme’) for the period 2021-2027, and repealing Regulation (EU) No 282/2014, OJ L 107, 26 March 2021, 1–29.

Youth Goal 5 on mental health and well-being of the **EU youth strategy**¹⁶¹ aims to achieve better mental well-being and end the stigmatisation of mental-health issues, thus promoting the social inclusion of all young people.

1.6 Preventing bullying, cyberbullying and peer violence

In the consultation, children raised concerns about bullying, including cyberbullying. Around 10% of students reported feeling unsafe on their way to school, or outside of the classroom across OECD countries. 20% of students reported that they are bullied at least a few times a month and observed vandalism and threats from students or fights in which someone got hurt¹⁶². Around 10% of students saw gangs in school or saw a student carrying a gun or knife at school¹⁶³. Particularly, The share of students (15-years old) who report being frequently bullied (i.e. suffering from any bullying act at least a few times a month) ranges in different EU Member States from 13% to 29%¹⁶⁴. Between 25% and 60% of 19-year-olds reported having experienced some form of bullying, with different frequencies¹⁶⁵. Most of those 19-year-olds who experienced bullying were bullied about every month, while 5% in Finland and 19% in Belgium (in the French Community) were bullied every week. There is a very strong negative association between the frequency of being bullied and reading performance, although the data available are not sufficient to infer any direct causal impact. However, the message is clear: weak performance and exposure to bullying tend to go hand in hand and should be addressed under a common policy approach.

Bullying is a prominent concern of children, and influences children's perceptions of school safety. 'It is very important to work on how to reduce peer violence in schools. Everyone will feel safe if they know that no one will make fun of them at school and that they will not abuse them', said a 16-year-old girl from Croatia. 'The 'silent majority' should become more involved in protecting the victim and it would be helpful for them to know that the victim needs to be protected and that there will be consequences for violence', highlighted a focus group report with suggestions of children from Croatia. One recurring topic in the consultation with children was that more attention should be given to continuous support from teachers. Children observed that adults typically get involved when disputes become violent or when this violence escalates. Children in the consultations asked for more workshops and guidance in schools on the topic of peer violence, and suggested specific support measures (e.g. anonymous 'bullying boxes' in schools and other places to post questions, report cases of violence, or seek advice anonymously).

Harassment and (cyber-) bullying are the biggest concerns for 71% of children consulted in the context of the 'Our Rights. Our Future. The Europe We Want' project. They asked to 'tackle bullying, violence, and discrimination between children at all levels, including online. Bullying is a big source of mental health challenges, and professionals working with children should be supported to prevent, identify and respond to bullying effectively.' 43% asked for

¹⁶¹ Resolution of the Council of the European Union and the Representatives of the Governments of the Member States meeting within the Council on a framework for European cooperation in the youth field: The European Union Youth Strategy 2019-2027 (EU youth strategy), 2018/C 456/01, OJ C 456, 18 December 2018, 1–22.

¹⁶² OECD, *PISA 2022 Results: Learning During – and From – Disruption (Volume II)*, 2023.

¹⁶³ OECD, *PISA 2018 Results: What School Life Means for Students' Lives (Volume III)*, 2019 on average across the OECD countries.

¹⁶⁴ European Commission (Directorate-General for Education, Youth, Sport and Culture), *The twin challenge of equity and excellence in basic skills in the EU: An EU comparative analysis of the PISA 2022 results*, 2024.

¹⁶⁵ *Progress in International Reading Literacy Study (PIRLS) 2021*.

anti-bullying and violence prevention programs in school. 53% called for better social and psychological support to children suffering from violence and bullying¹⁶⁶.

Bullying at school is often linked to characteristics of a child's identity, such as their background, physical appearance or sexual orientation. Creating a safe and inclusive environment in education is essential to preventing bullying and supporting children, a point made in the consultation by the French NGO Point of Contact. Children suggested that adults should talk more with children at schools and take a more proactive approach as school staff are key to solving peer violence.

Children in the consultation also noted that **'cyberbullying is as painful as offline/in-person bullying'** and asked for more education on preventing children from becoming victims online. They said that they believed some forms of cyberbullying (e.g. sharing of pictures without consent and scamming) might still take place despite measures to keep children safe. Children in the consultation also noted the dangers of social media platforms, in particular for younger children. Children also called for have also called for awareness of their rights and the development of social skills, as well as age-appropriate empowerment strategies to be more protected. Cyber-violence against children is a 'silent' type of violence. More than 80% victims of sexual harassment do not show any physical marks from it.

Bullying is a strong focus of the Commission's **Expert Group on well-being at school** (see Section 1.6). Addressing bullying and other forms of violence must start as early as possible in early-childhood education and care, and a key component of this should be a focus on building a positive and safe school climate. Education authorities and schools should strive to develop whole-school actions in this area, involving all school actors and parents. The goal of these whole-school actions should be to change the school climate and its key components, namely: (i) the attitudes of teachers and staff in general; (ii) informal school norms; and (iii) peer relationships. When addressing bullying, education actors should work on addressing the problem from three angles: (i) that of the perpetrator; (ii) that of the by-stander and (iii) that of the victims. Other measures include: (i) setting out clear guidelines, procedures and sanctions for what is unacceptable behaviour and for reporting incidents of bullying; (ii) strengthening the role of advisers and mentor figures among staff; (iii) facilitating pupils' access to mental-health professionals and services in and around schools; (iv) engaging healthcare professionals (such as counsellors/psychologists) in the training and supervision process; and (v) early intervention for victims and perpetrators of bullying. Education authorities and schools should also consider fostering empathy, non-violent communication and non-judgemental listening across the curriculum. They can do this by encouraging social and emotional learning, time for debate, cooperative games, and the implementation of restorative practices such as conflict resolution and peer mediation throughout the school.

The **EU-funded project** 'Safe behaviours'¹⁶⁷ led by the NGO SOS Children's Villages prevents peer-to-peer violence and violence against children without parental care, or at risk of losing parental care. Under the Horizon Europe programme, several research projects also focus on bullying: MAD2bully¹⁶⁸ is looking at the motivations behind those who bully or support bullies; CHALLENGE¹⁶⁹ focuses on unsuccessful interventions to create effective

¹⁶⁶ *Our Rights. Our Future. The Europe We Want*, see note 52 p. 9.

¹⁶⁷ [Safe Behaviours](#). See also, [Preventing and responding to peer-on-peer violence: young people's insights](#).

¹⁶⁸ [MAD2bully](#).

¹⁶⁹ [CHALLENGE](#).

operational models in cases of persistent bullying; and the project Outside-In¹⁷⁰ explores the processes that put bullying victims at greater risk of suffering mental and physical health problems.

Many Member States have adopted programmes or action plans with a particular focus on bullying, online violence against children or a more general crime-prevention strategy¹⁷¹. In France, a central criminal police office was created in August 2023 focusing on children who are the victims of: (i) physical violence; (ii) psychological, sexual or school bullying; (iii) cyberbullying; and (iv) any form of exploitation (this point was made by Nexem, an organisation in France representing employers in the health and care sector). After a 15-year-old boy who complained of bullying died by suicide, France adopted a plan in 2023 to tackle bullying with prevention, detection and response measures, with the systematic referral of the most serious cases to the public prosecutor¹⁷².

1.7 Every child must be treated without discrimination, with specific support to children in vulnerable situations

As laid down in the EU Charter of Fundamental Rights, the UN Convention on the Rights of the Child and the UNCRPD, **every child must be treated with dignity, without discrimination, and as a unique and valuable human being with an individual personality, distinct needs and interests**. Child protection should aim at taking a holistic approach to tackling all forms of violence against children, including structural violence such as inequalities, social discrimination, poverty, institutional harm as well as private, domestic or behavioural violence (a point made by the NGO ATD Fourth World International).

In addition, the Council, in its Conclusions on the EU strategy on the rights of the child, called on Member States to increase their efforts to prevent and combat all forms of violence against children, in particular by taking measures to protect children from discrimination on any grounds, especially children belonging to vulnerable groups, while duly respecting their individuality¹⁷³.

However, the fragmentation and limitation of child protection systems prevent certain vulnerable groups of children (such as children with disabilities, children belonging to ethnic minorities, and unaccompanied and separated children) from receiving high-quality protection¹⁷⁴. The UN Committee on the Rights of the Child recommends that countries make proactive efforts to ensure that such children are assured their right to protection on an equal basis with all other children, as well as their right to prevention of violence and their right to treatment to help recover from violence¹⁷⁵. To achieve this, civil-society groups have called for national child protection systems to safeguard all children at risk of violence, neglect, abuse and exploitation with tailored initiatives and regardless of their status, citizenship and situation. This has been advocated by the NGOs Kids in Need of Defense

¹⁷⁰ [Outside-In](#).

¹⁷¹ E.g. in Bulgaria, Czechia, France, Greece, Italy, Lithuania, Luxembourg, Finland, the Netherlands. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

¹⁷² [pHARe : un programme de lutte contre le harcèlement à l'école | Ministère de l'Éducation Nationale et de la Jeunesse](#).

¹⁷³ Council conclusions on the EU strategy on the rights of the child, see note 6 p. 3.

¹⁷⁴ *Mapping Child Protection Systems in the EU*, see note 15 p. 5; UNCRC Concluding observations to certain EU Member States; paragraph 72(g) of UNCRC GC No. 13, see note 19 p. 5. See also, Bruning, M. R., & Doek, J. E., '[Characteristics of an Effective Child Protection System in the European and International Contexts](#)', *International Journal on Child Maltreatment, Research, Policy and Practice*, Vol. 4, 2021, pp. 231–256.

¹⁷⁵ Paragraphs 72(g), 43 (ii) and 60 of UNCRC GC No. 13, see note 19 p. 5.

(KIND); Child Circle; the European Guardianship Network (EGN); the NGO for undocumented migrants PICUM, and Nexem.

Discrimination continues to be a significant issue especially affecting minority groups¹⁷⁶. For instance, LGBTIQ children still face high rates of violence and discrimination across Europe. At home, rejection from family members can lead to mental-health problems and, in the most severe cases, to homelessness. According to the FRA's LGBTI survey from 2019¹⁷⁷, 11% of LGBTI children aged 15 to 17 experienced a physical or sexual attack due to being LGBTI in the 12 months preceding the survey. Around 13% of those who were attacked were attacked by a family member¹⁷⁸. Both these rates are the highest among all age groups participating in the survey. This situation was exacerbated by the lockdown measures put in place during the COVID-19 pandemic¹⁷⁹.

A substantial **71% of LGBTIQ+ children** consulted in the context of the 'Our Rights. Our Future. The Europe We Want' project encounter discrimination due to their sexual orientation. **Almost half (49%) of children with disabilities and of respondents from ethnic minorities (46%)** report discrimination based on this. **Almost 1 out of 4 children living in alternative care settings (24%)** endure discrimination related to their care status. Discrimination also impacts girls more than boys: **81% of girls** have experienced or witnessed discrimination, compared to 61% of boys. **Only 23% of children have not experienced or witnessed discrimination.** Children stress that adults can play a critical role in tackling discrimination by setting the right example and treating others with kindness. Adults should also play an important role in providing adequate support services and creating safe environments where children feel comfortable to speak up about discrimination. Children should also be involved in finding solutions¹⁸⁰.

As acknowledged in the 2021-2030 strategy for the rights of persons with disabilities¹⁸¹ and supported by an analysis performed by the FRA¹⁸², **children with disabilities have a higher risk of becoming victims of violence and abuse** – both in their home environment and in institutions. These children are also more likely to be targeted by hate speech and bullying, including in education institutions, and they also experience greater rates of violence and harassment. The UNCPRD, to which the European Union is party, addresses explicitly the rights and needs of children under its Article 7. Specifically, **the UNCPRD states that children with disabilities have the right to express their views freely on all matters affecting them**, with their views being given due weight according to their age and maturity, on an equal basis with other children. State parties to the UNCPRD should also provide disability and age-appropriate assistance to help children exercise their right to be heard.

One third of young people in Europe are at risk of poverty and social exclusion. Many do not have access to their social rights and many continue to face multiple discrimination, or experience prejudice and hate crimes. In 2021, more than half of Roma households experienced

¹⁷⁶ *Our Rights. Our Future. The Europe We Want.*, see note 52 p. 9.

¹⁷⁷ European Union Agency for Fundamental Rights (FRA), [A long way to go for LGBTI equality](#), 2020; [FRA LGBTI Survey Data Explorer](#).

¹⁷⁸ ILGA Europe and IGLYO, [Intersections: The LGBTI Survey II – Youth Analysis](#), 2022.

¹⁷⁹ FRA, [The coronavirus pandemic and fundamental rights: A year in review](#), 2021.

¹⁸⁰ *Our Rights. Our Future. The Europe We Want*, see note 52 p. 9.

¹⁸¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030 (Strategy for the rights of persons with disabilities), COM(2020) 101 final, 3 March 2021.

¹⁸² FRA, [Violence against children with disabilities: legislation, policies and programmes in the EU](#), 2015; FRA, [Crime, safety and victims' rights – Fundamental Rights Survey](#), 2021.

housing deprivation in the EU countries covered. Roma children under 15 years of age are more likely to experience housing deprivation than Roma aged 45 to 64 years of age¹⁸³. New migratory phenomena have brought with them several challenges relating to social and inclusion of children with migrant background or of different ethnic origin: one quarter of the children at risk of poverty and social exclusion have at least one parent born outside the EU¹⁸⁴. The specific disadvantages experienced by homeless children are acknowledged in the European Child Guarantee and should be taken into account by Member States while implementing it. It is crucial to work to fulfil the rights of all young people in Europe, including the most marginalised and excluded. In this regard, Youth Goal Number 3 (inclusive societies) of the EU youth strategy aims to enable and ensure the inclusion of all young people in society.

Children today also face **discrimination based on their religion**, with issues like antisemitism and anti-Muslim hatred and discrimination impacting their lives. 44% of young European Jews have experienced antisemitic harassment¹⁸⁵. There has been an unprecedented rise in antisemitism in Europe since the 7 October terrorist attack by Hamas on Israel. Jewish children have been locked in their schools because the streets are not safe for them. As stated by President von der Leyen: ‘No parent should be afraid to send their children to school’¹⁸⁶. The Commission speeded up its implementation of the EU strategy on combating antisemitism and fostering Jewish life (2021-2030)¹⁸⁷ and published the Communication No Place for Hate¹⁸⁸.

Public authorities, civil-society and international organisations have expressed their concerns over this issue and have all made recommendations on the protection of groups of children that, in their view, **require specific support**. This is comprehensively analysed in a designated subsection below (Section 4.1).

2. The need for continuous and coordinated support

2.1 Prevention, identification, early-warning, reporting and referral mechanisms

The prevention of violence among children and young people has developed considerably in both quality and quantity over the last 20 years, a point made by the German Association for Public and Private Welfare. Nevertheless, stakeholders reported that there are gaps in the prevention, identification, and support services offered to child victims of violence or neglect (a point made in the consultation by the Spanish Ministry of Justice).

2.1.1 Prevention, including family support

Children want prompt support before any situation they face gets worse. In the consultation organised for this report, children expressed a strong desire for preventive support from adults, including providing information and support to families to prevent children from

¹⁸³ FRA, *Roma in 10 European countries, main results*, 2021; [FRA - Discrimination in the past 12 months because of being Roma in core areas of life \(2021\)](#).

¹⁸⁴ [Monitoring and benchmarking frameworks](#).

¹⁸⁵ FRA, *Young Jewish Europeans: perceptions and experiences of antisemitism*, 2019.

¹⁸⁶ [Speech by President von der Leyen at the lighting of the Euro-Chanukah](#).

¹⁸⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Strategy on Combating Antisemitism and Fostering Jewish Life (EU Strategy on Combating Antisemitism and Fostering Jewish Life) (2021-2030), COM/2021/615 final, 5 October 2021.

¹⁸⁸ Joint Communication to the European Parliament and the Council on No place for hate: a Europe united against hatred, JOIN/2023/51 final, 6 December 2023.

being unsafe. Children called for preventive measures, anti-bullying programmes and emotional education in schools, as well as improved access to support when they need it.

The safeguarding of children starts with actively preventing all forms of violence and intolerant attitudes, along with explicitly prohibiting these attitudes¹⁸⁹. The UN Committee on the Rights of the Child has stressed that general (primary) and targeted (secondary) prevention must remain paramount at all times in the development and implementation of child protection systems¹⁹⁰. Among EU Member States, there are **fragmented and isolated prevention initiatives**, rather than systematic prevention programmes¹⁹¹. Public authorities consulted almost unanimously reported that there are gaps in prevention, identification and support services for child victims of violence or neglect¹⁹². DCI Belgium also noted the need to ensure children's right to participate in the creation of prevention tools. Moreover, DCI Italy argued that a child safeguarding system that focuses exclusively on responding to situations of violence will be ineffective in the related work of reducing vulnerability, stamping out the conditions of vulnerability, and preventing a range of violations that can lead to contexts of violence.

Family members are also crucial agents for children's well-being, so child protection systems should aim to prevent family separation, institutionalisation, and any form of violence against children. (See also Section 2.2.4) According to stakeholders who contributed to the consultation for this staff working document, family well-being plays a role in ensuring children's wellness¹⁹³. Fostering techniques for positive discipline to support families' capacities or parenting programmes are useful in providing children with care in a safe environment. Stakeholders called for a Commission recommendation that: (i) recognises the role played by national social service workers and the education system in identifying and supporting children at risk (a wish expressed by the French NGO Happy Kids Foundation); and (ii) empowers children, parents, community organisations, and law enforcement to adopt a holistic approach to violence and suicide prevention (as advocated for by two NGOs: Hope and Homes and the FAFCE)¹⁹⁴. Postnatal depression and other mental-health issues during pregnancy must be addressed. The EU-funded Happy Mums project¹⁹⁵ explores the physiological mechanisms to enable clinical interventions. Another project, funded under the CERV programme, FATHERS ROCK¹⁹⁶, works with men who are – or who will soon become – fathers. FATHERS ROCK collaborates with key services (perinatal services, birth pathways, daycare centres, health services, hospitals, and nurseries) to prevent violence at home. The Austrian *Frühe Hilfen* (early help) programme aims at supporting families in need during pregnancy or in the first 3 years of a child's life through an interdisciplinary approach¹⁹⁷.

The **EU strategy on the rights of the child** recalls that, in an integrated child protection system, special attention should be given to prevention measures, including family support.

¹⁸⁹ Paragraphs 13 and 46 of UNCRC GC No. 13, see note 19 p. 5.

¹⁹⁰ Paragraphs 13 and 46 of UNCRC GC No. 13, see note 19 p. 5.

¹⁹¹ UNCRC, Concluding observations for certain EU Member States; Session 'Towards Integrated Child Protection systems' of the 2022 [European Forum on the rights of the child](#).

¹⁹² 16 out of 17 public authorities consulted agreed with that statement.

¹⁹³ See also OECD, [Parental emotional support and adolescent well-being](#), 2024.

¹⁹⁴ See also, Montserrat, C., Garcia-Molsosa, M., et al, 'Children's understandings of gender-based violence at home: The role school can play in child disclosure', *Children and Youth Services Review*, Vol 136, 2022, p. 136.

¹⁹⁵ [HappyMums](#).

¹⁹⁶ [FATHERS ROCK](#).

¹⁹⁷ [Nationales Zentrum Frühe Hilfen](#).

Families and communities also need to be provided with the necessary support so that they can ensure children's well-being and development.

Article 19 of the UN Convention prohibits all corporal punishment of children. The UN Committee on the Rights of the Child has also called on all State Parties to the UN Convention to outline the legislative and other awareness-raising and educational measures that States must take to end corporal punishment¹⁹⁸. The Council of the European Union, in its **Conclusions on the EU strategy on the rights of the child** called on Member States to increase their efforts to prevent and combat all forms of violence against children, in particular by banning corporal punishment in all settings, and strengthening integrated support services for children and families.

The **European Child Guarantee** aims at preventing and combating social exclusion by guaranteeing effective access for children in need to a set of key services (free early childhood education and care, free education (including school-based activities and at least one healthy meal each school day), free healthcare, healthy nutrition, and adequate housing. Member States have now nominated their Child Guarantee Coordinators – tasked with implementing the Child Guarantee in each country – and have all prepared and submitted their national action plans with existing and planned national and subnational policy measures aiming at improving by 2030 the access of children in need to the set of key services¹⁹⁹.

The **Technical Support Instrument (TSI)**²⁰⁰ supports EU Member States in designing and implementing structural reforms in any policy area, including in the areas of education, social services, migration and border management, health and justice. The latter involves, for example, supporting the implementation of Children's houses ('Barnahus', see section 2.2.2) and integrated child protection systems as part of a 2024 flagship initiative on Reinforcing Democracy and Rule of Law²⁰¹. TSI support is on-demand. It can cover cross-sectoral reforms tackling child poverty and social exclusion under the flagship European Child Guarantee, where it offers technical support to 12 Member States²⁰² with a budget of over EUR 7 million and has delivered projects in collaboration with organisations such as Unicef and the OECD. The TSI also launched the EU's Youth First flagship initiative in 2022 to support reforms in EU Member States targeted at children and young people²⁰³.

The EU provides many funding possibilities to prevent violence against children. The **European Social Fund Plus (ESF+)**²⁰⁴ supports the fight against child poverty and social exclusion. All Member States have earmarked appropriate amounts to tackle child poverty or social exclusion under the ESF+. In total, the ESF+ will provide €6.7 billion over the 2021-2027 programming period to fight child poverty. The ESF+ has a 'thematic concentration' requirement on addressing child poverty to ensure that Member States dedicate reasonable

¹⁹⁸ [UNCRC General comment No. 8 on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment., 2006.](#)

¹⁹⁹ [European Child Guarantee.](#)

²⁰⁰ [Technical Support Instrument.](#)

²⁰¹ [2024 Flagship Technical Support Project.](#)

²⁰² Portugal, Italy, Spain, Greece, Luxembourg, Romania, Austria, Ireland, Slovakia, Czechia, Cyprus and France.

²⁰³ Supporting seven EU Member States (Portugal, Cyprus, Spain, Slovenia, Italy, Austria and Czechia) in the following areas: quality and equity of education systems, healthy nutrition, healthy lifestyle and mental health, early childhood and care, local implementation of the European Child Guarantee.

²⁰⁴ Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013, OJ L 231, 30 June 2021, 21-59. See also, [European Social Fund Plus \(European Commission website\).](#)

amounts of funding to this issue. Member States, which have a rate of children at risk of poverty or social exclusion above the EU for the years 2017-2019, must dedicate 5% of ESF+ resources to addressing child poverty. Other Member States must dedicate an appropriate amount.

The **European Regional Development Fund (ERDF)**²⁰⁵ supports investments in infrastructure development and the provision of equipment aimed at improving access to mainstream non-segregated services in education (at all levels), housing, employment, healthcare, social care, and childcare. The ERDF allocation for such investments in the 2021-2027 programming period amounts to EUR 19.6 billion. In addition, the **Recovery and Resilience Facility**²⁰⁶ offers additional EU funding for reforms, investment and policies for the next generation, children and young people, such as in the areas of education and skills.

Prevention is also one of the pillars of the **EU strategy for a more effective fight against child sexual abuse**, both in legislative and non-legislative initiatives. The EU's **Internal Security Fund** may also be used to take prevention-related initiatives in this area (see Section 1.4.3). **Horizon Europe** (Cluster 3 on civil security for society) is currently funding two 'Prevent & Protect Through Support' projects, which commit to raise awareness of preventive actions and increase access to support and therapy to help deter people who fear they might offend children. Offline and online prevention measures are equally crucial. The **BIK+ strategy** supports a comprehensive, prevention-oriented, and multi-stakeholder approach based on encouraging a safe, age-appropriate digital environment, digital empowerment, and the active participation of children (see Section 1.4.2).

2.1.2 Early identification, early-warning and reporting mechanisms

Raising children's awareness

Children's reluctance to disclose incidents of violence and bullying arises from a variety of factors. It is often challenging for children to ask for help at schools. 63% of children consulted under the EU Children's Participation Platform said that they would prefer to talk to someone in-person rather than online, while 74% said would first go to family or relatives, and 68% said they would go to friends. Children in alternative care stressed that they usually report those incidents to a social educator they consider a trust person, or sometimes to an older child. **Over 90% of consulted children indicated that it was important or very important for them to get support when needed as well as for them to be able to report** when they are not assisted.

Research shows that **most child victims of violence delay disclosing their abuse – or never explicitly ask for help**²⁰⁷. Most of the time, these victims say they are ashamed or fear reprisals, and most violence suffered by children never comes to light (DCI Italy). Furthermore, irrespective of the type of violence, the primary reason that children consistently give for not reporting violence is that they do not perceive the experience as serious enough (Eurochild)²⁰⁸.

²⁰⁵ Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund, OJ L 231, 30 June 2021, 60–93. See also, [European Regional Development Fund \(ERDF\)](#).

²⁰⁶ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility, OJ L 57, 18 February 2021, 17–75. See also, [Recovery and Resilience Facility](#).

²⁰⁷ Paine, M. L., and D. J. Hansen, 'Factors Influencing Children to Self-disclose Sexual Abuse', Clinical Psychology Review, Vol. 22, Nebraska, 2002, pp. 271–295. See also, UNICEF, [Hidden in Plain Sight: A statistical analysis of violence against children](#), 2014.

²⁰⁸ *Hidden in Plain Sight: A statistical analysis of violence against children*, see note 213 p. 33. Paragraph 48 of UNCRC GC No. 13, see note 19 p. 5.

Respondents reported that **children may not be aware of early-warning and reporting mechanisms, how to access them, or where to get more information** (Departmental Council of Yvelines, Hrabri telefon, Latvian Child Welfare Network, Offlimits, Defence for Children International IT, CNZD). In general, children say that they do not know what to do if they experience or witness a violent incident (e.g. Foster care and adoption service of Valencia, General Hospital of Grevena). The knowledge and use of the mechanisms to report violence also depends on the age of the children affected (ANAR Foundation). This concern is also relevant for hotlines. For instance, a recent evaluation of the visibility and services of the main child helpline ('Ecoute Enfants', le '103') in the French-speaking part of Belgium, found that 7 out of 10 children and adolescents were not aware of its existence. Children tend to make use of services available through the internet, searching for information when they want to ask for help, until they reach a helpline (a point made by the ANAR Foundation).

Children consulted said that they sometimes **need more information on how to deal with or prevent unsafe situations or how to respond when their peers confide in them**. 'It is important for every child that he/she knows that there are people they can contact, who will explain to them what the whole process looks like, that they feel safe while doing so, because children are afraid of what will happen to them if they report,' said one child from Croatia in a focus group²⁰⁹. In addition, children have asked for clear information on what happens after they seek help (a point made by Hrabri telefon). Children should know their rights and be able to access child-friendly and confidential reporting mechanisms everywhere and at every time, with child safeguarding procedures (an argument made by DCI Italy) and a proper assessment of their best interests and available legal assistance (a point made by several organisations including Finland's Central Union for Child Welfare, the European Disability Forum, PICUM, ESCAP, and Eurochild).

Children also reported difficulty in using support platforms and tools, and **recommended that these platforms and tools be made more accessible and user-friendly**. Hope for Children advocates for school curricula and experiential workshops and campaigns to inform children about existing national and EU helplines and competent authorities. In Finland, by virtue of the Child Welfare Act, all professionals and workers interacting with children are obliged to notify child-welfare services and the police if they suspect or learn that a child is being subjected to violence (a point made by the NGO Eurochild). In France, children can alert professionals in their schools to any violence they experience or witness, and a contact person must be designated in each department, according to the Law of 7 February 2022 (a point made by Nexem).

All Member States have mechanisms in place aimed at guaranteeing the child's right to be heard and the right to make maltreatment complaints. In cases of children under 14, from whom complaints cannot be accepted, typically officers will try to obtain more information and will if necessary report to the prosecutor the need to appoint a special representative to file a complaint on the child's behalf. However, even when specific provisions exist, children are not always adequately and systematically informed of their rights as there is often no particular authority or person responsible for informing them (in a specific, child-friendly way), including of their right to report and how to do it²¹⁰.

²⁰⁹ Quote of a child from Croatia who participate in the Child Participation Platform focus group on Children's Voices on Feeling Safe, see note 51 p. 9.

²¹⁰ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

Underreporting in society at large and by professionals (see Section 3.7)

Children consulted for this staff working document said that adults should look for early signs of violence and try to prevent any violence from occurring in the first place. ‘Adults should react faster in situations where children are not safe in their own families,’ said children²¹¹. 90% of children agreed that it was important or very important for the government to provide **training to adults who work with children** to ensure they are able to provide the best support and guidance to children. ‘It is necessary for adults who are in contact with the child in their various roles to be alert and focused on children in such a way that they notice when the child is having a hard time at home and then talk to him/her, to be interested in the child, to ask him/her what is going on’²¹².

Professionals in contact with children often lack knowledge to identify potential abuse and risk factors, a point made by the ANAR Foundation. The FRA’s mapping of integrated child protection systems points at the challenge of tackling underreporting due to professionals’ failure to effectively recognise forms of abuse²¹³. These professionals should be able to detect behavioural, physical and symptomatic signs that show children’s distress and need for help. However, it is often only after repeated school absences that alert mechanisms are triggered to inform youth welfare and protection services (this point was made by ATD Fourth World Belgium and the Wallonia-Brussels region of Belgium). **Professionals are also often afraid of taking the necessary actions to address this violence** said the ANAR Foundation²¹⁴. Challenges in balancing child protection, family privacy and medical confidentiality often lead to underreporting or a lack of reporting²¹⁵. There is also a lack of systems in place to ensure that when professionals make reports in good faith, they will be protected such as by ensuring their anonymity²¹⁶. Another factor in underreporting is a **lack of uniform legislation on reporting and a lack of clear reporting procedures and protocols** for all cases of violence²¹⁷. Even when mandatory reporting laws are in place, they may not universally apply to all professional groups. All Member States have legislation with referral mechanisms in place to encourage people who suspect cases of child abuse to report it to the authorities²¹⁸. However, in many Member States, the lack of clear reporting procedures and protocols could create delays or lead to the underreporting of cases²¹⁹.

In case of suspicions, risks or cases of child abuse, there should be mandatory reporting obligations for all professionals and civilians working directly with children²²⁰. According to the FRA’s mapping of integrated child protection systems, 15 Member States have reporting obligations in place for all professionals, while 9 Member States have reporting obligations only for certain professional groups²²¹. Empirical evidence suggests that mandatory reporting

²¹¹ The Child Friendly Governance Project, *Raising Our Voices, Children’s Conclusions and Recommendations to the Spanish Presidency of the of the Council of the European Union* (Croatian focus group), 2023.

²¹² Children’s Conclusions and Recommendations to the Council Spanish Presidency, see note 217 p. 35.

²¹³ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²¹⁴ Terre des homes Italy, [La prima indagine sulla Shaken Baby Syndrome in Italia](#), 2023.

²¹⁵ *European Forum on the rights of the child 2022*, see note 197 p. 31.

²¹⁶ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²¹⁷ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²¹⁸ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²¹⁹ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²²⁰ Paragraph 49 of UNCRC GC No. 13, see note 19 p. 5.

²²¹ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

laws are a useful social policy response to child abuse²²². Clear and practical guidelines on reporting should be drawn up for professionals in contact with children on how to balance the different interests at stake (i.e. child protection, family privacy, medical confidentiality)²²³. Training should be provided to all adults and professionals who come into contact with children, including prospective parents, on how to identify all signs of possible cases of violence²²⁴. Teachers and healthcare workers should receive specific training to help them identify mistreatment of children, using the experience of social workers. Preventing child maltreatment should be included as a curricular subject in medical school and sufficient equipped paediatric hospitals should be available²²⁵.

