



**FRA**

EUROPEAN UNION AGENCY  
FOR FUNDAMENTAL RIGHTS

# TOWARDS INTEGRATED CHILD PROTECTION SYSTEMS

—  
CHALLENGES, PROMISING  
PRACTICES AND WAYS  
FORWARD

REPORT





FRA

# Towards Integrated Child Protection Systems

## Challenges, promising practices and ways forward

Vienna, 2025

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# Abbreviations

**CoE** – Council of Europe

**CRC** – United Nations Convention on the Rights of the Child

**CRIA** – child rights impact assessment

**CRPD** – United Nations Convention on the Rights of Persons with Disabilities

**ECtHR** – European Court of Human Rights

**ENOC** – European Network of Ombudspersons for Children

**ESF+** – European Social Fund Plus

**EU** – European Union

**FGM** – female genital mutilation

**FRA** – European Union Agency for Fundamental Rights

**HRBA** – human rights-based approach

**LGBTIQ** – lesbian, gay, bisexual, transgender, intersex and queer

**NGO** – non-governmental organisation

**OHCHR** – Office of the United Nations High Commissioner for Human Rights

**OP III CRC** – Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure

**SDG** – Sustainable Development Goal

**UN** – United Nations

**UNICEF** – United Nations Children’s Fund



## Key findings and ways forward

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This report presents the findings of research conducted by the European Union Agency for Fundamental Rights (FRA) on existing child protection systems across all EU Member States. The **27 national reports**, commissioned from Franet, the agency's multidisciplinary research network, are available online on the agency's website. These reports offer a wealth of additional data beyond what is included here.

In April 2024, the European Commission adopted a **Recommendation on developing and strengthening integrated child protection systems in the best interests of the child**. It calls on authorities at all levels of government, civil society and other stakeholders to cooperate to protect children from violence by means of better-integrated systems. Its aim is to enforce a 'culture of zero-tolerance for violence against children' (recital 7) while also emphasising 'Child protection as a global priority of the Union' (p. 21). In developing the Recommendation, the Commission consulted children by means of the EU Children's Participation Platform, and more than 1 000 children provided their views.

Based on these data and the Commission Recommendation, this report suggests practical measures and ways forward for implementation at the national level.

## ENSURING A RIGHTS-BASED APPROACH TO CHILD PROTECTION CONSISTENT WITH THE EU CHARTER OF FUNDAMENTAL RIGHTS AND THE UN CONVENTION ON THE RIGHTS OF THE CHILD

Children (i.e. persons below the age of 18) are rights holders. Article 24 of the **Charter of Fundamental Rights of the European Union** enshrines their rights. It is binding upon the EU and upon Member States when they implement EU law. All Member States are Parties to the **United Nations (UN) Convention on the Rights of the Child (CRC)**, which also affirms children as rights holders and mandates protection from all forms of violence, abuse, neglect and exploitation. CRC States Parties must adopt comprehensive legislative, administrative, social and educational measures to safeguard these rights. **General Comment No 13 (2011)** on the right of the child to freedom from all forms of violence, issued by the Committee on the Rights of the Child, emphasises the importance of respecting children's dignity and ensuring their participation in decisions affecting them.

The Council of Europe (CoE) has developed several **key instruments for child protection**, including the **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** (Lanzarote Convention). These instruments are crucial as they set comprehensive legal standards and frameworks to safeguard children from abuse, promote their rights and ensure their voices are heard in legal matters affecting them.

The **2024 Commission Recommendation** on strengthening integrated child protection systems urges Member States to prioritise the child's best interests, ensuring they are recognised, respected and protected as rights holders with non-negotiable protection rights.

The EU has established a comprehensive legal and policy framework for child protection (Annex to the Commission Recommendation, 2024, '**Key Union acquis, key policy documents and funding relevant to child protection systems**') that is strongly aligned with international standards and encompassing a human rights-based approach (HRBA). However, gaps in ratification of key international treaties and protocols, as well as shortcomings in their implementation, enforcement and data collection, and failures to address specific vulnerabilities, indicate areas needing improvement at the Member State level.

Progress varies between Member States. Member States have focused legislative and policy action on specific groups of children in vulnerable situations, such as children with a disability. However, not all types of vulnerability receive the same level of attention and response, and there is no common understanding of the concept of vulnerabilities.

All Member States have legislation on child protection, but only 10 Member States have developed a single legal instrument for child protection, such as an act mainstreaming the rights of the child across legislation, policies and programmes, FRA research finds. The rest have adopted legislation focusing on the social protection of children, care, the international protection of children or a combination of these. A single legal instrument provides a means for the implementation of coherent and comprehensive measures, as well as the basis for effective institutional cooperation and legal safeguards that put the child at the centre of ensuing legislation and policies, FRA research suggests. A positive trend is discernible, with further Member States in the process of adopting a child protection act.

Key elements of the **CoE guidelines on child-friendly justice** from 2010 have still not been implemented. Only eight Member States have established separate juvenile courts. Five Member States have dedicated juvenile justice

divisions in the general court, and about half of the Member States have child-friendly hearing rooms.

Despite their obligations under the CRC, as elaborated in **General Comment No 25 (2021) on children's rights in relation to the digital environment**, only seven Member States have adopted a national digital strategy focused on the protection of children in the digital environment and on the links between online and offline harms.

Positive trends include the establishment of *Barnahus* centres / children's houses in 18 Member States, which are in at least a pilot phase. These are primarily used for investigations into victims of sexual violence, while also providing physical and mental health services.

Sixteen Member States have ratified the Third Optional Protocol to the CRC on a communications procedure (OP III CRC). The OP III CRC establishes a mechanism for individuals or groups of individuals, including children, to file complaints about the violation of children's rights directly to the UN Committee on the Rights of the Child. This permits the reporting of violations in cases when national mechanisms may fail or be inaccessible and helps hold states accountable for their obligations under the CRC. Children's access to complaints procedures varies between Member States. Children can also turn to ombuds offices for consultation or to lodge a complaint. Twenty-two Member States have ombuds offices that are members of the European Network of Ombudspersons for Children (ENOC) (see the **list of ENOC members**).

## Way forward

Member States are encouraged to ratify all relevant international treaties relating to the rights of the child, such as the OP III CRC, and to implement international and European standards, including the CoE guidelines on child-friendly justice. Providing technical support for the implementation of these standards to both governmental and non-governmental bodies involved in child protection is essential. This support should extend to relevant ministries, national human rights institutions and equality bodies, civil society organisations and other stakeholders engaged in protecting children's rights.

Consistent with their obligations under the CRC, as **General Comment No 25 (2021) on children's rights in relation to the digital environment** explains, Member States should adopt either a comprehensive national child protection strategy or practical measures to contribute to intentional safer and healthier spaces for children and protect them in the digital – and any related physical – space, in line with the **EU's Digital Decade policy programme**.

Considering that the 2024 Commission Recommendation on integrated child protection systems emphasises the importance of a unified legal framework and a strategic approach to child protection, Member States are invited to adopt a single legal instrument, such as a child protection act, which would streamline and consolidate regulations, procedures and resources while mainstreaming children's rights. This should be complemented by a comprehensive national child protection strategy and relevant action plans addressing various forms of violence against children, including the risk of violence in the digital space, and outlining specific objectives, priorities and steps to implement and enforce the legal provisions.

## STRENGTHENING EFFECTIVE AND EFFICIENT GOVERNANCE AND COORDINATION STRUCTURES FOR CHILD PROTECTION AT ALL LEVELS

Integrated child protection systems require effective governance structures, a central authority on child protection and coordinated roles across all government departments and at various levels of decentralised government.

The **2024 Commission Recommendation** encourages Member States to strengthen the coordination and cooperation of all relevant ministries and sectors at the local, regional, national and cross-border levels. It also suggests that Member States establish or designate a body responsible for these cooperation and coordination tasks, taking into consideration existing national and regional structures and mechanisms.

Due to the cross-sectoral nature of child protection, formal inter-agency cooperation exists in almost all Member States. However, operational coordination is often lacking due to overlaps, inadequate delineation of the roles and responsibilities of the different actors involved, insufficient protocols on cooperation and coordination, and limited training.

A primary institution for child protection, such as a lead ministry or agency, can serve as a centralised and specialised resource that provides tailored support, expertise and advocacy to children, while also enhancing the coordination and effectiveness of interventions. Twenty Member States have a primary institution for child protection that acts as a central hub for coordination and resource allocation among various government agencies, non-governmental organisations (NGOs), law enforcement, healthcare providers and other stakeholders. However, there is a significant lack of data on private, civil and church-led providers of child protection services, and on the nature, scope and quality of services provided.

Launched in 2011, the **European Semester** focuses on economic and social policies and coordination among Member States, aiming to promote sustainable growth and economic stability. The European Semester can impact child protection through its country-specific recommendations on social policies. Whereas the semester (**Regulation (EU) 2024/1263**) requires Member States to include the principles of the **European Pillar of Social Rights** and its **headline targets**, including the reduction of child poverty, in their multilateral surveillance, the country reports and country-specific recommendations do not mainstream the rights of the child. In addition, a recent Eurochild report, *Children's Rights: Political will or won't?*, on children in need across Europe found that 'the 2023 European Semester Spring Package Country reports and Country Specific Recommendations do not adequately address the needs of children in each country' (p. 4).

### Way forward

In line with the Commission Recommendation to improve national inter-agency cooperation, those Member States that do not have a primary institution for child protection are invited to consider establishing one. Such an institution or body should have a clear mandate and adequate resources to ensure the effective implementation of relevant national laws and regulations, as well as obligations under the Charter of Fundamental Rights and international treaties (e.g. the CRC and the United Nations Convention on the Rights of Persons with Disabilities). Tasks could include developing and implementing protocols and IT systems that facilitate effective information sharing and case management and monitor the implementation of the final observations and preparation of reports at the national level.

The European Semester's country-specific recommendations to Member States could systematically address the rights of children within the social performance surveillance mechanism, in line with the principles of the European Pillar of Social Rights. This would encourage governments to prioritise child protection in national policies and investments and take specific actions to address gaps or respond to violations of children's rights, as the UN Committee on the Rights of the Child concluding observations for the respective Member States also outline.

## MONITORING CHILD PROTECTION SYSTEMS BY MEANS OF IMPACT ASSESSMENTS ON CHILDREN'S RIGHTS AND THE REGULAR AND SYSTEMATIC COLLECTION OF COMPARABLE AND DISAGGREGATED DATA

To design and implement legislation that complies with children's rights, it is essential to collect comparable data regularly and systematically. These data should be disaggregated by relevant sociodemographic characteristics, including those protected under EU equality and national anti-discrimination law. Child rights impact assessments are crucial for evaluating the effects of law, policies and practices on children's rights and well-being, ensuring better outcomes and safeguarding children's best interests.

The **2024 Commission Recommendation** invites Member States to create specific data management methodologies to improve monitoring and evaluation frameworks for their child protection systems. Member States are also encouraged to make use of and feed into the new focus on data for children through the **Eurostat Database**.

Overall, there is a paucity of disaggregated data on different groups of children (e.g. different age groups or those in vulnerable situations) and on child welfare and protection. Gaps and inconsistencies exist among Member States in the definition of concepts and terminologies related to the rights of children. The absence of common definitions and indicators for monitoring and the limited reliable and accessible data make it difficult to design appropriate policy responses. Approximately half of the Member States have never used, or piloted, any kind of child rights impact assessment of laws, policies, budget decisions, programmes and services. An **ENOC synthesis report** on child rights impact assessment identified as an obstacle that this type of assessment is either not known or not a priority for EU jurisdictions.

### Way forward

To enhance systematic monitoring, Member States should ensure that reliable and comparable data are regularly and systematically collected in line with the principles of the **European Statistics Code of Practice**. These should cover all areas governed by the CRC, including housing, living arrangements, alternative care settings and social protection schemes, and should be disaggregated by age, sexual orientation, gender identity, sex characteristics, disabilities, geographical location, ethnic origin, religion, citizenship, country of birth, socioeconomic background and care status. To ensure consistent monitoring within and across Member States, the European Commission could promote the development of standardised definitions and terminologies. A clear set of indicators for integrated child protection systems is also key across Member States. This could be facilitated by a dedicated working group at the EU level, such as within the EU Network for Children's Rights, to develop comprehensive guidelines on monitoring integrated child protection systems and to promote the sharing of data and findings across Member States.

Member States are encouraged to implement child rights impact assessments for national legislation, policies and practices so they can identify potential risks (by reference to criteria such as age group, gender or type of disability) or benefits of interventions at various stages of the policy cycle.

## FACILITATING THE DIRECT AND MEANINGFUL PARTICIPATION OF CHILDREN IN ALL MATTERS AFFECTING THEM

An integrated child protection system cannot be fully realised without effective child participation. Including children's voices is fundamental to reflecting and addressing their specific needs and rights. An HRBA to child protection requires child participation, recognising children as active rights holders with valuable perspectives. This approach ensures that children are consulted and involved in decisions that affect them, promoting their agency and empowerment. By integrating effective child participation, policies and interventions are more likely to be effective, relevant and respectful of children's rights, as enshrined in the Charter of Fundamental Rights and the CRC.

Article 24(1) of the Charter enshrines the right of children to freely express their views on matters concerning them, taking into account their age and maturity.

States Parties to the CRC must facilitate child participation, as outlined in Article 12 and **General Comment No 12 (2009)** on the right of the child to be heard, which require transparent, voluntary and respectful processes. **General Comment No 5 (2003)** on general measures of implementation of the CRC emphasises that States Parties must actively promote children's participation in all matters affecting them, ensuring their views are given due weight according to their age and maturity. It calls for creating child-friendly mechanisms that allow children, including those in vulnerable situations, to express their views freely and be involved in decision-making processes.

The **2024 Commission Recommendation** advises Member States to implement mechanisms at the national, regional and local levels that allow children to freely express their views on matters affecting them. These mechanisms should enable meaningful, inclusive, accessible and safe participation, taking into consideration children's age and maturity.