Early-warning mechanisms should be delegated to institutions or key persons near to the children and families and with which children and families have regular and reliable contact and trust. These institutions should be schools (as suggested by the NGO ATD Fourth World Belgium and the Wallonia-Brussels region of Belgium) or health facilities as they may be a 'door-opener' for further necessary support (as suggested by Caritas, a German NGO). Children feel safe with: (i) dedicated and understanding teachers; (ii) a caregiver who has time to look after their physical and emotional needs; (iii) health professionals who are friendly and explain any treatments; and (iv) police if they are familiar to children and known by them²²⁶. A different problem, but one with similar results may affect family members who do not report similar suspicions or concerns about child maltreatment. It is difficult for parents who live in poverty or who are discriminated against to seek help from the competent services for fear of being judged, misunderstood, or losing their children (this point was made by the NGO ATD Fourth World Belgium and the Wallonia-Brussels region).

Hotlines and helplines

Hotlines and helplines play a crucial role in child protection by serving as alert systems to safeguard children's rights and strengthen preventive measures. They also serve as hubs for collecting data, aiding in the identification of emerging problems and trends (a point made by the NGO The Smile of the Child²²⁷). Child helplines play an invaluable role in preventing violence, including child sexual exploitation and abuse (both online and offline), by providing information, guidance and support on the different issues that can increase or decrease risk. The Child Helpline International²²⁸, EU-funded under the CERV programme, provides mental-health support to children. This support can include emotional, psychological, and sometimes legal support for children who contact the helpline.

²²² See Doek, J.E., 'The Identification and Reporting of Severe Violence against Children: International Standards and Practices', in Mathews, B., Bross, D.C., *Mandatory Reporting Laws and the Identification of Severe Child Abuse and Neglect*, Springer, Brisbane, 2015, pp. 460-482.

²²³ *Characteristics of an Effective Child Protection System in the European and International Context*, see note 180 p. 28. See also: *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²²⁴ *Mapping Child Protection Systems in the EU*, see note 15 p. 5; Bruning, M., & Zlotnik, D., 'Chapter 12 - Cooperation and the Right of Child Abuse Victims to Protection and Health: Lessons from the Netherlands' in *Children's Rights in Health Care*, Leiden, 2018.

²²⁵ [Terre des Hommes Italia - Don't shake it! - Shaken Baby Syndrome - Non Scuoterlo Campaign](#).

²²⁶ Child Participation Platform focus group on Children's Voices on Feeling Safe, see note 51 p. 9.

²²⁷ The Smile of the Child operates three hotlines/helplines for children, including the National Helpline for Children SOS (1056), the European Hotline for Missing Children (116000) and the European Helpline for Children and Adolescents (116 111).

²²⁸ [Child Helpline International](#).

This role of helplines must be further acknowledged in national policy, in EU policy and by partners working on child protection²²⁹. Child Helplines International calls on governments and donor organisations to ensure that national child helplines are fully resourced and well advertised on social media and other online platforms used by children. Donor organisations and tech companies should also provide child helplines with the necessary long-term resources to develop voice and text-based services for children in need.

By way of example, France introduced a helpline for children in danger, which can be called by children themselves or adults who suspect a child they know might be at risk of maltreatment. The helpline's number – 119 – can be used by anyone and is known by children thanks to school, medical staff and public campaigns (a point made by Nexem). The Empowering Children Foundation based in Poland manages support services that children and young people can reach by calling or texting consultants through a helpline number (116 111)²³⁰.

There are challenges in the implementation and effectiveness of hotlines and helplines. Many services and helplines are specialised in addressing specific topics or catering exclusively to certain target groups. However, this specialisation can limit access for other groups of children who require support but do not fit into the predefined categories targeted by these specialist services²³¹. Led by United Nations Agencies, Protection through Online Participation (POP) is working with over 30 global partners – private sector companies, academia, civil society organisations and children and young people themselves – on making recommendations for implementing or improving online protection services.

Missing children

There are many causes of children going missing. These include: (i) weaknesses in the child protection system; (ii) inadequate migration policies and legislation; (iii) family separation; and (iv) conflict. The longer children are missing, the greater the risk that they will come to serious harm or die. A comprehensive and cross-sectoral response bringing together all relevant national, regional and local authorities (law enforcement, child protection, education, health, etc.) is essential to better protect children, especially in border areas. Statistics on missing children in the EU are not regularly published (See also Section 3.8 on data).

The **116 000 hotline** has been designed to report missing children and provide social support services for children and families when a child goes missing. The EU has reserved the number 116 000 in all Member States for this hotline and co-finance the Missing Children Europe network. Missing Children Europe points out the need to strengthen the 116 000 hotlines for missing children and to resource them sufficiently so that they are accessible to all, in particular children with disabilities or children in difficult living conditions. It also called for the integration of helplines in national and local child protection systems, with strong referral mechanisms and broad cooperation between child-friendly services to support children, regardless of the services they report to.

At EU level, alerts on missing persons in the **Schengen Information System** make it possible for the relevant national authorities in the Member States to exchange information on missing children. Since March 2023, competent authorities in the Member States have also been able

²²⁹ Child Helpline, *The Role of Child Helplines in Protecting Children in Europe Against Sexual Exploitation & Abuse*, 2023.

²³⁰ <https://116111.pl/>.

²³¹ RTBF Actus, *Ecoute-enfants : le numéro "103" en quête de visibilité*, 2023.

to issue preventive alerts to protect certain categories of vulnerable persons, including children. Current EU legislation requires immediate collaboration between law-enforcement authorities of different countries when the disappearance of a child or the threat of such a disappearance constitutes a criminal activity. However, most cases of missing children do not have a criminal component or, when the disappearance is reported, it is often not known whether it has a criminal component or not.

In the event of international child abduction by a parent, the **Brussels IIb Regulation**²³² makes it possible to ask the Central Authorities to be assisted to find out where a child is present²³³.

The EU strategy on the rights of the child recognises past initiatives to address the problem of missing children and the need to support and improve the sustainability of the 116 000 hotlines and 116 111 helplines. In 2021, the Council adopted conclusions on increasing cross-border police cooperation in the area of missing persons²³⁴. In its Conclusions on the EU strategy on the rights of the child, the Council encourages Member States to continue strengthening measures and alert processes to combat child abduction and to promote coordination between Member States.

Other EU actions on reporting

The **proposal for the revision of the Victims' Rights Directive** would oblige Member States to ensure that when the victim is a child, the crime-reporting procedures are safe, confidential, and designed in a child-friendly manner to be accessible to children. In cases where a crime involves the holder of parental responsibility, or where there is a conflict of interest between the child and the holder of parental responsibility, the proposal would ensure that reports made by children would not be conditional upon the consent of that holder of responsibility, but instead would always take into account the best interests of the child.

The **provisionally agreed proposal for a directive on combating violence against women and domestic violence** contains a provision that mirrors the proposed obligation on reporting procedures and consent of the holders of parental responsibility described in the previous paragraph. It would also require Member States to set up country-wide, round-the-clock telephone helplines, free of charge, to provide advice for victims of such violence.

The **Interim Regulation to combat child sexual abuse** enables interpersonal communications services to report child sexual abuse on their services to the competent law-enforcement and judicial authorities or to organisations acting in the public interest against child sexual abuse. The proposal for a regulation to prevent and combat child sexual abuse would also set out an obligation for internet service providers, software companies and websites to report immediately to the EU Centre²³⁵ suspected online child sexual abuse (see also Section 1.4.3).

The **Safer Internet Centres** provide helplines (that can be contacted by voice call or by text message) to help children, carers and educators to anonymously report images of suspected child sexual abuse online. This makes it possible to rapidly identify emerging risks and quickly report them to national law-enforcement authorities.

²³² Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast) (Brussels IIb Regulation), OJ L 178, 2 July 2019, p. 1–115.

²³³ For more information on Central Authorities, see [European e-justice Parental child abduction](#).

²³⁴ Council Conclusions on Stepping Up Cross-Border Police Cooperation in the Area of Missing Persons, 14808/21, 9 December 2021.

²³⁵ [EU centre to prevent and combat child sexual abuse](#).

The EU's **DSA** allows users of online ecosystems to flag illegal content, such as suspected child sexual abuse material, suspected counterfeit goods, or suspected illegal services. Under the DSA, online platforms have to prioritise their responses to trusted flaggers, namely those entities which have demonstrated particular expertise and competence in identifying illegal items. Under the DSA, when enabled by national laws, Member States' authorities can order any platform operating in the EU, irrespective of where they are based, to remove illegal content.

2.1.3 Referral

The **absence of a specific, comprehensive procedure for the referral mechanism that assigns responsibilities to each relevant actor** involved can hinder cooperation among professionals²³⁶. Professionals are reportedly struggling to understand what their responsibilities and obligations are once they have concerns about abuse²³⁷. Once a case has been reported, the person receiving the report should have clear guidance and training on when and how to refer the issue to whichever agency is responsible for coordinating the response²³⁸. Trained professionals may provide inter-sectoral referrals when children are found to be in need of immediate or longer-term protection and specialised support services²³⁹.

The process of referring and assessing reported cases should involve an interdisciplinary assessment of the short and long-term needs of the child with a view to developing an individual care plan²⁴⁰. Although most Member States have rules in place requiring just such an interdisciplinary assessment, these rules often have no statutory value and final decisions on what action should be taken is left to the case manager or the leading social worker on the case²⁴¹. In several Member States, existing standards cannot always be applied effectively due to a lack of staff, the heavy workload of existing staff, and financial constraints²⁴². In Belgium, a protocol of cooperation has been signed between the country's Youth Care Services and the Birth and Childhood Office (ONE) to facilitate cooperation between youth care workers and ONE social-medical workers or doctors.

The provisionally agreed proposal for a directive on combating **violence against women and domestic violence** asks Member States to set up easily accessible rape-crisis or sexual-violence-referral centres. This will ensure effective support to victims, delivered in a child-friendly manner when the victims are children, including assistance in preserving evidence.

2.2 Providing comprehensive support

In the consultation, children highlighted the importance of adults working together to ensure their safety and protection²⁴³. 59% of children thought that it was very important for adults to learn about each other's work and their different roles in keeping children safe to ensure that specialised support can be given. Children from Portugal said that more

²³⁶ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²³⁷ *Characteristics of an Effective Child Protection System in the European and International Context*, see note 180 p. 28, p.238. See also paragraph 1.1. of *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²³⁸ Paragraph 50 of UNCRC GC No. 13, see note 19 p. 5.

²³⁹ Paragraph 50 of UNCRC GC No. 13, see note 19 p. 5.

²⁴⁰ Paragraphs 50 and 70(a) of UNCRC GC No. 13, see note 19 p. 5.

²⁴¹ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²⁴² Paragraph 1.1. of *Mapping Child Protection Systems in the EU*, see note 15 p. 5; UNCRC Concluding Observations of certain EU Member States.

²⁴³ Child Participation Platform focus group on Children's Voices on Feeling Safe, see note 51 p. 9.

‘cooperation between adults will provide a more protective environment’. This greater cooperation should include improved coordination between professionals, health institutions, schools, and families, with a focus on the well-being of children in alternative care. Children in the consultation said that they were appreciative of centralised processes where adults work together, with specialist support when required. They stressed the importance of ensuring that children have one person to go to for support, reducing the need to repeatedly discuss their experiences. Adults should share information and communicate with each other.

2.2.1 Ensuring well-coordinated and swift support

Children want to have a single trusted adult for support throughout a problem²⁴⁴.

After the corroboration of a case, child protection authorities can initiate a range of different measures including family-support measures, care measures, and protection measures. These measures should ensure the child’s safety, and promote their physical and psychological recovery and reintegration in a safe environment²⁴⁵. Attention must also be given to ‘medical, mental health, social services upon identification of abuse, as well as longer-term follow-up services’²⁴⁶.

The **European Parliament** recommends that teachers, educators, and other responsible persons cooperate with institutions linked to educational establishments – such as care organisations – for developing integrated services. This cooperation should aim at providing parallel support for families and children affected by out-of-school circumstances²⁴⁷. This is part of the approach proposed by the **European Child Guarantee**, where Member States are asked to build an integrated and enabling policy framework to address social exclusion of children, among others through ensuring consistency of social, education, health, nutrition and housing policies at national, regional and local level and, wherever possible, improving their relevance for supporting children in an integrated manner.

Eurochild underlined the importance of **interdisciplinary coordination of child protection cases**. This interdisciplinary coordination helps to increase the capacity of the social, educational, healthcare, mental healthcare, and legal-protection systems. Care for child victims of violence and children at risk of maltreatment may also include supporting the creation/strengthening of **social programmes to support the child’s family and other caregivers**. For example, this support could include counselling and psychosocial support to caregivers facing: (i) difficulties with employment, housing or child-rearing; (ii) challenges related to domestic violence; (iii) addictions to alcohol or drugs; or (iv) other mental-health needs²⁴⁸.

The provisionally agreed proposal for a directive on combating **violence against women and domestic violence** asks Member States to provide children that might have witnessed violence against women or domestic violence – or are themselves victims of violence against women or domestic violence – with age-appropriate and holistic support. This support could include: (i) medical care; (ii) emotional, psychosocial, psychological and educational support; and (iii) any other appropriate support tailored to the situation. Where it is necessary to provide interim accommodation for victims, children should as a priority be placed together with other family

²⁴⁴ Child Participation Platform focus group on Children’s Voices on Feeling Safe, see note 51 p. 9.

²⁴⁵ Paragraph 52 of UNCRC GC No. 13, see note 19 p. 5; Art. 39, UNCRC.

²⁴⁶ Paragraph 52 of UNCRC GC No. 13, see note 19 p. 5.

²⁴⁷ European Parliament resolution of 21 November 2023 ‘Children first – strengthening the Child Guarantee, two years on from its adoption’, 2023/2811(RSP), 21 November 2023.

²⁴⁸ Paragraph of UNCRC GC No. 13, see note 19 p. 5.

members, in particular with a non-violent parent in permanent or temporary housing, equipped with support services. Placement in shelters should be a last resort. The rights of the child should be a primary consideration when providing support to child victims.

The Directive on combating the **sexual abuse and sexual exploitation of children** and child pornography introduces provisions to strengthen the assistance and support given to victims of child sexual abuse and exploitation. In accordance with Article 18 of this Directive, Member States must take the necessary measures to ensure that children at risk of exploitation or abuse are provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication that exploitation or abuse will happen or have already happened.

2.2.2 Child protection in the area of justice

It is often the case that proceedings in the area of civil, criminal, or administrative justice involve children: (i) as victims, witnesses, or suspects of a crime; (ii) accused of having committed a crime; or (iii) simply as another affected party. The treatment and involvement of such children must be guided by the best interests of the child as a primary consideration. The rules for such proceedings should therefore be adapted to accommodate children's age-specific as well as other intersecting vulnerabilities and needs, and it must be ensured that children can participate effectively in these proceedings.

Stakeholders highlight that judicial proceedings are often still not sufficiently adapted to the age and needs of children (this was highlighted by Ireland's child protection agency Tusla, the Council of Bars and Law Societies of Europe, the Departmental Council of Yvelines in France, and the Spanish Ministry of Justice). When children come into contact with a justice system that is not child-friendly, they are at risk of a violation of their fundamental rights²⁴⁹, including through secondary victimisation (a point made by the Spanish NGO Platform for Children, ESCAP, and DCI Italy). In addition, child victims can be reluctant to participate effectively in legal proceedings for fear of retaliation or other reasons tied to their relationship with the suspect or accused person (a point made by DCI Italy), in particular where they do not feel sufficiently protected and supported, a problem which can often be linked to insufficient information about the procedural safeguards in place to protect them²⁵⁰.

In its **Conclusions on the EU strategy on the rights of the child**, the Council of the European Union called upon Member States to strengthen their justice systems, so that they are compliant with the rights of all children. In particular, the Council asked the Member States to: (i) ensure that the best interests of the child is a primary consideration in all judicial proceedings relating to children; and (ii) develop child-friendly proceedings that are in place from the very beginning of any judicial proceedings involving children. It also urged Member States to safeguard the right of children to be heard in proceedings affecting them and promote interdisciplinary cooperation among different services to support the child in the best possible way before, during and after judicial proceedings²⁵¹.

EU action on child-friendly justice has been significant so far, including through: (i) the adoption of a number of legal instruments and policies; (ii) the adoption of standards set under

²⁴⁹ This risk is particularly acute where children are deprived of liberty during the proceedings and their needs and vulnerabilities are not sufficiently accommodated, see FRA, [Children as suspects or accused persons in criminal proceedings – procedural safeguards](#), 2022, p. 12.

²⁵⁰ FRA, [Child-friendly justice – perspectives and experiences of children and professionals](#), 2017.

²⁵¹ Council Conclusion on the EU strategy on the rights of the child.

the Council of Europe framework²⁵²; (iii) funding; (iv) technical support for national judicial reforms; and (v) research projects carried out by the FRA²⁵³. **However, despite improvements, the national justice systems of Member States are not yet sufficiently adapted** to fully accommodate children's needs and rights and to protect children from violence or ill-treatment. (See relevant sections on specific crimes, such as on child sexual abuse, trafficking in human beings or female genital mutilation (FGM)). Rules of substantive family law are the exclusive competence of the Member States, while for cross-border family-law proceedings, see the section below. See also the relevant section on the administrative proceedings relating to migration)²⁵⁴.

2.2.2.1 Child-friendly proceedings

Child-specific safeguards in legal proceedings should be adapted to the child's status as a victim, suspect, accused person or other party to the respective proceedings. Safeguards of this type are key to ensuring that children's fundamental rights are protected when they come into contact with the justice system.

The Victims' Rights Directive²⁵⁵ provides for **specific rights for child victims, including a right to support and protection before, during and after criminal proceedings**, given children's vulnerability and the risk to them of secondary and repeat victimisation and intimidation. Where the victim is a child, the child's best interests must be a primary consideration and a child-sensitive approach must prevail. The individual approach to children as victims of crime should take into account in particular children's level of maturity as well as their views, needs and concerns. Children and their legal representatives must be informed of any measures or rights related to the child. **On procedural rights and settings**, for victims of crime, safeguards in all cases are in place in the Victims' Rights Directive, such as video recording of testimonies, the avoidance of eye contact, and child-friendly interviews by the same person. The Child Sexual Abuse Directive also refers to safeguards in this regard.

²⁵² Council of Europe, [Child-friendly justice guidelines](#), 2010.

²⁵³ Child-friendly justice – perspectives and experiences of children and professionals, see note 256 p. 41; Children as suspects or accused persons in criminal proceedings — procedural safeguards, see note 255 p. 41.

²⁵⁴ [European e-Justice Portal](#).

²⁵⁵ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims' Rights Directive), OJ L 315, 14 November 2012, 57-73.

Given the demonstrated **lack of a common understanding on what targeted and integrated support is required for vulnerable victims, especially children**²⁵⁶, the Commission proposal for the revision of the Victims' Rights Directive²⁵⁷ proposes that Member States provide for a targeted, inter-agency approach to support and protect child victims.

Directive (EU) 2016/800²⁵⁸, the **Procedural Safeguards Directive**, aims to ensure that children who are suspects or accused persons in criminal proceedings are able to: (i) understand and follow those proceedings; and (ii) effectively exercise both their right to a fair trial and their rights of defense. The Directive seeks to achieve this by laying down child-specific procedural-rights safeguards. These rights and safeguards include a requirement for mandatory assistance by a lawyer and the child's right to an individual assessment which must, in particular, take into account: (i) the child's personality and maturity; (ii) the child's economic, social and family background; and (iii) any specific vulnerabilities that the child may have²⁵⁹. Like the Victims' Rights Directive, the Procedural Safeguards Directive requires that the child's best interests always be established as a primary consideration in any decisions or acts taken throughout the proceedings that affect them²⁶⁰. FRA fieldwork research on the implementation of the Directive shows that children face specific obstacles during criminal proceedings, such as a lack of understandable information about their rights, limited legal support and poor treatment²⁶¹.

The provisionally agreed proposal for a directive on **combating violence against women and domestic violence** lays down a requirement that when child victims initiate a first contact with an authority, and the latter identifies specific protection needs, support services should contact them in a timely and coordinated manner and with due regard for their safety and, when needed, without the prior consent of the holder of parental responsibility.

The creation of **specialised courts and a specialised prosecutor's office** for violence against children is essential for the investigation and prosecution of crimes committed against children (a view advanced in the consultations by Eurochild, and the Spanish NGO Plataforma de Infancia). Moreover, stakeholders expressed the view that law enforcement should have at their disposal all the tools that are ordinarily available for investigating serious crimes when they investigate crimes committed against children (a view expressed by the Dutch NGO Amber Alert Europe). The EU strategy on victims' rights (2020-2025)²⁶² enforces measures provided

²⁵⁶ Commission Staff Working Document Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, SWD/2022/0179 final.

²⁵⁷ Proposal for a directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, COM/2023/424 final, 12 July 2023 (proposal for the revision of the Victims' Rights Directive); negotiations on which are on-going between the two co-legislators. [Questions and Answers: Amending the Victims' Rights Directive](#).

²⁵⁸ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (Procedural Safeguards Directive), OJ L 132, 11 May 2016, 1-20.

²⁵⁹ Article 7 of the Procedural Safeguards Directive, see note 264 p. 43.

²⁶⁰ Procedural Safeguards Directive, see note 264 p. 43, in particular: recital 8 and explicit references to the best interests of the child which can be found throughout the entire Directive, as well as, in particular, Articles 7 and 13, which require an individual assessment of the child and corresponding treatment in a manner which protects their dignity and which is appropriate to their age, maturity and level of understanding, and which takes into account any special needs, including any communication difficulties, that they may have.

²⁶¹ *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41.

²⁶² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Strategy on victims' rights (2020-2025) (EU Strategy on victims' rights), COM/2020/258 final, 24 June 2020. See also, [EU strategy on victims' rights \(2020-2025\)](#).

for in the Victims' Rights Directive and includes recommendations for concrete actions, related to **training activities** for judicial and law-enforcement authorities that are tailored to the needs of victims of crime, including child victims. The Procedural Safeguards Directive stresses that it is crucial for professionals and institutions involved in criminal proceedings involving children as suspects or accused persons, such as judges and prosecutors, to have specific skills and training in the field of child-friendly justice.

In addition to the general protection needs in the context of different types of legal proceedings, stakeholders also said there was a need for further action and improvement of protection measures in specific areas as will be discussed in further detail below.

2.2.2.2 Focus on certain rights and principles of child-friendly justice

Information rights

'Children are not aware of their rights, that's the problem', said a young participant in the CFJ-EN's Child Justice Caravan.

Being properly informed is both: (i) a precondition for children to effectively understand and participate in judicial proceedings in full enjoyment of their rights; and (ii) a way to decrease the level of stress and feelings of insecurity children can experience throughout judicial proceedings, thereby serving to safeguard children's best interests²⁶³.

EU law already requires Member States to ensure that children involved in criminal proceedings, whether as victims, suspects or accused persons, receive specific information on: (i) their rights; (ii) how to access these rights; and (iii) general aspects of the conduct of the proceedings²⁶⁴. Both the Victims' Rights Directive and the Procedural Safeguards Directive require Member States to ensure that children's right to understand judicial proceedings – and to be understood in them – is respected. Any information that the child has a right to receive must be provided in **simple and accessible language** (i.e. age-appropriate and child-friendly language), taking into account any disability-related needs or other types of special needs. Crucially, in the case of children, the child's information rights are also extended to their **holders of parental responsibility** or another appropriate adult including a legal representative for child victims²⁶⁵. For child victims, this right to information should be without prejudice to specific procedures that address the situation in which there are objective, factual circumstances whereby the parent/legal representative are suspected of being involved in a criminal offence against the child.

Moreover, the GDPR and the **Data Protection Law Enforcement Directive** contain an obligation to provide information about the processing of personal data in a child-friendly manner to children that interact with justice authorities (whether or not those authorities are law-enforcement authorities).

Effective participation, the right to be heard and the right to be accompanied by the holder of parental responsibility or another appropriate adult/special representative²⁶⁶

²⁶³ *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41.

²⁶⁴ See for instance Article 4 of the Victims' Rights Directive and article 4 of the Procedural Safeguards Directive, see notes 261 p. 42 and 264 p. 43.

²⁶⁵ See e.g. Article 1(2) of the Victims' Rights Directive and article 5 of the Procedural Safeguards Directive, see notes 261 p. 42 and 264 p. 43.

²⁶⁶ Meaning any person having parental responsibility over a child; Article 3 of the Procedural Safeguards Directive, see note 264 p. 43.

Many children's-rights organisations point out that **children are still not consistently heard in certain proceedings that affect them** (a point made by Women's Aid and the Latvian Child Welfare Network). Two good general principles for all legal proceedings involving children are that: (i) the views of the child should always be sufficiently and independently represented; and (ii) where possible, children should be able to participate in proceedings according to their age and level of maturity (an argument made by the NGOs Hope and Homes for Children and Women's Aid)²⁶⁷. The right to be heard and to express their views forms an integral part of the right of the child to participate effectively in legal proceedings²⁶⁸. For child victims, the procedural rules under which they may be heard during criminal proceedings and may provide evidence in criminal proceedings are determined by national law. In practice, each Member State has different rules for how children should be heard in legal proceedings (a point made by the Council of Bars and Law Societies of Europe (CCBE)). These rules often depend on the type of proceeding and the status of the child (i.e., whether they are victim, suspect, accused, witness or other (civil) party). Decisions to place a child in alternative care, for instance, do not always take into consideration the child in question's views (a point made by several organisations including the State Agency for Child protection of Bulgaria, the Foster Care and Adoption Service of Valencia, and the Latvian Child Welfare Network). There is legislation in place across EU Member States on the right of the child to be heard where decisions are made that affect them. However, and particularly for children under 12 years of age, it is often left to the discretion of the respective competent authorities to determine the manner in which this right can be exercised by children²⁶⁹. Platform for Children NGO urges to eliminate barrier of age criteria, replacing them instead with the presumption of children's capacity to form their own judgement, to ensure that younger children can also exercise this right. Moreover, children that are unable to clearly verbalise an opinion due to health issues or other factors (including disability-related factors) should also have a guarantee that they will be heard (an argument made by the Latvian Child Welfare Network).

The right of the child to be heard and to express their views is enshrined in Article 24 of the EU Charter for Fundamental Rights and Article 12 of the UN Convention. It is also enshrined **under secondary EU law**, in particular secondary EU law: (i) on criminal proceedings involving children as victims²⁷⁰; (ii) on child sexual abuse²⁷¹; (iii) on suspects or accused persons²⁷²; (iv) on matters of parental responsibility and international child abduction²⁷³; (v) on taking evidence in civil or commercial matters²⁷⁴; and (v) set out in the Regulation on the digitalisation of judicial cooperation and access to justice in cross-border cases²⁷⁵. The UN

²⁶⁷ See also, UN Special Rapporteur on violence against women and girls, [Custody, violence against women and violence against children: report of the Special Rapporteur on violence against women and girls, its causes and consequences](#), 2023.

²⁶⁸ See e.g. Article 16 of Procedural Safeguards Directive, see note 264 p. 43.

²⁶⁹ 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). *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²⁷⁰ Article 10 of the Victims' Rights Directive, see notes 261 p. 42.

²⁷¹ Article 20 of the Child Sexual Abuse Directive, see note 131 p. 23.

²⁷² Article 16 of Procedural Safeguards Directive, see note 264 p. 43.

²⁷³ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), OJ L 178, 2 July 2019, 1–115.

²⁷⁴ Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast), OJ L 405, 2 December 2020, 1–39.

²⁷⁵ Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation, OJ L, 27 December 2023.

Committee on the Rights of the Child has decided to dedicate its upcoming 27th General Comment to the issue of children's rights to access justice and effective remedies. The overall objective of the General Comment will be to provide authoritative guidance to State Parties to undertake all appropriate legislative, administrative and other actions to ensure children's right to access justice and effective remedies for the full realisation of all their rights²⁷⁶.

For cross-border family-law cases, the Brussels IIb Regulation obliges courts of the Member States, in accordance with national law and procedure, to provide any child who is capable of forming their own views with a **genuine and effective opportunity to express their views, either directly, or through a representative or an appropriate body**²⁷⁷.

Where a child participates in proceedings in **civil matters**, particularly as a **party**, under national law, the child should be able to participate in the hearing through videoconferencing or other distance communication technology provided for in the Digitalisation Regulation, taking into account the child's procedural rights, where that child is located in another Member State during the hearing. For taking evidence, for example where the child is to be heard as a **witness**, the child could also be heard through videoconferencing or other distance communication technology under the Taking of Evidence Regulation where that child is located in another Member State than the one in which the court proceedings for the case is located.

In addition, children should be **accompanied and therefore supported by their holder(s) of parental responsibility** or another appropriate adult or special representative, as may be the case, where their best interests so require. Children should be asked how they wish to be accompanied. The importance of children having a trustful relationship with the adult that accompanies them in legal proceedings is stressed in interviews with children in FRA fieldwork research. Across different studies, children consistently said that they appreciated being properly informed about the procedural safeguards to be put in place and having a say about which specific safeguards would suit them best²⁷⁸.

Children who are suspects or accused persons in criminal proceedings always have the right to be accompanied during hearings before a court²⁷⁹. For other (investigative) acts, children should participate where this is in their best interests and if the child and the proceedings will not be prejudiced by the child's participation.

²⁷⁶ [UNCRC Draft general comment No. 27 on children's rights to access to justice and effective remedies, 2024.](#)

²⁷⁷ Article 21 of the Brussels IIb Regulation, see note 238 p. 38.

²⁷⁸ *Child-friendly justice – perspectives and experiences of children and professionals*, see note 256 p. 41 and *Children as suspects or accused persons in criminal proceedings – procedural safeguards*, see note 255 p. 41.

²⁷⁹ See Article 15 of the Procedural Safeguards Directive, see note 264 p. 43.

In the case of **child victims of crime**, Member States should also ensure that competent authorities appoint in criminal investigations and proceedings a **special representative for the child** victim where, under national law, the holders of parental responsibility are precluded from representing the child either: (i) as a result of a conflict of interest between them and the child victim; or (ii) because the child is unaccompanied or separated from their family. In addition, all victims of crime, including child victims, have the right to be accompanied during criminal investigations by a person of their choice²⁸⁰. This should be a trusted person whom victims can bring along with them for moral support.

The importance of providing coordinated support when children are involved in judicial proceedings, such as when they are a victim of crime, is also one of the main findings from FRA research on child-friendly justice²⁸¹.

Individual assessment of the child

Individual assessments of children who are involved in legal proceedings can be of key importance to ensure that any action or decisions taken in the context of those proceedings are taken in the best interests of the child. FRA research with professionals and children involved in different types of proceedings and different roles has shown that there are particular gaps in systematic individual assessment procedures. These gaps mean that children are often not aware of any impact on how the hearings and proceedings were conducted²⁸².

In **administrative proceedings for assessing the grounds for international protection**, stakeholders in the consultation encouraged Member States to strengthen their individual assessment processes and to also maintain those in the event of emergencies. This would ensure that the needs of children with acute needs, such as children with disabilities, would be identified so that any risks could be detected, mitigated and responded to (a point made by the NGOs KIND and Child Circle).

Respondents to the open public consultation stressed that child-friendly justice should **take into account the child victim's personal situation**, needs, age, gender, possible disability status and level of maturity. They also stressed that child-friendly justice should fully respect the child's physical, mental and moral integrity, with appropriate legal assistance offered to the child at any stage of the legal proceeding.