Efforts to raise awareness of children's rights among children, their parents and professionals in education and healthcare have been made at both the EU and national levels. However, these activities are often ad hoc and short term.

Many Member States consult with children and their parents or guardians when developing, implementing and evaluating child protection policies and laws. Most do so with the help of NGOs or human rights institutions.

In some Member States, children and families are consulted primarily through formal structures and representative bodies. Some Member States enshrine in law the obligation of responsible authorities to consult with service users, children and families.

In most Member States, mechanisms and safeguards exist for child participation. However, these are not always in line with the recommendations in the **EU strategy on the rights of the child (2021)** and do not necessarily build on child participation indicators and assessment tools provided by the CoE (**Child Participation Assessment Tool**, 2016) and the United Nations Children's Fund (UNICEF) (**Guidance on Child and Adolescent Participation**, 2021).

### Way forward

Member States are encouraged to enhance the direct participation of children, including those living in vulnerable situations, in relevant consultations, in

line with Article 24 of the Charter of Fundamental Rights and Article 12 of the CRC, as well as **CRC General Comment No 5 (2003)**, paragraph 12, in order to provide child-friendly information appropriate to their age, maturity, language, gender and culture. In doing so, Member States could benefit from synergy with the **EU Children's Participation Platform** and build on child participation indicators and assessment tools, such as those provided by the **CoE (2016)** and **UNICEF (2021)**.

As called for by the Commission Recommendation on integrated child protection systems, Member States should ensure that children's participation is meaningfully organised, implemented and followed up according to validated models. To prevent the risk of harm to children when participating, appropriate safeguards should be instituted, along with guidelines, procedures and forms of consultation for efficient and safe mechanisms for children's participation. This includes ensuring that children can take legal action at an appropriate age on matters that affect them.

## ENSURING ADEQUATE FINANCIAL RESOURCES FOR CHILD PROTECTION

Integrated child protection systems require adequate financial resources, such as national, regional and local budget allocations for child protection, and structures to coordinate them, given diverse competences, as emphasised in the Committee on the Rights of the Child's **General Comment No 13 (2011)** on the right of the child to freedom from all forms of violence.

The **2024 Commission Recommendation** calls on Member States to allocate specific funding to ensure adequate human and financial resources for efficient integrated child protection systems at all levels and across sectors. Furthermore, Member States are invited to make the best use of available EU funding.

Child-oriented budgeting is particularly useful, as it ensures that financial planning directly addresses the needs and well-being of children, leading to better outcomes in their development and protection. Only a few Member States use child-oriented budgeting or at least partially conduct child impact assessments in the budget process.

Assessing financial resources for child protection in most Member States is challenging due to the lack of specific budget allocations for children and limited information on planning and coordination. Child protection expenditure is often obscured in state budgets, as it is distributed across sectors such as education, social welfare, healthcare and justice.

Civil society or private organisations provide critical child protection services, such as alternative care, in certain Member States. The effectiveness and efficiency of services are often hampered by high caseloads, inadequate resources, a shortage of skilled professionals and overlapping service delivery responsibilities of different bodies.

### Way forward

Considering that the Commission Recommendation on child protection systems invites Member States to employ systematic monitoring tools, Member States could consider transparently presenting child welfare and protection in national, regional and local budgets and developing indicators for comprehensive data collection and analysis to effectively align resource planning, allocation and spending.

The European Commission and Member States could develop and promote an EU model for child-oriented budgeting. This could include targeted technical assistance and could share promising practices within the EU Network for Children's Rights.

The EU could consider providing funding specifically aimed at supporting the preparation, piloting and implementation of such budgeting. The European Semester and the country reports published by the European Commission could include the assessment of child-oriented budgeting.

Member States should allocate adequate resources to support the independent and effective work of civil society organisations in child protection and participation.

## ENSURING SUFFICIENT WELL-TRAINED HUMAN RESOURCES

Well-trained professionals are essential not only for direct intervention but also for implementing and supporting comprehensive prevention and early intervention initiatives. These programmes require skilled professionals who are equipped to identify risks early, provide appropriate support and collaborate effectively across different sectors, thus enhancing overall child protection efforts.

The **2024 Commission Recommendation** calls on Member States to ensure adequate resource and job attractiveness for professionals working with children, through workforce planning, development and support, including mental health support.

Poor pay, low prestige and high workloads in child protection (e.g. social, healthcare and childcare/nursery workers) lead to shortages of child protection staff in many Member States. Some Member States have accreditation and licensing procedures to ensure compliance with the existing requirements and to establish qualified human resources in the area. Such procedures check educational qualifications, training requirements and criminal records. Access to criminal records (including for volunteers in contact with children) is at the discretion of competent national authorities or the individual in question under **Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography**. However, apart from accessing criminal records where possible, standards for vetting volunteers vary across Member States.

Interprofessional and intersectoral integrated training programmes for child protection professionals are rare across the EU. Guidelines, protocols and professional standards for those working with children, specifying the roles and responsibilities of each of the stakeholders and their coordination and cooperation, are also limited. The monitoring and evaluation of intervention effectiveness are often inadequate.

### Way forward

In line with the Commission Recommendation on strengthening integrated child protection systems, Member States should address the human resources shortages in the area of social, healthcare and childcare/nursery work by improving remuneration, prestige and workload conditions. Member States are invited to provide funding and opportunities for the training of statutory decision-makers (including judges) on objectivity and subjectivity in decision-making processes and meaningful engagement with children and families.

Member States should ensure regular training on children's rights and safeguarding for all professionals working with and volunteers in contact with children. They could consider funding and supporting multidisciplinary training programmes and educational initiatives for professionals working with children (e.g. social workers, care professionals, teachers/educators, healthcare providers, judicial professionals and law enforcement officials) to promote mutual learning and a shared understanding of key concepts, terminologies and standards on children's rights and protection. In this context, training and codes of ethics/conduct for volunteers are important, and Member States should enforce mandatory standards and provide clear guidelines for volunteer training. Member States' training efforts should focus on providing high-quality, accessible and free prevention and early intervention programmes for children and families at risk of poverty and social exclusion, as well as targeted programmes for children in vulnerable situations.

To further support these efforts, the European Commission could consider offering guidelines and funding opportunities for Member States to pilot multidisciplinary quality training for professionals working with children to promote the implementation of an HRBA to children's rights in daily practice. Such training enhances the competence of professionals across sectors such as social work, education, healthcare and law enforcement, equipping them to address children's complex needs holistically and fostering interagency collaboration. This approach has the potential to break down disciplinary silos, creating a more cohesive and coordinated response to child protection, and reducing gaps in care and support.

## ENHANCING PREVENTION, EARLY IDENTIFICATION, REPORTING AND REFERRAL AND ENSURING HIGH-QUALITY CARE IN NATIONAL CHILD PROTECTION SYSTEMS

Prevention and early identification are vital to protecting children from violence, abuse, neglect and exploitation, as underscored in Article 19 of the CRC. It obliges States Parties to take all appropriate measures to establish systems for prevention, identification, reporting and referral, which are essential components of integrated child protection systems.

The **2024 Commission Recommendation** urges Member States to implement sufficient preventive and early identification measures to prevent violence against children. Professionals should receive specialised multidisciplinary and inclusion-focused education, training and guidance.

Across the EU, prevention and early intervention programmes, for example family support services, parenting education, training on non-discrimination, counselling, and mental health services for parents and children, are limited due to growing demand and cost. Awareness raising and training for children, families and professionals, as well as society at large, on what constitutes violence need to be further expanded. There is also a lack of evidence regarding the outcomes in terms of the health, education and well-being of children placed outside the home, with a resultant lack of clarity about the effectiveness of budget spent on such interventions.

Reporting mechanisms vary across the EU in terms of those who are obligated to report violence against children, such as social workers, caregivers and relevant authorities. These mechanisms include the monitoring and documentation of key aspects of the well-being of children in care, for example regular assessments of children's physical and mental health, educational progress and overall development.

### Way forward

Member States could make appropriate human and financial resources for psychosocial support available to children, starting with helplines that are available 24 hours a day and 7 days a week.

As the Commission Recommendation on this topic calls for, Member States should ensure that all professionals working with children (e.g. teachers, healthcare professionals, social workers, and law enforcement officials) are trained to detect early signs of violence and on reporting, referral and assessment procedures and specific support for additional or complex needs.

Member States are encouraged to invest more funding and resources in prevention, early detection and support for children and families, including the establishment of advice centres and care services.

EU incentives could include:

- providing EU funding or grants specifically earmarked for these initiatives;
- offering technical assistance and expertise to Member States in developing and implementing effective programmes;
- sharing good practices from Member States that have effectively implemented such initiatives;
- conducting research to demonstrate the long-term benefits and cost-effectiveness of prevention and early intervention strategies.

## ACCELERATING THE TRANSITION FROM INSTITUTIONAL TO FAMILY-BASED CARE

Every child deserves to live in a nurturing, caring and protective family environment, enjoying their right to 'holistic development' (see **General Comment No 14 on the right of the child to have his or her best interests taken as a primary consideration**).

The **2024 Commission Recommendation** urges Member States to promote strategies and programmes to accelerate deinstitutionalisation and the transition to family- and community-based care for children without parental care and children with disabilities.

Progress has been made in diversifying the forms of alternative care and assistance available to families. However, placement decisions and the search for the optimal form of care for children without parental care are complicated by a lack of foster families, including families equipped to welcome children with special or complex needs (e.g. children with addictions or with disabilities).

Deinstitutionalisation efforts are under way across the EU, but significant barriers persist in some Member States, including due to a lack of awareness of the cost of institutions compared with family- or community-based services and their effectiveness. In Member States with relatively large Roma populations, Roma children and children with disabilities are over-represented in child protection systems, particularly in residential care. This over-representation is often related to poverty and material deprivation.

### Way forward

In line with the Commission Recommendation, Member States should accelerate the process of deinstitutionalisation and support it by developing appropriate, high-quality and accessible preventive, early intervention programmes and family support services. These programmes should be part of states' national action plans on the implementation of the European Child Guarantee and the use of funding by the European Social Fund Plus to tackle child poverty and social exclusion. They should include strengthening efforts on family reunification, reintegration and transition procedures for children and young adults leaving care.

Member States should take measures to increase the number of families available to provide foster care to facilitate placement decisions and the search for the optimal form of care, especially for children with additional or complex needs.

Member States could consider using indicators developed by UNICEF and Eurochild (i.e. the **Datacare project**) to help monitor the situation of children in alternative care and the deinstitutionalisation process.



# Introduction

## WHY THIS REPORT?

This report addresses the need for an integrated approach to child protection systems in the EU Member States. In this context, 'integrated' signifies a unified, collaborative, comprehensive and coordinated approach to child protection that leverages the strengths and resources of various sectors and stakeholders to ensure the safety, well-being and rights of all children. The report is primarily aimed at EU institutions and Member State authorities responsible for child protection. Furthermore, it can be helpful for children's rights experts in international organisations or non-governmental organisations (NGOs) in supporting Member States to strengthen integrated child protection systems. Data point to persisting violence against children, rising child poverty, poor mental health in the aftermath of the COVID-19 pandemic and due to the threat of climate change as particularly perceived by children, and certain groups of children facing acute vulnerabilities. In light of this, this report offers guidance and promising practices geared to helping Member States address the diverse challenges of child protection in a rights-compliant manner. Given the fragmentation of the applicable legal and policy frameworks, the report highlights the need for greater vertical and horizontal integration of complex child protection systems within and between Member States. It also points to a lack of disaggregated data, missing indicators, incomplete monitoring systems, a lack of human and financial capacity for child protection, and deficiencies in a community- and family-based approach to care. The report suggests ways forward to strengthen child protection in the EU, building on and complementing the European Commission's 2024 Recommendation on strengthening integrated child protection systems <sup>(1)</sup>.

This report builds on the European Union Agency for Fundamental Rights' (FRA's) 2023 update of *Mapping Child Protection Systems in the EU* <sup>(2)</sup> and should be read in conjunction with that output. The mapping informed the 2024 Commission Recommendation. While the mapping presents selected data from the research in an online tool with interactive country maps that allow the user to examine the situation by Member State, this report complements the mapping with comparative analysis, providing insights into the current status, key issues, and a comparative assessment of relevant legislation and data and the persisting challenges in existing child protection systems across the EU. It also gives greater detail on the plight of children in vulnerable situations, offering insights on particular groups such as children with disabilities, children in the context of deinstitutionalisation and children in the digital space. It showcases examples of promising practices from which Member States can draw inspiration. Finally, it includes a glossary of definitions, standards and terminologies used nationally and in line with UN, Council of Europe (CoE) and EU law.

## WHY INTEGRATED CHILD PROTECTION SYSTEMS?

Children face multiple protection issues. While isolated child protection interventions may address some of these, they cannot provide comprehensive or durable solutions. Focusing on some problems or on certain groups of children is neither sustainable nor effective (3).

By recognising the multifaceted nature of child protection, integrated systems aim to create comprehensive frameworks that combine and align laws, policies, services and cooperation efforts within Member States. By promoting effective coordination among sectors such as law enforcement, the judiciary, social services, education and healthcare, the EU and its Member States aim to establish a robust and unified approach to addressing the complex challenges faced by children and ensuring their rights, safety and development.

## Definition: child protection systems

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

Source: UNICEF (2021), *Child Protection Systems Strengthening*, p. 9.

### Guidance: key principles of integrated child protection systems

Integrated child protection systems require the collaboration of multiple sectors, agencies and stakeholders to provide a holistic, efficient and effective response to child protection issues. The following list gives key principles of child protection system integration.