Child victims are always presumed to have **specific protection needs** under the Victims' Rights Directive. The individual assessment for child victims consists of determining which of the protection measures listed in the Directive would need to be put in place for each individual child. Measures to protect child victims should be adopted in the child's best interests. If a child victim has to take part in criminal proceedings, this should, as far as possible, not cause further trauma as a result of interviews or visual contact with offenders. The proposal for the revision of the Victims' Rights Directive aims to further strengthen the individual assessment of victims of crime by: (i) improving cooperation among stakeholders; (ii) taking into consideration the risks emanating from the offender; and (iii) adding an assessment of victims' needs for support within the individual assessment.

²⁸⁰ See Article 20(c) of the Victims' Rights Directive, see note 261 p. 42.

²⁸¹ *Child-friendly justice – perspectives and experiences of children and professionals*, see note 256 p. 41.

²⁸² *Child-friendly justice – perspectives and experiences of children and professionals*, see note 256 p. 41 and *Children as suspects or accused persons in criminal proceedings – procedural safeguards*, see note 255 p. 41.

For **children who are suspects or accused persons in criminal proceedings**, Member States must also ensure that these children's specific needs for protection, education, training, and social integration are taken into account. These needs should be taken into account based on an **individual assessment**, which must in particular cover: (i) the child's personality and maturity; (ii) the child's economic, social and family background; and (iii) any specific vulnerabilities that the child may have (such as vulnerabilities related to disability or other factors). The individual assessment should follow, as far as possible, a **multidisciplinary approach**²⁸³.

Research by the FRA confirms²⁸⁴, however, that individual assessments of children who are suspects or accused persons (where such individual assessments are conducted) are frequently either rushed or become available too late. The result of this is that children are not always as effectively involved in these assessments as they should be²⁸⁵.

Effective legal assistance

Under the Victims' Rights Directive, where the child has the right to a lawyer, they also have the right to legal advice and representation, in their own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility. When a special representative needs to be appointed for a child during criminal proceedings, this role may be carried out by a legal person, an institution or an authority.

In addition, under the Child Sexual Abuse Directive, Member States must ensure that child victims have, without delay: (i) access to **legal counselling**; and (ii) in accordance with the role of victims in the relevant justice system, access to **legal representation**, including for the purpose of claiming compensation. On 6 February 2024, the Commission proposed a recast of the Directive, which, besides updating the definitions of offences and penalties, reinforces the provisions on both prevention and assistance to victims.

For **children who are suspects or accused persons in criminal proceedings**, EU criminal procedural law similarly sets out detailed rules on effective legal assistance. Member States must thus **ensure that children are effectively assisted by a lawyer** from the earliest point in the proceedings unless the narrow conditions for derogating from this requirement are fulfilled²⁸⁶. This means that Member States must not only ensure that the child has an appointed lawyer, but that this lawyer actively assists the child throughout the proceedings. Children who are suspects or accused persons **cannot waive their right to be assisted by a lawyer**. FRA research shows that legal assistance is very important to ensure children's right to information and is particularly important when children first come into contact with authorities²⁸⁷.

Children should be able to understand the proceedings they are involved in, and have access to free interpretation and translation if needed, according to EU and national law. The Public Documents Regulation²⁸⁸ aims at cutting red tape and costs for members of the public when

²⁸³ See Article 7 of the Procedural Safeguards Directive, see note 264 p. 43.

²⁸⁴ *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41.

²⁸⁵ *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41.

²⁸⁶ Procedural Safeguards Directive, see note 264 p. 43.

²⁸⁷ *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41.

²⁸⁸ Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (Public Documents Regulation), OJ L 200, 26 July 2016, 1–136.

they need to present in an EU Member State with a public document issued in another EU Member State.

Where a child participates in cross-border proceedings in civil or commercial matters, in particular as a party, under national law, the child should be able to participate in the hearing through videoconferencing or other distance communication technology provided for in Regulation (EU) 2023/2844 (the Digitalisation Regulation), taking into account the child's procedural rights. In addition, where the child is participating in the proceedings for the purpose of taking evidence in civil or commercial matters, for example where the child is to be heard as a witness, the child could also be heard through videoconferencing or other distance communication technology in accordance with Regulation (EU) 2020/1783 (the Taking of Evidence Regulation).

In the **asylum acquis**, in assessing the best interest of the child, central to EU law, Directive 2013/33/EU requires Member States to consider the views of the child in accordance with his or her age and maturity and provide information to them in a language that they understand or may reasonably be presumed to understand. The persons conducting the personal (asylum) interview of a child and preparing the decision have to have the necessary knowledge of the rights and special needs of children. It shall be conducted in a child sensitive and context appropriate manner, taking into consideration the age and maturity of the child.

The Pact on **Migration and Asylum** (Asylum Procedure Regulation) reinforces the information rights of unaccompanied minors both in terms of content and specifies that it has to be provided in a manner that children understand. It also specifies the role of the child representatives in assisting the child during the interview. During the asylum interviews, interviewers shall in addition have the opportunity to seek advice when necessary from experts on child-related issues. The Pact also clarifies the deadlines for the appointment of legal representatives for unaccompanied minors and provides for free legal counselling in the administrative procedure and free legal assistance and representation in the appeals procedure.

Effective coordination among authorities and professionals

Different sectors (including law enforcement, judicial authorities, child protection services, medical workers and mental-health workers) should **cooperate** and assess together the situation of the child and decide upon the follow-up action they will take (an argument made by the Latvian Child Welfare Network, the Irish NGO ISPCC, and the Ministry of Social Affairs of Saxony). Unfortunately, stakeholders report that a lack of resources, and a lack of money in particular hinders these much-needed joint efforts (a point made by the CCBE). In addition, the implementation of proper multidisciplinary approaches requires time, which is often lacking, in particular in criminal proceedings²⁸⁹. For example: (i) the taking in charge of child victims is a fragmented process; (ii) the involvement of schools and families is often ineffective; and (iii) there is no single place where the various actors can meet and plan the actions to be put in place (a point made by Defence for Children International Italy).

Coordination between the judicial and social assistance systems is key, and protects children from being exposed to repeated traumatisations throughout the legal process (a point made by Eurochild). Moreover, collaboration between family courts, child protection systems and criminal justice systems is crucial when dealing with families experiencing domestic abuse.

²⁸⁹ *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41.

This collaboration can help to improve the chances that any assessment of the child will be accurate and appropriate (an argument made by Women's Aid)²⁹⁰.

The proposal for the revision of the Victims' Rights Directive, as well as the provisionally agreed Directive on violence against women and domestic violence calls for improved coordinated multiagency mechanisms along these lines.

(On cross-border family-law and child protection cases, including the role of central authorities, see Section 4.3.2.)

Training for professionals working with children in the justice system²⁹¹

To ensure a child-friendly justice system, it is crucial to have in place specialised staff. This means that there should be appropriate mandatory training for police officers, staff in detention facilities, prosecutors, judges and other key professionals, such as probation officers (an argument made by Eurochild, and the Platform for Children). **All people in contact with children during legal proceedings must have received specialised training**, including on: (i) psychological and pedagogical knowledge of child development; (ii) children's rights; and (iii) child-centred communication (an argument made by DCI Belgium). It is also important to have in place an **interdisciplinary approach** to ensure that all actors involved in a proceeding understand the **roles and tasks** of the others in a proceeding. Interdisciplinary networking and coordinated cooperation of the involved professionals carrying out support services is recommended by DCI Belgium and DCI Italy. Children in the consultations noted that police officers should more proactively ask for children's views and involve children in their work using creative communication channels.

For child suspects or accused persons in criminal proceedings, this requirement that children be dealt with by staff specially trained to deal with children is enshrined in EU law²⁹². The EU strategy on victims' rights (2020-2025) promotes actions to train practitioners on victims' rights, as do the existing provisions in the Victims' Rights Directive. The provisionally agreed proposal for a directive on combating violence against women and domestic violence aims at ensuring that officials likely to come into contact with victims receive training and guidelines to enable them to identify, prevent and address instances of domestic violence in a manner that is sensitive to gender, children and possible trauma status. Moreover, health professionals who are likely to come into contact with victims of FGM, such as paediatricians, gynaecologists, obstetricians, midwives and psychological support staff, should receive targeted training to help them to identify and address instances of FGM in a culturally-sensitive manner. The European Judicial Training Strategy for 2021-2024 recognises that training should go beyond legal education by also supporting the development of professional skills through various tools, such as the financial support given to: (i) the European Judicial Training Network (EJTN)²⁹³; (ii) transnational judicial training projects through the Justice and CERV financial programmes; and (iii) the European Training Platform of the EU's e-justice portal, an online search tool for helping justice professionals to find training courses and training material for self-study on EU law, including on the rights of children. In addition to the required know-how on legislation, attitudes and expertise, all justice practitioners need training on non-legal

²⁹⁰ See also, Women's Aid, [A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and Sexual Violence](#), 2023

²⁹¹ *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41.

²⁹² See Article 20 of the Procedural Safeguards Directive, see note 264 p. 43.

²⁹³ [European e-Justice - Trainings, judicial networks and agencies](#).

knowledge and skills, such as knowledge rooted in behavioural sciences, psychology and cognitive linguistics.

FRA fieldwork research with professionals and children as well as the FRA's own mapping of child protection systems shows how important it is for trained professionals to be in contact with children, but this research also highlights very diverse practices and possibilities for training specific to children's rights across Member States²⁹⁴.

Protection of children who are deprived of liberty during criminal proceedings or who are serving a criminal sentence

‘Children need to develop in freedom, not behind closed bars.’ ‘My behaviour changed because of violence at home. I went into a spiral of violence. I know it is my own fault. I got detention at 14. It worsened my behaviour. I needed to get punishment, but they needed to see the root causes.’ (Quotes from young people part of the CFJ-EN's Child Justice Caravan.)

Caritas argues that, in terms of sentencing: (i) educational measures should always be given priority over punishment; (ii) measures taken by the judiciary must not lead to the stigmatisation and exclusion of juveniles who have committed a criminal offence; and (iii) measures taken by the judiciary must be accompanied by a strong aid system, including social, professional and social-integration opportunities.

Measures of deprivation of liberty, whether applied in the form of precautionary or administrative measures during criminal proceedings or imposed as a criminal sanction, must always be a last resort. The **Procedural Safeguards Directive** specifically requires: (i) any deprivation of liberty of children who are suspects or accused persons during criminal proceedings to be limited to the shortest appropriate period of time; and (ii) decisions on the application of such measures to be informed by an individual assessment of the child according to the child's best interests²⁹⁵. Any type of measure or punishment that violates children's fundamental rights is precluded by EU law. To ensure that children who are suspects or accused persons receive special treatment in cases of deprivation of liberty during criminal proceedings, Member States need to take appropriate measures to ensure children's well-being and foster their development, including with a view to their reintegration into society²⁹⁶.

For children sentenced to deprivation of liberty following a criminal conviction, **Commission Recommendation (EU) 2023/681** recalls and synthesises key minimum European standards²⁹⁷, which also include the requirement to ensure that the sentenced child has access to programmes that foster their reintegration into society²⁹⁸. But although FRA fieldwork research shows that authorities deprive children of liberty mostly as a last resort, detained

²⁹⁴ *Child-friendly justice – perspectives and experiences of children and professionals*, see note 256 p. 41; *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41 and *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

²⁹⁶ For rules applicable during the criminal proceedings, Article 12 of the Procedural Safeguards Directive, see note 264 p. 43. For rules on deprivation of liberty as a criminal sanction, see e.g. Commission Recommendation (EU) 2023/681 of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions, C/2022/8987, OJ L 86, 24 March 2023, 44-57.

²⁹⁷ Recital 2 of the Commission Recommendation (EU) 2023/681, see note 302 p. 51. As laid down through the Council of Europe instruments on human rights and the prohibition of torture and inhuman or degrading treatment, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the protocols to that Convention, the case law of the European Court of Human Rights, the 1987 European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

²⁹⁸ Paragraph 72 of the Commission Recommendation (EU) 2023/681, see note 302 p. 51.

children rarely have access to appropriate healthcare, education, sports and other leisure and rehabilitation activities. In their interviews, children given custodial sentences state that they experience serious stress connected to their detention and that they are not given information about their sentence²⁹⁹.

2.2.2.3 Implementation of EU legislation

On the implementation of EU secondary legislation, while there have been significant improvements in EU Member States in recent years, there are still some areas where further work is needed.

For example, on the **Child Sexual Abuse Directive**, the Commission launched infringement procedures against 23 Member States for incorrect transposition of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography. These infringement procedures primarily related to: (i) the definitions of offences and levels of penalties; (ii) assistance and support to victims; and (iii) prevention. In particular, the main challenges identified across Member States are related to: (i) prevention and intervention programmes for offenders; (ii) substantial criminal law; and (iii) assistance, support and protection measures for child victims.

As regards the compliance of the transposition of **Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings**, the Commission is currently following up on completeness issues identified. Such issues have been identified in nearly all Member States and with regards to almost every provision of the Directive. Important completeness issues were identified, inter alia, with regards to the transposition of information rights (Articles 4 and 5), the rules on assistance by a lawyer (Article 6), the right to an individual assessment (Article 7) and the right to specific treatment in case of deprivation of liberty (Article 12).

On the **Brussels IIa Regulation**, the Commission is following up in relation to non-conformity of a national application of the Brussels IIa Regulation. The Commission considers that this Member State is systematically and persistently failing to conform to and apply the relevant provisions of the Regulation relating to the return of the child and to the recognition and enforcement of judgments or orders that require the return of abducted children to their place of habitual residence. This non-conformity also concerns that Member State's failure to implement significant provisions of the 1980 Hague Convention.

2.2.2.4 Non-legislative EU support on child-friendly justice

The **Barnahus model** (from the Icelandic word for 'Children's house') is a child-friendly house that is specially adapted for child victims of crime. According to this model, law enforcement, criminal justice, support services, and medical and mental-health workers meet children under one roof and assess together the situation of the child and decide upon the follow-up action they will take³⁰⁰. It is important to have Barnahus structures in place to strengthen integrated child protection mechanisms. The cross-cutting responsibility anchors the Barnahus deeply within the government structure and also anchors it to the child-welfare

²⁹⁹ *Children as suspects or accused persons in criminal proceedings — procedural safeguards*, see note 255 p. 41.

³⁰⁰ For further information on the Barnahus model, see [Commission staff working document Impact assessment report, Accompanying the proposal for the revision of the Victims' Rights Directive](#) (see note 261 p. 42) and in particular its Annex 6: Mapping of Member States' Best Practices. For standards, see Promise - Barnahus Network, [The Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims](#). See also, [Council of Europe's audiovisual material on children's rights](#).

and justice systems, ensuring a solid platform upon which to coordinate work³⁰¹. The EU strategy on the rights of the child highlighted that the Commission will further support the establishment of Barnahus-style centres in the EU. Although the proposed revision of the Victims' Rights Directive does not require Member States to follow the Barnahus model, it builds on the principles of the Barnahus. In particular, with the proposed revision of the Victims' Rights Directive, the Commission proposes that Member States **provide for a targeted, multiagency approach to support and protect child victims**, providing services in an integrated and coordinated manner on the same premises to all child victims who need it.

In practice, without a Barnahus model in place, children often have to give statements multiple times in different places, because the technology used for taking statements is problematic and what should have been recorded was not recorded (a point made by CNZD). Trained experts in forensic psychology should carry out the pre-recording of evidence given by the child, using the Barnahus model, when the child is in an appropriate emotional state, with as little time as possible between the recording and the disclosure of the facts (a recommendation made by the Platform for Children). The Barnahus centres should also be in appropriate locations and be able to provide advice and therapeutic intervention to children if needed (a point made by Eurochild).

The Barnahus model generally applies to children that are victims of crime only (a point made by the French NGO Children of Prisoners Europe, and the Irish child protection agency Tusla). Moreover, where NGOs run Barnahus centres, the availability of the Barnahus centres depends on: (i) the presence of those organisations on the territory; and (ii) their capacity to staff these centres. This means in practice that there is often a different level of Barnahus service provided in different regions of the same country (a point made by Poland's 'We Give Children Strength' Foundation). Stakeholders call on the EU to roll out an efficient Barnahus model across Member States while showcasing how this model can be adapted for all child protection concerns (a point made by Tusla) and to other groups of vulnerable children, such as children visiting detained parents (a point made by the NGO Children of Prisoners Europe)³⁰².

Children's rights to contact their detained family members should be taken into account and respected (a point made by Caritas) and the penitentiary system should be child-friendly and should enhance child-parent relationships³⁰³. Children of Prisoners Europe recommends that the EU promote a 'One Roof' approach, bringing cross-sectoral stakeholders for a particular group of vulnerable children under one roof at least once a year to foster integrated child protection systems.

Detection of cases of sexual abuse of children has increased fourfold since the establishment of a Barnahus in Tarragona in Spain in 2020, according to the Catalan Department of Social Rights (a point made by the Spanish NGO Platform for Children).

Thanks to funding from the EU's Rights, Equality and Citizenship programme and its CERV programme, the PROMISE project and its successors, coordinated by the Council of the Baltic

³⁰¹ Council of Europe, *Barnahus: a European journey, Findings of a mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children*, 2023.

³⁰² COPE reports that an estimated 2.1 million children are separated from a parent in prison in Europe on any given day.

³⁰³ Council of Europe, *Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States concerning children with imprisoned parents*, 2019.

Sea States, have succeeded in setting up a **European Barnahus network**³⁰⁴ with Barnahus-quality standards and multiple resources³⁰⁵.

The European Commission **Technical Support Instrument (TSI)** has also helped to expand the Barnahus model across EU Member States, and supported the implementation of this model in Croatia, Finland, Ireland, Slovenia, and Spain – with the Council of Europe as implementing partner. In 2019, Finland improved the quality, efficiency, coordination, and operation of five existing Barnahus units to respond to and manage child sexual abuse cases in a child-friendly manner. The TSI also helped Slovenia to draw up a draft law on child-friendly justice, adopted in June 2021, and enabled a clear legal framework for the Barnahus, leading to the establishment of the Barnahus model in the country. The TSI has also made significant progress in protecting children's rights in criminal law proceedings in Slovenia and is assisting Slovenia's Ministry of Justice in its effort to reduce delays in civil law proceedings involving children, which will result in the adoption of an action plan to reform the current legal framework.

The Council of Europe is working on an upcoming draft recommendation on multidisciplinary and multiagency services for child-friendly justice (including operational guidelines for Barnahus-model services) by 2026, building on lessons learnt from the projects and the mapping study³⁰⁶.

The Barnahus model has become a recommended practice in recent years. Several EU Member States have now adopted this model: Denmark, Germany, Estonia, Ireland, Malta, Slovenia, Finland and Sweden. Greece, Spain, France, Cyprus, Latvia, Hungary and Romania are currently developing their Barnahus projects³⁰⁷.

Under an indirect management grant under the European Commission's justice programme³⁰⁸ to the Council of Europe, a joint European Commission and Council of Europe project will help to better protect children that come into contact with the law by fostering the **practical implementation of the Council of Europe's guidelines on child-friendly justice**³⁰⁹.

In addition, the Council of Europe Committee of Experts on the Rights and the Best Interests of the Child in Parental Separation and in Care Proceedings (CJ/ENF-ISE) is undertaking a review of law and policy on how the best interests of the child and their rights can be protected in situations of parental separation and care proceedings³¹⁰. The Committee will then prepare recommendations, guidelines and/or other practical tools to guide Council of Europe Member States and other stakeholders in these areas.

The EU strategy on the rights of the child states that **data collection** of children involved in judicial proceedings, including in the context of specialised courts, should be improved.

³⁰⁴ [European Barnahus Network](#).

³⁰⁵ *The Barnahus Quality Standards*, see note 306 p. 52.

³⁰⁶ *Barnahus: a European journey*, see note 307 p. 53.

³⁰⁷ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁰⁸ European Commission, Annex to the Commission Implementing Decision on the financing of the Justice Programme and the adoption of the multi-annual work programme for 2023-2024, C(2022) 8467 final, 25 November 2022, p. 33.

³⁰⁹ It will help to develop child-friendly frameworks, strengthening capacities of specialised staff so that they are able to use child-friendly procedures, and raise awareness of children in contact with the law and their parents on children's rights before, during and after judicial proceedings.

³¹⁰ Council of Europe, [Feasibility study on a legal instrument on the protection of the best interests of the child in situations of parental separation](#), 2021; Council of Europe, [Feasibility study of a legal instrument on the protection of the best interests of the child in domestic law proceedings by public authorities to limit parental responsibilities or place a child in care](#), 2021.

On non-legislative measures, the **EU Justice Scoreboard**³¹¹ presents an annual overview of indicators on the efficiency, quality and independence of justice systems. The 2023 EU Justice Scoreboard provides an overview of selected measures that Member States have in place to ensure child-friendly justice systems³¹². Overall, the situation appears to have improved compared to 2021. In total, 17 Member States are now reported to: (i) provide for the possibility of audiovisual recording of children being questioned; (ii) ensure child-friendly settings and the effective participation of children in hearings; (iii) provide information in a child-friendly way; and (iv) arrange for children to be assisted by a lawyer. Despite these reported improvements, especially with regards to legal assistance for children, there are still fewer specific safeguards available for children involved in proceedings as suspects or accused persons than there are for children who are involved in proceedings as victims.

The EU's **e-justice portal** provides information in 23 languages on justice systems to improve access to justice throughout the EU. In addition, the European Judicial Network in civil and commercial matters (EJN-civil)³¹³ facilitates the networking of judicial authorities in EU countries in order to improve judicial cooperation and seek practical solutions in cross-border cases. Furthermore, the European Judicial Network (EJN) is a network of Member State contact points who help to facilitate judicial cooperation in criminal matters³¹⁴. Eurojust the European Union Agency for Criminal Justice Cooperation, is a hub, where national judicial authorities work closely together to fight serious organised cross-border crime³¹⁵.

Additionally, the European Commission's **justice programme**³¹⁶ provides funding opportunities for stakeholders working to protect children and their rights in the area of justice. The justice programme holds an annual call for proposals for action grants to support transnational projects on judicial training covering civil law, criminal law or fundamental rights (JUST-JTRA). These calls for proposals include funding possibilities for training justice professionals on child-friendly justice in line with the EU strategy on the rights of the child, and also for ensuring integrated child protection systems. Furthermore, the calls for proposals on judicial cooperation in civil matters can fund projects seeking to improve the situation of children involved in civil cases. Funding is also provided to stakeholders for action to: (i) support the implementation of the EU *acquis* on victims' rights and the procedural rights of suspects and accused persons (JUST-JCAA); and (ii) promote judicial cooperation in civil and criminal matters (JUST-JCOO).

Under the EU strategy on victims' rights, the Commission's '**Eyes open' campaign on victims' rights**³¹⁷ raises awareness about victims' rights and promotes specialist support and protection for victims with specific needs, such as child victims of crime.

2.2.3 Medical support, including on mental health

Children feel safer in health institutions when the premises and space are well-maintained, child-friendly and bright. 'Children should be informed about the process and

³¹¹ [EU Justice Scoreboard](#).

³¹² 2023 EU Justice Scoreboard, Figure 31.

³¹³ [European Judicial Network in civil and commercial matters](#).

³¹⁴ [European Judicial Network in criminal matters](#).

³¹⁵ [European Union Agency for Criminal Justice Cooperation \(Eurojust\)](#).

³¹⁶ Regulation (EU) 2021/693 of the European Parliament and of the Council of 28 April 2021 establishing the Justice Programme and repealing Regulation (EU) No 1382/2013, OJ L 156, 5 May 2021, 21–38.

³¹⁷ [Keep your eyes open to the different forms of violence](#).

the method of treatment that is true and adapted to the child'. (16-year-old girl from Croatia). The links between mental health services, substance abuse treatment, and child protection services should be strengthened. BPtK points out that therapeutic and rehabilitative facilities where children and adolescents are cared must have an effective child protection approach in place (Bundes-Psychotherapeuten Kammer). Doctors need of more coordination and protocols on how to act when an episode of violence against children is spotted.

It was also reported that health services, including mental health support services, are lacking human and financial resources. The UN Committee on the Rights of the Child notably reported a lack of investment in psychological services for children who are victims of violence and neglect. Children wait a long time for a medical treatment which is not even available to them if they live outside of the capital city and have not great financial power (CNZD). The UN Committee on the Rights of the Child notably reported a lack of investment in psychological services for children who are victims of violence and neglect. The shortcoming of specialised doctors, as pedopsychiatrists terribly hinders the capacity of adequately supporting children in need of medical assistance (Nexem). Moreover, many children with chronic diseases do not have access to treatment due to lack of public funding ('We Give Children Strength' Foundation). Spain also has approved a national strategy for mental health that will require, as next steps, more investment in specialised resources for children, and adolescents. ESCAP urges to increase subsidies for research funding on early psychological interventions that can buffer the detrimental effects of child abuse on psychopathology before the onset of psychiatric diagnosis; it could in parallel aid the finding of effective early-mechanism-based interventions for childhood mistreatment (European Society for Child and Adolescent Psychiatry).

World Health Organization (WHO) actively advances child protection through various initiatives. This includes a strategy document³¹⁸ outlining WHO Violence Prevention Unit's approach to violence prevention, the INSPIRE technical package³¹⁹ to support countries in their efforts to prevent and respond to violence against children aged 0-17 years and active involvement in the 1st Global Ministerial Conference on Ending Violence Against Children³²⁰. WHO also provided guidelines for the health sector response to child maltreatment³²¹ and supports recommendations for ending violence against children through health system strengthening (the latter resulting from the 74th World Health Assembly)³²². Additionally, WHO has released the report '*What works to prevent online violence against children (VAC)*' which presented ways to keep children safe online and summarised the scientific literature on current effective strategies and tools³²³. The report recommended implementing school-based educational programmes which have multiple sessions, promoting interaction among young people and engaging parents. Despite the closure of the EPIC platform³²⁴, which provided extensive child protection data, WHO remains hopeful for future funding to continue such essential efforts.

³¹⁸ WHO, [WHO Violence Prevention Unit: approach, objectives and activities, 2022-2026](#), 2022.

³¹⁹ WHO, [INSPIRE: Seven strategies for Ending Violence Against Children](#), 2016.

³²⁰ WHO, [1st Global Ministerial Conference on Ending Violence Against Children](#).

³²¹ WHO, [WHO Guidelines for the health sector response to child maltreatment](#), 2019.

³²² Seventy-Fourth World Health Assembly – Agenda item 23: Ending violence against children through health systems strengthening and multisectoral approaches, [WHA74.17](#), 31 May 2021.

³²³ WHO, [What works to prevent online violence against children?](#), 2022.

³²⁴ [European Platform for Investing in Children \(EPIC\)](#).

The Communication on a comprehensive approach to mental health indicates childhood as a crucial stage in mental health that requires special prevention, protection and support. Particularly, it has a dedicated chapter on boosting the mental health of children and young people composed of four flagship initiatives (a child/youth network on mental health, a disease prevention toolkit addressing health determinants, tools for a healthy lifestyle and mental health resilience and better protection for children in the digital sphere, online and on social media). A call for best and promising practices on mental health, including on children and young people, was launched after the adoption of the Communication on mental health. (see also *infra*, 1.5 on mental health)

Furthermore, the **European Child Guarantee** recommends Member States to facilitate early detection and treatment of diseases and developmental problems, including those related to mental health. The European Child Guarantee also encourages Member States to ease the implementation of accessible health promotion and disease prevention programmes targeting children in need and recommends to guarantee effective access of these children to healthy nutrition. This must include effective safeguards against marketing of tobacco and emerging products, alcohol and unhealthy food, as well as support to choose healthier options. The latter is achievable supporting the access to healthy meals and restricting the availability of unhealthy food in educational establishments, as well as through adequate information to children and families on healthy nutrition.

Under the **CERV programme**, a 2024 call for proposals on the rights of the child and children participation will support notably projects that look at the causes and consequences of mental health issues amongst children, focusing on the dimension of prevention, protection and support to children with mental health issues in a multidisciplinary approach.

The Commission's **Technical Support Instrument**, in collaboration with UNICEF, is supporting a multi-country project involving Slovenia, Italy, Cyprus and the regional authority of Andalusia with the aim to strengthen the mental health and care of vulnerable children and young people.

The **Europe's Beating Cancer Plan**³²⁵ looks at promoting the good practices in the fields of healthy nutrition, physical activity and mental health among children. It addresses childhood obesity, regulating unhealthy food marketing to children, improving cancer diagnosis and treatment, and providing support programs for young cancer survivors. The Plan also prioritises measures to protect children from harmful environmental factors and carcinogens. As part of this Plan, the Commission has adopted a proposal for a Council Recommendation on vaccine-preventable cancers on the 31st of January 2024 to support Member States in addressing the cancer risks related to infection by human papillomaviruses and the hepatitis B virus. Regarding human papillomaviruses, the initiative aims to support Member States in increasing vaccination uptake for both girls and boys. The Commission is working on a proposal to revise the 2009 Council Recommendation on **smoke-free environments** with the aim of better protecting people, in particular children and adolescents, from the harmful exposure to second-hand smoke and second-hand aerosols, to de-normalise the use of traditional tobacco and emerging products among the younger generation and with the overall aim of achieving a Tobacco-free Generation in the European Union.

³²⁵ Communication from the Commission to the European Parliament and the Council Europe's Beating Cancer Plan, COM/2021/44 final, 3 February 2021. See also, [Europe's Beating Cancer Plan: A new EU approach to prevention, treatment and care](#).

The **Farm to Fork Strategy**³²⁶ outlines a set of actions to help consumers to choose sustainable diets that promote their health and well-being while also reducing healthcare costs, such as the revision of the EU school fruit, vegetables and milk scheme, which aims to improve children's access to healthy products and increase their understanding of the benefits of healthy food.

2.2.4 Comprehensive social support

Social services play a vital role in supporting disadvantaged children and families. This support encompasses the improvement of parenting skills, child protection, establishment of alternative care arrangements, and assistance for vulnerable children in their educational endeavours (European Social Network). For this reason, stakeholders recommend that social workers are **properly trained** to address children's difficulties of various traumatic origin and that public social services are **accessible** to all children and specifically for the most vulnerable children and their families (European Social Network, Women's Aid). The mental health of caseworkers also requires special safeguards, with respondents referring to the Anna Freud Centre's AMBIT empathic approach (New Bulgarian University).

As an initiative of the Sofia Municipality, in Bulgaria, where since 2019 Concordia Bulgaria is running a shelter for children who have suffered from violence, 'Svetlina' (Light). It is intended for children aged between 3 and 18 years who are victims of various forms of violence. Children are accommodated for a period of up to 6 months, assisted by a team of specialists which support their individualised needs and provided with safety with the final aim to break the cycle of violence by promoting positive relationships (Eurochild).

The European Child Guarantee, together with the European care strategy³²⁷ form a comprehensive EU policy framework to protect the rights of all children and secure access to basic services for children in vulnerable situations or from disadvantaged backgrounds.

Under the **European Child Guarantee**, Member States are recommended to ensure adequate policies and resources, including through labour market integration measures, support measures for parents or guardians and income support to families and households, so that financial and territorial barriers do not prevent children including those living in remote and rural areas from accessing quality services.

Actions launched under the **European care strategy** will support the development of the workforce in the care sector, improving working conditions, wages and career perspectives of carers³²⁸. The strategy also promotes the opportunities available at EU level to support capacity-building, for instance under Erasmus+, which can notably support the necessary training and capacity building for the shift in service delivery from institutional to person-centred, community-based inclusive services.

³²⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final, 20 May 2020.

³²⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Care Strategy (European care strategy), COM/2022/440 final, 7 September 2022.

³²⁸ For example, the Commission Decision setting up the European Sectoral Social Dialogue Committee on Social Services, C(2023) 4573 final, 10 July 2023.

2.2.5 Children in alternative care

According to the data collected for the DataCare project³²⁹ (finalised in 2021) and the EU monitoring framework for the European Child Guarantee³³⁰ (published in 2023), around 750 000 children are estimated to be in alternative care in the EU. The data also shows that around 40% of children in alternative care are in residential care.