1. **Children as rights holders.** ‘Every child is recognised, respected and protected as a rights holder, with non-negotiable rights to protection’ from all forms of violence (European Commission (2015), ‘10 principles for integrated child protection systems’, p. 1). This ensures that every child is treated as an individual with dignity and empowers children to claim their rights.
2. **Rights awareness, education and training.** Children, parents and society at large are informed of children’s rights and their freedom from all forms of violence. Professionals working with children are competent and trained on elements including children’s rights, the identification of risks and relevant aspects in their area of competence. Where appropriate, they are also vetted and certified. This helps prevent violence against children and the stigmatisation of child victims of violence in both the public and professional spheres.
3. **Child participation.** Ensuring that children’s voices and perspectives are heard is crucial, leading to more effective and tailored interventions that respect their rights and needs. Engaging children in decision-making processes empowers them and enhances the overall effectiveness of protective measures.
4. **Holistic approach.** An integrated system addresses the diverse needs of children, including physical, emotional, educational and social aspects, and provides comprehensive and adequate care, protection and opportunities for participation, ensuring that no child is discriminated against. Families, as primary caregivers, receive assistance and support.

5. **Multisectoral collaboration.** Integration involves cooperation among various sectors such as social services, education, health, law enforcement and the judiciary. This ensures that all aspects of a child's well-being are addressed.
  6. **Inter-agency coordination.** Different agencies and organisations work together, share information and coordinate their efforts to provide a seamless support network for children. This prevents gaps in services and the duplication of efforts. It includes transnational and cross-border mechanisms, for example, ones to combat child abduction and trafficking.
  7. **Unified framework.** There is a unified legal and policy framework guiding the actions of all entities involved, ensuring participation and consistency in the protection and care provided to children.
  8. **Preventive and responsive measures.** Integrated systems include both preventive measures, to reduce risks, and responsive measures, to address and mitigate harm when it occurs. They ensure that safe, well-publicised, confidential and accessible reporting mechanisms, including helplines, are in place.
  9. **Continuous monitoring and evaluation.** Standards, indicators and tools for monitoring and evaluation are in place. Continuous independent assessment and improvement of the system are critical to ensure its effectiveness and adaptability to meet evolving needs and circumstances.
  10. **Community involvement.** Local communities, families and children themselves are actively involved in the protection system, thus ensuring that interventions are culturally sensitive and appropriate.
- Sources: European Commission (2015), '10 principles for integrated child protection systems'; UNICEF (2021), **Child Protection Systems Strengthening**, p. 24.*

Vertical and horizontal integration of child protection systems **within** Member States, along with coordination **between** Member States, is essential to ensuring comprehensive and effective child protection. Vertical integration within each Member State helps ensure collaboration and information sharing among various government agencies, local authorities and service providers, promoting early intervention and support for children at risk. Horizontal integration across Member States facilitates the exchange of best practices, the harmonisation of standards and the implementation of structured responses to transnational child protection issues such as trafficking and abduction. Integrated child protection systems are characterised by states placing the child at the centre of the system and applying and promoting the UN Convention on the Rights of the Child (CRC) (4). In these systems, states ensure that key stakeholders in education, health, welfare, justice, law enforcement, civil society and family work together to prevent and protect children from any form of violence. Effective coordination is needed, such as through a lead ministry or agency responsible for child protection at the central government level, supported by subnational bodies with responsibility for child protection. In addition, cross-sector coordination mechanisms for child protection at the national and subnational levels need to be formalised, including across borders. It is also necessary to formalise intra-sectoral and cross-sectoral coordination mechanisms for planning, implementation, monitoring and reviews, and the functioning of these mechanisms.

The nature and scope of coverage of national child protection systems differ. Child protection is primarily the competence of the Member States. While the EU can provide guidelines and frameworks, implementation, enforcement and monitoring of child protection policies are the responsibility of each Member State. To ensure that child protection services are rights-based, governments must develop laws and policies consistent with human rights

law and children's rights and protection standards. A human rights-based approach (HRBA) can help advance that.

Child protection systems are complex and may vary within a given country due to territorial asymmetries or regional/federal arrangements. The EU can play an important role in supporting Member States to work towards more integrated systems, for example, by adopting relevant legal and policy frameworks that mainstream children's rights across all areas and levels of governance, by providing funding and by bringing Member States together to discuss challenges and share promising practices, such as through the EU Network for Children's Rights <sup>(5)</sup>.

## SCOPE AND RESEARCH METHODOLOGY

Child protection systems in Member States differ in their historical, cultural, legal, political and social underpinnings. This report analyses features that are common across the systems and draws attention to promising practices that have the potential to be transposed from one Member State to another. The report is structured around seven areas: (1) legislative and policy frameworks; (2) governance, coordination structures and services; (3) accountability, data collection, impact assessment and monitoring; (4) child participation; (5) human and financial capacities; (6) prevention and care services; and (7) rights awareness and training.

Both the mapping and this report were prepared based on data from national reports <sup>(6)</sup> on the existing child protection systems in the 27 Member States, as collected by Franet, the agency's multidisciplinary research network. Data collection included desk research using secondary sources, including legal information, policy documents and a scientific literature review reflecting the situation in mid 2023. The data were collected by means of a questionnaire (prepared by FRA in cooperation with the European Commission). The Franet desk research was complemented by direct consultations with representatives of national, regional and local authorities, such as government officials, representatives of child protection institutions and services, civil society organisations, national human rights institutions and children's ombuds offices.

Furthermore, the analysis is based on international and European legal standards, and reflects the General Comments and Concluding Observations of the UN Committee on the Rights of the Child <sup>(7)</sup> and the Committee on the Rights of Persons with Disabilities <sup>(8)</sup>, the recommendations of the Universal Periodic Review <sup>(9)</sup>, and guidelines and recommendations by the CoE (see also the CoE's strategy for the rights of the child (2022-2027) <sup>(10)</sup>). It also draws on previous FRA research <sup>(11)</sup>, the EU *acquis* <sup>(12)</sup> on the rights of the child and the CoE-FRA Handbook on European law relating to the rights of the child <sup>(13)</sup>. Finally, it integrates results of the UNICEF-Eurochild Datacare project <sup>(14)</sup> on all the relevant EU-27 data on alternative care of children (information related to child protection) and the Transformative Monitoring for Enhanced Equity <sup>(15)</sup> database. A glossary of definitions and terminologies used nationally based on UN and EU standards is at the end of the report.

## Endnotes

- (1) European Commission (2024), **Recommendation on developing and strengthening integrated child protection systems in the best interests of the child**.
- (2) FRA (2024), **Mapping Child Protection Systems in the EU – Update 2023**, Vienna. Section 7 of this report discusses children in migration.
- (3) UNICEF (2010), **Adapting a Systems Approach to Child Protection: Key concepts and considerations**, New York.
- (4) Office of the UN High Commissioner for Human Rights (OHCHR) (1989), **Convention on the Rights of the Child**, 20 November.
- (5) European Commission (2022), **'EU Network for Children's Rights'**, European Commission website, accessed 19 December 2024.
- (6) FRA (2024), national reports to accompany **Mapping Child Protection Systems in the EU – Update 2023**.
- (7) UN Committee on the Rights of the Child (2023), **Concluding observations**.
- (8) UN Committee on the Rights of Persons with Disabilities (2023), **Concluding observations**.
- (9) UN Human Rights Council (n.d.), **'Universal Periodic Review'**, OHCHR website, accessed 18 November 2024. The Universal Periodic Review was adopted by the General Assembly through Resolution 60/251.
- (10) CoE (2022), **Council of Europe Strategy for the Rights of the Child (2022–2027)**, Strasbourg.
- (11) For more information see FRA (n.d.), **'Children, youth and older people'**, FRA website, accessed 18 November 2024.
- (12) European Commission (n.d.), **'EU action on the rights of the child'**, European Commission website, accessed 18 November 2024.
- (13) FRA and CoE (2022), **Handbook on European law relating to the rights of the child**, Publications Office of the European Union, Luxembourg.
- (14) UNICEF and Eurochild (2021), **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**, Geneva.
- (15) UNICEF (n.d.), **Transmonee home page**, accessed 18 November 2024.



# 1

## A RIGHTS-BASED APPROACH TO CHILD PROTECTION

A rights-based approach to child protection is grounded explicitly in children's rights, emphasising their equal participation, protection and development, and it is anchored in international treaties such as the CRC and in the EU Charter of Fundamental Rights. It ensures not only children's welfare but also their empowerment, the state's accountability and transparency in relevant measures. It recognises children as active rights holders and all Member States as duty-bearers. Integrated child protection systems emphasise the collective obligation of all authorities and professionals in contact with children to uphold and promote children's rights based on human rights standards, prioritising HRBA principles of equality, non-discrimination, the child's best interests, participation, accountability and the rule of law.

### Definition: human rights-based approach

An HRBA is a 'framework directed towards promoting and protecting human rights, based on international human rights standards' (\*). HRBA principles include equality and non-discrimination; meaningful and inclusive participation and access to decision-making; accountability and legality; and transparency and access to information supported by disaggregated data (\*\*). An HRBA emphasises the empowerment of individuals and groups of individuals to claim their rights and hold duty-bearers accountable.

Sources: (\*) European Network of National Human Rights Institutions (n.d.), '**Human rights-based approach**'; (\*\*) European Commission (2023), '**The human rights based approach (HRBA)**'.

In practical terms, rights-based integrated child protection systems require comprehensive national legal and policy frameworks on child protection, including national action plans, to fight violence against children and ensure child protection in all situations. This chapter presents the current status of these national legal and policy frameworks in the context of relevant international standards and EU policies and legislation (complete overviews can be found in the EU *acquis* on child protection (1) and the *Handbook on European law relating to the rights of the child*).

## Definition: rights holders and duty-bearers in child protection systems

‘Rights holders are individuals or groups that have particular legal entitlements in relation to duty-bearers’, according to the European Network of National Human Rights Institutions.

In integrated child protection systems, rights holders are typically children themselves, who are legally entitled to certain rights as outlined in international treaties such as the CRC as well as the Charter of Fundamental Rights. Duty-bearers are state or non-state actors who are legally responsible for ensuring these rights are respected, protected and fulfilled. This includes policymakers, government agencies, social workers, healthcare professionals, educators and NGOs. Effective collaboration among duty-bearers is crucial for providing comprehensive protection and support to children that encompasses aspects such as prevention, intervention and rehabilitation.

Source: European Network of National Human Rights Institutions (n.d.), ‘**Human rights-based approach**’.

### 1.1. INTERNATIONAL LAW

All Member States are Parties to the CRC and, as such, recognise children as rights holders who are entitled to wide-ranging protections. The CRC establishes minimum legal standards for children’s rights, including their protection and participation. Some Member States <sup>(2)</sup> have yet to ratify the OP III CRC <sup>(3)</sup>.

The CRC enshrines an HRBA in a legal framework that has been progressively incorporated into national legislation, including in Member States. Article 45 mandates UNICEF and other competent bodies to provide expert advice and to submit reports on the implementation of the CRC in areas falling within the scope of their activities. The link between Article 45 of the CRC and an HRBA is intrinsic, as it ensures that all interventions and programmes designed and implemented by UNICEF are grounded in human rights principles, emphasising participation, accountability, non-discrimination and the best interests of the child. UNICEF’s guidelines for a human rights-based programming approach <sup>(4)</sup> focus on integrating the principles and standards of human rights into all aspects of its work. This approach emphasises the universality, indivisibility and interdependence of human rights, thus ensuring that programmes aim to realise the rights of all children, particularly the most marginalised. These processes include situation assessment and analysis, programme design, implementation and management, monitoring and evaluation <sup>(5)</sup>. The incorporation of an HRBA in EU policies, including the requirement for child participation, accountability, non-discrimination and the best interests of the child, indicates an advanced approach to child protection. This aligns with UNICEF’s guidelines and ensures that child protection efforts are rooted in universal human rights principles.

## Legal corner:

### Articles 3 and 19 of the Convention on the Rights of the Child

Article 3 of the CRC requires that:

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

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

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

Article 19 of the CRC stipulates:

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

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

Source: Office of the UN High Commissioner for Human Rights (OHCHR) (1989), **Convention on the Rights of the Child**, 20 November.

The CRC requires States Parties to take appropriate measures to protect children from all forms of mental and physical violence and to establish programmes for the support of children and those who have the care of children (Articles 3 and 19). It provides guidance to States Parties on how to fulfil their obligation to effectively enforce children's rights to protection and participation.

The UN Guidelines for the Alternative Care of Children (2009) <sup>(6)</sup> address the protection and well-being of children who are deprived of parental care and provide specific guidance on the development and implementation of alternative care and prevention. The UN Committee on the Rights of the Child, in **General Comment No 13 (2011)** <sup>(7)</sup> on the right of the child to freedom from all forms of violence, emphasises the need for holistic and inter-agency cooperation and coordination, and for international collaboration. It also underscores the importance of respecting children's dignity and ensuring their right to be heard in decisions affecting them and their participation in child protection strategies and programmes <sup>(8)</sup>.

Every child living in a State Party to the CRC can, in principle, claim their rights, where the Member State has ratified the OP III CRC <sup>(9)</sup> (which entered into force in April 2014) before national courts or before the UN Committee on the Rights of the Child. The OP III CRC allows the committee to receive child rights complaints submitted by or on behalf of an individual (child) or a group of individuals (children) against states. This international mechanism ensures that any child claiming to be a victim of a violation by a state that has ratified the OP III CRC will be heard if their claim is admissible. However, full or effective compliance remains a challenge <sup>(10)</sup>. Within the EU, Bulgaria, Estonia, Greece, Hungary, Latvia, the Netherlands and Sweden have not yet taken action regarding the OP III CRC. Austria, Malta, Poland and Romania have signed the OP III CRC but have yet to ratify it. All other Member States have ratified the OP III CRC <sup>(11)</sup>. The incomplete ratification of the OP III CRC remains a significant gap, as it limits the ability of children in those states that have not ratified it to seek redress for violations of their rights at the international level. There are currently 52 pending cases communicated from Member States that have ratified the OP III CRC <sup>(12)</sup>.

Children's rights are protected by other international treaties, including the UN Convention on the Rights of Persons with Disabilities (CRPD) <sup>(13)</sup>, following the commitment in item (r) in the Preamble and the general principle in Article 3(h).