Preventing family separation (see also Section 1.1.1)

Article 24 of the EU Charter stipulates that **‘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’**. According to Article 33 of the EU Charter, the family enjoys legal, economic and social protection.

The **UN Convention on the Rights of Persons with Disabilities** (UNCRPD, Article 23) stresses the **equal rights of children with disabilities with respect to family life and calls for early, comprehensive support for children with disabilities** to prevent their concealment, abandonment, neglect and segregation. According to General Comment No. 5 of the UN Committee on the Rights of Persons with Disabilities (CRPD), **community-based support** is crucial to prevent institutionalisation and financial strain on families of persons with disabilities³³¹. Other General Comments of the CRPD are also relevant to the equal rights of children with disabilities, such as General Comment No. 4 on inclusive education³³².

The rights enshrined as described above are essential to prevent children from being taken away from their families and institutionalised, to support families community, and to ensure that children are not taken away from their parents because of a disability³³³. Furthermore, the UN Guidelines for the Alternative Care of Children aim to bolster the implementation of relevant international instruments for the protection and well-being of children deprived of parental care or at risk³³⁴.

Children consulted for the purposes of this Recommendation, notably children with experience of alternative care, suggested that **biological families should be supported and monitored with a view to preventing abuse and neglect. Stakeholders consider better support for families to be a priority with a view to preventing unnecessary separations.**

Once involved in child protection intervention measures, parents and families need to learn to navigate the system, often when they are in the difficult position of being seen as a risk to the children (point made by ATD Fourth World FR). It is crucial to promote a general stance that avoids the stigmatisation of parents actively pursuing psychiatric care (this view was put forward by ATD Fourth World BE and Wallonia-Brussels).

³²⁹ UNICEF and Eurochild, *Better data for better child protection systems in Europe: Mapping how data on children in alternative care are collected, analysed and published across 28 European countries*, 2021.

³³⁰ [The European Child Guarantee has a new framework to better monitor children's access to education, healthcare and housing conditions.](#)

³³¹ *Violence against children with disabilities: legislation, policies and programmes in the EU*, see note 178 p. 30.

³³² [CRPD General Comment No. 4 on Article 24 - the right to inclusive education, 2016.](#)

³³³ Paragraph 88 of [CRPD General Comment \(GC\) No. 5 on Article 19 - the right to live independently and be included in the community, 2017.](#)

³³⁴ United Nations, [Guidelines for the Alternative Care of Children: resolution / adopted by the General Assembly](#), 2010.

Stakeholders (notably SOS Children's Village International) recommend calling on Member States to provide families with universal and targeted social services and psychosocial support such as life and parenting skills programmes. In the Wallonia-Brussels Federation, the Agora group brings together youth workers, people experiencing poverty, and associations once a month to evaluate decrees, avoid poverty placements and preserve the parent-child relationship (point made by ATD Fourth World BE and the Wallonia-Brussels region). However, although the lack of adequate housing is one of the factors leading to child separation, little is done to support family living conditions (view expressed by ATD Fourth World BE and Wallonia-Brussels region).

As stated in the **EU strategy on the rights of the child**, every child has the right to an adequate standard of living and to equal opportunities from the earliest stage of life. The EU Strategy states that all children, including those with disabilities and from disadvantaged groups, have an equal right to live with their families and in a community. Integrated child protection systems, including effective prevention, early intervention and family support, should provide children without - or at risk of losing - parental care with the necessary conditions to prevent family separation. Poverty should never be the only reason for placing children in care. The **2021-2030 Strategy for the rights of persons with disabilities** points to the insufficient provision of community-based services, housing and technical aid, as well as limited support for families.

The provision of adequate housing and ensuring that children and their families receive adequate temporary accommodation are important mechanisms for tackling social exclusion of children and minimising the risk of homelessness, which is also promoted by the **European Child Guarantee**. Strengthening the socio-economic inclusion of children is essential to prevent intergenerational transfer of poverty and disadvantage. Furthermore, children in alternative, especially institutional, care are one of the groups, whose specific disadvantages should be taken into account by the Member States while designing national support measures.

Through ESF+, Estonia has, for instance, planned to develop parental skills programmes, including the development and establishment of community-based prevention and family work centres; support for children with trauma experience and complex problems; and the development of alternative care and support for the transition of child protection to a new case-management model. The total cost of the activities is estimated at around EUR 42 million.

Transiting towards alternative care

Several children consulted, who experienced violence, abuse and/or neglect, felt safer in the alternative care settings than in their biological family homes. However, they also called for **continuity of care between home and professional services** and pointed out that this support should also include **protection from other adults and children**³³⁵. Children with experience of alternative care (from Croatia) felt that police officers and social workers kept them safe by 'really listening to them' and taking them seriously, and by acting on what they heard to move them to a safer place. Teachers should also work closely with social workers and other professionals helping children transition to new placements. Children consulted (from Hungary) who had been abused in their families of origin or at previous placements referred to the advantages of living with their current foster families for their own safety. However, children risk remaining in unsettled family circumstances because institutions are full and

³³⁵ *Raising Our Voices - Children's Conclusions and Recommendations to the Spanish Presidency of the Council of the European Union*, see note 217 p. 35.

overcrowded and **the non-institutional system** that should have accepted them (e.g. foster care) have **insufficient capacity**. (This was pointed out by CNZD.)

Ensuring well-being and quality control in alternative care

Children in alternative care are one of the groups most likely to have either been exposed to or witnessed violence in their families or communities, with the result that they are more likely to find themselves in similar episodes of violence, including from or towards their peers (view expressed by SOS Children's Village International). They also showed an increased likelihood of becoming victims of **discrimination and bullying**, notably at school. German children consulted said that 'Children run the risk of being outed as children from the SOS children's village.' A 15-year-old boy from Hungary said 'It's sad and doesn't make any sense that teachers treat differently children who are in alternative care compared to normal kids. We should be treated the same. We are the same, not any less.' Roma children from Hungary said that teachers should have a trauma-informed approach, especially towards children in alternative care or who are at risk of losing parental care, and should 'see the reasons behind the child's behaviour'.

An atmosphere of calm, being listened to and being provided with a private space were noted as factors contributing to **making children feel safe in alternative care settings**. Children also noted that emotional bonds with foster parents contributed to their sense of security. Member States should provide mental health and psychosocial support for children in alternative care, as children might continue to suffer from their traumatising experience of violence and, additionally, of being separated from their family.

The quality of care and providing children with the most suitable form of alternative care according to their individual needs and best interests play a significant role in a child's risk of experiencing violence in alternative care. Specific support should ensure the capacity of Member State competent authorities to monitor the **quality of alternative care** provision (view expressed by SOS Children's Villages International). For children with disabilities, qualified staff or a support network which must be operated and coordinated are a rarity (pointed out by the Human Rights Educators Network). Adequate systems must be developed to prevent and report bullying.

EU Member States should establish **specific laws or strengthen national legislation** prohibiting all forms of violence against children in alternative care (opinion advanced by SOS Children's Villages International).

Stakeholders (Tusla and SOS Children's Villages International) encourage Member States to ensure that effective **complaint mechanisms** are available for children in alternative care, including legal assistance. Specific support should be put in place to support children with disabilities in accessing complaints mechanisms. Further, there should be mechanisms for monitoring service providers, adopting measures to protect persons with disabilities from being hidden in the family or isolated in institutions and children from being abandoned or institutionalised on the grounds of disability. Appropriate mechanisms should also be adopted to detect situations of violence by third parties against persons with disabilities³³⁶.

³³⁶ Paragraph 52 of CRPD General Comment (GC) No. 5, see note 339 p. 59.

A total of 19 Member States have specific provisions on the **rights of children in alternative care to lodge complaints**, but children are not always adequately and systematically informed about those rights³³⁷

In Cyprus, children placed in alternative care are, for instance, informed of their rights and of the procedure for filing complaints. State institutions have complaint boxes in which children can submit their complaints, anonymously if they wish³³⁸.

Trauma-informed practices are considered crucial in the context of alternative care; they provide professionals with the tools and knowledge required to understand how adverse childhood experiences, such as exposure to violence, can impact a child's development, and can enable them to help children overcome the effects of trauma. The Happy Kids Foundation is creating a professional empowerment programme for young people living in the foundation's family homes.

Transiting from alternative care to adulthood

Stakeholders report that assistance for adolescents leaving alternative care to live independently is not sufficient, putting them at risk of ending up on the streets (ISPCC, Zagreb City Assembly, Latvian Child Welfare Network, ATD Fourth World BE and Wallonia-Brussels). In Belgium, 24.2% of homeless young people aged 18-25 had just left institutions³³⁹. Children with disabilities growing up in institutions risk remaining in institutional care as adults owing to lack of community-based services and support³⁴⁰. Moreover, receiving support beyond the age of 18 requires more efforts (opinion advanced by the Ministry of Social Affairs Saxony). Many young people are left on their own, especially if contact with their family was severed during childhood without preparation for return (this point was made by ATD Fourth World BE and Wallonia-Brussels). Going back to live with their family also poses problems for young people leaving institutions, as the family would lose part of their social allowance if the young person also received a social allowance.

All this underscores the need for **comprehensive support and preparation programmes** at national level to assist young adults in the process of transitioning out of the care system (argument made by SOS Children's Village Spain, Hope and Homes for Children, and Platform for Children). More investments are also crucial (pointed out by SOS Children's Villages Spain). In Spain, Autonomous Communities help young people leaving alternative care to live independently, but inequalities were reported, as the support is delegated to private bodies offering different types of assistance.

The European Child Guarantee underlines that providing support to children who leave institutional or foster care is also crucial to support their independent living and social integration.

³³⁷ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³³⁸ FRA, [*Towards integrated child protection systems: Mapping child protection systems in the EU- Cyprus Country report*](#), 2023.

³³⁹ Fondation Roi Baudouin, [*ZOOM! Focus sur les jeunes adultes \(18-25 ans\) sans-abri et sans chez-soi*](#), 2022.

³⁴⁰ FRA, [*From institutions to community living for persons with disabilities: perspectives from the ground*](#), 2018.

2.2.6 Deinstitutionalisation and the transition towards quality family- and community-based care services

Transiting towards deinstitutionalisation as a policy objective

It is estimated that nearly 40% of children in alternative care in the EU are still in residential care, living in large institutions³⁴¹.

The **UN Committee on the Rights of the Child** calls for support for the development and implementation of community-based services with a view to making institutionalisation a last resort, and only if it is in the best interest of the child³⁴². Further, the UN Committee on the Rights of the Child has expressed its concern at the high number of children with disabilities placed in institutions and has urged States parties to support, through deinstitutionalisation programmes, the ability of children with disabilities to live with their family, with extended family or in foster care³⁴³. The **UN Guidelines for the Alternative Care of Children**³⁴⁴ could serve as guidance (view expressed by SOS Children's Village Spain and Platform for Children).

The **UN Convention on the Rights of Persons with Disabilities** (Article 19) stresses the right of all persons with disabilities, including children, to independent living and access to community-based support, including community services and facilities available to the general population.

Further to its provisions on the equal rights of children with disabilities, the Committee on the Rights of Persons with Disabilities clarifies in its General Comment No. 5 that for children, the core of the right to live independently and be included in the community entails a right to grow up in a family and that large or small group homes are especially dangerous for children, for whom there is no substitute for the need to grow up with a family. It also clarifies that 'family-like' institutions are still institutions and are no substitute for care by a family³⁴⁵.

The 2022 UN Guidelines on deinstitutionalisation³⁴⁶ recommend developing access to support services in the community, including personal assistance and peer support; making accessible information available to families and children; and training child protection professionals on the human rights model of disability. These are key interventions to prevent the institutionalisation of children with disabilities. The guidelines further clarify that 'a healthy living arrangement (for children in alternative care) should allow a child to establish a stable relationship with a committed adult caregiver, and every effort should be made to avoid multiple placements of children who do not live with their family of origin'.

In the **EU strategy on the rights of the child**, the Commission invites Member States 'to improve the functioning of child protection systems at national level, in particular to promote national strategies and programmes to speed up de-institutionalisation and the transition towards quality family- and community-based care services including with an adequate focus on preparing children to leave care, including for unaccompanied migrant children'. In the **EU strategy for the rights of persons with disabilities**, the Commission also calls on Member

³⁴¹ UNCRPD, see note 20 p. 6.

³⁴² Paragraphs 3(g), 46 and 47, and para UNCRC GC No. 13, see note 19 p. 5.

³⁴³ Paragraph 47 of [UNCRC General Comment No. 9 on the rights of children with disabilities, 2006](#)

³⁴⁴ Guidelines for the Alternative Care of Children, see note 340 p. 59.

³⁴⁵ Paragraph 16(c) of CRPD GC No. 5, see note 339 p. 59.

³⁴⁶ Guidelines on deinstitutionalisation, including in emergencies, see note 22, p. 6.

States ‘to implement good practices of deinstitutionalisation in the area of mental health and in respect of all persons with disabilities, including children, to strengthen the transition from institutional care to services providing support in the community’. The **European Child Guarantee** also recommends the ‘de-institutionalisation of children, and [of] quality community-based or family-based care. Placing children in institutional care should be done only when it is in the best interest of the child, taking into account the child’s overall situation and considering the child’s individual needs. Providing support to children who leave institutional or foster care is crucial to support their independent living and social integration.’

Child institutionalisation deprives children of stable, continuous and loving family care and may consequently cause lifelong harm (opinion advanced by Hope and Homes for Children). Analyses show that institutionalisation also harms children's socio-emotional development and mental health, and children's ability to form attachments, with additional risks of intersectional discrimination (e.g., based on gender, disabilities, ethnicity and migration status)³⁴⁷. In Spain, in 2021, 75% of children and adolescents who entered the protection system went directly into institutional-type residential care (feedback from Platform for Children). Institutionalisation of children with disabilities significantly increases their risk of abuse and severe disciplining, including corporal punishment and restraint, as well as cases of forced sterilisation, which it is still legal to inflict upon children in three EU Member States (as pointed out by Autism Europe, European Disability Forum)³⁴⁸. In addition, growing up in an institution can have an impact on a child with disabilities well into their adult life and educational path (view expressed by Autism Europe and European Disability Forum). Even children in foster care, despite State support for foster care facilities, do not receive sufficient medical care, in particular for mental health or in terms of specialist appointments (view expressed by Happy Kids Foundation). Abusive placements of autistic children in the child protection system still occur due to a lack of understanding of autism and how it manifests.

Progress needs to be made as regards the transition from institutional to community and family-based care (a process called deinstitutionalisation) in all EU Member States, with the focus on **building the capabilities and resilience of families and communities**, where children can be given support and quality services to develop freely and be educated in inclusive mainstream settings adapted to their needs (view expressed by SOS Children’s Village International, European Disability Forum, Hope and Homes for Children, Platform for Children, and We Give Children Strength Foundation)³⁴⁹. Respondents stressed the need for monitoring of transition developments and specific data on children in institutions. An intersectional approach is also necessary to identify and address multiple vulnerabilities simultaneously (as noted by Hope and Homes for Children).

Children also suggested that when placing **children in foster families**, children’s physical and psychological safety should always be a priority. Respondents also pointed to the importance of **vetting procedures** (also see Section 3.5) and to the critical **lack of available foster families**. **Siblings should be kept together** to preserve family bonds.

³⁴⁷ See also Van IJzendoorn, M.H., Bakermans-Kranenburg, M.J. et al, ‘*Institutionalisation and deinstitutionalisation of children 1: a systematic and integrative review of evidence regarding effects on development*’, *The Lancet Psychiatry*, Vol. 7(8), 2020

³⁴⁸ See also [Better Care Network - Effects of Institutional Care](#); Lumos, [Children in Institutions: The risks](#), 2017 and European Disability Forum, [Forced sterilisation of persons with disabilities in the European Union](#), 2022.

³⁴⁹ See also Platform for Children, [Posicionamiento de la Platform for Children sobre la estrategia de desinstitucionalización en España](#), 2023.

The **European care strategy** notably promotes the opportunities available at EU level to support capacity-building, for instance under Erasmus+, which can in particular support the necessary training and capacity-building for the shift in services provision from institutions to person-centred, community-based inclusive services. The **Council Recommendation on long-term care**³⁵⁰ invites Member States to promote autonomy, independent living and inclusion in the community in all long-term care settings and, in particular, to develop and/or improve home care and community-based care.

A challenge to making progress on the deinstitutionalisation of children with disabilities in Member States is the **insufficient provision of community-based care services and support for families and personal assistance, together with insufficient provision of housing and technical aids**³⁵¹. Services that support independent living and the inclusion in the community of persons with disabilities, including children, are particularly affected by workforce shortages and challenging working conditions. In addition, the strategy for the rights of persons with disabilities identified areas where there are gaps in data collection, notably on the number of persons with disabilities - including children - living in institutions.

How the EU supports the transition towards deinstitutionalisation

In addition, in line with the Recommendation establishing the European Child Guarantee, Member States are called on to: take into account the **child's best interests** as well as their **overall situation and individual needs** when placing them in institutional or foster care; ensure the transition of children from institutional or foster care to quality community-based or family-based care; and support their independent living and social integration. As part of the European Child Guarantee, Member States were asked to submit action plans on how they intend to implement the Guarantee. Some of the measures relate to deinstitutionalisation or support for children leaving alternative care (e.g., in Estonia; providing housing and financial assistance or housing allowance for up to one year in Croatia).

The EU allocated EUR 15 million to support the third phase of the **European Child Guarantee preparatory action**, implemented by Unicef across seven Member States from 2020 to 2023³⁵². This phase successfully trialled 18 integrated community-based service models, reaching over 13 000 children and 9 000 adult caregivers. Additionally, 2 700 professionals and decision-makers were equipped to provide high-quality services. In November 2023 the Social Protection Committee established the EU monitoring framework for the European Child Guarantee, offering a unified approach to monitoring children in various types of care, including both institutional-type residential care and family-like settings³⁵³. The **European Social Fund Plus (ESF+)** and the **European Regional Development Fund (ERDF)** also support investments in human capacity and infrastructure development, equipment and access to mainstream non-segregated services, and the shift from institutional to non-residential family- and community-based services.

The 2021-2027 **Common Provision Regulation** requires Member States to establish a national strategic framework for poverty reduction and social inclusion, emphasising transition including 'from institutional to community-based care'. Similarly, in order to access cohesion

³⁵⁰ Council Recommendation of 8 December 2022 on access to affordable high-quality long-term care 2022/C 476/01, JO C 476, 15 December 2022, 1–11.

³⁵¹ Strategy for the Rights of Persons with Disabilities, see note 187 p. 29.

³⁵² Bulgaria, Croatia, Greece and Italy in policy analysis and pilot project strands, Germany, Lithuania; Spain in policy analysis.

³⁵³ EU monitoring framework for the European Child Guarantee, see note 336 p. 59.

policy funds for healthcare, Member States must have a strategic policy framework for health and long-term care which contains ‘measures to promote community and family-based services through de-institutionalisation, including prevention and primary care, home-care and community-based services.’ Compliance with the UN CRPD and the EU Charter are enabling conditions to access cohesion policy funds (2021-2027).

The **Commission is planning to publish guidance in 2024**, recommending improvements to Member States on independent living and community inclusion as a flagship initiative from the strategy for the rights of persons with disabilities. This guidance will consider diverse perspectives, including of children with disabilities, and will complement existing policy initiatives targeted at these groups. It will take a practical approach, exploring examples of promising practice from Member States’ experiences of using EU funds to support deinstitutionalisation processes and develop the conditions for independent living. The Guidance will be complemented by a Framework for social services of excellence for persons with disabilities, aimed at improving community-based delivery of accessible and quality services, including for children with disabilities.

In 2021, the EU also organised a **mutual learning exercise** among the Member States to discuss challenges and good practice in providing foster-care services to children without adequate parental care. The Peer Review on “Furthering quality and accessibility of Foster Care Service in Croatia” analysed the overall situation of foster care in the EU and discussed standards for foster families, professional care schemes and measures to prepare and support foster carers of children with severe disabilities. It highlighted, among other things, the need for well-trained professionals who have enough time to select, prepare, supervise and advise foster families, and the need for structural framework conditions to be put in place.

3. Towards integrated child protection systems: framework and implementation

Unicef defines **child protection systems** as formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children. A child protection system is generally agreed as comprising the following components: human resources, finance, laws and policies, governance, monitoring and evaluation, protection and response services and care management. It also includes different actors – children, families, communities, those working at subnational or national level and those having an ability to work across borders on case management and return and reintegration. 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 (according to Unicef).

3.1 Diversity of national child protection systems

National child protection systems vary, as they are designed on the basis of needs, resources allocated, and cultural, social and historical factors, with different levels of decentralisation³⁵⁴. Integrated child protection systems encompass a range of operational models and processes, with due respect for subsidiarity.

Cross-sectoral challenges

³⁵⁴ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

In most Member States, child protection responsibilities are mostly assigned and/or shared among different ministries of welfare / social affairs, justice and education. However, relevant actors, including when implementing prevention, reporting and protection measures and effective support responding to children's needs range across a variety of relevant sectors. They include in particular health, education and training, social protection, justice, law enforcement, migration and asylum, digital, sport, leisure, culture, media, finance, business and environment.

Diversity of competences and importance of the regional and local dimensions

Competences are also shared **across national, regional and local authorities**³⁵⁵. Federal or autonomous states place responsibility at regional level. Almost all Member States decentralise national child protection systems, assigning some responsibilities to regional or local authorities. The level of decentralisation varies. In some Member States, national authorities maintain the right and responsibility to coordinate and set standards at national level, while in others, local or regional authorities carry full responsibility and enjoy a high level of autonomy.

In its own-initiative opinion³⁵⁶, the **European Committee of the Regions** underlined the need to empower local and regional authorities in integrated child protection systems. Protective measures should fully comply with the principle of subsidiarity. They should be context-specific, child-centred and implemented at the most appropriate level of governance. This will facilitate cooperation and coordination between local, regional, national and EU authorities so that they can create integrated child protection systems in terms of preventing violence and protecting against poverty, vulnerability and social exclusion across the EU.

As a good practice, **Baden-Württemberg** (Germany) is investing around EUR 9.8 million in child protection. Funding is, for instance, provided for programmes relating to child protection projects in youth clubs and associations, so-called baby guides in clinics, and prevention programmes against sexual abuse³⁵⁷. As another good practice, in the **Carinthia region** (Austria), approximately 10 000 children benefit from family allowances under child and youth welfare, operating within a budget of EUR 15 million. Initiatives include parental and educational counselling; crisis housing for mothers and children; covering of costs for psychotherapy for children and parents; reimbursement of expenses related to kindergarten, home, or learning care; billing of childminders; provision of home help; legal advice for parents (especially in maintenance disputes); and a summer recreation campaign for children, alongside parental-child leave.

3.2 Legal and policy framework

All Member States have legal provisions on child protection either in law or in their constitutions. However, only 10 have developed a single legal instrument for child protection³⁵⁸. As an instance of good practice, the organisation SOS Children's Villages praises Spain's effort to offer specific protection to children when national legislation is applied to children through the **Spanish Organic Laws** (noted by SOS Children's Village Spain and

³⁵⁵ With the exception of Ireland, Luxembourg, Malta and Sweden; *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁵⁶ European Committee of the Regions Opinion on 'Empowering Local and Regional Authorities in Integrated Child Protection Systems' see note 9 p. 5.

³⁵⁷ Baden-Württemberg, *Rund 9,8 Millionen Euro für den Kinderschutz*, 2023.

³⁵⁸ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

Platform for Children)³⁵⁹. However, respondents (Eurochild and Platform for Children) also stress the issue of implementation³⁶⁰.

Unicef recommends the strengthening of a **formal high-level commitment** expressed for example in the form of a national action plan; adequate allocation of resources ; and structures and mechanisms such as the designation of a lead ministry or agency for child protection (Unicef). Child Circle and KIND call for a recommendation that supports Member States in developing, with the involvement of children, **national strategies** to underpin the development of integrated child protection systems that safeguard all children, across all procedures; there should be continuous liaison among all relevant actors (this view was expressed by KIND and Child Circle). All new legislation should be evaluated in terms of its short and long-term impact on the situation of children (noted by ‘We Give Children Strength’ Foundation).

3.3 Coordination structures

Most of the public authorities consulted reported **inter-sectoral gaps** in cooperation between services in the area of child protection, and lack of clarity in responsibilities among professionals³⁶¹. Various crucial measures for child protection may fall under different policy areas not necessarily governed by a national child protection system (this was pointed out by Defence for Children International IT). In most EU Member States there are mechanisms for inter-agency cooperation between actors with responsibility for child protection. However, operational coordination is often challenging because of the overlapping roles and responsibilities of actors in child protection and the failure to clearly delineate these roles and responsibilities³⁶². The **absence of trust** between representatives of different institutions is also a problem (this view was expressed by Eurochild). Moreover, **knowledge sharing** for professionals working in the child protection sector is crucial (argument made by Point of Contact) across different authorities. The child protection sector would benefit from more guidance to help with compliance with the data protection framework.

Cross-sectoral coordination and cooperation are problematic also due to the **lack of a (or an adequate) coordination authority**. Thirteen Member States have established a distinct authority to coordinate and often monitor the implementation of national policy and legislation³⁶³. France has therefore created a national single entity, *France Enfance Protégée*, which brings together national bodies devoted to child protection³⁶⁴.

The **compartmentalisation of national and local competences**, in particular with regard to funding, hinders the ability of those actors to organise themselves in a way that is tailored to the needs of children (view expressed by Nexem). Integrated child protection requires a lead primary institution responsible for providing child protection at the central government level

³⁵⁹ The following legislation was referred to as comprising the Spanish national plan for child protection: organic Law 1/96, on the legal protection of children, organic Law 5/2000 on the criminal responsibility of Children, organic Law 8/2015 and 26/2015 on changes to the protection system of children and adolescents and organic Law 8/2021 on the integral protection of children and adolescents against violence.

³⁶⁰ They referred to the implementation of a national Unified Registry of Social Services on Violence Against Children to collect all forms of violence against children, disaggregated and coordinated with regions, in the educational field and in sports and leisure.

³⁶¹ Departmental Council of Yvelines (FR), Spanish Ministry of Justice, State Agency for Child Protection of Bulgaria, Foster care and adoption service of Valencia (ES), Child and Family (Tusla) Agency (IE), General Hospital of Grevena (EL), General Directorates of Social Assistance and Child Protection (DGASPC) of Suceava (RO).

³⁶² *Mapping Child Protection Systems in the EU*, figure 4, see note 15 p. 5.

³⁶³ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁶⁴ [France Enfance Protégée \(france-enfance-protectee.fr\)](https://france-enfance-protectee.fr)

and ensuring functioning coordination of subnational bodies in charge of child protection³⁶⁵. This is echoed by social partners consulted (SOS Children's Village International, European Social Network, Unicef). Almost three quarters of the EU Member States have a primary institution for child protection³⁶⁶.

It is important to recognise and strengthen **links between child protection systems and other systems, sectors and organisations** (according to Unicef, The European Social Network, KIND, Child Circle, Eurochild and Platform for Children, Brussels for Human Rights and Development, The City of Helsinki), in a way where each of the stakeholders is aware of their role (view put forward by Unicef and Nexem). Stakeholders deplore the lack of interest in social innovation projects: successful initiatives developed by NGOs are not taken up by the public administration. NGOs that benefit from public funding for projects do not receive clear and direct information about policies to develop, nor do they receive guidance on the methodology and indicators to be used (point made by the MeSumaria Association).

In **Portugal** the child protection system involves 312 local commissions for the protection of children and young people. These local commissions are non-judicial official institutions with functional autonomy that promote and protect the rights of children and act to prevent and protect them from situations that endanger their rights.

Under the **European Child Guarantee**, Member States should ensure the consistency of social, education, health, nutrition and housing policies across national, regional and local levels, aiming at integrated support for children. The Council Recommendation on establishing the a European Child Guarantee emphasises enhancing cooperation and the involvement of various stakeholders, including authorities, social economy organisations, NGOs promoting children's rights, and children themselves. The collaborative approach is crucial to the design, delivery and monitoring of policies and quality services for children.

The provisionally agreed Directive on **combating violence against women and domestic violence** provides that appropriate mechanisms should ensure effective coordination and cooperation of relevant authorities, agencies and bodies, including law enforcement, the judiciary, NGOs, child protection or welfare authorities, education and healthcare providers.

With a total budget of EUR 864 million (2021-2027), the Commission's **technical support instrument** has been supporting coordinating mechanisms in Member States to bring different child protection services together. The project cycle allows Member States to annually submit new proposals in the area of child protection systems. The **2023 flagship initiative 'Reinforcing democracy and the rule of law'** initiative particularly supported the establishment of Barnahus, but wider support for the child protection system can be provided, for instance by facilitating coordination among relevant structures that provide child protection services or establishing specialised mechanisms and tools for an enhanced response to violence against children.

3.4 Protocols for child protection and child protection safeguards

There is a lack of protocols in place among EU Member States³⁶⁷. In 15 Member States (Austria, Bulgaria, Croatia, Denmark, Estonia, France, Ireland, Lithuania, Luxembourg, Malta, Poland, Romania, Slovenia, Spain, and Sweden) reporting obligations are in place for all

³⁶⁵ *Mapping Child Protection Systems in the EU*, see note 15 p. 5. See also *Characteristics of an Effective Child Protection System in the European and International Context*, p. 241, see note 180 p. 28.

³⁶⁶ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁶⁷ *European Forum on the rights of the child 2022*, see note 197 p. 31.

professionals. In 9 Member States (Belgium, Cyprus, Czechia, Greece, Finland, Italy, Latvia, Portugal and Slovakia) they only address certain professional groups, such as social workers or teachers³⁶⁸. Regional regulations to address cases of violence in protection centres are needed. In Spain, despite the introduction of a provision allowing transfer to another alternative care facility of a child who reports being a victim of violence, the fact that there is no automatic application of protection measures means the transfer is in each case at the discretion of the guardian (information provided by Platform for Children).

Austria recently adopted measures, including funding and an awareness-raising campaign, to improve the development and implementation of child safeguarding policies and guidelines within organisations or authorities that work with children.

An important solution is the introduction of child protection standards in all bodies working with children in the absence of their guardians, and the development of procedures for safe contact with children (View expressed by 'We Give Children Strength' Foundation). Child protection policies set out what safeguarding measures are in place to protect children, rules on how to behave when working directly with children, how to prevent children from abuse and harm, who to report to in the event of abuse and harm, and how to respond to the situation in an appropriate manner. They clearly set out training schemes and should be re-evaluated on a regular basis.

The benefits of having protocols for child protection are manifold. Child protection policies provide information for children, young people, parents and caregivers on what to expect from the organisation. They guide staff members in their work and give organisations accountability. Child protection policies are in place to protect children and also staff, including volunteers and trainees. Documents must be publicly available, written in simple language (ideally together with children), endorsed by all staff members and management, and presented to beneficiaries. They also clarify the roles and responsibilities of authorities and professionals, and the steps to follow to ensure proper coordination and cooperation.

'Keeping Children Safe' provides guidelines for organisations on how to design and implement child protection policies³⁶⁹. Organisations directly working with children which submit project proposals for the **Citizens, Equality, Rights and Values (CERV) Programme and Justice funding** are **required to have an established child protection policy**. That policy constitutes an integral component of the overall project assessment. DG ECHO developed protection mainstreaming with key outcome indicators, including on child protection. They recommend their partners use it in all direct assistance and services actions³⁷⁰.

3.5 Vetting and complaints procedures

It is essential to keep persons posing a potential risk to children away from activities where they would be in direct contact with children. Vetting procedures exist in most Member States, but with shortcomings: they do not apply to all professionals or to those in direct and regular contact with children³⁷¹. Vetting procedures are very formal and are limited to criminal checks (according to DCI Italy). Moreover, lack of resources may hinder the checks

³⁶⁸ Mapping Child Protection Systems in the EU, see note 15 p. 5.

³⁶⁹ [The International Child Safeguarding Standards](#).

³⁷⁰ [DG ECHO Protection mainstreaming key outcome indicator and monitoring tool](#).

³⁷¹ Mapping Child Protection Systems in the EU, see note 15 p. 5. Vetting refers to procedures through which child protection authorities ensure that those seeking to work regularly with children have not been convicted of criminal acts that could endanger a child's wellbeing and safety, such as acts of sexual exploitation or sexual abuse of children.

(point made by CNZD). Although state or local authorities retain responsibility for the implementation of existing provisions, the obligation to vet professionals lies with numerous different service providers, constituting a challenge for the systematic monitoring of implementation³⁷². In some Member States there are no provisions on the frequency of reviews and monitoring, and after the initial checks the frequency of reviews varies significantly across Member States. Information and data on vetting is lacking in many Member States³⁷³.

Professionals working with children, including those hosted in alternative care facilities, should be carefully recruited and have the necessary qualifications and training to fulfil their duties with an understanding of children's vulnerabilities (point made by Eurochild). Specifically, in most Member States, foster families and residential care personnel are selected according to appropriate rules, are vetted by relevant authorities and can take part in relevant training³⁷⁴. Checks should be conducted at regular intervals as to potential criminal records of employees and volunteers working in contact with children (opinion expressed by Caritas). Besides the latter, in a few countries additional requirements include mental health and psychological reports (e.g. in Poland and Cyprus)³⁷⁵. 13 Member States have specific provisions for the frequency of reviews and checks on residential care staff following an initial vetting³⁷⁶.

The availability of **independent accountability and oversight mechanisms** for child protection systems and compliance with minimum standards for related services are crucial (according to Unicef). Vetting provisions are often, but not always, part of accreditation and licensing procedures. In some Member States (e.g. Denmark, the Netherlands and Finland) the police and/or judicial authorities provide specific certificates for persons working with children³⁷⁷. The European Network of Ombudspersons for Children (ENOC) is a not-for-profit association of independent children's rights institutions (ICRIs). The main mission of an ICRI is to monitor, promote and protect children's rights as formulated in the UN Convention on the Rights of the Child. Their mandate varies from one country to another and includes the following aims: to promote children's rights; monitor governments and other actors' actions and advocate for children's rights; respond to complaints from children or their representatives; and encourage child participation³⁷⁸. Currently in Spain, there is no national ombudsman for children. At the regional level, only the Community of Andalusia and the Balearic Islands have such an institution.

³⁷² *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁷³ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁷⁴ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁷⁵ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁷⁶ Belgium (French community), Bulgaria, Denmark, Germany, Ireland, Spain, Latvia, Hungary, Malta, the Netherlands, Poland, Romania and Sweden. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁷⁷ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁷⁸ [European Network of Ombudspersons for Children \(ENOC\)](#).

In 2010, the Commission and the Social Protection Committee developed a voluntary European Quality Framework for Social Services, providing guidelines on how to set, monitor and evaluate quality standards. The framework sets out a wide range of quality principles for national, regional and local level administration and service providers, addressing broadly all social services. Such existing framework could be further developed for child protection professionals or complemented by a similar **European quality framework** (Eurochild).

The **European Criminal Records Information System** (ECRIS) was established in April 2012 to improve the exchange of information on criminal records throughout the EU³⁷⁹.

3.6 Mobilising and tracing resources allocated to child protection: child budgeting

Protecting children also makes good economic sense. Research over the years has demonstrated both the cost of inaction and the strong returns on investing (see Section 1.1). FAFCE calls on Member States to consider benefits for families as investments in the public debt balance, instead of public spending which contributes to the state budget deficit. In its resolution on ‘Reducing inequalities and on promoting social inclusion in times of crisis for children and their families’, the **European Parliament** stressed the importance of a multisectoral approach to developing an integrated strategy for tackling inequalities in childhood with the provision of child protection and family welfare services, for which structural investments and effective public expenditure, using EU and national funds, are most needed.

As stressed by FRA, Member States **need to allocate adequate financial and human resources** to child protection systems with a view to ensuring full respect, protection and fulfilment of children’s rights³⁸⁰. The UNCRC recommended to 14 EU Member States that they allocate sufficient human, financial and technical resources to child protection systems. Such shortages in those Member States include insufficient provision of material, technical and human resources and capacities to identify, prevent and react to violence against children, thus directly and indirectly causing harm to vulnerable children. Resource shortages undermine the overall performance of child protection systems, diminishing their sustainability and the quality and scope of the protection they provide.

The UNCR Committee on the Rights of the Child also highlights that international investment (human, financial and technical assistance) is needed to assist countries in fulfilling their child protection obligations. Civil society and Unicef stress the importance of strengthening human, financial and infrastructure resources (views expressed by Point of Contact and the 'We Give Children Strength' Foundation).

Expenditure related to child protection is often not clearly visible in the state budget, as it is distributed across various areas concerning children. 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 protection³⁸¹. More than half of the

³⁷⁹ [European Criminal Records Information System \(ECRIS\)](#).

³⁸⁰ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁸¹ Belgium, Denmark, Estonia, Spain, France, Croatia, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Finland and Sweden. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

Member States consulted confirmed the importance of EU funding available for national child protection systems³⁸².

Unicef recommends ensuring child protection services are financed using **systematic tools for costing and budgeting** and that they utilise evidence-based strategies for strengthening the social service workforce to allocate human resources. In **Finland**, a pilot project on child-oriented budgeting in well-being services at county-level (social and healthcare services) aims to improve the effectiveness of services for children, young people and families, to strengthen the allocation of resources to the right measures at the right time, and to promote the realisation of children's rights. **Spain** drafts a yearly report examining the impact of the general state budget on the well-being and rights of children and families.

The European Committee of the Regions also called on Member States to ensure that the EU strategy on the rights of the child receives the strong financial support it needs. It also calls for all available resources³⁸³ to be fully used to effectively implement integrated child protection systems.³⁸⁴

Under the **European Child Guarantee**, Member States are also called on to continue and, where necessary, step up investment in education, adequate health and social protection systems in order to address the needs of children effectively, in particular children at risk of poverty or social exclusion. They are recommended supporting strategic investment in quality services for children, including in enabling infrastructure and qualified workforce. They are called upon to allocate adequate resources and make optimal use of national and EU funds, in particular the European Social Fund Plus, the European Regional Development Fund, and where appropriate REACT-EU, Invest-EU, the Recovery and Resilience Facility and the Technical Support Instrument.

3.7 Human resources, training and accreditation of professionals

Resource shortages hurt the overall performance of child protection systems, undermining their quality and sustainability (this was the view of ATD Fourth World FR, DCI Italy and The Smile of the Child)³⁸⁵.

One of the most acute weaknesses of national child protection systems in many Member States is the **insufficient number of social workers** and other professional staff who perform core functions in most national child protection systems (opinion advanced by Unicef, Latvian Child Welfare Network, and SOS Children's Villages IT). For families that are finally persuaded to request support, the overloaded services are often not reactive enough (according to ATD Fourth World BE and Wallonia-Brussels). Even though family support programmes are crucial in preventing child placements, there are long waiting lists for them (as stated by ATD Fourth World BE and Wallonia-Brussels). For instance, understaffing of social protection systems causes, among other things, a heightened risk of misconduct from staff which can result in fatal

³⁸² Austria, Bulgaria, Croatia, Cyprus, Greece, Estonia, Italy, Latvia, Lithuania, Portugal, Romania, Slovakia, Slovenia, Spain. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁸³ 'e.g. the European Social Fund Plus (ESF+), the European Regional Development Fund, the Fund for European Aid to the Most Deprived, the Asylum, Migration and Integration Fund, InvestEU, ReactEU, the Recovery and Resilience Facility and Erasmus+.'

³⁸⁴ European Committee of the Regions Opinion on 'Empowering Local and Regional Authorities in Integrated Child Protection Systems', see note 9 p. 5.

³⁸⁵ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

cases of violence³⁸⁶. DCI Belgium notes an increase in child abuse and a lack of structural resources to respond to it. Among the challenges identified are lack of funding, lack of initial and further training, lack of safe places to exchange good practices with other sectors or organisations, lack of consultation and partnership and lack of staff.

Poor working conditions in the child protection field are a recurrent problem in many Member States due to insufficient human and financial resources. There is an increased risk of burnout among child protection workers. 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.

Staff working with children are inadequately paid, despite the challenges and burdens linked to their important role (this point was made by SOS Children's Villages IT). Professionals working with children, including those hosted in alternative care facilities, should receive adequate pay, have good working conditions, and benefit from well-being and stress management measures (view expressed by Children's Village International, European Social Network, Caritas, Hope and Homes for Children, and Platform for Children). Stakeholders call on the European Commission to support Member States in **raising the status of child protection professionals to attract more human resources** (appeal made by Unicef, German Association for Public and Private Welfare)³⁸⁷. Nexem is carrying out work to build a new conventional sector framework, ensuring a satisfactory level of pay and career paths for professionals and promoting the attractiveness of professions in the social and medico-social sector, including child protection.

Children suggested that adults should learn about each other's work. Children indicated the importance of adults, such as teachers, social workers and doctors, receiving training and understanding each other's roles so as to better fulfil their responsibility to protect children from harm. They believed that this could lead to more specialised support for children and better collaborative work among adults. According to the **UN Committee on the Rights of the Child**, professionals working within the child protection system need to be trained in inter-agency cooperation and protocols for collaboration³⁸⁸. More training and guidance should be provided on how to coordinate the response and enhance communication between ministries with different areas of competency³⁸⁹.

There is an overall lack of trained professional staff in all stages and processes of the child protection system (view expressed by The Smile of the Child and DCI Italy). This is the case in over half of Member States and poses a serious risk to ensuring staff competence and the protection, health, well-being and rights of children. It also represents a challenge when tackling underreporting³⁹⁰. Employers do not fund external trainings or grant days off for attending them (CNZD). Social partners and public authorities that have been consulted report an **unsatisfactory level of training** for several child protection actors, such as healthcare personnel (according to Nexem), the judiciary (according to the Spanish Ministry of Justice), law enforcement officials (according to Tusla), migration authorities (according to the Ministry of Social Affairs of Saxony), media (according to the State Agency for Child Protection of

³⁸⁶ *European Forum on the rights of the child 2022*, see note 197 p. 31.

³⁸⁷ See also, UNICEF, [Deep Dive on Child Poverty and Social Exclusion in Greece – Policy Brief](#), 2021

³⁸⁸ Paragraph 50 of UNCRC GC No. 13, see note 19 p. 5.

³⁸⁹ *European Forum on the rights of the child 2022*, see note 197 p. 31.

³⁹⁰ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

Bulgaria), families (according to ATD Fourth World FR) and schools (according to Professionals For Ethics).

Professionals working with children should be appropriately trained on child safeguards. Effective child protection can only be implemented if all services, such as early aids, day care centres and youth (social) work, and education support employ qualified and regularly trained professionals (view of Caritas Germany and City of Helsinki). The assessment of civil society's long-term records in training child protection professionals with the involvement of families should impact future European guidelines for common training (according to ATD Fourth World FR). Professionals should be equipped to understand children and their families and the context in which they live and thus ensure the most adequate protection (view expressed by ATD Fourth World BE and Wallonia-Brussels).

A multidisciplinary training and exchange programme of EUR 9 million supported by the **EU4Health programme** will kick off at the beginning of 2024. The project is for mental health professionals and other professionals working in the community with specific groups of the population, including teachers in schools. **Accreditation and licensing procedures for professionals in child protection do not exist in all Member States.** When available, they are often limited to specific professional groups and do not always involve mandatory training. Ten Member States (Denmark, Estonia, Ireland, Italy, Lithuania, the Netherlands, Poland, Sweden, Slovenia, and Slovakia) have a **certification procedure for social workers that includes training requirements.** Czechia and Germany have accreditation provisions requiring mandatory training for professionals working in specific positions, such as child protection officers, guardians, social assistants, family assistants and child carers³⁹¹.

Accreditation and licensing procedures 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 proof of no criminal record. However, not all professionals have to 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, including 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 and thus jeopardises the protection, health, well-being and rights of children³⁹².

Actions launched under the **European care strategy** will support the development of the workforce in the care sector, improving working conditions, wages and the career prospects of carers³⁹³. It notably promotes the opportunities available at EU level to support capacity-building, for instance under Erasmus+.

³⁹¹ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁹² *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁹³ For example, the Commission Decision setting up the European Sectoral Social Dialogue Committee on Social Services, see note 334 p. 58.

3.8 Coordinated data collection and monitoring

(see above on data collection concerning children involved in judicial proceedings)

An effective accountability mechanism should include regular monitoring based on clear indicators and evaluation through systematic data collection. According to FRA, in 13 EU countries a single authority is responsible for monitoring data collection, centralised coordination and data sharing at national level; 10 of those have a national database for collecting relevant data³⁹⁴.

Data collection

There is ample evidence highlighting the lack of data as a major challenge to achieving child protection-related policy goals including relevant child-related Sustainable Development Goals³⁹⁵ (pointed out by Unicef). The UN Committee on the Rights of the Child also flagged it in the specific recommendations for many countries. The Conference of European Statisticians endorsed common guidance on the development of statistics on violence against children, children in alternative care and children with disabilities in 2022³⁹⁶.

Despite this recent progress in enhancing the availability, quality and comparability of statistics, there is **still a lack of disaggregated data and reliable indicators in child protection**³⁹⁷. There is little common understanding between Member States on concepts, terminologies and definitions related to the rights and protection of children, leading to few reliable statistics³⁹⁸. Social partners (Eurochild, Platform for Children, Departmental Council of Yvelines) report that some Member States lack clear indicators, a uniform methodology and coordination among institutions on collection of data on violence against children.

Unicef strongly recommends investing in **data collection and monitoring systems**, prioritising capacity building for the collection, use and management of data that could be gathered through survey modules on child protection. Those data, collected following ethical protocols, should be carefully analysed and disaggregated to represent different groups and ages of children and should then constitute the basis for improved programme planning. It would be useful to collect statistics on risk factors for harm to children and protection factors put in place to assess their effectiveness; cyclical social surveys according to the same methodology will also enable tracking of violent trends (view expressed by ‘We Give Children Strength’ Foundation).

To ensure systematic monitoring and evaluation of systems (impact analyses), services, programmes and outcomes, it is essential to establish a comprehensive and reliable **national data collection system**³⁹⁹. States should engage in a systematic analysis of the data collected by hotlines and helplines that will help identify trends, patterns and areas of concern regarding children's rights violations (view expressed by The Smile of the Child).

³⁹⁴Belgium, Bulgaria, Czechia, Denmark, Estonia, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, Slovakia, Sweden. *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁹⁵ [UN Sustainable Development 17 Goals](#).

³⁹⁶ United Nations Economic Commission for Europe (UNECE), *Statistics on Children - Spotlight on children exposed to violence, and with disabilities*, 2022.

³⁹⁷ *European Forum on the rights of the child 2022*, see note 197 p. 31.

³⁹⁸ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

³⁹⁹ Paragraphs 42(v) and 57(b) of [UNCRC General Comment No. 14 on the right of the child to have his or her best interests taken as primary consideration, 2013](#).

Civil society also recommends making collected data accessible to the public in a user-friendly and disaggregated format in line with national regulations governing public data access and children's right to privacy (recommended by Hope and Homes for Children). Data is not centrally collected (as noted by MECPATHS). The creation of a database of prepared projects and plans, accessible to the general public, is an essential tool for transparency and fosters the accountability of stakeholders (according to Point of Contact).

On collection and use of **equality data**, the EU Subgroup on Equality Data, with the support of the EU Agency for Fundamental Rights, has issued guidelines on improving the collection and use of equality data, a guidance note on the collection and use of data for LGBTIQ equality, and a guidance note on the collection and use of equality data based on racial or ethnic origin⁴⁰⁰.

Some stakeholders notably called for strengthening data collection on children disappearance from national databases and including **data on children going missing** in Europe (not only unaccompanied children)⁴⁰¹. Eurostat publishes statistics that include information on factors which increase children's vulnerability for going missing (e.g. asylum applicants), but not statistics on the number of children going missing⁴⁰². There is no common shared categorisation of such children in data collected at national level, with too little demographic data collected at national level to understand the interplay with discrimination and social exclusion (view expressed by Missing Children Europe).

Monitoring systems

All Member States have independent bodies responsible for monitoring (ombudsperson offices for children and/or other National Human Rights Institutes). Ombudspersons for children may not have sufficient human and financial resources to allow them to monitor the performance of national child protection systems systematically and effectively. **Most NHRIs and ombudspersons do not systematically monitor child protection systems and institutions.** Instead, they respond to filed motions and individual complaints⁴⁰³. There is no one institution responsible for monitoring child protection plans, resulting in divisions of responsibility among many institutions (view expressed by the Latvian Child Welfare Network). Consulted stakeholders called for a multi-faceted, systematic and **monitoring framework** to check progress, reassess observations and evaluate national policies on violence against children (urged by Missing Children Europe). **Independent monitoring bodies**, such as the Commissioner of Children's Rights (as proposed by 'Hope For Children', CRC Policy Center), could include experts with long-standing experience in the field (suggested by Hrabri telefon), personalities from different sectors (suggested by Point of Contact) and/or people experiencing poverty (suggested by ATD Fourth World BE and Wallonia-Brussels).

There are growing **gaps between the law and the reality in terms of child protection** (according to Point of Contact, DFC Italy and MECPATHS) and a lack of evaluation and **monitoring of public policies** (view expressed by Hrabri telefon). Stakeholders point out the State's lack of interest regarding the impact public policies made (view of MeSumaria Association). It is therefore imperative to ensure that existing laws are rigorously applied, by

⁴⁰⁰ European Commission, [Guidelines on improving the collection and use of equality data](#), 2018; European Commission, [Guidance note on the collection and use of data for LGBTIQ equality](#), 2023; European Commission, [Guidance note on the collection and use of equality data based on racial or ethnic origin](#), 2021.

⁴⁰¹ European Forum on the rights of the child 2022, see note 197 p. 31. See also Missing Children Europe, [Over 18,000 children in migration missing in Europe between 2018-2020](#), 2021.

⁴⁰² European Forum on the rights of the child 2022, see note 197 p. 31.

⁴⁰³ Mapping Child Protection Systems in the EU, see note 15 p. 5.

allocating adequate resources to the structures responsible for the corresponding tasks and by mobilising regulatory power to make ambitious laws enforceable (opinion expressed by Point of Contact)⁴⁰⁴. Moreover, it is essential that national plans be built on the basis of a careful assessment of previous plans, shaping new strategies that draw on the lessons of past experience (opinion put forward by Point of Contact).

The OECD has identified three tools used to implement policy plans with the integration of children's views: (i) **child impact assessments** integrate international child rights principles across domestic laws and policies, enabling governments to identify and assess the potential impacts of any initiative on children's well-being; (ii) **child well-being indicator sets** inform the agenda, policy and monitoring of policy implementation - around half of OECD countries have a child well-being indicator set or measurement initiative; (iii) **child-specific budgeting** helps States determine whether policies and programmes for children are sufficiently funded⁴⁰⁵.

The **Polish** Ministry for Digital Affairs considers it necessary to create a national and European system to facilitate the communication of actors involved in the anti-violence process, the electronic registration of domestic violence cases identified and the collection of information to monitor the situation of families experiencing violence, to allow real-time response to incidents (view of the Polish Ministry of Digital Affairs, Department of Telecommunication).

On-going developments

While building on the work achieved by Unicef and Eurochild through their DataCare project⁴⁰⁶ and on data from national sources, the Social Protection Committee's Indicators Subgroup and the Commission jointly developed an indicator for monitoring the number of children in alternative care per care type. That indicator was included in the EU **joint monitoring framework of the European Child Guarantee** which was established by the Social Protection Committee in November 2023.

The **EU strategy on the rights of the child** highlights that more age and sex-disaggregation of Eurostat data, and data generated by other EU agencies, will also be pursued, as will research on specific thematic areas covered by the strategy. Eurostat will publish data on children on a specific section on their website, including data on violence against children. However, it is already published that in 11 Member States, 114 children suffered intentional homicide in 2021⁴⁰⁷. Certain EU legislative instruments and proposals include provisions on the need to strengthen data for certain crimes. Recent data have been collected by Eurostat on women who have experienced sexual violence during childhood: 1.6 to 13.7% of adult women (18-74) have experienced sexual violence in childhood (before the age of 15) in 18 EU Member States⁴⁰⁸, although this share – connected with disclosure rate – might even be higher.

The Commission also committed to seeking solutions to address the lack of comparable age and sex-disaggregated data on violence against children at national and EU levels. Eurostat is in the process of partially addressing this gap by publishing data about child (aged

⁴⁰⁴ Sénat français, *Application des lois relatives à la protection de l'enfance - Rapport d'information n°837*, 2023.

⁴⁰⁵ Dirwan, G. and O. Thévenon, *Integrated policy making for child well-being: Common approaches and challenges ahead*, OECD Papers on Well-being and Inequalities, No. 16, OECD Publishing, Paris, 2023.

⁴⁰⁶ UNICEF, *Children in alternative care, Data to Strengthen Child Protection Systems and Outcomes for Children in Europe*, 2023.

⁴⁰⁷ Eurostat, *Intentional homicide victims by age and sex - number and rate for the relevant sex and age groups*, 2021.

⁴⁰⁸ The data refers to Eurostat, EU-GBV survey results, Women who have experienced sexual violence during childhood, by age group [gbv_ch_age], wave 2021. See also, Eurostat, *EU survey on gender-based violence against women and other forms of inter-personal violence (EU-GBV) – first results*, 2022.

0-17) victims of homicide and potentially of sexual crimes and child pornography (if the data quality allows), using crime data already collected from police records. More broadly, the Commission supports Member States in improving the collection and use of equality data, including on the basis of age, through the Subgroup on Equality Data of the EU High Level Group on Non-discrimination, Equality and Diversity. The Subgroup provides a forum for relevant national authorities and EU institutions to discuss challenges and opportunities in improving the collection and use of equality data.

The EU youth strategy highlights the importance of **evidence-based youth policymaking and knowledge building**: EU Youth Policy should be evidence-based and anchored in the real needs and situations of young people. This requires continuous research, knowledge development and outreach to young people and youth organisations. The collection of disaggregated data on young people is of particular importance to foster understanding of the needs of different groups of young people, particularly those with fewer opportunities. Evidence-based policymaking should be carried out with the support of the Youth Wiki⁴⁰⁹, youth research networks and cooperation with international organisations such as the Council of Europe, the OECD and other bodies, including youth organisations.

3.9 Child participation

For an integrated child protection system, recognising and actively incorporating the voices of children is paramount. The absence of structured consultation procedures often results in decisions being made that significantly impact children's lives without taking their perspectives into account. **Fostering a culture of inclusive participation is essential to ensure that policies and practices align with the needs and experiences of the children involved.** (See paragraph 1.3.)

Child consultation and participation should be through **direct contact with children** and not just through intermediaries such as non-governmental organisations or human rights institutions. 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.

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 Slovenia⁴¹⁰.

3.10 Whole-of-society approach, including awareness-raising on children's rights

Children's rights awareness and education go hand in hand with child protection. As per Article 42 of the UN Convention, 'States Parties undertake to make the **principles and provisions of the Convention widely known, by appropriate and active means, to adults and children**

⁴⁰⁹ [Youth Wiki Platform](#).

⁴¹⁰ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

alike'⁴¹¹. However, children often do not know what their rights are (view expressed by CNZD).

Children must be empowered to know their own rights and to exercise them according to their level of maturity (Caritas). The provision of accessible materials for children on children's rights, for example in child-friendly and minority languages, has increased. Such materials include web texts, brochures and manuals. However, the practice is neither comprehensive nor systematic⁴¹². The quality and relevance of **information available for child victims of violence is fragmented, insufficient** and too little known (pointed out by ANAR Foundation, DCI Belgium and CESIE). Children and young people need to be better informed about their rights and knowledge of what kind of support they can access through easily accessible documents for children and adolescents (opinion advanced by BPTK), including for children with disabilities (*see also 2.2.2.2, right to be heard*).

Teaching and raising awareness of children's rights are still not anchored in most Member States' school curricula, professional training, parenting programmes or national campaigns⁴¹³. Public organisations almost unanimously flagged that there is a **lack of social involvement and awareness-raising involved in child protection systems in their countries**⁴¹⁴. Stakeholders call for a more child-friendly society, achievable through statements, communications, campaigns, training of professionals and coordination of projects and initiatives aimed, for example, at sharing information about children's rights (view expressed by Central Union for Child Welfare, Eurochild).

The **empowerment of children about their rights and ways of seeking help** must be implemented systematically across all age groups. Early childhood education, formal and informal places of instruction and youth work institutions can be suitable places to increase commitment to children and ensure that they are aware of their rights and the means of exercising them (opinion put forward by Eurochild, Caritas and Hope for Children).

The EU in partnership with Unicef promotes and funds the model of 'Child Rights Schools', where schools and teachers are supported in recognising children as rights holders and in further realising children's rights throughout the school environment⁴¹⁵. The Smile of the Child has a department of prevention and awareness-raising in the school community, with psychologists who address students, teachers and parents/guardians on children's rights, abuse, missing children, bullying, and internet safety, based on a memorandum of understanding with the Hellenic Ministry of Education.

On funding, the Equality, Rights and Gender Equality strand of the **CERV programme** can fund projects to protect and promote the rights of the child, raise awareness of children's rights including in judicial proceedings, and build the capacity of child protection systems. The

⁴¹¹ See also, [UNCRC General comment no. 5 on general measures of implementation of the CRC, 2003](#).

⁴¹² *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

⁴¹³ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

⁴¹⁴ Departmental Council of Yvelines (FR), Spanish Ministry of Justice, Teleorman County Council (RO), Zagreb City Assembly (HR), State Agency for Child Protection of Bulgaria, Foster care and adoption service of Valencia (ES), Ministry of Social Affairs, Saxony (DE), Ministry of Welfare of the Republic of Latvia, Provincial immigration and border department of Spain, Child and Family (Tusla) Agency of Ireland, General Hospital of Grevena (EL), Social Welfare Directorate of Mizil (RO), Municipality of Băicoi (RO), Intelligence Centre against Terrorism and Organised Crime of Spain, General Directorate of Social Assistance and Child Protection of Suceava (RO).

⁴¹⁵ For reference on Child Rights Schools, see UNICEF, [What are Child Rights Schools? UNICEF National Committees in Austria, France, Germany, Iceland, Ireland and Portugal share their experiences and lessons learned](#).

Handbook on European law relating to the rights of the child⁴¹⁶ is also designed for non-specialist legal professionals, judges, public prosecutors, child protection authorities and other practitioners and organisations responsible for ensuring the legal protection of the rights of the child.

3.11 Stakeholders' recommendations on possible future EU supporting tools

Children recommend the EU to prioritise certain topic to improve children's lives of future opportunities, specifically education, mental health, addressing bullying and violence against children, more job or study opportunities and addressing war and conflict⁴¹⁷.

Stakeholders consider it of paramount importance to receive further support from the European Union in the following areas: (i) legislation and policy to help Member States and other stakeholders strengthen child protection systems; (ii) providing financial support to strengthen integrated child protection systems and training to different stakeholders and professionals; (iii) providing guidance and resources on how to ensure strong and integrated child protection systems; (iv) enabling the exchange of best practices among EU Member States and other stakeholders on EU, national, regional or local level; (v) providing technical support in assessing, analysing and improving national child protection systems so that they work in a more integrated way, assisting public authorities with the monitoring and assessment of these systems; and, lastly, (vi) supporting mapping and reporting on progress⁴¹⁸.

Examples may include **fostering a space for dialogue and knowledge exchange among child protection professionals**, utilising various tools such as research, study visits, peer learning, seminars and conferences (suggestions by the European Social Network). Respondents flag that the establishment of **European standards at all levels for cross-sectoral work and supervision** would facilitate common knowledge among professionals to implement an integrated approach (recommendation by Know-how Centre for Alternative Care for Children at New Bulgarian University).

The UN Committee on the Rights of the Child urges States parties to invest internationally in key areas so as to meet their obligations under Article 19. This includes developing programmes and opportunities to enhance communication, cooperation and exchange among child protection professionals within and between EU Member States⁴¹⁹. Furthermore, fostering the systematic sharing of information, best practices and training through a dedicated platform is essential⁴²⁰.

The work and monitoring done for the implementation of the **EU Child Guarantee** could inspire development in the field of child protection with the request for national action plans, the appointment of a national coordinating team in each country and the organisation of exchanges between each coordinating team. Such teams could include representatives of each major stakeholder such as the state, judicial system, local authorities, social

⁴¹⁶ FRA, *Handbook on European law relating to the rights of the child*, 2022.

⁴¹⁷ *Our Rights. Our Future. The Europe We Want.*, see note 42 p 9.

⁴¹⁸ Feedback received, among many, by International Movement All Together in Dignity - ATD Fourth World, Happy Kids Foundation, 'Hope For Children' CRC Policy Center, ISPCC, Spanish Ministry of Justice, Latvian Child Welfare Network, General Directorate of Families, Children and Conciliation of Spain, Teleorman County Council (RO), Zagreb City Assembly (HR), APAV - Portuguese Association for Victim Support, Ministry of Welfare of the Republic of Latvia, General Hospital of Grevena (EL).

⁴¹⁹ Paragraph 75(a) of UNCRC GC No. 13, see note 19 p. 5.

⁴²⁰ Paragraph 74 of UNCRC GC No. 13, see note 19 p. 5.

work/professionals, organised civil society, children and youth concerned, and parents (view expressed by ATD Fourth World FR).

To facilitate navigating different programmes, the Commission has put in place a single gateway for **Union funds** and enables users to find relevant funding opportunities⁴²¹. Beneficiaries of Union funding are obliged to respect Union values, principles, applicable law and contractual provisions when implementing such funding. The Commission has implemented measures to support compliance and address possible violations. Moreover, for the EU funds covered by the Common Provisions Regulation⁴²², Member States are required to fulfil the horizontal enabling conditions on the Charter of Fundamental Rights of the European Union (the Charter) as well as on the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

EU-funded projects involving activities with children raises additional issues, as they may be less aware of the risks and consequences of their participation. For this reason, specific provisions must be respected. Firstly, activities involving children should be carried out only if (i) studies with consenting adults would not be effective; (ii) participants are subject to only a minimal risk and burden; and (iii) results of the research will benefit the individual or group represented by the participant. If the project activity includes children, an active relationship with their legal guardians or carers must have an active relationship with the EU projects beneficiaries and be able to monitor the activity. Secondly, parents or legally authorised representatives need to provide consent on behalf of children whose assent should also be obtained, when possible. In any case, dissent of the children should be respected⁴²³. Lastly, any project or research-related information addressed to children must be in age-appropriate and plain language in order to be easily understandable. All projects should also apply the principle of protection by design to research data concerning children and minimise the collection and processing of their data as far as possible⁴²⁴.

4. Children in specific vulnerable situations or subject to discrimination, and in cross-border situations

4.1 Children in vulnerable situations or subject to discrimination

Respondents (indicated in brackets in this paragraph) identified some groups of children as particularly vulnerable and in need of specific protection, notably children with drug or alcohol addictions (Tusla), victims of trafficking (Ministry of Social Affairs Saxony), belonging to minority ethnic groups (provincial immigration and border department of Spain), with a migrant background, with disabilities (Teleorman County Council), with mental health disorders (State Agency for Child Protection of Bulgaria) and belonging to the LGBTQI+ community (Intelligence Centre against Terrorism and Organised Crime of Spain). **An intersectionality approach should be the aim when putting in place protection systems**

⁴²¹ [European Commission - Funding & tenders](#).