A number of UN Sustainable Development Goals (SDGs) <sup>(14)</sup> directly relate to child protection and emphasise the international commitment to protecting the rights and well-being of children. The SDGs are an integral part of international efforts to create a legal framework that prioritises the protection, development and empowerment of children globally. For example, SDG 5 ('Achieve gender equality and empower all women and girls') addresses the need to eliminate harmful practices such as child marriage and female genital mutilation as well as trafficking and sexual exploitation. SDG 16 ('Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels') includes targets to end abuse, exploitation, trafficking and all forms of violence against and torture of children.

At the European level, children's rights are also guaranteed by the European Convention on Human Rights <sup>(15)</sup> and under the case law <sup>(16)</sup> of the European Court of Human Rights (ECtHR) <sup>(17)</sup>. The court was particularly concerned with the best interests of the child in cases of parental separation <sup>(18)</sup> and parental responsibility <sup>(19)</sup> and the hearing of the child in care/custody proceedings <sup>(20)</sup>.

Children's rights are also protected under instruments (hard and soft law) developed by the CoE that address aspects of children's rights such as protection from violence (see the Recommendation on integrated strategies for the protection of children from violence <sup>(21)</sup>, the Recommendation on reporting systems on violence against children <sup>(22)</sup> and *Guidelines to respect, protect and fulfil the rights of the child in the digital environment* <sup>(23)</sup>), child-friendly justice (see *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* <sup>(24)</sup>) and adoption (see the European Convention on the Adoption of Children <sup>(25)</sup>).

Particularly in the digital environment, stronger enforcement mechanisms and continuous updates are needed to address the rapidly changing digital landscape and emerging threats to children online.

## 1.2. EU LAW AND POLICIES

The Charter of Fundamental Rights of the European Union enshrines children's rights. It also upholds the principle of 'the child's best interests' as a primary consideration in all actions and decisions relating to children, whether taken by public authorities or private actors. Article 24 of the Charter of Fundamental Rights reflects several CRC rights and principles, including (1) the best interests of the child (Article 3) and (2) child participation (Article 12). Other Charter articles related to children's rights are Articles 7 (respect for private and family life), 8 (protection of personal data), 14 (right to education), 21 (non-discrimination), 32 (prohibition of child labour) and 33 (family and professional life).

The Lisbon Treaty strengthened the EU's legal, policy and institutional framework for children's rights by explicitly including the 'protection of the rights of the child' as an objective of the EU (Article 3(3) of the Treaty on European Union) and an aspect of the EU's external relations policy (Article 3(5) of the Treaty on European Union), compliant with the principle that guarantees 'all human rights for all' <sup>(26)</sup> and underpinning the EU's commitment to apply HRBA principles in child protection policies. More specific references to child protection are included in the Treaty on the Functioning of the European Union <sup>(27)</sup>, enabling the EU to adopt legislative measures aimed at judicial cooperation in civil and criminal matters, combating sexual exploitation and human trafficking (Article 79(2)(d), Article 81, Article 82(2) and Article 83(1)). This paved the way for the drafting and adoption of various legal acts (e.g. the Regulation on cross-border family law <sup>(28)</sup>, the Directive establishing minimum standards on the rights, support and protection of victims of crime <sup>(29)</sup>, the Directive on combating child sexual abuse, child sexual exploitation and child pornography <sup>(30)</sup>, the Directive on preventing and combating trafficking in human beings and protecting its victims <sup>(31)</sup>, the Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings <sup>(32)</sup> and the Directive on combating violence against women and domestic violence <sup>(33)</sup>). The EU's temporary rules exempting digital companies from e-privacy protections when searching for child sexual abuse material <sup>(34)</sup> were due to expire in August 2024. On 15 February 2024, the Council and the European Parliament reached a provisional agreement on a Regulation extending an interim measure to combat online child sexual abuse until 3 April 2026 <sup>(35)</sup>.

In parallel to legislation, the EU introduced significant policy instruments, emphasising its commitment to an integrated approach in tackling issues affecting children. In 2021, the European Commission adopted the strategy for the rights of persons with disabilities 2021–2030 <sup>(36)</sup>. The strategy focuses on empowering persons with disabilities so that they can exercise their rights and fully participate in society and the economy. Children with disabilities are addressed in terms of inclusive and accessible education,

## Legal corner:

### Article 24 of the Charter of Fundamental Rights of the European Union

'1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

'2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

'3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.'

Source: European Commission (2012), **Charter of Fundamental Rights of the European Union**.



deinstitutionalisation, development of independent living and the need for protection due to the higher risk of violence and abuse. The strategy promotes an intersectional perspective in line with the UN SDGs.

The European Pillar of Social Rights (2017) <sup>(37)</sup> is a key framework within EU law and policy that aims to provide citizens with new and more effective rights. It consists of 20 principles <sup>(38)</sup> divided into three chapters: (1) 'Equal opportunities and access to the labour market', (2) 'Fair working conditions' and (3) 'Social protection and inclusion'. Principle 1 stresses everyone's right to good-quality and inclusive education, training and lifelong learning. Principle 11 states children's right to affordable early childhood education and good-quality care. It also emphasises that children have the right to protection from poverty and that children from disadvantaged backgrounds are entitled to specific measures to improve their opportunities.

The EU strategy on the rights of the child <sup>(39)</sup> was adopted in 2021. Under strand 3, it stresses combating violence against children and ensuring child protection and that 'the promotion of integrated child protection systems is intrinsically linked to the prevention [of] and protection from violence.' Child participation is at the heart of the EU children's rights agenda and is treasured in the strategy as a key objective and overarching approach to promoting children's rights. The strategy is the first EU instrument developed with the participation of over 10 000 children.

The European Child Guarantee <sup>(40)</sup> (2021) is a measure specifically designed to combat child poverty and social exclusion in Member States. Its objective is to guarantee the effective access of children in need to a set of key services such as 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 with a level of child poverty above the EU average (23.4 % at risk of poverty or social exclusion in 2017–2019) should allocate at least 5 % of their European Social Fund Plus (ESF+) <sup>(41)</sup> resources to tackle child poverty. All the other Member States are required to allocate an appropriate amount of their ESF+ resources to combat child poverty. Additional financial resources to combat child poverty and strengthen the child protection systems within general social policies should be allocated from the Recovery and Resilience Facility, in particular when addressing the consequences of the COVID-19 pandemic <sup>(42)</sup>. By the end of 2023, all Member States had nominated their Child Guarantee coordinators <sup>(43)</sup> and submitted their national action plans <sup>(44)</sup>, covering the period until 2030.

The allocation of the abovementioned resources indicates a substantial financial commitment, which is vital for the practical implementation of child protection measures.

The EU has made clear commitments to support the reform of care systems and move away from institutional care towards community- and family-based care. Enabling condition 4.3 of Regulation (EU) 2021/1060 <sup>(45)</sup> on common provisions for 2021–2027 requires Member States to develop a national strategic framework for poverty reduction and social inclusion, including ‘measures for the shift from institutional to community-based care’. Resources produced by the European Expert Group on the transition from institutional to community-based care also offer valuable insights and guidance on how the EU can support the transition to community- and family-based care <sup>(46)</sup>.

The EU’s recent ratification of the Istanbul Convention <sup>(47)</sup> represents an important step forward, and the EU encourages those Member States that have not ratified it to do so <sup>(48)</sup>. The Convention establishes international standards on preventing and combating violence against women and domestic violence. It also covers children as victims and witnesses of such crimes. It complements the EU’s obligation to respect the evolving capacities of children with disabilities and their right to preserve their identity, as enshrined in Article 3(h) of the CRPD, and related obligations under Article 7 of the CRPD.

While the EU’s legal framework and existing policy instruments cover a growing range of child protection aspects, effective implementation remains challenging. Discrepancies in how Member States apply these standards can result in uneven child protection across the EU.

The European Commission’s 2024 Recommendation on developing and strengthening integrated child protection systems in the best interests of the child is expected to give renewed impetus to Member States’ work on integrated child protection systems. It urges Member States to ‘always hold the child’s best interests as a primary consideration, ensuring that children are recognised, respected and protected as rights holders, with non-negotiable rights to protection’ <sup>(49)</sup>. Furthermore, it calls on Member States to establish a general framework for integrated child protection systems by drawing up national plans to end violence against children, effectively implementing EU and national child protection legislation, establishing coordination structures, strengthening human and financial resources and improving data collection. The Recommendation applies HRBA principles <sup>(50)</sup>, for instance by:

- putting children at the centre of integrated child protection systems, in compliance with the principle of applying ‘all human rights for all’ <sup>(51)</sup>;
- respecting children as rights holders with non-negotiable rights to protection, who are able to claim their rights and have access to justice;
- calling for children’s active, meaningful and inclusive participation and access to decision-making in compliance with their right to be heard;
- emphasising equality and non-discrimination, particularly by taking into account the needs of children in vulnerable situations, for example in the context of care or migration;
- calling for greater accountability of Member States on child protection standards and the provision of understandable and accessible information in child-friendly language.

### 1.3. NATIONAL LEGISLATION AND POLICIES

National legislation on children’s rights and protection is a fundamental component of any child protection system. The purpose of this chapter is to give an overview of national child protection legislation and constitutional

#### PROMISING PRACTICE

## Pilot programme for testing the European Child Guarantee

In 2022, the UNICEF office in Croatia, in cooperation with 11 partner organisations, conducted a pilot programme in Međimurje County. Entitled ‘Testing the European Child Guarantee’, it aimed to increase the number of children involved in early and preschool education, provide better access to early intervention services for children with disabilities and their families, empower parents and help them develop necessary skills, and provide access to comprehensive child and family protection services. In connection with this, UNICEF issued a deep-dive analysis of Croatia as the basis for the development of the national action plan for the implementation of the European Child Guarantee in Croatia.

Source: UNICEF (2022), *Deep Dive into the European Child Guarantee – Croatia*.

## PROMISING PRACTICE

# Multiannual policy actions and multi-agency cooperations

On 14 December 2020, the Czech government introduced a new multiannual strategy aiming to protect the rights of the child between 2021 and 2029. The Ministry of Labour and Social Affairs developed it in collaboration with other ministries, regional institutions and NGOs. The strategy has six main elements, including the integration of policy approaches to protect children's interests, the creation of efficient services for children and families and an active approach to social inclusion of vulnerable children.

Source: Czechia, Czech Ministry of Labour and Social Affairs (2020), 'The government approved the national strategy for the protection of children's rights for 2021–2029'.

provisions, key developments in criminal, civil and administrative procedures, and transnational and cross-border mechanisms.

Recent years have seen positive policy developments. In 2014, FRA's child protection mapping showed that 13 Member States had a national strategy on children's rights or child protection; by mid 2023, 18 Member States had a national policy or strategy on children's rights or child protection.

The 2023 update of FRA's *Mapping Child Protection Systems in the EU* found that, while all Member States' legal systems have legal provisions governing child protection, only 10 have a single legal instrument, such as a child act. The rest have adopted legislation dealing with different child protection issues, resulting in a fragmented legal and regulatory landscape even within Member States. Nevertheless, findings confirm a positive trend in child protection legislation in the EU in comparison with the 2014 FRA mapping<sup>(52)</sup>. In more than one third of Member States, national law, as well as sector-specific law, targets particular groups of children and/or specific child protection issues. However, this is not always aligned with the overarching national child protection legislation.

Child protection systems remain fragmented in most Member States, spanning different legal regimes (civil, criminal and administrative law) and sectors (e.g. social welfare, education, justice) and thus generally lacking coherence. FRA research has shown that in order to promote an integrated child protection system, a single legal instrument provides a means for the implementation of coherent and comprehensive measures as a basis for effective institutional cooperation and legal safeguards, thus putting the child at the centre of ensuing legislation and policies.

## Guidance: the expedience of a single legal instrument on child protection

A single legal instrument promotes more effective child protection by the following means.

**Clarity, coherence, and consistency.** A single legal instrument provides an integrated framework for child protection law by ensuring consistency and coherence in the approach to safeguarding children's rights across different regions or jurisdictions within the country.

**Comprehensive protection.** It can encompass various aspects of child protection, including healthcare, education, legal rights and social welfare, creating a comprehensive approach to safeguarding children.

**Efficiency.** It streamlines processes and makes it easier for authorities, caregivers and relevant agencies to understand and implement child protection measures more efficiently. This can lead to quicker responses in cases of abuse or neglect.

**Enhanced cooperation.** A unified legal framework encourages cooperation among different stakeholders, such as government agencies, NGOs, law enforcement and

healthcare providers, thus fostering a coordinated effort to protect children.

**Improved accountability.** A single legal instrument enables clear and transparent accountability structures and makes it easier to identify the obligations of Member States and to hold individuals or institutions accountable for any violations regarding children's rights guaranteed by law.

**Better access to resources.** It can facilitate resource allocation by centralising information and needs and ensuring that adequate resources, services and support systems are available for child protection.

**International alignment.** A unified legal instrument might also help a Member State align its child protection law with international law standards set by conventions such as the CRC, thus promoting compliance with international law and adherence to global best practices.

See FRA (2024), *Mapping Integrated Child Protection Systems in the EU – Update 2023*, pp. 14–22.

### 1.3.1. Child protection through criminal, civil and administrative law

European and international human rights law recognises the importance of a comprehensible, non-intimidating legal process, in which the child's own views are heard. National legislation addressing the particular needs of children's rights protection and children's participation in civil, criminal and administrative proceedings helps create a safe space for children to express their views and be heard. The ECtHR has confirmed this <sup>(53)</sup>.

All Member States have implemented legal safeguards – both substantive and procedural – for children related to their special status in a range of judicial proceedings (e.g. criminal and civil proceedings). Member States have enacted rules regarding the minimum age of the child, the legal representation of children and the right of the child to be heard in the proceeding.

#### *Criminal law safeguards for child protection*

Member States have tended to set a minimum age of criminal liability at around 14 or 15 years of age, below which children are presumed not to have the maturity to be held criminally responsible for their actions. However, approaches vary across Member States, reflecting diverse cultural traditions and legal frameworks. While the most common age is 14 years, in some jurisdictions the minimum age is 12 years. Hungary has introduced an amendment according to which children can be held criminally responsible for offences committed from 14 years of age in general but from 12 years in special cases (e.g. homicide, voluntary manslaughter, robbery).