⁴²² [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy](#), OJ L 231, 30 June 2021, 159–706.

⁴²³ European Commission, [EU grants – how to complete your ethics self-assessment](#), 2021 (pp. 9, 11).

⁴²⁴ European Commission, [Ethics and data protection](#), 2021 (Section VI).

(DCI Belgium). Moreover, stakeholders call on Member States to ensure that professionals are properly trained to recognise signs of violence against children with specific vulnerabilities and know how to address the situation.

4.1.1 Children with disability (see also Sections 1.7, 2.2.5 and 2.2.6)

Stakeholders (indicated in brackets in this paragraph) flagged numerous issues that children with disabilities or in vulnerable situations may face: sense of insecurity and risk of violence (PICUM), lack of or inadequate reporting mechanism (PICUM, European Disability Forum), insufficient collection of data (PICUM, Missing Children, Hope and Homes for Children), isolation due to unequal geographical distribution of child protection services (Eurochild, Platform for Children). Various forms of violence occurring within school walls are more prevalent among children with disabilities, who may encounter difficulties in reporting such instances, with potential threats to their psychological and mental growth (The Central Union for Child Welfare, Eurochild, Autism Europe, European Disability Forum)⁴²⁵. Children with disabilities are often placed in public youth protection institutions instead of adapted structures (DCI Belgium).

The interconnection between disability and family in precarious situations needs to be addressed by specific and effective strategies (European Disability Forum, Hope and Homes for Children). Member States should combat child and family poverty at an early stage, with individual support (Caritas) and ensure adequate and fully paid access to parental leave, regardless of length of time worked before (FAFCE). As children with disabilities are more likely to be bullied, adequate systems must be developed to report bullying episodes and to train children themselves to recognise threats (Autism Europe).

There is a need to facilitate interchange trainings of professionals and peers as well as prevention measures for children with disabilities (Autism Europe)⁴²⁶.

The **EU strategy for the rights of persons with disabilities** provides a roadmap to 2030 to ensure that both children and adults with disabilities can fully and equally enjoy their rights and participate in all areas of life throughout their lives, including the right to independent living and non-discrimination.

4.1.2 LGBTIQ children

Consulted children complained that in some countries, some kinds of discrimination and abuse against LGBTIQ+ children are normalised, and they wanted this to stop. **LGBTIQ children still face high rates of violence and discrimination across Europe.** As for trans children, they may not be able to access legal gender recognition procedures or face stringent requirements. This may prevent them from accessing gendered facilities that align with their gender identity⁴²⁷. Intersex children, for their part, continue to be victims of invasive

⁴²⁵ See also Finnish Institute for Health and Welfare, [Well-being of children and young people – School Health Promotion Study](#), 2023; Finnish Institute for Health and Welfare, [Non-Violent Childhoods : Action Plan for the Prevention of Violence against Children 2020–2025](#), 2020; and Elklit A. et al., ‘[Physical violence against children with disabilities: A Danish national birth cohort prospective study](#)’, *European Journal of psychotraumatology*, vol. 14, 1, 2023.

⁴²⁶ See also González-Calatayud, V., Roman-García, M., and Prendes-Espinosa, P., ‘[Knowledge About Bullying by Young Adults With Special Educational Needs With or Without Disabilities \(SEN/D\)](#)’, *Frontiers in Psychology*, 8 January 2021. Laffan, D. A., Slonje, R., Ledwith, C., O’Reilly, C., Foody, M., [Scoping Bullying and Cyberbullying Victimisation Among a Sample of Gifted Adolescents in Ireland](#), *International Journal of Bullying Prevention*, 30 June 2022.

⁴²⁷ European Commission, [Legal gender recognition in the EU: The journeys of trans people towards full equality](#), 2020.

medicalisation without informed consent. According to the FRA LGBTI Survey, 62% of intersex respondents and their parents were not asked for informed consent before a surgical intervention, while 49% were not asked for their consent before a hormonal treatment⁴²⁸.

For LGBTIQ children and children of rainbow families, school can be a place of dread, where they are at a very high risk of experiencing bullying. According to a consulted child from Romania, ‘LGBTQI+ children don’t feel safe at school often because teachers could discriminate, or parents might find out and take bad measures and no one would protect them’. According to civil society, 1 in 2 LGBTQ young people have experienced bullying in school based on their sexual orientation, gender identity/expression or sex characteristics at least once⁴²⁹. Specifically, of all of respondents to the FRA LGBTI Survey aged 15 to 17, 47% have experienced harassment due to being LGBTI in the past 12 months. 51% of those have been harassed by someone from school, college or university⁴³⁰. LGBTIQ children and children of rainbow families are often vulnerable to stigmatisation, making them targets of discrimination and bullying, which could negatively affect their educational performance and employment prospects, their daily life, and their personal and family well-being. As shown by the FRA LGBTI Survey, this can lead to school drop-out, with 15% of young people aged 15-17 having considered leaving or changing their school because of their identity. The share is particularly high for trans and intersex people of the same age group⁴³¹.

These figures are particularly worrying considering that most students (58%) never report these violent incidents, according to civil society organisations. When asked about the reasons behind this choice, many say that they fear that school staff would do nothing, or report that school staff has not done anything on previous occasions⁴³².

According to international institutions such as UNESCO⁴³³ and the Council of Europe⁴³⁴, **a comprehensive school approach is most effective in addressing and preventing violence against LGBTIQ children.** As shown by the Special Eurobarometer on Discrimination, in a majority of Member states, EU respondents seem to agree that school lessons and material should include information about sexual orientation (71%). However, in four EU Member States the share of those who agree is smaller than the share of those who disagree. Moreover, in a majority of Member States, EU respondents seem also to agree that school lessons and material should include information about gender identity (68%)⁴³⁵. Yet, as reported by civil society, only 10 Member States have inclusive curricula in place, while some made it impossible for teachers to talk about various issues of sexual orientation, gender identity and expression, and sex characteristics. Civil society notices that this prevents LGBTIQ children from receiving affirming information about their identities, bodies, and experiences, and compounds violence and discrimination. Teacher training is inadequate and rarely mandatory, which leaves teachers and school staff unable to prevent and address violence based on diverse sexual orientations, gender identities and expressions, and sex characteristics⁴³⁶.

⁴²⁸ *Intersections: The LGBTI Survey II – Youth Analysis*, see note 174 p. 30.

⁴²⁹ IGLYO, *LGBTQI Inclusive Education Report*, 2022.

⁴³⁰ *A long way to go for LGBTI equality*, see note 173 p. 29; See also, [FRA LGBTI Survey Data Explorer](#).

⁴³¹ *Intersections: The LGBTI Survey II – Youth Analysis*, see note 184 p. 29.

⁴³² IGLYO, *LGBTQI Inclusive Education Survey*, 2019.

⁴³³ UNESCO, *Out in the open: education sector responses to violence based on sexual orientation or gender identity/expression: summary report*, 2016.

⁴³⁴ Council of Europe, *Safe at school: Education sector responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe*, 2018.

⁴³⁵ [Eurobarometer: Discrimination in the European Union, \(April-May 2023\)](#).

⁴³⁶ *LGBTQI Inclusive Education Report*, see note 438 p. 84.

To address this issue, the **Expert Group on supportive learning environments for groups at risk of underachievement and for supporting well-being at school**⁴³⁷ identified LGBTIQ young people as one of its priority groups. Furthermore, a Eurydice report entitled *Promoting diversity and inclusion in schools in Europe*⁴³⁸ includes a special focus on targeted measures to support learners most likely to experience disadvantage and/or discrimination, including LGBTIQ+ students.

In November 2022, the Commission organised a meeting of the LGBTIQ Equality Subgroup around the topic of **accessible legal gender recognition legislation** based on the principle of self-determination. A wide range of civil society and intergovernmental organisations participated in the meeting. In addition, as announced in the **Gender Equality Strategy 2020-2025**⁴³⁹, the Commission is currently finalising a recommendation on harmful practices against women and girls, based on input received during the consultation phase, including from LGBTIQ stakeholders.

The **CERV programme** can fund projects addressing the issues faced by children who are victims of or at risk of discrimination. Specifically, under this funding programme, the Commission finances initiatives to advance the rights of LGBTIQ people, including children, and combat harmful practices. In 2021-2022, under the CERV programme's EQUAL call, the Commission awarded EUR 2 million to 12 projects to promote the rights of LGBTIQ people. EU funding also went to several projects addressing discrimination and violence, including against LGBTIQ people, from an intersectional perspective.

More broadly, only 12 Member States have national strategies or action plans on LGBTIQ equality in place⁴⁴⁰. The **LGBTIQ Equality Strategy 2020-2025**⁴⁴¹ promotes an intersectional approach and attention to most vulnerable groups, including LGBTIQ children and those part of LGBTIQ or rainbow families, where one of the members is LGBTIQ. The Commission encourages Member States to adopt national action plans and strategies to promote LGBTIQ equality. These should build on the measures set out in the LGBTIQ Equality Strategy 2020-2025, and supplement them with measures in areas of Member State competence, including education. To support Member States in this work, the LGBTIQ Equality Subgroup produced a set of guidelines for strategies and action plans to enhance LGBTIQ equality⁴⁴².

4.1.3 Children in need under the European Child Guarantee

(see Sections 1.4.1, 2.1.1, 2.2.3, 2.2.4 and 2.2.5)

⁴³⁷ [New expert group focuses on supporting well-being at school](#).

⁴³⁸ European Education and Culture Executive Agency, *Eurydice Comparative Reports - Promoting diversity and inclusion in schools in Europe*, 2023.

⁴³⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Union of Equality: Gender Equality Strategy 2020-2025, COM/2020/152 final, 5 March 2020.

⁴⁴⁰ European network of legal experts in gender equality and non-discrimination (ENLEGEND), *European equality law review*, 2024.

⁴⁴¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Union of Equality: LGBTIQ Equality Strategy 2020-2025, COM/2020/698 final, 12 November 2020.

⁴⁴² European Commission – LGBTIQ Equality Subgroup of the High-Level Group on non-discrimination, equality and diversity, *Guidelines for Strategies and Action Plans to Enhance LGBTIQ Equality*, 2022.

Children who grow up in poverty or at-risk-of-poverty situations are much more likely to experience family violence (an argument made by Caritas)⁴⁴³. According to the latest data from Eurostat (2022), 24.7% of children in the EU (approximately 20 million) are at risk of poverty and social exclusion⁴⁴⁴. Particularly in the aftermath of the COVID-19 pandemic, families are struggling to make ends meet, and their purchasing power has been radically affected. According to Save the Children, the economic fallout of the COVID-19 Pandemic has resulted in a 15% increase in household poverty around the world⁴⁴⁵. The cost-of-living crisis – caused by a complex mix of factors including the economic impacts of the COVID-19 pandemic and the conflict in Ukraine – is exacerbating this critical situation. Families and children in vulnerable situations are among those most exposed to the daunting impact of rising inflation.⁴⁴⁶

Integrated child protection measures are important means to help implement Principle 11 of the **European Pillar of Social Rights**⁴⁴⁷ on affordable and good quality early childhood education and care and Principle 17 on inclusion of people with disabilities. The **European Child Guarantee** aims to prevent and combat social exclusion by guaranteeing effective access of children in need to a set of key services. Member States are recommended to identify these children in need, and within this group take into account specific disadvantages experienced, in particular, by: (a) homeless children or children experiencing severe housing deprivation; (b) children with disabilities; (c) children with mental health issues; (d) children with a migrant background or minority ethnic origin, particularly Roma; (e) children in alternative, especially institutional, care; and (f) children in precarious family situations (including children living in households where there is substance abuse, or domestic violence). They are also recommended to: (i) address the territorial dimension of social exclusion; (ii) take measures to promote inclusion and to avoid and tackle discrimination and stigmatisation of children in need; and (iii) take into account a gender perspective.

The **TSI** supports Member States in designing and implementing cross-sectoral structural reforms tackling child poverty and social exclusion under the European Child Guarantee flagship project, representing an overall budget of over EUR 7 million⁴⁴⁸. The fight against child poverty and social exclusion is also supported by the **European Social Fund Plus (ESF+)**, with total expenditure programmed in Member States amounting to EUR 8.9 billion, including a EUR 6.7 billion contribution from the EU budget. The European Regional Development Fund and the **Recovery and Resilience Facility** offers additional EU funding (See section 2.1.1).

⁴⁴³ Extensive academic research and findings are collected in Bywaters, P. & Skinner, G., *The Relationship Between Poverty and Child Abuse and Neglect: New Evidence*, Nuffield Foundation, March 2022.

⁴⁴⁴ Eurostat, *Children at risk of poverty or social exclusion*, 2023. On this topic, see also Eurochild, *Poverty takes away the right to childhood - Children's perceptions of poverty in 4 EU Member States*, 2023.

⁴⁴⁵ See *Save the Children's website*; Save the Children, *Guaranteeing Children's Future: How COVID-19, cost-of-living and climate crises affect children in poverty and what governments in Europe need to do*, 2023. See also, Eurochild, *(In)visible Children. Eurochild 2022 report on children in need across Europe*.

⁴⁴⁶ *Guaranteeing Children's Future: How COVID-19, cost-of-living and climate crises affect children in poverty and what governments in Europe need to do*, see note 451 p. 86.

⁴⁴⁷ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 248, 13 December 2017, 10-15.

⁴⁴⁸ It offers technical support to 12 Member States (Portugal, Italy, Spain, Greece, Luxemburg, Romania, Austria, Ireland, Slovakia, Czechia, Cyprus and France) with projects delivered, for example, in collaboration with UNICEF and the OECD. It launched the Youth First flagship initiative in 2022 supporting seven Member States (Portugal, Cyprus, Spain, Slovenia, Italy, Austria and Czechia) in the following areas: quality and equity of education systems, healthy nutrition, healthy lifestyle and mental health, early childhood and care, and local implementation of the European Child Guarantee.

4.1.4 Roma children

Many Roma children and young people do not enjoy equal access to mainstream services due to poverty, social exclusion, discrimination and anti-gypsyism. The FRA Roma Survey 2021 shows that 83% of Roma children are at risk of poverty, and only 44% of Roma children aged 3 and up attend early childhood education and care, compared with 93% of children in the general population. According to the same survey, only 27% of Roma people aged 20-24 have completed upper secondary education (compared with 84% in the general population), and 56% of young Roma aged 16-24 are neither in employment nor in education or training (NEET), which is five times the NEET rate in the general population (11%)⁴⁴⁹.

Surveys by FRA also show that segregation in education has persisted and even deteriorated in recent years: the rate of Roma children aged 6-15 attending schools where all or most pupils are Roma has grown from 44% in 2016 to 52% in 2021, and in some Member States, the figures are even higher (65% of Roma children in Slovakia, 64% in Bulgaria, 53% in Croatia)⁴⁵⁰. In their action plans for the implementation of European Child Guarantee, several Member States have included measures targeted principally at Roma children and young people, including reproductive health education to prevent young pregnancies.

To address the specific needs and vulnerabilities of Roma children and young people, the EU has set up the **Roma strategic framework for equality, inclusion and participation (2020-2030)**⁴⁵¹, which is a direct implementation of the **EU anti-racism action plan**⁴⁵² and the **European Pillar of Social Rights**⁴⁵³. The **Council Recommendation on Roma equality, inclusion and participation**⁴⁵⁴ sets out measures for Member States to take in order to meet EU objectives, such as ensuring access to quality inclusive mainstream education and general equality of opportunities for Roma people, particularly children. Additionally, it contains measures to guarantee sustainable employment, quality healthcare and social services, and adequate and desegregated housing, and to strengthen partnership and institutional capacity⁴⁵⁵.

⁴⁴⁹ *Roma in 10 European countries, main results*, see note 189 p. 30.

⁴⁵⁰ *Roma in 10 European countries, main results*, see note 189 p. 30.

⁴⁵¹ Communication from the Commission to the European Parliament and the Council, A Union of equality: EU Roma strategic framework for equality, inclusion and participation, COM/2020/620 final, 7 October 2020.

⁴⁵² Communication from the Commission to the European Parliament and the Council, the European Economic and Social Committee and the Committee of the Regions, A Union of equality: EU anti-racism action plan 2020-2025, COM/2020/565 final, 18 September 2020.

⁴⁵³ More info available on [The European Pillar of Social Rights Action Plan](#).

⁴⁵⁴ Council Recommendation on Roma equality, inclusion and participation, 2021/C 93/01, OJ C 93, 19. March 2021, 1.

⁴⁵⁵ Council Conclusions on measures to ensure equal access for Roma to adequate and desegregated housing, and to address segregated settlements, 13167/23, 9 October 2023.

4.1.5 Children facing discrimination based on religious grounds and racism

Children who witness acts of racism and experience self-censorship in disclosing their identity are more likely to develop socio-emotional problems as they grow up than those who do not (an argument made by the European Commission against Racism and Intolerance)⁴⁵⁶. Children from racialised communities including children from Muslim communities or perceived as such, may be unduly stigmatised and may have to live with the trauma of such stigma in later life.

Of all young Jewish Europeans, 44% have experienced antisemitic harassment⁴⁵⁷. We have seen an unprecedented rise of antisemitism in Europe since the terrorist attack by Hamas on Israel on 7 October 2023. At European universities, antisemitic incidents have skyrocketed⁴⁵⁸. Antisemitism led to the Holocaust. Currently, 1 European in 20 has never heard of the Holocaust and less than half of Europeans think it is sufficiently taught in schools⁴⁵⁹. Education can strengthen young people's resilience to antisemitic ideas and ideologies and to all forms of intolerance and discrimination. Teachers should be empowered to address antisemitism, the Holocaust, and Jewish life and history, also in multicultural classrooms⁴⁶⁰.

4.1.6 Children with addictions

According to the WHO factsheet on adolescents health risks and solutions, alcohol consumption among adolescents is a major concern in many countries and relates to risky behaviours, accidents and injuries, violence, sexual abuse and other health and mental health damages⁴⁶¹. Even though the legal drinking age in most EU countries is 18, two thirds of European adolescents report having drunk alcohol at least once in their life by age 15, and over 20% report having been drunk more than once in their life (2018 figures; this is a decrease in comparison to previous years)⁴⁶².

The EU strategy to support Member States in reducing alcohol-related harm⁴⁶³ had a specific focus on protecting young people and children. The joint action on reducing alcohol-related harm (RARHA) co-funded by the third EU Health Programme collected and evaluated a number of existing evidence-based good practices, and presented a tool kit for children and adolescents, but also parents with alcohol problems.

The EU4Health programme funds various initiatives to address alcohol-related harm. In particular, it supports a cooperation with the WHO to strengthen capacity building, awareness raising and implementation of best practice in the EU. The annual work programme for 2024

⁴⁵⁶ European Commission against Racism and Intolerance (ECRI) and the Council of Europe, [CRI revised General Policy Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination](#), 2021.

⁴⁵⁷ *Young Jewish Europeans: perceptions and experiences of antisemitism*, see note 191 p. 30.

⁴⁵⁸ European Union of Jewish Students (EUJS), [Report – The Rise of Antisemitism at European Universities as a result of the October 7 Massacre](#), 2024.

⁴⁵⁹ Two thirds of Europeans are convinced that commemorating the Holocaust helps ensure that such atrocities will never happen again; see, [CNN Poll: Anti-Semitism in Europe – A shadow over Europe, 2018](#).

⁴⁶⁰ EU Strategy on Combating Antisemitism and Fostering Jewish Life, see note 193 p. 30.

⁴⁶¹ [WHO - Adolescent and young adult health](#).

⁴⁶² As reported in [Health at a Glance: Europe 2020 : State of Health in the EU Cycle](#).

⁴⁶³ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions an EU strategy to support Member States in reducing alcohol related harm, COM/2006/0625 final, 24 October 2006.

announced two direct grants⁴⁶⁴ to Member States and calls for proposals⁴⁶⁵ in relation to health promotion and prevention of non-communicable and communicable diseases, including substance use disorders, and approaches to tackle harm due to smoking and the use of alcohol and drugs.

4.1.7 Gender equality

The **Gender Equality Strategy 2020-2025** presents the Commission's policy objectives and measures to make significant progress towards a union of equality free from all forms of violence against women and girls by 2025.

Furthermore, the EU's accession to the **Council of Europe Convention on preventing and combating violence against women and domestic violence** (the '**Istanbul Convention**')⁴⁶⁶ is a milestone in the EU's commitment to stepping up action against gender-based violence across Member States and in support of all victims of violence against women and domestic violence. The EU signed the Istanbul Convention in June 2017, and the process was completed with the deposit of two instruments of approval on 28 June 2023, triggering the entry into force of the Convention for the EU on 1 October 2023. The EU is now bound by ambitious and comprehensive standards to prevent and combat violence against women in the area of judicial cooperation in criminal matters, asylum and non-refoulement, and with regard to its public administration.

The provisionally agreed proposal for a directive on combating **violence against women and domestic violence** asks Member States to provide children that might have witnessed violence against women or domestic violence – or are themselves victims of violence against women or domestic violence – with age-appropriate and holistic support.

The Commission provides dedicated financial support to prevent and combat violence against children, gender-based violence against girls, and domestic violence, and to protect victims of such violence under the Daphne strand of the Citizens, Equality, Rights and Values Programme⁴⁶⁷

Female genital mutilation (FGM)

Female genital mutilation comprises all procedures involving partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons, as defined by the WHO. It is a form of violence against women and girls and has severe lifelong physical and psychological consequences. Over 230 million girls and women alive today worldwide have been subjected to female genital mutilation (FGM), a figure on the rise despite advancements in certain countries⁴⁶⁸. It is estimated that over 600.000 women are living with

⁴⁶⁴ Direct grants to Member States' authorities: Health promotion and disease prevention including smoke- and aerosol- free environments (DP/CR-g-24-27). See also, [European Health and Digital Executive Agency \(HaDEA\) - Tentative calendar 2024: Publication of open calls for proposals \(grants\)](#).

⁴⁶⁵ Call for proposals on health promotion and prevention of non-communicable and communicable diseases, including vaccine-preventable and other cancers caused by infections, and on smoke- and aerosol-free environments (DP/CR-g-24-29). See HaDEA's website, note 460.

⁴⁶⁶ [Council of Europe Convention on preventing and combating violence against women and domestic violence \(Istanbul Convention\)](#), 2011.

⁴⁶⁷ Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values Programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014 ([OJ L 156, 5.5.2021](#)).

⁴⁶⁸ [UNICEF Female genital mutilation \(FGM\) data](#); [FGM in Europe | End FGM](#).

the consequences of FGM in Europe and that 190,000 girls in 17 European countries alone are at risk of being genitally mutilated⁴⁶⁹.

The EU has a zero-tolerance policy on FGM, pledging continued collaboration for a world free from all forms of violence against girls and women⁴⁷⁰. The Commission and High Representative / Vice-President Josep Borrell declared FGM a human rights violation and a form of violence against girls and women. High Representative / Vice-President Borrell emphasised the lack of medical justification for such procedures, the risks to girls' lives, and the lasting physical and psychological trauma that these procedures cause. He called for joint action by communities, governments, organisations, and international partners to protect the rights, dignity and health of women and girls.

The Commission is strongly committed to ending all forms of gender-based violence. The provisionally agreed directive on combating violence against women and domestic violence specifically criminalises FGM as a self-standing offence, because while conduct amounting to FGM is criminalised or at least prohibited in all Member States, it is not a specific crime in several Member States. Using general offences to criminalise conduct amounting to FGM, such as the offence of causing bodily harm, does not capture the specific gendered nature of FGM. In addition, the proposal obliges Member States to provide specialist and age-appropriate support to victims of FGM, including by providing gynaecological, sexological, psychological and trauma care and counselling. The Commission is also looking to adopt a specific **recommendation on preventing and combating harmful practices against women and girls**, including FGM, in 2024. This would include specific suggested measures directed at Member States and additional, specialised support and protection for victims of practices such as FGM.

4.1.8 Children in rural and remote areas

There is an **unequal distribution of services** (social, psychosocial, legal) with almost no assistance available for victims of abuse living in smaller towns or rural areas (an argument made by Eurochild and Platform for Children). Conversely, in some districts in urban areas there is greater saturation of these services, and the activation of relief mechanisms may not be immediate (as stated by ANAR Foundation).

4.2 Child victims of trafficking in human beings

In 2022, 15% of the victims of trafficking in human beings registered in the EU were children⁴⁷¹. Most child victims registered in the EU are trafficked for sexual exploitation, but children are also trafficked for labour exploitation, forced begging, forced criminality, and other forms of exploitation. Children are at particular risk of falling victim to traffickers online.

⁴⁶⁹ [Joint Statement ahead of the International Day of Zero Tolerance for Female Genital Mutilation; FGM in Europe | End FGM](#)

⁴⁷⁰ [Commission calls for eradication of Female Genital Mutilation worldwide.](#)

⁴⁷¹ [Eurostat - Trafficking in human beings statistics - Statistics Explained.](#) In previous years, children represented nearly a quarter of registered victims, see Commission staff working document, Statistics and trends in trafficking in human being in the European Union in 2019-2020, SWD(2022) 429 final, 19 December 2022 and [Trafficking victims in Europe, a rise by 10% and the share of EU nationals among the victims increased to 59%.](#)

Criminal networks active in the EU also use children to commit various types of crimes, such as pickpocketing, shoplifting, selling of items, or drug trafficking⁴⁷².

Respondents regretted the lack of a distinct procedure for child victims of trafficking for sexual exploitation, which reveals problems with the support and recognition that they receive. Two stakeholders highlighted that although child victims of trafficking in human beings have access to a distinct procedure, this procedure is not effective because of restrictive conditions (DCI Belgium, ECPAT Belgium, 2023). Additionally, services are focused on capital city communities, while rural communities may not be sufficiently supported. Challenges also exist in the identification of these children and their care, and in the efficiency of the national referral mechanism (an argument made by MECPATHS).

The **Anti-trafficking Directive**⁴⁷³ takes a child-specific approach and includes specific provisions addressing child victims. Under the Directive, children are always considered vulnerable, leading to higher penalties for traffickers. Moreover, when a child is involved, not all constitutive aspects of a trafficking offence need to be fulfilled for an act to qualify as trafficking. In addition, there are detailed provisions in the Directive on assisting and supporting child victims, as well as on protecting them in criminal proceedings, including specific provisions on unaccompanied children.

The **EU strategy on Combatting Trafficking in Human Beings (2021-2025)** takes a comprehensive approach, from prevention to conviction of criminals, while emphasising the protection of victims at all stages, taking into account child victims in particular. As one of the key initiatives under the strategy, the Commission carried out an evaluation of the Anti-trafficking Directive, and proposed targeted amendments on this basis. The Council, in its Conclusions on the EU strategy on the rights of the child, called on Member States to raise awareness among children, and in particular migrant children and their families, of the risks of exploitation by providing them with adequate information⁴⁷⁴.

On 23 January 2024, a political agreement was reached between the European Parliament and the Council of a **revised Anti-trafficking Directive**⁴⁷⁵. The new Directive will add the exploitation of surrogacy, of forced marriage and of illegal adoption to the forms of exploitation criminalised under the definition of trafficking in human beings, to strengthen the criminal justice response to these phenomena, which are of growing concern. It will also make it mandatory for Member States to set up formal referral mechanisms and national focal points for the cross-border referral of victims, including children. The revised Directive will also strengthen the child sensitive approach to the prevention and fight against trafficking, and protection of the victims.

A common anti-trafficking plan to address the risks of trafficking and support potential victims among those fleeing Ukraine was developed and has been implemented under the lead of the EU Anti-Trafficking Coordinator, in cooperation with the Member States, the EU agencies, civil society organisations, and Ukraine and Moldova. It takes a child rights-based

⁴⁷² Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Report on the progress made in the fight against trafficking in human beings (Fourth Report), COM/2022/746 final, 19 December 2022.

⁴⁷³ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15 April 2011, 1-11.

⁴⁷⁴ Council conclusions on the EU strategy on the rights of the child, see note 6 p. 3.

⁴⁷⁵ [Commission welcomes breakthrough political agreement on stronger rules to fight trafficking in human beings](#).

approach to address the particular vulnerability of children, including unaccompanied and separated children.

The European Union Agency for Law Enforcement Training (CEPOL) organises regular training on child trafficking for law enforcement authorities. Moreover, two operational priorities of the European Multidisciplinary Platform Against Criminal Threats (EMPACT) for tackling trafficking in human beings focus on child trafficking, including organising joint action days.

Moreover, the action of the EU roadmap to fight drug trafficking and organised crime⁴⁷⁶ focusing on preventing criminal networks from recruiting children and young people will help address trafficking of children to exploit them to carry out criminal activities. The EU also addresses the particular vulnerability of children to trafficking in human beings by funding measures to combat child trafficking under the Internal Security Fund, and measures to assist, support and help integrate non-EU child victims of trafficking under the **Asylum, Migration and Integration Fund**⁴⁷⁷.

The **Technical Support Instrument (TSI)** offers EU Member States on-demand support for designing and implementing structural reforms in any policy area, including for protecting children victims of trafficking by reforming or establishing national processes and structures.

The FRA report on children deprived of parental care (found in an EU Member State other than their own) specifically mentions cases of trafficking of human beings and aims to strengthen the response of all those involved in child protection⁴⁷⁸.

4.3 Strengthening an integrated approach to cross-border child protection

4.3.1 Cross-cutting challenges for children in cross-border situations

Both migration to the EU and mobility within the EU have led to increasing numbers of transnational and cross-border child protection situations⁴⁷⁹. Children in cross-border cases may need protection from various risks of harm, including but not limited to trafficking in human beings, removal of body parts and adoption⁴⁸⁰. One of the challenges in protecting children in cross-border cases lies in the lack of appropriate cooperation and coordination with counterparts in other countries, and differences in national laws⁴⁸¹.

On families exercising their EU free movement rights, the **guidance on the right of free movement of EU citizens** should help all families and their children to easily exercise their rights derived from EU law, in line with the case-law of the Court of Justice of the EU⁴⁸². In particular, for children of same-sex couples, the Court clarifies that, for the purposes of exercising the rights derived from EU law, **parenthood** by same-sex parents duly attested by

⁴⁷⁶ Communication from the Commission to the European Parliament and the Council on the EU roadmap to fight drug trafficking and organised crime, COM/2023/641 final, 18 October 2023.

⁴⁷⁷ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund, OJ L 251, 15 July 2021, 1–47.

⁴⁷⁸ FRA, *Children deprived of parental care found in an EU Member State other than their own*, 2019.

⁴⁷⁹ [Northern Ireland Assembly - Cross-border child protection in the EU](#), 2019.

⁴⁸⁰ Paragraph 76 of UNCRC GC No. 13, see note 19 p. 5.

⁴⁸¹ *European Forum on the rights of the child* 2022, see note 197 p. 31.

⁴⁸² Commission Notice – Guidance on the right of free movement of EU citizens and their families, C/2023/8500, OJ C, C/2023/1392, 22 December 2023.

a certificate issued by a Member State must be recognised by other Member States under EU law, even if parenthood by same-sex parents is not provided for in their national law⁴⁸³.

The UN Committee on the Rights of the Child calls for developing specific legislation and policies to protect children affected by cross-border child protection issues (for example cybercrime and extraterritorial prosecution of those who sexually abuse children through travel and tourism, and traffickers), whether these children are in traditional caregiving situations or where the state is the *de facto* caregiver, as in the case of unaccompanied children⁴⁸⁴.