#### *Civil and administrative law safeguards for child protection*

Safeguards can also be found in the civil codes <sup>(54)</sup> of most Member States, while others have adopted child protection legislation that also refers to judicial proceedings. Clear safeguards are laid down in some Member States' legislation, such as assessing 'the best interests of the child' in the Austrian civil procedural legislation <sup>(55)</sup>, or introducing compulsory mediation in family matters involving children in Bulgaria <sup>(56)</sup>. The German Family Law Proceedings Act (2021) <sup>(57)</sup> prioritises child abuse proceedings, mandates in-person hearings for all children and requires children to be informed about the proceedings' object, course and potential outcome.

In all Member States the right and principle of the 'child's best interests' is enshrined in civil law. Additionally, in some Member States, social welfare legislation provides specific provisions related to children's rights for civil and administrative proceedings, as in Denmark <sup>(58)</sup> or Finland <sup>(59)</sup>. The Austrian Civil Code <sup>(60)</sup> prioritises the best interests of children as central to the relationship between parents or other guardians and children, and lists 12 criteria for assessing the best interests of the child (including adequate care, health and consideration of the opinion and developmental possibilities of the child).

### 1.3.2. Child protection in cross-border proceedings

The legislative cornerstone of EU judicial cooperation in cross-border matters between children and their parents is Regulation (EU) 2019/1111 <sup>(61)</sup> 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. The relevant mechanisms of cooperation in force at the global and regional levels are regulated by Article 33 of the 1996 Hague Convention <sup>(62)</sup> and by Article 56 of Regulation (EC) No 2201/2003 <sup>(63)</sup>, respectively. Regulation (EU) 2019/1111 applies in all Member States, except Denmark. Since all Member States are Parties to the Hague Convention, both instruments apply in the EU <sup>(64)</sup>. Regulation (EU) 2019/1111 takes precedence over the Hague Convention.

## PROMISING PRACTICE

### Comprehensive child protection legislation

Ireland enacted the Child and Family Agency (Amendment) Act in 2021. It made a number of changes to the overall child protection system, e.g. strengthening the legal framework for the protection of children, improving the management of child protection cases and establishing a new National Child Safeguarding Advisory Panel to provide expert advice on child protection policy and practice. The Child Care (Amendment) Act 2022 provides for reform of the guardian *ad litem* system. Guardians *ad litem* inform the court of the views of the child so it can take them into account, and advise the court regarding the best interests of the child.

Sources: Ireland, Government of Ireland (2021), **Child and Family Agency (Amendment) Act 2021**; Government of Ireland (2022), **Child Care (Amendment) Act 2022**.

## PROMISING PRACTICE

# Policy measures for better protection regarding child abduction

The Finnish Ministry of Justice released an information kit in January 2021, advising parents, lawyers and authorities on child abduction cases involving children wrongfully taken from or unreturned to Finland, following instructions of the National Police Board of Finland from December 2016.

Source: Finland, Ministry of Justice (2021), 'International child abduction'.



All Member States, their central authorities and their courts have obligations relating to child protection in cross-border cases <sup>(65)</sup>, including obligations to enact and enforce law and policies that protect children from violence; set standards for child welfare services and reporting mechanisms; facilitate collaboration and coordination among relevant agencies; and monitor and evaluate. The responsibility to fulfil these international treaty obligations in these cases usually spans different ministries, in many cases requiring collaboration with the foreign affairs or justice ministries. In some Member States (e.g. Czechia, Germany, Greece, Hungary, the Netherlands) <sup>(66)</sup> other stakeholders provide support as members of the International Social Service in cross-border cases. In Belgium, a federal contact point for international child abductions has been appointed and an NGO called Child Focus <sup>(67)</sup> is also working in that field. In Cyprus, in January 2018, the Council of Ministers adopted a Protocol of Cooperation <sup>(68)</sup> between governmental bodies in cases of parental abductions, kidnappings and detentions.

## 1.4. INITIATIVES TO PROTECT CHILDREN ONLINE

Digital transformation is one of the EU's priorities. Protecting people from cyber threats (hacking, ransomware, identity theft) is one of the five priorities of the EU digital strategy <sup>(69)</sup>. In addition, in 2022 the Commission introduced a draft Regulation laying down rules to prevent and combat child sexual abuse <sup>(70)</sup>. It also focuses on the prevention of abuse online and the improvement of prevention mechanisms.

In 2022, the EU adopted the Regulation on a single market for digital services (Digital Service Act) <sup>(71)</sup>. It aims in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service – including consumers, minors and users at particular risk of being subject to hate speech, sexual harassment or other discriminatory actions – and the protection of relevant fundamental rights enshrined in the Charter of Fundamental Rights <sup>(72)</sup>.

General Comment No 25 (2021) on children's rights in relation to the digital environment <sup>(73)</sup> emphasises the importance of States Parties adopting relevant 'legislative, policy and other measures to ensure full compliance with their obligations under the Convention on the Rights of the Child and the Optional Protocols thereto in the light of the opportunities, risks and challenges in promoting, respecting, protecting and fulfilling all children's rights in the digital environment'. In its *Guidelines to respect, protect and fulfil the rights of the child in the digital environment* <sup>(74)</sup> the CoE stresses children's need for special protection and safe participation online. The revised *Digital Citizenship Education Handbook* <sup>(75)</sup> serves as a tool for children, parents, teachers and policymakers to help children develop into responsible digital citizens. Meanwhile, the *Handbook for policy makers on the rights of the child in the digital environment* <sup>(76)</sup> aims to assist CoE member states – particularly legislators, policymakers, academics, human rights agencies and

relevant civil society organisations – in implementing Recommendation CM/Rec(2018)7<sup>(77)</sup>. This Recommendation provides guidelines for respecting, protecting and fulfilling the rights of the child in the digital environment.

Several Member States have adopted programmes or action plans with a focus on cyberbullying, online violence against children or a more general crime prevention strategy with some parts related to the digital space. Out of the 27 Member States, only 7 (see Table 1) have developed a comprehensive digital strategy or programme with a focus on protecting children. As envisaged in *Europe's Choice – Political guidelines for the next European Commission 2024–2029*<sup>(78)</sup>, the fight against cyberbullying is one of the political priorities for the coming years and an action plan will be developed at the EU level.



**TABLE 1. NATIONAL DIGITALISATION STRATEGY FOCUSED ON CHILDREN, BY MEMBER STATE**

Member State	National digitalisation strategy focused on children
Croatia	Croatian digital strategy by 2032 (Strategija digitalne Hrvatske za razdoblje do 2032 godine) <sup>(1)</sup>
Cyprus	National strategy for a better internet for children in Cyprus (online safety for children, teachers and parents) 2018–2023 (Εθνική στρατηγική για ένα καλύτερο διαδίκτυο για τα παιδιά στην Κύπρο (ασφάλεια στο διαδίκτυο για παιδιά, εκπαιδευτικούς και γονείς) 2018–2023) <sup>(2)</sup>
France	Digital transition strategy 2021–2025 (Stratégie transition numérique 2021–2025) <sup>(3)</sup>
Hungary	Digital child protection strategy of Hungary (Magyarország digitális gyermekvédelmi stratégiájáról) <sup>(4)</sup>
Slovakia	Action plan for the digital transformation of Slovakia for 2019–2022 (Akčný plán digitálnej transformácie Slovenska na rok 2019–2022) <sup>(5)</sup>
Slovenia	Child strategy 2020–2025 (Program za otroke 2020–2025) <sup>(6)</sup>
Sweden	National digitalisation strategy for schooling 2023–2027 (Förslag på en nationell digitaliseringsstrategi för skolväsendet 2023–2027) <sup>(7)</sup>

(1) Government of Croatia, **Croatian digital strategy by 2032**.

(2) Government of Cyprus, **National strategy for a better internet for children in Cyprus (online safety for children, teachers and parents) 2018–2023**.

(3) Government of France, **Digital transition strategy 2021–2025**.

(4) Government of Hungary, **Digital child protection strategy of Hungary**.

(5) Government of Slovakia, **Action plan for the digital transformation of Slovakia for 2019–2022**.

(6) Government of Slovenia, **Child strategy 2020–2025**.

(7) Government of Sweden, **National digitalisation strategy for schooling 2023–2027**.

## PROMISING PRACTICES

### The rights of children and young people on digital platforms

The Swedish Ombudsman for Children (Barnombudsmannen), the Swedish Authority for Privacy Protection (Integritetsskyddsmyndigheten) and the Swedish Media Council (Statens medieråd) in coordination developed guidelines on the rights of children and young people on digital platforms.

Source: Sweden, Swedish Ombudsman for Children, Swedish Authority for Privacy Protection and Swedish Media Council (n.d.), *The rights of children and young people on digital platforms – Stakeholder guide*.

### Crimes without Borders?! (exploratory study)

The report of the Scientific Research and Documentation Centre within the Dutch Ministry of Justice examines policy instruments that are particularly important as practical tools to be implemented in cases of transnational child sexual abuse.

Source: Netherlands, Government of the Netherlands (2023), *Crimes without Borders?! An exploratory study on the policy instruments available for use in relation to convicted and other perpetrators of transnational child sexual abuse*.

The Slovenian child strategy 2020–2025<sup>(79)</sup> includes a subchapter focused on safeguarding children in the digital environment, which discusses systemic prevention, professional help for addiction, quality online content and digital literacy development. In Sweden, the national digitalisation strategy for schooling 2023–2027<sup>(80)</sup> focuses on children’s safety, respectfulness and responsibility in digital environments.

Some Member States have not adopted a comprehensive digital strategy or programme to combat violence against children in the digital space but have introduced relevant provisions to a general children’s strategy or action plan. For example, in Austria, there is no national child-focused digital strategy, but promoting children’s media and information competence is a separate field of action in its youth strategy<sup>(81)</sup>.

Bulgaria has implemented digital inclusion plans for vulnerable groups, particularly children in rural areas and those with disabilities. The national programme ‘Digital Bulgaria 2025’<sup>(82)</sup> and national development programme ‘Bulgaria 2030’<sup>(83)</sup> cover the protection of children in digital environments, focusing on safer internet access, exchanging practices and improving national policy implementation.

## 1.5. LEGISLATIVE AND POLICY DEVELOPMENTS RELATED TO THE PROTECTION OF CHILDREN IN SITUATIONS OF VULNERABILITY

Key EU directives and policies (see also the EU *acquis* in the Annex to the 2024 Recommendation on integrated child protection systems) address specific risks for children in need of protection or those in situations of vulnerability. Particular attention should be paid to children who are victims of crime, involved in judicial proceedings, at risk of harmful practices or at risk of poverty, as well as those with disabilities and Roma and LGBTIQ children. In addressing these groups, we must be mindful of specific gender- and age-related issues and dynamics that intersect them. Legislative and policy developments for their protection are described for each specific situation of vulnerability. The list of children in vulnerable situations in this chapter cannot be considered exhaustive; however, more data on various other groups (e.g. children affected by custody disputes or missing children) are available in the national reports on mapping child protection systems in the EU<sup>(84)</sup>, which can be accessed on the FRA website.

### 1.5.1. Child victims

Child victims in the EU face unique challenges that require effective legal protection. Recognising the potential vulnerability of children who come in contact with the judicial system, the EU has enacted various directives aimed at safeguarding their rights and ensuring their well-being in judicial processes. These legislative measures encompass areas such as support services, legal representation and access to justice, emphasising the need for a child-centric approach in addressing their specific needs and vulnerabilities.

The Victims’ Rights Directive (2012)<sup>(85)</sup> sets minimum standards for the rights, support and protection of victims of crime, including ensuring appropriate training for stakeholders on victims’ needs. Several complementary instruments have been adopted to address the specific needs of victims of particular types of crime (e.g. victims of terrorism, victims of trafficking in human beings or child victims of sexual exploitation). In July 2023, the European Commission submitted a proposal for amending the Victims’ Rights Directive<sup>(86)</sup>. It introduced, among other provisions, facilitated access to

specialist support for vulnerable victims, including targeted and integrated support services for children (Article 9(1)).

### ***Progress in legislation and policy, particularly in the area of domestic violence and sexual abuse***

The Commission's report on the implementation of the Victims' Rights Directive <sup>(87)</sup> found that the definition of 'victim' was lacking in the legal and regulatory frameworks of several Member States. It was either missing altogether or too limited in scope (e.g. by not classifying family members of a deceased victim as victims). Since then, substantial progress has been made as several Member States have introduced changes in legislation to provide more effective protection of children against violence (in most cases, with a particular focus on various forms of sexual violence). Additionally, in 2024 the EU adopted a Domestic Violence Directive, to reaffirm its commitment to combat violence and protect victims, and an amendment to the Anti-Trafficking Directive (2012) <sup>(88)</sup>.

Implementing the provisions of the Istanbul Convention is a key component of effective protection of child victims, as it requires Parties to develop laws, policies and support services to end violence against women and domestic violence, making explicit provision for children. The EU signed the Convention in 2017 and ratified it in 2023. All Member States have signed it, and only five have not yet ratified it (Bulgaria, Czechia, Lithuania, Hungary and Slovakia) <sup>(89)</sup>.

All Member States have ratified the Lanzarote Convention <sup>(90)</sup>. That is a landmark treaty in the fight against children's sexual exploitation, although its implementation remains challenging. The Lanzarote Committee <sup>(91)</sup> is responsible for monitoring compliance with the Lanzarote Convention. As it mentioned in its first two monitoring rounds, there are challenges for judicial procedures regarding children's needs, as well as data collection mechanisms and the sexual abuse of children in the circle of trust. In general, the committee assesses the implementation of the 'four Ps' approach (prevention, protection, prosecution and promotion) of national and international cooperation and makes concrete recommendations addressing gaps it identifies.

Several Member States have adopted national strategies or action plans on violence against children. Some include provisions against violence in the overarching children's rights strategy.

More than half of the Member States have introduced new legislative amendments addressing violence against children in criminal or other law dealing with a specific form of violence. For example, grooming (the unwanted practice of soliciting children over the internet with the objective of sexual abuse) was made a separate criminal offence in Ireland <sup>(92)</sup> and in the Danish Criminal Code in 2023 <sup>(93)</sup>. In the Netherlands, the Senate passed a bill amending the Criminal Code to criminalise acts preparatory for child sexual abuse <sup>(94)</sup>. The Austrian Protection against Violence Act, amended by the Security Police Act of 2020 <sup>(95)</sup>, amended 25 laws. It introduced a quality seal for child protection institutions, increased financial resources for victim support, expanded criminal investigation services for child abuse and increased penalties for perpetrators of crimes.

Several Member States (e.g. Germany <sup>(96)</sup>, Spain <sup>(97)</sup>, Sweden <sup>(98)</sup>) have introduced new laws to combat sexual abuse of children. Following the wave of publicly announced allegations against perpetrators of sexual abuse and incest described as France's second #MeToo movement, a law was enacted in 2021 to establish a threshold of non-consent for any sexual relationship between an adult and a juvenile under the age of 15 <sup>(99)</sup>.

## PROMISING PRACTICE

### **Law on protecting children and adolescents from violence**

In 2021, Spain adopted a law on the comprehensive protection of children and adolescents against violence, which considers combating violence against children to be a human rights imperative. The law establishes this protection as essential to ensure and promote the respect for children's dignity and physical and psychological integrity by preventing all forms of violence, in compliance with the CRC and its Articles 12, 13 and 14, as well as with the Spanish Constitution.

Source: Spain, Government of Spain (2021), **Organic Law 8/2021 on the comprehensive protection of children and adolescents against violence**.

## PROMISING PRACTICES

### Multi-agency solutions to combat against violence

The Polish Anti-violence Act (30 April 2020) introduced the Blue Card procedure, a multi-agency intervention and support mechanism for domestic violence cases. It mandates interdisciplinary teams of experts, appointed by the heads of municipalities, to coordinate prevention and combat domestic violence at the local level. This legal framework safeguards the integrated child protection system and includes professionals from various sectors, including police, social services and NGOs.

*Sources:* Act amending the Code of Civil Procedure and certain other acts (*Ustawa o zmianie ustawy Kodeks postępowania cywilnego oraz niektórych innych ustaw*), 30 April 2020.

### Special guarantees for child victims

The Romanian Criminal Procedure Code, as amended in 2016, provides protection for children who are victims of sex crimes and mistreatment. The new legislation adopted in 2023 requires that children under 14 be accompanied by a parent, teacher or psychologist. Special rooms were established in 2014 and 2022. The General Public Prosecutor's office is establishing 30 more through a Norway Grant project with FRA as project partner, and in addition is implementing guidance and training for prosecutors and police officers.

*Source:* Călin, D. (2018), 'Some of the amendments of the Criminal Code and Criminal Procedure Code adopted by the Romanian Parliament contravene to the rule of law', Lawyers Week.

Some Member States have adopted or amended laws regarding gender-based/domestic violence, most of them aiming at more effective implementation of the Istanbul Convention. Latvia signed the Istanbul Convention in 2016, but ratification was pending due to the submission to the Constitutional Court in 2021 on the term 'gender' and the compliance of the Convention with the best interests of a child. After the judgment<sup>(100)</sup> confirmed that provisions concerning the implementation of special measures of the Istanbul Convention to protect women from violence are consistent with the Latvian Constitution, Latvia ratified the Istanbul Convention in 2024<sup>(101)</sup>. Some Member States have adopted new strategies or action plans (e.g. Belgium<sup>(102)</sup><sup>(103)</sup> and Croatia<sup>(104)</sup>) related to gender-based/domestic violence.

Some Member States have launched comprehensive programmes on combating violence against children. A promising example of an inter-agency approach exists in France, where an interdepartmental plan to combat violence against children was initiated in 2019. It led to the implementation of a set of measures to strengthen national policies, including establishing care paths adapted to child victims of violence; training professionals working with children on abuse; creating a website<sup>(105)</sup> intended to alleviate the exposure of juveniles to pornography; and adding a chat feature to the National Child Abuse Hotline<sup>(106)</sup>.

#### 1.5.2. Children involved in judicial proceedings as victims, witnesses or parties

It is estimated that every year around 2.5 million children participate in judicial proceedings across the EU, either because of parental divorce or as a result of being victims of or witnesses to a crime. Although their participation in such proceedings is essential, the treatment of children by the justice system in such proceedings remains a concern<sup>(107)</sup>.

The European Commission has prioritised child-friendly justice in the EU agenda for the rights of the child (2011–2014)<sup>(108)</sup> and later in the EU strategy on the rights of the child (2021). The strategy has proposed various EU legislative initiatives to strengthen procedural safeguards for children<sup>(109)</sup> and has commissioned legislation and policy on the involvement of children in civil, administrative and criminal judicial proceedings in the Member States<sup>(110)</sup>. The EU has also introduced *EU guidelines for the promotion and protection of the rights of the child*, applicable to external policies<sup>(111)</sup>. These priorities are in line with the CoE's efforts to implement the CoE guidelines on child-friendly justice<sup>(112)</sup>.

#### Progress towards better protection of children as victims of crime

Several Member States have introduced legislative amendments or new laws related directly to the implementation of the EU Victims' Rights Directive, to, for example, improve access to lawyers (Belgium<sup>(113)</sup>), increase financial aid and support services for victims (Czechia<sup>(114)</sup>, Spain<sup>(115)</sup>) or introduce the model of children's houses / *Barnahus* (Germany<sup>(116)</sup>).

Child-friendly procedural options during investigations (e.g. the widespread use of videotape-recorded testimony, examinations, child-centred and child-equipped rooms or the involvement of psychosocial support services) were introduced by several Member States.

In Germany, the possibility of audiovisual witness examination in criminal court proceedings has existed since 1998 and is widely used for child victims. Psychological assistance for child and adolescent victims was introduced into law for criminal proceedings in 2017. In family court proceedings, a 2021 reform made it mandatory for courts to hear children if the proceeding is

about their welfare. Children also have to be informed about the object, course and potential result of the proceedings <sup>(117)</sup>.

In Bulgaria, at the beginning of 2018, ethics rules for working with children were introduced to guide the work of investigative police in cases involving children <sup>(118)</sup>.

Child victims of domestic violence, including those who have witnessed violence without being physically abused <sup>(119)</sup>, are often victimised by the justice system if necessary procedural safeguards for the child to feel safe and comfortable are missing during proceedings (e.g. the protection of privacy or hearings by trained professionals) <sup>(120)</sup>. Further detrimental practices include the separation of the child from the non-abusive parent <sup>(121)</sup> and other decisions on contact and visitation rights that are not in the best interests of the child <sup>(122)</sup>. While fear of child removal <sup>(123)</sup> deters women from reporting domestic violence <sup>(124)</sup> <sup>(125)</sup>, litigation over care and contact arrangements is sometimes used to control mothers after separation <sup>(126)</sup>. To avoid these detrimental practices, it is key to ensure that the child protection system and domestic violence services collaborate closely and that procedural safeguards for children as victims of crime in proceedings also apply to children as witnesses of crime.

To align domestic law with the CRC, in 2021, Sweden introduced a new provision in the Criminal Code <sup>(127)</sup>, allowing children to be called as witnesses in judicial proceedings of domestic violence and sexual offences.

Several improvements were reported relating to child-friendly justice, such as in Croatia, where the national plan for the rights of the child in the Republic of Croatia 2022–2026 <sup>(128)</sup> ensures the systematic protection of the rights of vulnerable groups of children in judicial authorities and court proceedings and in all contacts with the law, and emphasises the importance of an individualised approach to children within the justice system, which should be accessible to every child, without any discrimination.

## PROMISING PRACTICE

### Child-friendly criminal justice system

In Cyprus, the law establishing a criminal justice system that is more child-friendly was adopted in 2021. It provides for special juvenile courts, alternative sentences and various councils aimed at helping children and working with their parents to protect them and keep them from repeating delinquent behaviour. Juvenile courts were set up in every district and judges were appointed.

Source: Cyprus Bar Association (2021), **Children in Conflict with the Law Act of 2021**.

## PROMISING PRACTICE

### Various measures taken towards better protection of victims

Finland has introduced several measures for better protection of victims. With the aim of speeding up the processing of crimes against children, the Criminal Investigation Act (805/2011) and the Criminal Procedure Act (689/1997) were amended in 2022. As a result, the criminal investigation, consideration of charges and the court proceedings must be concluded urgently when the injured party is below 18 in cases of serious crimes. The main hearing must take place within 30 days of the commencement of the proceedings.

The Ministry of Justice published a guide in February 2017, intended for parents and guardians whose child is suspected of being a victim of a violent or sexual crime.

The National Police Board of Finland published new instructions in December 2019 concerning children as interested parties and witnesses in a pretrial investigation. The police are instructed to start the preliminary investigation immediately and to deliver the preliminary investigation measures without delay.

Sources: Finlex (n.d.), **Criminal Investigation Act 805/2011** (English translation); Government of Finland (2022), **Government Bill HE 144/2022 vp amending the Criminal Investigation Act and the Criminal Procedure Act**; Government of Finland (2023), **Act No 136/2023 amending Chapter 3 section 11 of the Criminal Investigation Act**, 3 February; Government of Finland (2023), **Act No 137/2023 amending Chapter 1 section 8a and Chapter 5 section 13 of the Criminal Procedure Act**, 3 February; Finland, Ministry of Justice (2017), **'For a victim of a crime'**; Finland, National Police Board (n.d.), **'Police Board instructions and regulations'**.

## PROMISING PRACTICE

# E-Protect – a project to support the implementation of the EU Victims’ Rights Directive

In Italy, the European project called E-Protect (Enhancing protection of children – victims of crime) is dedicated to the protection of child victims of crime. It is promoted by Defence for Children International Italy and other organisations from four Member States (Bulgaria, Greece, Austria and Romania). The project has several objectives:

- to support the implementation of the Victims’ Rights Directive;
- to create a multidisciplinary network of professionals working in the field (doctors, social workers, psychologists, etc.);
- to develop a methodology for assessing the individual needs of child victims of crime;
- to raise awareness of the rights of individuals under 18 years of age.

Source: Italy, Defence for Children International Italy (2019), *E-Protect – Policy guidelines for Italy*.

## FRA ACTIVITY

# Procedural safeguards for children as suspects or accused persons

FRA published a report on *Children as suspects or accused persons in criminal proceedings – Procedural safeguards* in 2022. It analyses the implementation of the Procedural Safeguards Directive (2016) in nine Member States: Austria, Belgium, Bulgaria, Estonia, Germany, Italy, Malta, Poland and Portugal.

The report’s Foreword states that ‘[e]very child has a right to be protected even when they are accused or suspected of committing a crime. The basic principles of justice apply to adults and children alike. But our research shows that truly upholding children’s rights in the justice system is far from simple.’

Source: FRA (2022), *Children as suspects or accused persons in criminal proceedings – Procedural safeguards*, Vienna.

## 1.5.3. Children involved in judicial proceedings as suspects or accused persons

On 11 May 2016, the European Parliament and the Council adopted the Procedural Safeguards Directive (2016) for children who are suspects or accused persons in criminal proceedings.

### *Progress to strengthen procedural rights of children as suspects or accused persons and make justice more child-friendly*

Several Member States have amended national law to promote more child-friendly justice systems, often as part of the process of incorporating the Procedural Safeguards Directive into national law.

In Belgium, the College of Prosecutors-General of the Courts of Appeal issued a circular <sup>(129)</sup> in 2018 on the organisation of the rights of child victims, witnesses and suspects to access to a lawyer. In 2023 the Bulgarian Ministry of the Interior revised its internal instructions on police detention, following ECtHR judgments and infringement procedure INFR(2021)2098 <sup>(130)</sup>. The new rules aim to improve child protection by mandating parental notification and lawyer involvement.

In January 2019, the Danish Act on Combating Juvenile Delinquency <sup>(131)</sup> entered into force, and the Youth Crime Board <sup>(132)</sup> was established. It has the power to order targeted individual preventive measures for children aged 10 to 17 years. The act is applicable to adolescents aged of 15 to 17 who have been convicted of serious or severe crimes, and to children aged 10 to 14 who are suspected of serious or severe crimes.

In France, the Juvenile Criminal Justice Code <sup>(133)</sup> emphasises education and establishes a mechanism to reduce the time cases take in the judicial system. In addition, the specialisation of jurisdictions and procedures is being expanded, but the specialisation is also being challenged <sup>(134)</sup>.

The Italian Legislative Decree No 121/2018 <sup>(135)</sup> reformed the juvenile criminal system, focusing on restorative justice, mediation with crime victims and fostering empowerment, education and psychological and physical development. The decree emphasises the importance of rapid social integration and personal liberty.

Juvenile justice is an important institutional issue and is addressed in the strategies of several Member States. In August 2022, the Danish government launched 30 new political initiatives to combat criminal gangs <sup>(136)</sup>, with the goal of strengthening interdisciplinary cooperation in prevention. Initiatives included offering ‘pocket-money jobs’ to 13- to 17-year-olds with criminal records, particularly those who had been referred to the Youth Crime Board. In Spain, the Ministry of Tourism, Regeneration and Justice and the Ministry of Education and Sport signed an agreement in 2021 <sup>(137)</sup> to guarantee access to education for young people in the juvenile justice system and inmates in juvenile offender detention centres.

#### 1.5.4. Children with disabilities

In line with the EU strategy on the rights of the child (2021), the Commission committed to ensuring complementarity with the EU strategy for the rights of persons with disabilities 2021–2030 <sup>(138)</sup> and the CRPD and to responding to the needs of children with disabilities and providing better access to mainstream services and independent living. In the strategy for the rights of persons with disabilities, ‘[t]he Commission calls on Member 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’ (p. 9).



## PROMISING PRACTICES

### Strengthening procedural rights of children in conflict with the law

*My Lawyer, My Rights*, co-funded by the EU and led by Defence for Children International Belgium, has worked towards the proper implementation and effective monitoring of relevant EU directives, including Directive 2016/800/EU on procedural safeguards for children who are suspects or accused persons in criminal proceedings. It also aims to strengthen the capacity of children’s lawyers.