To strengthen cooperation in cross-border missing child cases, stakeholders stressed that integrated child protection systems should include provisions that aim to step up **preventive action** (e.g., awareness-raising campaigns on risks, return home interviews, psychosocial support services, training of professionals on setting up safe child-friendly spaces) and to **share good practices among Member States** (an argument made by Missing Children Europe). Another suggestion for cross-border cases includes facilitating and strengthening **transnational cooperation** between stakeholders supporting children (i.e. regional projects for exchange of and networking between legal workers, guardians) (a suggestion made by the European Guardianship Network (EGN)). If implemented in family reunification procedures as well as family or take-charge procedures of asylum seekers, this kind of cooperation should considerably reduce the risks that arise when children decide to move independently (an argument made by KIND, Child Circle).

4.3.2 Parental responsibility and child protection in cross-border cases

On **cross-border family law**, the **Brussels IIb Regulation**, the cornerstone of EU judicial cooperation in matrimonial matters and matters of parental responsibility, entered into application in August 2022. Its rules apply equally to all children, whether they are born in wedlock or not, offer a better protection to children, and aim to facilitate cross-border procedures for families, including by simplifying and increasing the efficiency of the procedures for the return of wrongfully removed or retained children under the Convention of 25 October 1980 on the Civil Aspects of International Child Abduction⁴⁸⁵ on custody and access, on cross-border placement of children by creating an autonomous consent procedure for all types of cross-border placements, and on child protection measures in cross-border cases. The European Judicial Network (EJN-Civil) adopted a practice guide on the application of the Brussels IIb Regulation⁴⁸⁶.

⁴⁸³ In line with the case-law of the Court of Justice, see judgement in case C-490/20, *V.M.A. v Stolichna obshtina, rayon „Pancharevo“*, 14 December 2021. This protects the family life, as these children should be able to exercise, with each of those two parents, their right to move throughout the EU and to reside freely in another Member State. As difficulties may arise from the lack of recognition of parenthood in some areas not covered by 'rights derived from EU law' (for example, children's rights to inheritance or maintenance), the Commission adopted on 7 December 2022 a Proposal for a Council regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood, COM/2022/695 final, 7 December 2022. This proposal is based on Article 81(3) of the Treaty on the Functioning of the EU related to measures concerning family law with cross-border implications. The proposal has the best interests of the child as its primary consideration and covers the recognition of parenthood established in a Member State as regards all children, irrespective of how they were conceived or born and irrespective of their type of family. The proposal does not harmonise substantive family law (such as rules on the definition of family), which remains a Member State competence.

⁴⁸⁴ Paragraph 76 of UNCRC GC No. 13, see note 19 p. 5.

⁴⁸⁵ [Hague Conference on Private International Law \(HCCH\) Convention of 25 October 1980 on the Civil Aspects of International Child Abduction](#) (1980 Hague Convention).

⁴⁸⁶ European Commission, [Practice guide for the application of the Brussels IIb Regulation](#), 2023.

Central Authorities play a crucial role in the application of regulations on parental responsibility. Each Member State must designate Central Authorities⁴⁸⁷ with dual responsibilities⁴⁸⁸. Their tasks include handling requests from other Member States, courts or other competent authorities (like child protection authorities), and holders of parental responsibility, and they can collect and exchange information in parental responsibility procedures⁴⁸⁹. Central Authorities also assist holders of parental responsibility seeking recognition and enforcement by offering practical guidance and highlighting differences in measures. They provide explanations to ensure effective rights of access.

The Central Authorities for child abduction proceedings and for matters of parental responsibility designated under the Brussels IIb Regulation and the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children also **facilitate agreement between holders of parental responsibility through mediation or other means of alternative dispute resolution.** The Brussels IIb Regulation does not require Central Authorities to engage directly in the mediation, but they may provide mediators. They collaborate with the Central Authorities of other Member States. This facilitates the process of cross-border child placements, ensuring prompt decisions within 3 months. Various placement scenarios are covered, specifying conditions for mandatory consent from the requested Member State or exceptions.

On another note, Central Authorities play a vital role in the cross-border recovery of maintenance⁴⁹⁰, for example by sending and receiving applications, initiating or facilitating proceedings, and taking appropriate measures to expedite application such as providing legal aid, locating debtors and creditors, obtaining relevant financial information, encouraging amicable solutions or facilitating ongoing enforcement.

At the international level, the **1996 Hague Convention** covers a wide range of civil measures to protect children in cross-border situations. The convention lays down uniform rules that prevent conflicting decisions, enable cross-border cooperation between authorities, and secure the recognition and enforcement of measures among contracting parties. The **Convention of 25 October 1980 on the Civil Aspects of International Child Abduction**, for its part, is a treaty that protects children from the harmful effects of wrongful removal and retention across international boundaries by providing a procedure to secure their prompt return and protect the rights of access.

4.3.3 An integrated approach to the protection of children in migration

Challenges reported by respondents

⁴⁸⁷ Article 76 of the Brussels IIb Regulation, see note 238 p. 38; Article 29(1) of the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (1996 Hague Convention); Article 6(1) of the 1980 Hague Convention, see note 491, p. 93.

⁴⁸⁸ Articles 77 and 78 of the Brussels IIb Regulation, see note 238 p. 38.

⁴⁸⁹ Article 80, read together with Article 79, point (b), of the Brussels IIb Regulation., see note 238 p. 38.

⁴⁹⁰ Under Article 49 of the Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, OJ L 7, 10 January 2009, 1–79 (Maintenance Regulation) and Article 4 of the 2007 Hague Convention, see note 491, p. 93. Chapter VII of the Maintenance Regulation outlines cooperation between Central Authorities, specifying their general functions (Article 50), specific functions (Article 51), and specific measures (Article 53).

Children on the move face particular risks. Violence is a daily threat for children on the move, especially those who travel unaccompanied or separated from their families⁴⁹¹. In 2022, 236,000 asylum applicants were children, accounting for 25% of all applicants in the EU. Of these, around 40,000 or 17% were **unaccompanied children**⁴⁹².

Youngsters, as heard during the CFJ-EN's Child Justice Caravan, emphasised that meaningful **integration** of migrant children into society relies heavily on **favourable reception conditions**, including robust guardianship systems, appropriate shelter, and psychological support. They also complained that no attention is given to the individual needs of children (e.g. sexual orientation) when assigning them to reception centres. They stressed that it is of paramount importance to **keep family members together** at all stages of the asylum procedure. They added that unaccompanied minors need a transition period before leaving the reception centre when becoming 18, as they may not have resources to live on their own.

Stakeholders recommended to invest in and promote **capacity building for border police and all others interacting with refugee and migrant children** at borders and inside the country. This capacity building should ensure the effective implementation of relevant children's rights, child protection, and protection from gender-based violence⁴⁹³. Stakeholders also asked to ensure access to justice for child refugees and migrants who have been victims of violence and torture or other ill treatment committed by authorities⁴⁹⁴.

Respondents notably called for supporting civil society organisations in having **access to border crossing areas** so that they can provide protection and assistance to migrant children in need, including those who experience pushbacks. **Independent monitoring mechanisms** should consider the availability of free quality legal assistance for children in precarious situations (a point made by KIND, Child Circle).

Civil society organisations report that children with migration background are at constant risk of witnessing abuse, being subject to abuse, and experiencing psychological violence (a point made by Save the Children, ARSIS, PICUM)⁴⁹⁵. Recent projects on **reception centres for children in migration** suggest that compartmentalising support services, rather than promoting a child protection approach, leads to children with unique/intersectional needs not being adequately informed of their rights and of options for seeking support when victim of violence (a point made by DCI Belgium). Children in migration are often referred to reception centres that do not provide the forms of protection to which they are entitled (a point made by Defence for Children International IT), while, in some cases, they should be accompanied by protection services (a point made by DCI Belgium). This environment carries many risks for children, for example if there is a lack of (barrier-free) places to learn and spend leisure time, or limited health protection (an argument made by the German Association for Public and Private Welfare).

⁴⁹¹ Office of the Special Representative of the Secretary-General on Violence against Children and Universidad Iberoamericana, [Violence against children on the move From a continuum of violence to a continuum of protection](#), 2020.

⁴⁹² Eurostat - [Migration and asylum in Europe – 2023 edition](#).

⁴⁹³ Save the Children, [Wherever we go, Someone does us Harm: Violence against refugee and migrant children arriving in Europe through the Balkans](#), 2022, pp. 101-103.

⁴⁹⁴ *Wherever we go, Someone does us Harm*, see note 499 p. 95.

⁴⁹⁵ ARSIS further points at insecurity due to a lack of legal documents (and consequent difficulty to access education, justice and healthcare) and their risk of being exploited. See also *Wherever we go, Someone does us Harm*, see note 499 p. 95. See also Save the children, [Children migrating to Europe experience horrific rates of violence, abuse and trauma: Report](#), 2022.

Respondents stressed the **lack of reliable data** on the number of those that are outside the protection systems' radar in Europe (PICUM, Child Circle, Missing Children, EGN)⁴⁹⁶. Children in migration are exposed to risks of underreporting.

Unaccompanied children are in a situation of individual vulnerability because of their younger age, their migration path, and their distance from adults of reference (an argument made by Defence for Children International IT). Integrated child protection systems could play a vital role in protecting them immediately on their arrival at the border; Member States must properly assess their best interests when applying asylum and migration procedures, and when deciding on transfers between countries (a point made by KIND, Child Circle). The Commission Recommendation could strengthen the identification and development of national guardianship systems (an argument made by EGN)⁴⁹⁷.

Regarding unaccompanied children, stakeholders call to promote: (i) awareness-raising on child protection procedures and specific needs of children in migration with all legal stakeholders at national level, fostering the use of the practical resources of the FRA and the EU Asylum Agency (EUAA) (a point made by ENG); (ii) cooperation between legal assistance providers and other stakeholders, ensuring coordination with other procedures that involve the child; and (iii) joint training (at national and transnational levels) to ensure that lawyers, law enforcement, immigration and social work professionals develop shared understandings of integrated child protection system responses; this should include training on trauma-informed approaches (a point made by KIND, Child Circle).

Relevant support at EU level

The 2017 Communication on children in migration⁴⁹⁸ sets out the general principles and measures for ensuring effective protection of children in migration, taking into consideration the best interests of the child as the primary consideration in all measures or decisions concerning children.

The **Action Plan on Integration and Inclusion 2021-2027**⁴⁹⁹ is the Commission's policy framework for integration of migrants and EU citizens with a migrant background. Adopted in November 2020, this Action plan puts forward a comprehensive policy framework setting out more than 60 actions. These actions are for the Commission and the Member States in cooperation with a range of relevant stakeholders – because cooperation between different levels and stakeholders is key to successful integration. The Action plan highlights education as one of the most powerful tools for building more inclusive societies. From early childhood education and care (ECEC) to non-formal education, education and training is the foundation for successful participation in society. Schools have the potential to be real hubs of integration for children and their families. A mid-term review of the Action Plan on Integration and Inclusion is being carried out by the Commission. The mid-term review will take stock of all

⁴⁹⁶ See also Save the Children Spain & Por Causa, *Crecer sin papeles en España*, 2021; Missing Children Europe, *Over 18,000 children in migration missing in Europe between 2018-2020*, 2021.

⁴⁹⁷ EGN proposed its 'ProGuard tool' (and upcoming guidance) as a working basis. See also *Proguard - Pilot Assessment System For Guardianship*.

⁴⁹⁸ Communication from the Commission to the European Parliament and the Council - The protection of children in migration, COM/2017/211 final, 12 April 2017.

⁴⁹⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Action plan on Integration and Inclusion 2021-2027, COM/2020/758 final, 24 November 2020.

actions to be implemented by the Commission and Member States, including in the area of education.

The Commission has worked migrant youth and education issues for migrant children (European Migration Forum in 2022, European Integration Network meeting in 2025). In 2023, a call for proposals under AMIF union actions was published to language learning for young migrants. The selected projects will start in spring 2024.

The **Pact on Migration and Asylum**, currently in the process of adoption⁵⁰⁰, provides reinforcement to different safeguards and protection standards of migrant children. Unaccompanied minors are excluded from the newly introduced border procedure, while families with children are deprioritised for inclusion and, where included, prioritised for processing purposes. Standards on reception for all children are reinforced, to be suited to their needs, after assessing the best interest of the child. Reception conditions must ensure a standard of living adequate to the child's physical, mental, spiritual, moral and social development and include the further obligation to take account of the child's need for stability and continuity of care.

The pact reinforces provisions relating to the representatives for unaccompanied minors, including by introducing clear deadlines for their appointment, no later than 15 days and, as soon as possible a temporary representative. It also defines a maximum ratio of representatives to unaccompanied minors, while requiring adequate training, qualification of representatives as well as of personnel dealing with children in the context of reception and the asylum procedure. Member states are responsible for the adequate supervision of child representatives.

The Pact also strengthens children's right to education on aspects of continuity, integration and further taking into account children's special needs. As a rule, the education of children should be that of Member State's own nationals and of the same quality and access to education shall be granted as soon as possible and cannot be postponed for more than 2 months. Children's right to healthcare now has to match that of national children.

Member States have to provide for an **independent monitoring of fundamental rights mechanism** in relation to the screening and border procedure, based on general guidance to be established by the European Fundamental Rights Agency. This shall be complementary to the European Asylum Agency's work in providing for a **general monitoring mechanism** for the purpose of monitoring the operational and technical application of the Common European Asylum System as a whole.

The FRA issued general guidance to help Member States set up national independent mechanisms to monitor compliance with fundamental rights at EU external borders, in line with the screening regulation proposed by the Commission on 23 September 2020⁵⁰¹.

As part of the work of the **JRC Knowledge Centre on Migration and Demography**⁵⁰², the Atlas of Demography, supports evidence-informed decision-making, notably on issues linked

⁵⁰⁰ Council of the EU, [Asylum and migration reform: EU member states' representatives green light deal with European Parliament](#), 2024.

⁵⁰¹ FRA, [Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders](#), 2022.

⁵⁰² [Knowledge Centre on Migration and Demography \(KCMD\) Data Portal](#).

to migrant children⁵⁰³. The evidence-based narratives on migration and demography (NARRATIM)⁵⁰⁴ are another relevant project under this work strand.

Ukrainian children on the EU territory

Child protection has also been central to the EU response to the situation of **children fleeing the Russia's war of aggression against Ukraine**. Those children are around a third of the 4.3 million people from Ukraine benefitting from temporary protection in the EU⁵⁰⁵.

The vulnerability of such children is exacerbated when they are unaccompanied or separated children. FRA highlighted that child protection systems across Europe are under increased pressure. Specific situations, such as those of children travelling without parents, or the many children displaced with family friends or neighbours, require a dedicated response by child protection. Child protection systems in the EU vary widely, and it is important to take a comprehensive approach⁵⁰⁶.

The Commission has fully committed itself to supporting Member States to protect children displaced from Ukraine to the EU territory⁵⁰⁷. This includes supporting missing children's hotlines and child helplines, as well as helping to ensure their inclusion in national education systems and providing guidance to Member States to help ensure the quick connection of displaced children to national child protection systems⁵⁰⁸.

The Commission, in close cooperation with the Polish and Ukrainian authorities, UNICEF and the United States' State Department, is notably working to help the situation of **children evacuated from Ukrainian institutions**. The Commission has supported Member States in their work by providing guidance to address the specific protection needs of children from Ukraine, in bilateral exchanges and through the Solidarity Platform Ukraine. In addition, the Commission launched a dedicated specific action call under the Asylum Migration and Integration Fund that aims to increase the capacity and quality of national guardianship and child protection systems for unaccompanied children. Furthermore, the Commission, in close cooperation with Unicef and the United States' State Department, works on relocating groups of evacuated children from Ukrainian institutions hosted in Poland to more appropriate venues. In parallel, the Commission is also actively supporting a comprehensive reform of the alternative care system for children in Ukraine.

Actions were also focused on access to education and schooling of children displaced from Ukraine, including through discussions at the Solidarity Platform. In June 2022, the Commission has issued **key principles and practices for supporting the inclusion of displaced children from Ukraine in school education** for the school year 2022-2023⁵⁰⁹. It highlights several good practices developed in recent years that can be applicable to the situation of displaced children from Ukraine as well as other migrant children.

In October 2023, the Commission launched a new strand of the **EU campaign on victims' rights** on supporting victims of war-related crimes – mostly women and children – who fled

⁵⁰³ [World Children's Day: Supporting evidence-informed decision-making to protect migrant children in Europe](#).

⁵⁰⁴ [Knowledge Centre on Migration and Demography](#).

⁵⁰⁵ [Eurostat: Temporary protection for persons fleeing Ukraine - monthly statistics](#).

⁵⁰⁶ FRA, [The Russian aggression against Ukraine – Displaced children finding protection in the EU - Bulletin 3](#), 2023.

⁵⁰⁷ See: Communication from the Commission to the European Parliament and the Council on 'Temporary protection for those fleeing Russia's war of aggression against Ukraine: one year on', COM(2023) 140 final.

⁵⁰⁸ See: [Fleeing Ukraine: protection for children - European Commission \(europa.eu\)](#).

⁵⁰⁹ SWD(2022) 185 final, [Supporting the inclusion of displaced children from Ukraine in education | European Website on Integration \(europa.eu\)](#).

Russia's war of aggression against Ukraine to the EU. Through the children's book *The Girl Who Kept Her Eyes Open*⁵¹⁰, the Commission aims to raise awareness of these victims' rights under EU rules, and encourage people in the EU to have their 'eyes open' to their situation.

The EU takes part in the Consultation Group on Children of Ukraine (CGU), which was created following the **Council of Europe Declaration on the situation of the children of Ukraine**, adopted at the Reykjavik summit in May 2023. The CGU aims to be a platform to facilitate dialogue between states, the EU and other relevant international and national stakeholders, to help identify gaps in the existing applicable laws and standards, to harness existing tools available to help implement these laws and standards, and to find pragmatic ways and solutions, to promote transnational cooperation on these issues, and, where possible, to harmonise practices among states. Particular topics of the CGU include registration, reception and care of unaccompanied children of Ukraine, reform of the Ukrainian child protection and care system, and psychological support / trauma-informed care for Ukrainian children affected by the war.

5. Child protection as an EU global priority

In 2022, approximately 468 million children (18.8%, or more than one in six) were living in a conflict zone. Around 96 million children were living in high-intensity conflict areas (with 100 or more killed within 50 km of the fighting). At least 43 million children are displaced from their homes, the highest number ever recorded. A total of 8 million children under the age of 5 in 15 crisis-hit countries are at risk of death from severe wasting. A total of 244 million crisis-affected children and adolescents need urgent education support. These figures⁵¹¹ testify to the dire situation of children worldwide. Children's survival, well-being and healthy development are seriously jeopardised. Given these immediate and long-term risks, it is an urgent priority to protect children from violence, abuse, exploitation and neglect, while ensuring their empowerment as drivers of democratic change.

Child protection is a global need, a collective outcome, and requires a coordinated approach at international, national and local levels, incorporating child protection into all policies in a cross-sectoral approach. Protection and promotion of the rights of the child are core objectives of the EU's human rights policy at home and abroad, through policy dialogues, advocacy and funding, combining multiple perspectives: humanitarian aid, development, peace and security. This also implies empowering children and young people to play their role in addressing global challenges, notably in protecting themselves against violence, conflicts or climate change. At the occasion of the World's children's day, the European Commission and the High Representative recalled the EU commitment to supporting child protection in its external action, with a particular concern for the well-being of children living in situations of armed conflict, forced displacement and protracted humanitarian crises⁵¹².

5.1 Promoting the reform of child protection systems globally

The Recommendation focuses on how Member States can develop and strengthen integrated child protection systems, but it can also be a blueprint to inspire child protection reforms

⁵¹⁰ Thito P., Sarvira A., [The Girl Who Kept Her Eyes Open](#), Office for Official Publications of the European Communities, Luxembourg, 2023.

⁵¹¹ Gudrun O. et al., [Children Affected by Armed Conflict, 1990–2022](#), *Conflict Trends*, PRIO, Oslo, 2023.

⁵¹² [World Children's Day: Joint Statement \(europa.eu\)](#), 17 November 2023.

globally. Effective child protection requires comprehensive and holistic approach encompassing the existence of evidence-based policy making and legal frameworks which protect children in partner countries, effective and responsive institutional set-ups for preventive and responsive services, including support to child victims of violence and neglect, sufficient adequate human and financial resources, and sustained awareness of promotion of child rights at local, national and global levels.

For instance, the German Federal Ministry for Economic Cooperation and Development (BMZ) has introduced its Human Rights Concept with the goal of better monitoring how effectively its programs address the rights of children and youth⁵¹³.

The global pillar of the **EU strategy on the rights of the child** also stresses the EU's commitment to increase efforts focused on promoting and implementing measures to prevent, combat and respond to all forms of violence against children (including harmful practices and gender-based violence, child marriage, trafficking, and exploitation) and assist partner countries in building and strengthening child protection and justice systems, promoting child participation in decision-making. The EU strategy advocates for compliance with International Humanitarian Law to protect children in armed conflicts, especially for vulnerable populations like refugees, displaced children, and minority groups. Further it emphasises that '[t]he EU will support actions to address the issue of street children as well as invest in the development of quality alternative care and the transition from institution-based to quality family- and community-based care for children without parental care and children with disabilities'. The **Strategy for the rights of persons with disabilities** puts forward a series of measures at EU level to strengthen the EU's global role as an advocate for rights of people with disabilities through international cooperation, and to ensure that its external action upholds and implements the principles of the UN Convention on the Rights of Persons with Disabilities.

The **EU Action Plan on Human Rights and Democracy 2020-2024**⁵¹⁴ includes the commitment of the EU to assist partner countries in building and strengthening child protection systems, '[s]upport the development of quality alternative care and the transition from institution-based to quality family- and community-based care for children without parental care'.

As part of the EU's action abroad, the **Neighbourhood, Development and International Cooperation Instrument (NDICI)**⁵¹⁵ seeks to support, in its geographic and thematic programming, the promotion of the transition from institutional to community-based care for children, as well as the promotion of new initiatives to build stronger child protection systems in non-EU countries. The **Instrument for Pre-accession Assistance (IPA III)**⁵¹⁶, used by the EU to support reforms in candidate countries and potential candidates for EU accession in the Western Balkans, as well as Türkiye, highlights that '[i]nterventions in this area shall aim at modernising social protection systems to provide effective, efficient and adequate protection throughout all stages of a person's life, promoting the transition from institutional to family

⁵¹³ Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ), [Menschenrechtskonzept der deutschen Entwicklungspolitik](#), 2023.

⁵¹⁴ Joint Communication to the European Parliament and the Council EU Action Plan on Human Rights and Democracy 2020-2024, JOIN/2020/5 final, 25 March 2020.

⁵¹⁵ [Global Europe: Neighbourhood, Development and International Cooperation Instrument](#).

⁵¹⁶ Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III), PE/67/2021/INIT, OJ L 330, 20 September 2021, 1–26.

and community-based care, fostering social inclusion, promoting equal opportunities and addressing inequalities and poverty’.

In political dialogue, the Commission also reinforces messages from international monitoring bodies on human and child rights, referring to countries’ commitments and recommendations under international conventions, including the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities and the Council of Europe Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

5.2 Child protection in humanitarian action and crisis situations

Ensuring the protection of populations is at the centre of the EU’s humanitarian response.

In line with the European Consensus on Humanitarian Aid, particular vulnerabilities are taken into account when responding to humanitarian needs. As part of this, the EU pays special attention to women, children, older people, sick people, and people with disabilities.

Humanitarian crises often have long-lasting, devastating effects on children’s lives. The **child protection risks** that children face include gross violations of children’s rights, family separation, denial of humanitarian access, recruitment into armed forces or groups, physical or sexual exploitation and abuse, psychosocial distress, trauma or mental disorders, early marriage and pregnancies, lack of access to education, economic exploitation, injury, and even death.

The Commission defines humanitarian protection, including child protection, as addressing violence, coercion, deliberate deprivation and abuse in humanitarian crises. This is performed complying with **humanitarian principles** and **international law**.

Protection in humanitarian aid operations uses two main approaches: **targeted protection measures** and **protection mainstreaming** incorporating protection principles and promotion of meaningful access, safety, dignity, accountability, participation and empowerment into all humanitarian projects, regardless of the sector, to ensure the entire humanitarian system is actively and consciously engaged in realising broader child rights as well as children’s rights to protection in each step of humanitarian action.

Targeted child protection measures include:

- prevention of and response to violence (also sexual and gender-based violence), including by strengthening existing child protection systems;
- registration and identification of children;
- case management, including best interests assessments and best interests determination processes;
- family tracing and reunification;
- prevention of recruitment of children into armed forces or groups, and demobilisation, release and reintegration of children associated with armed forces and armed groups; and
- child-friendly spaces / adolescent-friendly spaces.

Additionally, the EU promotes **integrated holistic approaches to children’s needs** in humanitarian assistance. For instance, when addressing children’s right to education and supporting action on **education in emergencies**, child protection concerns are reflected in the assessment, design, monitoring and evaluation of the programmes, so that girls and boys of all ages can access safe, high-quality, child-friendly, flexible, relevant and protective learning opportunities in a protective environment. The EU dedicates 10% of its initial humanitarian aid budget to education in emergencies, setting the benchmark internationally.

5.3 Zero tolerance for child labour

A total of 160 million children (9.6% of all children globally) are victims of child labour, with 79 million in hazardous work⁵¹⁷. The percentage of children in child labour has fallen consistently in Asia and Pacific, and Latin America and the Caribbean. However, the percentage of children in child labour has grown slightly in Sub-Saharan Africa. With strong population growth in Sub-Saharan Africa and a Covid-19 effect, child labour worldwide increased in absolute numbers between 2016 and 2020. From 2000 to 2020 the data is more positive, with the number of children in child labour falling from 245.5 million to 160 million. 70 percent of children in child labour work in the agricultural sector. Child labour is concentrated within the family unit (72.1 percent).

The Commission's political guidelines announced a **zero-tolerance approach to child labour**. The EU has indeed a zero-tolerance approach against child labour, reflected in the Commission's political guidelines and the proposed Directive on corporate sustainability due diligence⁵¹⁸. This initiative aims to ensure EU supply chains are free from child labour and aligns with the EU Strategy on the Rights of the Child and the EU Action Plan on Human Rights and Democracy. The **proposal for a directive on corporate sustainability due diligence** will be important to fulfil the objectives of various existing and planned EU measures in the field of human rights, including labour rights, and environment. Notably, it is consistent with the EU strategy on the rights of the child, which commits the EU to a zero-tolerance approach to child labour and to ensuring that supply chains of EU companies are free of child labour. The proposal is in line with the EU Action Plan on Human Rights and Democracy 2020-2024, which includes a commitment for the EU and Member States to strengthen their engagement to actively promote the implementation of international standards on responsible business conduct, such as the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and the OECD Due Diligence Guidance.

The proposal also helps achieve the implementation of the **Commission's Communication on decent work worldwide**, which was adopted together with this proposal in 2022⁵¹⁹. The Communication demonstrates the EU's commitment to champion decent work both at home and around the world and highlights the EU's policies and initiatives with outreach beyond the EU. The EU promotes decent work across all sectors and policy areas in line with a comprehensive approach that addresses workers in domestic markets in third countries and in global supply chains.

As committed to in the Communication, the European Commission joined Alliance 8.7 in 2023, a global partnership to eradicate forced labour, modern slavery, human trafficking, and child labour, in accordance with SDG Target 8.7. **The Durban Call to Action on the Elimination of Child Labour** calls for increased action to tackle child labour, in particular, to make decent work a reality, eliminate child labour in agriculture, realise children's rights to education,

⁵¹⁷ International Labour Organization and UNICEF, *Child labour, Global Estimates 2020, Trends and the road forward*, 2021. The [International Labour Organisation \(ILO\) Convention No. 182 - Worst forms of child labour, 1999](#) is a pillar for the prohibition of child labour at the international level.

⁵¹⁸ Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM/2022/71 final, 23 February 2022.

⁵¹⁹ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on decent work worldwide for a global just transition and a sustainable recovery, COM/2022/66 final, 23 February 2022.

achieve universal access to social protection, strengthen the prevention and elimination of child labour, and increase financing and international cooperation for the elimination of child labour.

The **proposal for a Regulation on prohibiting products made with forced labour on the Union market**⁵²⁰ should prohibit the placing and making available on the EU market and the export from the EU of products made with forced labour, including forced child labour. The prohibition covers domestically produced and imported products. Building on international standards and complementing existing horizontal and sectoral EU initiatives, in particular the corporate sustainability due diligence and reporting obligations, the proposal lays down a prohibition supported by a robust, risk-based enforcement framework. It complements the EU strategy on the rights of the child, which in line with Article 32 of the EU Charter of Fundamental Rights, commits the EU to a zero-tolerance approach against child labour and to ensuring that supply chains of EU companies are free of it.

The Commission proposal lists various adverse human rights impacts to be identified, prevented, mitigated or brought to an end, including the violation of the prohibition of the employment of children under the age at which compulsory schooling is completed and, in any case, is not less than 15 years, except where the law of the place of employment so provides in accordance with the International Labour Organization Minimum Age Convention, 1973 (No. 138); and the violation of the prohibition of child labour pursuant to the UN Convention, including the worst forms of child labour for children in accordance with the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182). The second violation includes: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflicts; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production of or trafficking in drugs; and (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The **Communication on Decent Work Worldwide** is also implemented by the 2022 proposal for a Regulation on prohibiting products made with forced labour on the Union market. The proposal published by the European Commission in September 2022 aims to remove the economic value of products made with forced labour on the Union market and also includes the prohibition of products produced with child forced labour.

In line with the Communication on Decent Work, in EU free trade agreements (FTA), the EU and its partners commit to ratifying and effectively implementing the fundamental ILO conventions, two of which, C138 (Minimum Age) and C182 (Worst Forms of Child Labour), focus on child labour eradication. These conventions are also covered by the EU's Generalised Scheme of Preferences (GSP). Combatting child labour is a priority item in the implementation and enforcement actions in relation to FTAs and GSP.

⁵²⁰ Proposal for a Regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market, COM/2022/453 final, 14 September 2022.

5.4 Climate change and environmental hazards are challenging children's rights to protection

As stated by Joining Forces Alliance⁵²¹, drought, flooding, extreme weather events, rising temperatures, and desertification directly undermine a broad spectrum of children's rights, from access to food and safe water, to housing, education, freedom from exploitation, violence and abuse, and – too frequently – their right to survive and thrive.

70% of consulted children are worried or very worried about the impacts of climate change⁵²². They called to find ways to push for stronger climate action everywhere.

Because resilience to climate change is shaped by broader socio-economic factors, such as gender inequality and poverty, the situation is particularly fraught for marginalised girls and other highly vulnerable groups of children, compounding the multiple hardships that they face. Save the Children estimates that globally, **774 million children – or one third of the world's child population – are living with the dual impacts of poverty and high climate risk**⁵²³.

In its General Comment 26 on children's rights and the environment with a special focus on climate change, the UN Committee on the Rights of the Child⁵²⁴ **underlines how climate change impacts various child rights enshrined in the UN Convention** (such as right to non-discrimination, best interests of the child, right to life, to education, right to be heard, adequate housing, or protection of health), when not endangering their basic right to live, or increasing their vulnerabilities. Moreover, children are far more likely than adults to suffer serious harm, including irreversible and lifelong consequences and death, from environmental degradation⁵²⁵. The comments also list measures that governments need to take to make sure that children's right to grow up in a clean, healthy and sustainable environment is respected and protected. More than 16 000 children from 121 countries contributed to the text with a children's advisory team overseeing the work. A 17-year-old girl stated: 'Adults [should] stop making decisions for the future they won't experience. [We] are the key means to solving climate change as it is [our] lives at stake.'