Source: Belgium, Child Circle (n.d.), ‘*My Lawyer, My Rights*’.

### Evidence-based recommendations to judicial authorities

In 2019, the Italian Supervisory Authority for Childhood and Adolescence released a policy document on the rights of children involved in criminal proceedings. The document includes recommendations for public and judicial authorities, including to provide qualified and attentive listening spaces, make roles and procedures clear, strengthen interpretation and cultural mediation services, and supervise police procedures.

Source: Italy, Supervisory Authority for Childhood and Adolescence (2019), *Take Action – The rights of children in the external judicial system*, Rome.

Predating the CRPD, in 2003, the Council of the European Union adopted a resolution on equal opportunities for pupils and students with disabilities in education and training<sup>(139)</sup>. It called on Member States to provide support for the integration of children and young people with special educational needs into society through appropriate education and training. In addition, Member States continue to develop national strategies or action plans focused on persons with disabilities, and to adopt legislation and policies relevant to persons with disabilities (e.g. with regard to health policy, deinstitutionalisation or the establishment of an ombudsperson for children with disabilities). These measures have direct relevance to children.

The Member States and the EU itself have ratified the CRPD. All Member States, except Ireland, the Netherlands and Poland, have ratified the CRPD's Optional Protocol<sup>(140)</sup>. As General Comment No 6 (2018) to the CRPD emphasises, 'States parties must identify areas or subgroups of persons with disabilities ... that require specific measures to accelerate or achieve inclusive equality'<sup>(141)</sup>. To ensure the non-discriminatory treatment of persons with disabilities, Member States could adopt mandatory measures.

The EU strategy for the rights of persons with disabilities<sup>(142)</sup> aims to improve the lives of persons with disabilities, including children, taking into account the diversity of disabilities, which may include long-term physical, mental, intellectual or sensory impairments.

Most Member States have developed national action plans or strategies relating to disability, and several of these strategies include a section on children and a focus on inclusive education. (More information on national disability strategies and their current development is available from FRA<sup>(143)</sup> and the UN<sup>(144)</sup>.)

Given significant gaps in and lack of high-quality inclusive education<sup>(145)</sup>, which prepares persons with disabilities for work and employment, access to education for children with disabilities remains a challenge in many Member States<sup>(146)</sup>. As the ECtHR emphasised, international instruments have recognised inclusive education as the most appropriate means of guaranteeing the fundamental principle of non-discrimination. This has been continuously confirmed in case law. The ECtHR confirmed that education is geared towards promoting equal opportunities for all, including persons with disabilities.

Inclusive education undoubtedly forms part of the Member States' international responsibility in this sphere<sup>(147)</sup>. However, the definition of special needs in education differs, and ensuring high-quality education for children with disabilities remains a challenge in almost all Member States<sup>(148)</sup>. In Latvia, legislative amendments<sup>(149)</sup> require all general education institutions to have special education programmes for children with disabilities.

Certain Member States have adopted new targeted laws since the 2014 FRA mapping of child protection systems. In 2021, the Bulgarian parliament adopted the Bulgarian Sign Language Act<sup>(150)</sup>. It includes provisions focused on children with hearing and visual impairments, such as facilitating the learning of Bulgarian sign language, providing a language-rich environment and offering support at both kindergartens and schools.

The Czech Act on Health Services<sup>(151)</sup> was amended to ban the placement of children up to the age of 3 in children's homes (so-called infant institutions), except for children whose health condition, for example due to a disability, requires inpatient care. From 2025, all infant institutions are to be closed.

Amendments aimed at increasing support and care were also found. In Croatia, an institute established by the Law on the Unified Body of Expertise <sup>(152)</sup> introduced a new expert examination system addressing situations in which challenges are identified in a child's development, for example due to a disability. It represents standardisation of the criteria for this procedure and helps users to exercise their rights.

Some Member States, such as Austria and Spain, have developed dedicated national strategies or action plans for children with disabilities. The Austrian national action plan on disability 2022–2023 <sup>(153)</sup> includes a section on children with disabilities and discusses measures such as training for judges on the right to personal freedom and restrictions of freedom in care institutions, data collection, and simplification of procedures to access funding.

Some Member States have special provisions in national strategies focused on supporting autistic children. In France, the national parenting support strategy 2018–2022 <sup>(154)</sup> and the national autism and neurodevelopment disorders strategy 2018–2022 <sup>(155)</sup> include measures related to children with disabilities. Over the past two decades, Portugal has developed a national early intervention system <sup>(156)</sup> to ensure access to early childhood intervention and quality education with the goal of preventing child–family separation and decreasing the risk of developmental delays <sup>(157)</sup>.

In 2021, the Finnish Ombudsman for Children launched the publication *Disability and the Rights of the Child: A child's life with disability* <sup>(158)</sup> to prompt debate on how the rights of children with disabilities are respected, protected and fulfilled. Research <sup>(159)</sup> by the Irish Ombudsman for Children and the Centre for Disability Law and Policy at the National University of Ireland, Galway, concluded that children with disabilities are in fact overlooked in many child- and disability-focused laws, policies and programmes. In Slovakia, Law No 176/2015 on the Commissioner for Children and the Commissioner for People with Disabilities <sup>(160)</sup> established an independent human rights institute, which is also responsible for the protection of the rights of children with disabilities.

### **1.5.5. Children at risk of poverty or social exclusion**

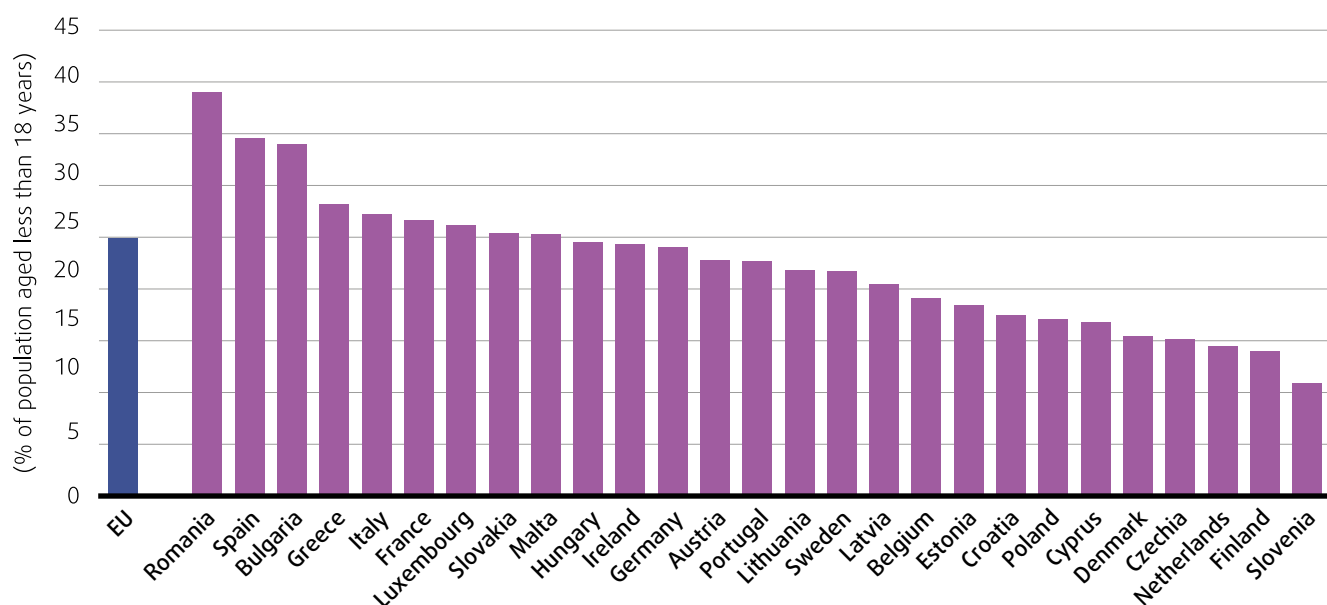
While poverty can be understood as a form of violence against children due to multiple deprivations and disadvantages, such as inadequate nutrition, healthcare and housing or unequal educational opportunities <sup>(161)</sup>, and is often accompanied by stigma and discrimination, it can also be a driver of further violence, such as domestic violence or bullying <sup>(162)</sup>.

Child poverty and the risk of social exclusion remain a problem in Europe. According to Eurostat, 21.4 % of the EU population – or some 94.6 million people – were at risk of poverty or social exclusion in 2023 <sup>(163)</sup>. The cost-of-living crisis, largely driven by the COVID-19 pandemic and rising energy prices due to the Russian war of aggression against Ukraine, has affected all Member States <sup>(164)</sup> <sup>(165)</sup>. Children are at an increased risk of poverty and social exclusion (see Figure 1), with almost one in four (24.8 %) children in the EU living in households at risk of poverty or social exclusion in 2023 <sup>(166)</sup>. The highest values were reported in Romania (39.0 %), Spain (34.5 %) and Bulgaria (33.9 %). On the other hand, the lowest shares were recorded in Slovenia (10.7 %), Finland (13.8%) and Czechia (15.0 %) <sup>(167)</sup>.

The COVID-19 pandemic had devastating consequences for many families in the EU, and children were particularly affected <sup>(168)</sup>. Eurochild published a report <sup>(169)</sup> examining the effects of the COVID-19 pandemic on children in 25 European countries (including 23 Member States). The findings suggest that the pandemic and subsequent social lockdowns had a significant negative

impact on children’s mental health, exacerbated societal inequality and placed additional strain on families’ and children’s education, health and social inclusion. Key findings include that more families have been at risk of poverty due to job losses, with clear negative impacts on children including an increase in domestic violence. Child poverty increased dramatically during the COVID-19 pandemic <sup>(170)</sup>.

**FIGURE 1. CHILDREN AT RISK OF POVERTY OR SOCIAL EXCLUSION, 2023**



Source: Eurostat (2023), **Children at risk of poverty or social exclusion**.

### **Financial measures and partnerships to tackle child poverty**

In 2021, in line with the EU strategy on the rights of the child, the Commission established the European Child Guarantee <sup>(171)</sup> to prevent and reduce child poverty. Furthermore, principle 11 of the European Pillar of Social Rights <sup>(172)</sup> focuses on ensuring that all children have access to affordable, high-quality early childhood education, care and protection from poverty. The guarantee operationalises that focus by ensuring that vulnerable children receive essential services such as healthcare, education and housing.

By the end of 2023, all Member States had submitted their European Child Guarantee national action plans <sup>(173)</sup>. They are designed to ensure that every child in Europe at risk of poverty or social exclusion has access to basic rights such as healthcare and education.

Also in 2021, the EU adopted a Regulation establishing the Recovery and Resilience Facility <sup>(174)</sup> to support the implementation of ambitious reforms and investments. The goal is to make Member States’ economies and societies more sustainable, resilient and prepared for the green and digital transitions.

At the legislative level, several Member States have made efforts to decrease the rate of poverty by increasing financial support for single parents and lower-income families with children.

In Austria, the COVID-19 Poverty Act <sup>(175)</sup> was adopted in 2021. It provided for a special budget of EUR 20 million for financial aid to social assistance recipients, including child-specific support benefits. Croatia <sup>(176)</sup> and Spain <sup>(177)</sup> reported a guaranteed minimum income scheme. It is intended for a single

person or a household that does not have enough resources to meet basic living expenses (on guaranteed minimum income schemes, see a recent International Monetary Fund report <sup>(178)</sup>).

National laws have been adopted to combat poverty and also to counteract increasing child poverty. These laws are in line with the European Commission's call <sup>(179)</sup> on Member States to modernise their minimum income schemes as part of the ongoing pledge to reduce poverty and social exclusion in Europe.

In 2022, the proposed Council Recommendation on adequate minimum income ensuring active inclusion <sup>(180)</sup> set out how Member States can modernise their minimum income schemes to make them more effective in lifting people out of poverty, while promoting the labour market integration of those who can work. This Recommendation was adopted in January 2023. It aims to support a decent standard of living, reduce in-work poverty and promote social cohesion and upward social convergence. These goals are also linked to standards set out in the European Child Guarantee.

In 2022, the EU adopted a Directive on adequate minimum wages <sup>(181)</sup>, addressing the right to just conditions of work. Its aims are to ensure a decent standard of living for workers and their families, reduce in-work poverty and promote social cohesion and upward social convergence, all of which are directly linked to the social protection of families with children at risk of poverty and social exclusion.

In Croatia, the new Social Welfare Act <sup>(182)</sup> increased the amount of the guaranteed minimum income for particular socially vulnerable groups of citizens at risk of poverty. The amounts were raised from 40 % to 70 % for a child in a dual-parent household, from 55 % to 80 % for a child in a single-parent household (who has a second parent who shares responsibility for the child's upbringing) and from 55 % to 90 % for a child of a single parent (with sole responsibility for the child's upbringing). Such an increase in the guaranteed minimum income is part of the implementation programme of the national plan to combat poverty and social exclusion 2021–2027 <sup>(183)</sup>; with regard to children, its special goal is the prevention and reduction of child poverty and social exclusion.

In Lithuania, the Law on Social Support for Pupils No X-686 <sup>(184)</sup> was updated in 2019 to provide for the following types of social support for students/pupils in schools: free meals (breakfast, lunch, dinner, meals at summer recreation camps organised by schools) and support for the purchase of school supplies.

#### **1.5.6. Roma children**

UN bodies, including the Committee on the Rights of the Child in 2023 <sup>(185)</sup>, continue to voice concerns about the experiences of Roma and Traveller children, particularly noting their intersecting experiences of disability and homelessness. The Chair of the Committee on the Rights of the Child said that 'the Committee should continue to play a leading role in promoting the child rights-based approach at all levels, in cooperation with the OHCHR, UNICEF, civil society and children themselves, inspired by the [Secretary-General]'s Guidance Note' <sup>(186)</sup>.