In line with the **Joint Communication on Addressing the impact of climate change and environmental degradation**⁵²⁶, there is a need to address the differentiated impacts of climate change and environmental degradation on women, children and vulnerable groups. In its resolution on reducing inequalities and promoting social inclusion in times of crisis for children and their families of 21 November 2023, the **European Parliament** highlighted the fact that environmental pollution and climate change have a disproportionate impact on lower income groups, causing a higher incidence of health-related problems, lower life expectancy and fewer life opportunities for children. It highlighted the importance of adapting living, care and education facilities to climate emergencies, and of incorporating a child-sensitive approach to this problem into all policies, including by involving these facilities in related activities and ensuring the acquisition of skills necessary for the climate transition. It also called on Member

⁵²¹ ChildFund Alliance, Plan International, Save the Children International, SOS Children's Villages International, Terre des Hommes, WVI, World Vision International, *The Global Climate Crisis: A child rights crisis*, 2019.

⁵²² *Our Rights. Our Future. The Europe We Want.*, see note 52 p. 9.

⁵²³ Save the children, *Born into the Climate Crisis: Why we must act now to secure children's rights*, 2021.

⁵²⁴ [UNCRC General Comment No. 26 on children's rights and the environment with a special focus on climate change, 2023](#).

⁵²⁵ UN Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, [Report on the relationship between children's rights and environmental protection](#), 2018.

⁵²⁶ Joint Communication to the European Parliament and the Council A new outlook on the climate and security nexus: Addressing the impact of climate change and environmental degradation on peace, security and defence, JOIN/2023/19 final, 28 June 2023.

States to take the foregoing into account when drawing up their climate change adaptation and mitigation plans, by including specific solutions for children and young people, ensuring that the right to a safe, secure and clean environment is respected, and ensuring awareness among younger generations.

The **Council Conclusions on a social, green and digital transition**⁵²⁷ reaffirm the EU's strong commitment to an empowered civil society, including organisations advocating for children's rights, to tackle challenges.

The 2021 **EU Adaptation Strategy**⁵²⁸ notes that unequal exposure and vulnerability to climate impacts worsens pre-existing inequalities and vulnerabilities. The 2023 Guidelines on Member States' adaptation strategies and plans⁵²⁹ highlight children among stakeholders with an elevated likelihood of being impacted by climate change, who also need to be included in the climate adaptation process. Children as a group are biologically more vulnerable. They will also inherit environmental damage caused by previous generations. Their right to participate in decision-making on matters that affect their lives is an established legal principle. This requires engaging them in decisions that affect the climate they will live in and their resilience.

The **Joint Communication on the Climate-Security Nexus**⁵³⁰ recognises that due to the differentiated impacts of climate change and environmental degradation on women, children and vulnerable groups, it is essential to apply a human rights-based approach, and integrate a gender-responsive perspective and a child protection and youth dimension when operationalising the climate and security nexus in the EU's external relations.

In its humanitarian action, the EU works to protect children from disasters worsened by the impacts of climate change by investing in disaster preparedness. The budget for disaster preparedness will reach EUR 79 million in 2024. This is supplemented by **integrating disaster preparedness into all policies** to ensure that all humanitarian responses are risk-informed. The EU also requires that, as part of its action on **education in emergencies**, children and young people receive climate change adaptation and environmental protection education, and climate- and environment-friendly activities are integrated into the day-to-day running of schools in humanitarian contexts.

The **EU official position for the COP28 negotiations included in the relevant Council Conclusions**⁵³¹ acknowledges that, when taking action to address climate change, parties should **respect, promote and consider their respective obligations on human rights**, the right to health, the right to a clean, healthy and sustainable environment, the rights of indigenous peoples as set out in the UN Declaration on the Rights of Indigenous Peoples, local communities, migrants, **children** and young people, people with disabilities, and people in vulnerable situations, as well as gender equality, empowerment of women and girls, and intergenerational equity. The Council also stresses that **public and inclusive participation**, engagement, and access to information, including for civil society and various stakeholders,

⁵²⁷ Council of the EU, [The Council approves conclusions on a social, green and digital transition](#), 21 November 2023.

⁵²⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions forging a climate-resilient Europe - the new EU strategy on adaptation to climate change, COM/2021/82 final, 24 February 2021.

⁵²⁹ European Commission, *Commission Notice Guidelines on Member States' adaptation strategies and plans 2023/C 264/01*, Directorate-General for Climate action, Publications Office of the EU, 27 July 2023.

⁵³⁰ European Commission, [Joint Communication on the Climate-Security Nexus](#), High Representative of the Union for foreign affairs and security policy, 28 June 2023.

⁵³¹ Council Conclusions on the preparations for the 28th Conference of the Parties (COP28) of the United Nations Framework Convention on Climate Change (UNFCCC), 14285/23, 17 October 2023.

are key for promoting social justice, fairness and inclusiveness in the global transition towards climate neutrality. Finally, the Council reiterates that the EU remains committed to these values.

References to human rights, including the rights of children, are included in the loss and damage decisions of the United Nations Framework Convention on Climate Change, by using the 11th preambular paragraph of the Paris Agreement⁵³². This refers to; (i) the COP28 decision operationalising the funding arrangements and the fund for assisting developing countries that are particularly vulnerable to the adverse effects of climate change in responding to loss and damage; and (ii) the decisions on the Santiago network for averting, minimising and addressing loss and damage. Furthermore, **the framework on the global goal on adaptation as adopted at COP28, encourages parties to ensure intergenerational equity and social justice, taking into consideration vulnerable ecosystems, groups and communities and including children, young people and people with disabilities when implementing it**⁵³³.

The global stocktake decision requests the Subsidiary Body for Implementation to hold, at its 60th session (that will take place from 3 to 13 June 2024), an **expert dialogue on children and climate change** to discuss the disproportionate impacts of climate change on children and relevant policy solutions in this regard, engaging relevant UN entities, international organisations and NGOs in this work.

Children are also key stakeholders in the sustainable implementation of long-term climate change policies, and their inclusion in decision-making processes reflects intergenerational equity⁵³⁴. The **European Climate Pact** launched in December 2020 aims to raise awareness and facilitate engagement and action by diverse stakeholders and individuals⁵³⁵. The perspective of children and young people is addressed as part of the Pact's activities, which include bringing together a network of Climate Pact Ambassadors and Partners, encouraging climate action by individuals and organisations, and engaging with citizens using various awareness-raising activities and participatory formats across the EU, with young people as an important audience.

5.5 Children and young people's participation upholds child protection globally

The Commission has launched its Youth Action Plan in EU external action⁵³⁶ to help children and young people being actors of change for more democratic, equal, inclusive and peaceful societies in the world. The Youth Action Plan is guided by three pillars of action that will help shape the EU's partnership with young people in partner countries: (i) partnership to engage: increasing young people's voices in policy and decision-making; (ii) partnership to empower: fighting inequalities and providing young people with the skills and tools they need to thrive;

⁵³² 11th preambular paragraph of Decision 1/CMA.4 (Paris Agreement): 'Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity'.

⁵³³ [UNFCCC - Global goal on adaptation](#).

⁵³⁴ Dozsa, K., *Children as Climate Citizens, A Sociolegal Approach to Public Participation*, 2024.

⁵³⁵ [European Climate Pact - European Union](#).

⁵³⁶ JOIN(2022) 53 final, [EU adopts the first Youth Action Plan in EU External Action to strengthen engagement with young people worldwide](#).

and (iii) partnership to connect: fostering opportunities for young people to network and exchange with their peers worldwide.

5.6 Guidelines on children and armed conflicts

War and conflict are one of children's biggest concerns (for 82% of children consulted); 43% of children were 'very worried' about war and conflict, and 39% were 'worried'⁵³⁷.

Children are disproportionately affected by armed conflicts in many different ways. They are subject to six grave violations: (i) killing and maiming; (ii) recruitment and use of children by armed forces or armed groups in any capacity; (iii) rape and other forms of sexual violence against children; (iv) abduction; (v) attacks against schools and hospitals; and (vi) denial of humanitarian access.

Children also have special short- and long-term post-conflict needs, such as for tracing of family members, redress and social reintegration, healthcare, psychosocial recovery and rehabilitation programmes, participation in disarmament, survivor-centred Sexual and Gender-based violence (SGBV) response services, demobilisation and reintegration programmes, access to safe and quality education as well as transitional justice frameworks.

Recognising this critical issue, the EU actively works to protect children in conflict zones through various means. The EU actively supports the implementation of the Children and Armed Conflict (CAAC) agenda through its global partnerships and humanitarian efforts. This includes advocating for the protection of children in conflict zones, promoting compliance with international humanitarian law by all parties, and supporting programs for the rehabilitation and reintegration of children formerly associated with armed forces and armed groups. The update the **EU Guidelines on Children and Armed Conflict (CAAC)**⁵³⁸ inter alia aims to strengthen the EU's response to the specific needs and vulnerabilities of children affected by armed conflict and strengthening sustainable, responsive community-based integrated social protection systems to help prevention, mitigation, recovery and response, including accountability for gross violations of children's rights.

The EU is committed to addressing the short-, medium- and long-term impact of armed conflict on children in an effective and comprehensive manner, using the variety of tools at its disposal. The EU also aims to influence non-EU countries and non-state actors to: (i) implement international and regional human rights norms, standards and instruments, as well as international humanitarian law; and (ii) take effective measures to protect children from the effects of armed conflict, to end the use of children in armed forces and armed groups, and to end impunity for crimes against children.

The EU has made it a priority to prevent and eliminate grave violations against children affected by armed conflict, and to effectively reintegrate these children. The EU remains committed to intensifying advocacy activities promoting compliance with international humanitarian law and protection of civilians, including children. The **review process of the 2008 EU Guidelines on Children and Armed Conflict** will foster the importance of ensuring coordination and continuity between the various policies and measures targeting the situation of children affected by armed conflict in the various policy areas, and draw more attention to EU action in this field.

⁵³⁷ EU Children's Participation Platform, see note 14 p. 4.

⁵³⁸ [EU Guidelines on children and armed conflict.](#)

Children are often the most vulnerable to and affected by the consequences of conflicts, but they are also key players in building sustainable peace. **Child participation is also a crucial aspect of promoting peace and security in communities affected by armed conflict.** The EU has consistently emphasised the importance of child participation in peace processes and decision-making.

A JRC-led study on human insecurity and child deaths in conflict⁵³⁹ used a model to identify the most at-risk subpopulation for efficient allocation of resources by humanitarian funding agencies.

Recognising the importance of a comprehensive approach, the EU integrates **child protection considerations in various sectors** such as education, healthcare, and nutrition. For instance, in **Burkina Faso, Mozambique, and Lebanon**, the EU provides education, trauma-informed care, and psychosocial support to help children overcome the emotional and psychological scars of conflict. Similarly, in **Myanmar**, EU projects work to integrate out-of-school children back into formal education and equip them with vital life skills, even in areas affected by conflict. Recognizing the specific challenges faced by children displaced due to conflict, the EU also supports **Ukraine** through initiatives that provide trauma-informed care training for professionals working with children and comprehensive non-formal education programs for displaced children and families.

Collaboration and addressing root causes are equally crucial aspects of the EU's approach. The EU works closely with UN agencies, international organisations, and civil society to **advocate for child rights, build capacity, and address the root causes of conflict** such as poverty and social exclusion. EU investment in **capacity building and community empowerment**, for instance in **Colombia and Syria** empowers communities and civil society organisations to become advocates for children's rights and prevent child recruitment by armed forces through training programs and technical assistance.

The EU recognises the importance of **documenting international crimes, including war crimes, and providing support** to accountability efforts. For instance in **Ukraine**, the EU supports investigations of war crimes, including the unlawful transfer and deportation of children, by providing financial contributions and strategic expert support to the Prosecutor General's Office of Ukraine.

⁵³⁹ Ogbu, T., et al., Human insecurity and child deaths in conflict: evidence for improved response in Yemen, *International Journal of Epidemiology*, 51 (3), 2022, p. 847-857.

Annex 1 to the Staff Working Document: Synopsis of stakeholder consultation

1. Open public consultation (OPC) and call for evidence (CfE) on ‘Have your say’ portal⁵⁴⁰

During the preparation of the proposal, and in line with the principles set by the better regulation guidelines, the Commission collected feedback through a CfE and an OPC that ran from 14 July to 20 October 2023. The Commission received a total of 58 valid contributions to the CfE, 51.72% of which came from civil society organisations. In addition, the OPC questionnaire received 92 responses. Of these, 37% came from NGOs, while 18.5% came from public authorities.

2. Consultations with children

For the first time under the new **EU Children’s Participation Platform**⁵⁴¹, 1 095 children from 21 Countries were consulted from May to October 2023 to inform this Commission Recommendation. For the first time, the platform was used to gather children’s views on an EU initiative. The consultations with children, including an online survey and focus groups, ran from May to October 2023. Children from across the EU gave their feedback on how adults can work together to support children’s rights to be safe from harm, and how the EU can make sure that children are protected. These consultations were designed to provide a meaningful, inclusive and safe space for children to share their ideas⁵⁴². Survey findings are integrated into various sections of this staff working document based on their thematic scope.

At the **Spanish Presidency event on child participation** in September 2023, children from across the EU raised their voices on their priorities, including on child safety⁵⁴³.

In 2023, almost 4 000 children shared their opinions on human rights in a global children’s survey, facilitated by the **United Nations Human Rights Office**, Child Rights Connect, and partner organisations. Children issued a call to action (**Children’s vision for human rights**), urging the UN to increase collaboration with them at various levels, expand outreach to include more children, ensure equitable participation, provide human rights information and training, offer financial and technical support, and strengthen local human rights knowledge and awareness for the accelerated realisation of human rights for all⁵⁴⁴.

More than 9200 children aged between 10 to 18 replied to the online survey **‘Our Rights. Our Future. The Europe We Want.’** about the future of Europe and child rights that was launched by ChildFund Alliance, Eurochild, Save the Children, SOS Children’s Villages, UNICEF and the Child and Youth Friendly Governance Project in 2023. A Child Advisory Board, consisting of ten children from six European countries, co-designed the questionnaire and presented the results of the consultation to European Union decision-makers and launched an #VoteForChildren campaign at the European Parliament on 19 April 2024. Based on the results, the EU should prioritise efforts on education, mental health, combating bullying and

⁵⁴⁰ [Have your say – Public Consultations and Feedback](#).

⁵⁴¹ EU Children’s Participation Platform, see note 14 p. 4.

⁵⁴² Based on the Lundy model of child participation: Queen’s University Belfast, [Enabling the meaningful participation of children and young people globally: the Lundy model](#). See also *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

⁵⁴³ *Raising Our Voices - Children’s Conclusions and Recommendations to the Spanish Presidency of the Council of the European Union*, see note 217 p. 35.

⁵⁴⁴ OHCHR, [Children’s Vision for Human Rights](#), 2023.

violence against children, creating more jobs or study opportunities and addressing war and conflicts⁵⁴⁵.

3. FRA mapping of child protection systems across Members States

At the request of the Commission, the European Union Agency for Fundamental Rights (FRA) carried out a systematic and comprehensive mapping of legislation, policies and programmes on child protection in all Member States in 2023. This work represents an update of the mapping of child protection systems in the EU carried out in 2014. It is published on the FRA website⁵⁴⁶ together with the 27 national reports of the FRA's multidisciplinary research network FRANET. These have been reviewed for accuracy by the FRA's network of national liaison officers. This update provides an overview of recent developments in child protection systems in the EU and their current status, paying particular attention to persisting challenges, but also highlighting achievements and promising practices.

4. Targeted consultations

In addition, the Commission invited stakeholders to provide input through targeted consultations. These consultations involved the international, EU, national and local level, as well as Member States and other stakeholders, who were consulted through the EU Network for Children's Rights.

European Forum on the rights of the child and EU Network for Children's Rights

The consultation was launched during the European Forum on the rights of the child on 27-29 September 2022, opened by Ms Šuica, Vice-President of the Commission for Demography and Democracy, and Mr Reynders, Commissioner for Justice, gathering Members of the European Parliament, representatives of the UN, the Council of Europe, Member States, international organisations, civil society organisations, and children⁵⁴⁷.

Three meetings of the **EU Network for Children's Rights** focused on the preparation of this initiative, gathering representatives of Member States and international and civil society organisations. On 16 March 2023, discussions focused on the preparation of the initiative, gaps and best practice; on 26 June 2023, the Commission and the FRA updated Member States; and on 28 November 2023, the dialogue concentrated on the outcomes of the external consultation and on the main challenges and good practices in Member States' child protection systems identified by the FRA, and it included a rich exchange with Member State and other stakeholders.

International organisations

This initiative builds on extensive studies, guidance and recommendations published at UN and international level, promoting integrated social and child protection systems.

At UN level, the **Committee on the Rights of the Child** issued relevant general comments concerning the protection of children against all forms of violence⁵⁴⁸. Similarly, the **Committee on the Rights of Persons with Disabilities** have adopted guidelines and General

⁵⁴⁵ *Our Rights. Our Future. The Europe We Want*, see note 52 p. 9.

⁵⁴⁶ *Mapping Child Protection Systems in the EU*, see note 15 p. 5.

⁵⁴⁷ *European Forum on the rights of the child 2022*, see note 197 p. 31.

⁵⁴⁸ UNCRC GC, see note 19, p. 5.

Comments⁵⁴⁹. The **UN General Assembly** has also adopted relevant resolutions on children's rights⁵⁵⁰.

Notably, **Unicef** published a multisectoral approach to address the multiple vulnerabilities faced by children and their families, and a global tool to assess the maturity of child protection systems⁵⁵¹. This initiative takes into consideration the work of the **UN Special Representative of the Secretary-General (SRSG) on Violence Against Children**⁵⁵², who notably launched a strategy to end violence against children (2023-2030) together with the United Nations Office on Drugs and Crime⁵⁵³, as well as of the **UN SRSG for Children and Armed Conflict**⁵⁵⁴. The **UNHCR** produced extensive guidelines on refugee children, how to correctly determine their best interests and how to guarantee an appropriate framework for their protection⁵⁵⁵.

The **WHO** actively promotes child protection through diverse initiatives. These encompass, for example, the INSPIRE technical package⁵⁵⁶ aiding countries in preventing and addressing violence against children aged 0-17, and active participation in the 1st Global Ministerial Conference on Ending Violence Against Children⁵⁵⁷ (see Section 2.2.3).

The **Council of Europe** addresses the fight against various forms of violence against children as presented in its Strategy for the rights of the child (2022-2027)⁵⁵⁸. The Council of Europe published its Child safeguarding policy⁵⁵⁹, which draws on key European and international legally binding instruments as well as relevant Council of Europe policies, recommendations and guidelines, such as the Recommendation on integrated national strategies for the protection of children from violence⁵⁶⁰; the Guidelines on child-friendly justice⁵⁶¹; the Recommendation on strengthening reporting systems on violence against children⁵⁶²; the Recommendation on the participation of children and young people under the age of 18⁵⁶³; the Recommendation on effective guardianship for unaccompanied and separated children in the context of migration⁵⁶⁴; the Recommendation on age assessment in the context of migration⁵⁶⁵; the Recommendation on guidelines to respect, protect and fulfil the rights of the child in the digital environment⁵⁶⁶; the Recommendation on children's rights and social services friendly to children and

⁵⁴⁹ Guidelines on deinstitutionalisation, including in emergencies, see note 22 p. 6; GC No. 4, note 327, p. 62; GC No. 5, see note 339 p. 59.

⁵⁵⁰ Guidelines for the Alternative Care of Children, see note 340 p. 59.

⁵⁵¹ UNICEF, *Integrated Social Protection Systems: Enhancing equity for children*, 2012; UNICEF, *Measuring the Maturity of Child Protection Systems - A guide on how to use the CPSS benchmarks*, 2022.

⁵⁵² **UN Special Representative of the Secretary-General on Violence Against Children**.

⁵⁵³ United Nations Office on Drugs and Crime, *New strategy to end violence against children launched to break the cycle of crime and violence*, 2023.

⁵⁵⁴ **Office of the Special Representative of the Secretary-General for Children and Armed Conflict**.

⁵⁵⁵ See, respectively, UNHCR, *Guidelines on Refugee Children*, 1988; UNHCR, *Guidelines on Determining the Best Interests of the Child*, May 2008 and UNHCR, *A Framework for the Protection of Children*, 26 June 2012.

⁵⁵⁶ *Seven strategies for Ending Violence Against Children*, see note 325 p. 56.

⁵⁵⁷ 1st Global Ministerial Conference on Ending Violence Against Children, see note 326 p. 56.

⁵⁵⁸ Council of Europe Strategy for the rights of the child, see note 23, p. 6.

⁵⁵⁹ Council of Europe, *Child safeguarding policy - Children's Rights Division*, 2019.

⁵⁶⁰ Council of Europe, *Recommendation CM/Rec(2009)10 of the Committee of Ministers to member States on integrated national strategies for the protection of children from violence*, 2009.

⁵⁶¹ Council of Europe, *Guidelines of the Committee of Ministers to member States on child-friendly justice*, 2010.

⁵⁶² Recommendation CM/Rec(2023)8, see note 23, p. 6.

⁵⁶³ Recommendation CM/Rec(2012)2, see note 23, p. 6.

⁵⁶⁴ Recommendation CM/Rec(2019)11, see note 23, p. 6.

⁵⁶⁵ Recommendation CM/Rec(2022)22, see note 23, p. 6.

⁵⁶⁶ Recommendation CM/Rec(2018)7, see note 23, p. 6.

families⁵⁶⁷; the Guidelines on child-friendly health care⁵⁶⁸; and the Recommendation on the rights of children living in residential institutions⁵⁶⁹.

The **Council of Baltic Sea States** carried out a mapping of child protection systems in seven countries in 2021-2022⁵⁷⁰ to identify and document key aspects and practices of well-functioning, accessible and resilient child protection systems that are appropriately structured and equipped to protect children, including in periods of crisis.

The **Organisation for Economic Co-operation and Development** (OECD) recently published a report paper⁵⁷¹ taking stock of OECD countries' recent initiatives to strengthen the integration of child well-being policies. It documents OECD countries' experiences of implementing integrated policy plans for child well-being and child-specific policy tools, specifically child indicator sets, child impact assessments and child budgeting. Child rights and child well-being are not equivalent concepts. Child well-being approaches see child rights as an important tool and as contributors to the broader framework for improving children's lives.

Civil society organisations and other contributions

Civil society organisations (see list below) responded to the CfE and the OPC. Some were also invited to share their views during the EU Network on children's rights. They shared information on challenges in child protection, both within and outside the EU, as well as shortcomings in and ways to improve existing EU instruments in various sectors related to child protection systems. They also brought in the voice of those children for and with whom they work.

With regard to child protection systems, representatives of academia provided input on the impact of EU action. In addition, they provided evidence deriving from working directly with children in child-led research projects.

Inter-institutional consultation

In its 2021 Resolution on children's rights⁵⁷², the **European Parliament** stressed the importance of developing and strengthening integrated national and transnational child protection systems, equipped with resources, implementation and monitoring schemes. On 21 November 2023, the European Parliament issued Resolutions⁵⁷³ on 'Children first' and on reducing inequalities and promoting social inclusion in times of crisis for children and their families. Notably, the second one calls on the Member States to develop, strengthen and implement integrated prevention and protection systems for children and other victims with a view to eradicating violence, abuse, exploitation and negligence. It underlines that these systems should be developed in cooperation with all relevant public services (including schools and health institutions), enabling a rapid response that protects and empowers children and promotes their best interests. It calls on the Member States to pay particular attention to violence among children, including cyber-violence and bullying, as well as to exchange best

⁵⁶⁷ Recommendation CM/Rec(2011)12, see note 23, p. 6.

⁵⁶⁸ Guidelines on child-friendly health care, see note 23, p. 6.

⁵⁶⁹ Recommendation CM/Rec(2005)5, see note 23, p. 6.

⁵⁷⁰ Council of the Baltic Sea States, *Building Trust and Resilience: Child Protection Systems in the Baltic Sea Region*, 2023.

⁵⁷¹ OECD, *Integrated Policy Making for Child Well-being: common approaches and challenges ahead*, 2023.

⁵⁷² European Parliament resolution of 11 March 2021 on children's rights in view of the EU Strategy on the rights of the child (2021/2523(RSP)).

⁵⁷³ 'Children first – strengthening the Child Guarantee, two years on from its adoption', 2023/2811(RSP), see note 253 p. 40; 'Reducing inequalities and promoting social inclusion in times of crisis for children and their families', see note 8 p. 3.

practice in this area, in order to develop efficient responses to prevent negative consequences on children. It also stresses the importance of a multisectoral approach.

Members of the European Parliament were invited to the European Forum on the rights of the child in September 2022. The Office of the European Parliament Coordinator on children's rights and the Intergroup on Children's Rights were invited to meetings of the EU Network for Children's Rights.

The **Council** Conclusions on the EU strategy on the rights of the child⁵⁷⁴ called upon Member States to take an integrated approach to child protection, such as by strengthening cooperation and coordination between all relevant authorities and stakeholders, increasing Member States' efforts to prevent and combat all forms of violence against children, and by taking an integrated approach to migration and child-friendly justice procedures. The Council Conclusions on digital empowerment to protect and enforce fundamental rights in the digital age notably invited Member States to raise awareness, in a language adapted to children, of the importance of protecting their privacy and personal data in the digital world, and to adopt the necessary measures to provide specific protection and/or digital skills tailored to their needs. **Member State** representatives were consulted during three meetings of the EU Network for Children's Rights, in March, June and November 2023. The Spanish Presidency issued a Declaration on promoting the fight against child poverty leaving no child behind, calling for strengthening and developing integrated child protection systems putting children's needs at the centre.

The **Committee of the Regions** (CoR) drafted its Opinion *Empowering Local and Regional Authorities in Integrated Child Protection Systems*⁵⁷⁵. The CoR reiterated its full support to the EU strategy on the rights of the child and urged the competent authorities in the Member States to set up effective and accessible protection services for children and young people that prioritise safe and inclusive environments, preventive measures, early intervention, and support for vulnerable families. It underlined that protective measures should fully comply with the principle of subsidiarity. They should be context-specific, child-centred and implemented at the most appropriate level of governance. Additionally, the CoR stressed the need for child-friendly justice systems with inclusive procedures to ensure children's right to be heard, and pointed out that child welfare should guide all policies as well as all measures at local, regional, national and international level.

⁵⁷⁴ Council conclusions on the EU strategy on the rights of the child, see note 6 p. 3.

⁵⁷⁵ Empowering Local and Regional Authorities in Integrated Child Protection Systems, see note 9 p. 3.

List of stakeholders who submitted feedback by responding to the OPC and CfE

Stakeholder name	Country
Ministry of Digital Affairs	Poland
City of Helsinki	Finland
Brasov County Council	Romania
Departmental Council of Yvelines	France
Ministry of Justice	Spain
General Directorate of Families, Children and Conciliation of Spain	Spain
Teleorman County Council	Romania
Zagreb City Assembly	Croatia
State Agency for Child Protection	Bulgaria
Foster care and adoption service of Valencia (Foster Care and Adoption Service. Directorate General of Family, Childhood and Adolescence and Demographic Challenge. Department of Social Services, Equality and Housing. Generalitat Valenciana)	Spain
Ministry of Social Affairs of Saxony	Germany
Ministry of Welfare of the Republic of Latvia	Latvia
Provincial Brigade for Foreigners and Borders	Spain
Tusla – Child and Family Agency Ireland	Ireland
General Hospital of Grevena	Greece
Social Welfare Directorate of Mizil	Romania
DGASPC (General Directorates of Social Assistance and Child Protection)	Romania
Primary School of Băicoi	Romania
Intelligence Centre against Terrorism and Organised Crime	Spain
DGASPC (General Directorates of Social Assistance and Child Protection) of Suceava	Romania
Amber Alert Europe	Netherlands
SKR (Swedish Association of Local Authorities and Regions)	Sweden
Federal Chamber of Psychotherapists (BptK)	Germany
Public Justice Service	Spain
Prevention and Early Intervention Network	Ireland
General Hospital	Greece
National education	France
Coordinating Committee of Professionals for the Prevention of Abuse (CoPPA Spain)	Switzerland
SOS Children's Villages International	Belgium
Eurochild	Belgium
Child Circle	Belgium
European Guardianship Network (EGN)	Netherlands
European Centre for Law and Justice (ECLJ)	France
Children of Prisoners Europe (COPE)	France
European Social Network	Belgium
The Franz Weber Foundation	Switzerland
NePornu, z.s.	Czechia

ARSIS – Association for the Social Support of Youth	Greece
Autism-Europe	Belgium
Integrum Institute	Slovenia
Family Union Czech Republic	Czechia
freeindeed e.V.	Germany
PICUM - Platform for International Cooperation on Undocumented Migrants	Belgium
Digital Opportunities Foundation	Germany
European Disability Forum	Belgium
Hope and Homes for Children	Belgium
European Society for Child and Adolescent Psychiatry (ESCAP)	Belgium
Safersurfing	Austria
Women's Aid	Ireland
Brussels for Human Rights and Development	Belgium
Ordo Iuris Institute for Legal Culture Foundation	Poland
Digital Renaissance	France
euCONSENT ASBL	Belgium
Missing Children Europe	Belgium
Unicef	Belgium
National Commission for the Promotion of the Rights and the Protection of Children and Young People	Belgium
Nexem	France
The Federation of Catholic Family Associations in Europe (FAFCE)	Belgium
ANAR Foundation (ANAR Foundation for Children and Adolescents at Risk)	Spain
Defence for Children International Belgium	Belgium
ATD Fourth World (International Movement All Together in Dignity)	France
Hrabri telefon	Croatia
ATD Fourth World BE and Wallonia-Brussels	Belgium
The Smile of the Child	Greece
Point of Contact	France
Defence for Children International Italy	Italy
We Give Children Strength Foundation	Poland
Professionals For Ethics	Spain
Caritas Germany	Germany
SOS Children's Villages Spain	Spain
German Association for Public and Private Welfare	Germany
Happy Kids Foundation	Poland
SOS Children's Villages France	France
Council of Bars and Law Societies of Europe (CCBE)	Belgium
'Hope For Children' CRC Policy Center	Cyprus
SOS Malta - Kellimni.com	Malta
ISPCC	Ireland
Latvian Child Welfare Network	Latvia
Offlimits / Helpwanted	Netherlands
Platform for Children	Spain

APAV - Portuguese Association for Victim Support	Portugal
Human Rights Educators Network	Hungary
IAC - Child Support Institute	Portugal
MeSumaría Association	Spain
World Vision Germany	Germany
CESIE	Italy
MECPATHS	Ireland
Centre for Missing and Exploited Children Croatia	Croatia
Match Group	Denmark
French National Bar Council (CNB)	France
Know-how Centre for Alternative Care for Children at New Bulgarian University	Slovakia
THL	France
EU citizen	Germany
EU citizen	Finland
EU citizen	Czechia
EU citizen	Slovakia
EU citizen	Portugal
EU citizen	Spain
EU citizen	Slovakia
EU citizen	Italy
EU citizen	Austria
EU citizen	Czechia
EU citizen	Czechia
EU citizen	Spain
EU citizen	Romania
EU citizen	Slovakia
EU citizen	Latvia
EU citizen	Germany
EU citizen	Romania
EU citizen	Portugal
EU citizen	Croatia
EU citizen	Greece
EU citizen	Bulgaria
EU citizen	Sweden
EU citizen	Italy
EU citizen	Finland
EU citizen	Hungary
EU citizen	Spain
EU citizen	Romania
EU citizen	Ireland
EU citizen	Austria
EU citizen	Czechia
EU citizen	Spain
EU citizen	Slovakia

EU citizen	Italy
EU citizen	Greece
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EU citizen	Portugal
EU citizen	Sweden
EU citizen	Estonia
EU citizen	Cyprus
EU citizen	Ireland
EU citizen	Spain
EU citizen	Germany
EU citizen	Ireland
EU citizen	Greece
EU citizen	Ireland
EU citizen	Ireland
EU citizen	Belgium
EU citizen	Belgium