The EU Roma strategic framework for equality, inclusion and participation <sup>(187)</sup> (2020) aims to ensure the inclusion of Roma children and decrease the segregation of and discrimination against them. They are over-represented <sup>(188)</sup> in the child protection system in several Member States. In 2021, the Council of the EU adopted a Recommendation on Roma equality, inclusion and

## FRA ACTIVITY

# Roma in 10 European Countries – Main results

The 2022 FRA report, *Roma in 10 European Countries*, revealed little progress since the last FRA survey in 2016.

- 29 % of Roma children live in households in which someone went to bed hungry at least once in the previous month.
- 44 % of Roma children attend early childhood education (almost no change from 2016). In comparison, often over twice as many children of the same age from the general population in the same country attend early childhood education.

Source: FRA (2022), *Roma in 10 European Countries – Main results*.



participation <sup>(189)</sup>, which includes sectoral objectives related to the access of children to high-quality inclusive mainstream education.

The segregation of Roma children in education remains an issue in several Member States. The ECtHR has ruled in several landmark cases <sup>(190)</sup> on the treatment of Roma children in the educational system. The Court held that decisions on the assignment of Roma children to special schools or classes could be only justified by putting in place appropriate safeguards and strict criteria to prevent systemic segregation based on their origin. Safeguards could include tests specifically designed for the needs of Roma children, and the evaluation and monitoring of progress, so that integration into ordinary classes takes place as soon as learning difficulties have been remedied <sup>(191)</sup>.

Several Member States have developed national strategies with a special focus on Roma people, including children and their more effective inclusive education, ensuring the right to non-discrimination. Romania established a national commission on desegregation and educational inclusion <sup>(192)</sup> in 2019 to monitor and revise desegregation efforts. However, Roma children's access to early education remains low in Romania, with only 78 % attending compulsory education.

The Slovak Education Act <sup>(193)</sup> explicitly prohibits all forms of discrimination in education and specifically prohibits segregation. 'However, Roma children have been subject to persistent and systematic segregation in Slovakia for a long time' <sup>(194)</sup>. The European Commission launched an infringement procedure <sup>(195)</sup> against Slovakia in 2015 due to the breach of the prohibition of discrimination in education laid down in the EU Race Equality Directive.

With the goal of improving the situation, in 2022, the Slovak Ministry of Education published a manual <sup>(196)</sup> to address the problem of segregation in education in Slovakia <sup>(197)</sup>. The manual is designed for school administrators and founders and aims to transform the often exclusionary education system in Slovak schools into an inclusive one. It includes case studies of four schools already implementing such a transformation.

Each Member State has produced a national Roma strategic framework with specific measures regarding children, for example as regards education. The European Commission first assessed these strategies in 2012 and evaluated them again in 2017 <sup>(198)</sup> and 2023 <sup>(199)</sup>. The adoption of children's rights strategies with a special part dedicated to Roma children is less prominent in Luxembourg <sup>(200)</sup> and Malta <sup>(201)</sup>, as reported by the Commission.

Member States have introduced targeted legislation regarding Roma people, such as requiring compensation for forced sterilisation of women (Czechia <sup>(202)</sup>), tackling school drop-outs (Greece <sup>(203)</sup>), enhancing inclusive education

## PROMISING PRACTICE

# Employment of Roma assistants in schools

In 2019, Slovenia amended regulations to provide for the employment of Roma assistants in kindergartens, elementary schools and educational facilities for children with special needs. Full-time positions are available in kindergartens with over 20 Roma children, half-time in elementary schools with 31 or more Roma children, and additional expert posts where appropriate.

Source: Slovenia, Government of Slovenia (2007), **Rules on norms and standards for the implementation of the basic school programme**, 28 May, and subsequent modifications.

(Slovakia) <sup>(204)</sup> and fighting hate crime and hate speech (Denmark <sup>(205)</sup>, Spain <sup>(206)</sup>). In Czechia, a new law was passed in 2022 (Bill on the provision of persons sterilised in violation of the law and on the amendment of certain related acts) to provide compensation (CZK 300 000) to persons who were illegally sterilised between 1966 and 2012. Such illegal sterilisations were performed mainly on Roma, and often also on children (for more information, see the report by the European Roma Rights Centre) <sup>(207)</sup>.

Discrimination against the Roma people is a concern in many Member States. For example, in Finland such discrimination was identified as a 'serious human rights issue' by the Non-discrimination Ombudsman <sup>(208)</sup>. On 9 February 2023, the Finnish Ministry of Social Affairs and Health published the national Roma policy for 2023–2030 <sup>(209)</sup>. The aim of this policy is to support Roma inclusion, participation and equality. In accordance with the national child strategy <sup>(210)</sup>, the Ombudsman for Children carried out two surveys in 2022 regarding the realisation of the well-being and rights of Roma children <sup>(211)</sup>, which were published in February 2023. According to the surveys, Roma children in Finland still face discrimination and racism, and should not be seen as a homogeneous group.

In March 2017, Ireland conferred official recognition on Travellers as an ethnic group, although this recognition does not create any new individual or constitutional rights. The national Traveller and Roma inclusion strategy 2017–2021 <sup>(212)</sup> provided a framework for action and for pilot programmes in Galway, Wexford, Dublin and Cork. A targeted recruitment drive for Traveller foster parents resulted in a significant increase in their number.

In May 2024, the European Committee of Social Rights ruled against Czechia for indirectly discriminating against Roma children by failing to collect sufficient data on their over-representation in state care. This ruling <sup>(213)</sup>, following a 2020 complaint by the European Roma Rights Centre and addressing concern from international bodies such as the European Commission against Racism and Intolerance, and the UN, emphasises the need for ethnic data to inform effective policies. It requires Czechia to rectify this by implementing ethnic data collection or alternative methods as a vital measure for creating policies to protect Roma children's rights. The ruling demands policy-level changes and asserts that such data collection is crucial for tackling structural discrimination and antigypsyism.

#### **1.5.7. Children at risk of harmful practices, including female genital mutilation, child/forced marriage and honour-related violence**

Child marriage and female genital mutilation (FGM) span continents and cultures. Globally, around 39 000 young girls are married before reaching the age of majority. More than one third of them are younger than 15 years old <sup>(214)</sup>. According to UNICEF, harmful cultural practices such as child marriage <sup>(215)</sup> and FGM <sup>(216)</sup> constitute discriminatory practices that certain societies view as acceptable. It is estimated that over 600 000 women in Europe live with the consequences of FGM.

##### ***Various approaches to addressing harmful practices***

The risk of harmful practices, such as forced marriage (including child marriage), varies across Member States <sup>(217)</sup>. Most Member States have introduced forced marriage provisions to their criminal codes, criminalised honour-related violence and introduced provisions on FGM, usually as part of the implementation of the Istanbul Convention, which includes addressing child-specific threats.

Sweden has adopted legislation against child marriage and honour-based violence and oppression, and against virginity controls and virginity certificates.

## PROMISING PRACTICE

# Tools for identifying gender-based violence

In 2021, the Slovenian government's Office for National Minorities launched the *Handbook on identifying early and forced marriages in the Roma community and how to act in these cases*, targeting institutions and organisations working with Roma communities. It advises them on how to recognise early signs that a forced marriage or an escape of a child from a threatening environment could occur, and also covers legal bases for dealing with early and forced marriages.

An online platform for reporting gender-based and sexual violence was set up in France in 2018.

Sources: Slovenia, Office for National Minorities (2021), *Handbook on identifying early and forced marriages in the Roma community and how to act in these cases*; Government of France (2018), **Let's Stop the Violence**, home page.

In Portugal, Order 11881/2022 <sup>(218)</sup> extended the mandate of the 2021 Working Group for the Prevention and Combat of Child, Early and Forced Marriages. In 2021, the Portuguese government also approved the biannual plan (2021–2022) on the national strategy for the rights of children <sup>(219)</sup> and its operational objective 12.2 to 'prevent and combat all other forms of violence against children and young people, including exploitation, trafficking, early and forced marriage and female genital mutilation'.

Various measures from national strategies or action plans, such as online awareness-raising and counselling platforms (in France <sup>(220)</sup>) or new assessment support materials disseminated to social service providers (in Sweden <sup>(221)</sup>), have been adopted to combat harmful practices.

In Austria, the new Federal Child and Youth Welfare Act <sup>(222)</sup> requires that hospitals inform local agencies if there is a reasonable suspicion of a child's welfare being at considerable risk due to FGM. Among new institutional developments, in 2022 the Red Cross in Austria began operating a nationwide FGM/Cutting Coordination Office <sup>(223)</sup>.

In Belgium, the Act of 18 June 2018 <sup>(224)</sup> amended legal conditions to allow professionals to break confidentiality requirements in cases where there is a suspicion of crimes committed against vulnerable individuals by force or due to cultural motivations, customs, traditions, religion or honour, or where FGM is in the patient's record. FGM has been included in German law since 2013 as a criminal act <sup>(225)</sup>. Male circumcision is not seen as a criminal act even if there is no medical necessity <sup>(226)</sup>.

A number of Member States have developed action plans for the prevention of FGM. In 2019, the Finnish Ministry of Social Affairs and Health published an action plan <sup>(227)</sup> aimed at enhancing healthcare professionals' knowledge and competence and ensuring effective information dissemination to risk groups. In the Netherlands, the action agenda against harmful practices <sup>(228)</sup> has tackled such practices as FGM, child/forced marriages and honour-related violence since 2020.

The EU's Domestic Violence Directive (2024) <sup>(229)</sup> represents a significant step in addressing gender-based violence, including the protection of children from such harm. It strengthens legal frameworks across Member States, ensuring robust measures against FGM and providing comprehensive support and protection for victims of domestic violence and other gender-based abuse. In 2024, the revised Anti-Trafficking Directive <sup>(230)</sup> entered into force, introducing stricter rules to combat trafficking in human beings. It targets exploitation through surrogacy, forced marriage and illegal adoption, among other means.

## FRA ACTIVITY

# EU data on violence against children collected by the violence against women survey

EU surveys on violence against women also provide data on violence against children. The survey respondents are 18 years of age and older, but they are asked about their experiences during childhood, and whether their own children have witnessed any incidents of intimate partner violence in the home.

In 2023–2024, FRA and the European Institute for Gender Equality conducted a survey in eight Member States, complementing the data collection coordinated by Eurostat in the rest of the EU in the framework of the EU survey on gender-based violence against women and other forms of interpersonal violence. The data collection is based on a common questionnaire, which includes questions concerning women's experiences of violence before the age of 15 – including physical and psychological violence where the perpetrator was a parent or a guardian, and sexual violence by any perpetrator. Similar data were collected in FRA's 2014 EU-wide survey on violence against women. The key results of the latest survey on violence against women are available on FRA's website, and on Eurostat's online database.

*Sources: Eurostat (2022), **EU survey on gender-based violence against women and other forms of inter-personal violence (EU-GBV) – First results – 2022 edition**; FRA (2024), **EU gender-based violence survey – Key results**.*

### 1.5.8. LGBTIQ children

The EU strategy on the rights of the child (2021) emphasises the fundamental principle of non-discrimination, applicable to all spheres of child protection, and makes explicit reference to the specific protection needed for LGBTIQ children. However, LGBTIQ communities across Europe, particularly children, still face significant barriers to their enjoyment of fundamental rights and their access to fair justice. In November 2020, the European Commission adopted the LGBTIQ equality strategy 2020–2025<sup>(231)</sup>. It includes a range of measures to integrate LGBTIQ equality into all policy areas and strengthen the voice of LGBTIQ minorities.

#### *Different focuses in legal and policy developments*

In recent years, a number of Member States have made legislative or policy updates related to gender identity and medical treatments (e.g. France, Hungary, Sweden), some of which negatively affect LGBTIQ children.

Law No 2021-1017 of 2 August 2021<sup>(232)</sup> in France establishes a bioethics framework for medical care for children with genital development variations. Specialised teams provide diagnosis and treatment proposals, as well as psychosocial support and information. Consent from the child is sought if they can express their wishes and participate in the decision-making process.

Anti-LGBTIQ trends in Hungary and Poland affecting children have been noted by international human rights organisations and the European Commission. In 2020, Hungary adopted a law<sup>(233)</sup> prescribing that an individual's sex at birth (defined as 'biological sex based on primary sex characteristics and chromosomes') must be recorded in the national registry and cannot be changed<sup>(234)</sup>. In 2021, Hungary adopted Act LXXIX amending several other laws<sup>(235)</sup>, including the Act on National Public Education. It prescribes that sexual education must not be aimed at promoting homosexuality, gender reassignment or 'deviation' from the child's gender identity aligning with sex at birth, and can be provided only by persons and/or organisations registered with a designated state body<sup>(236)</sup>.

Both Eurochild<sup>(237)</sup> and the Venice Commission<sup>(238)</sup> have expressed concern that these provisions constitute discrimination on the basis of sexual

## FRA ACTIVITY

# LGBTIQ Equality at a Crossroads – Progress and challenges

In May 2024, FRA published the findings of the third wave of its EU LGBTIQ survey, covering 30 countries and reaching more than 100 000 respondents. The survey results show a high proportion of respondents (between 60 % and 70 % for all age cohorts) who say that they suffered bullying, ridicule, teasing, insults or threats during their time in school because of their LGBTIQ affiliation. That represents a steep increase since 2019, when the EU-27 average was 46 %.

The results for respondents aged 15 to 17 years in the 2019 and 2024 EU surveys show some improvement: while in the 2019 survey 47 % said that their school education never addressed LGBTIQ issues, in 2024 only 35 % said this.

One of the most alarming findings from the 2024 survey findings is that about one in three respondents aged 15 to 17 years (30 %) had 'often' or 'always' thought about dying by suicide in the year before the survey.

*Source: FRA (2024), **LGBTIQ Equality at a Crossroads – Progress and challenges**.*

orientation and gender identity and may amount to violations of international human rights standards. The Hättér Society has reported that the number of homophobic hate crimes and incidents of harassment has been on the rise since the passing of the anti-LGBTIQ legislation <sup>(239)</sup>. In 2021, the European Commission <sup>(240)</sup> sent Hungary a letter of formal notice of infringement of EU law, and in 2022 it referred Hungary to the Court of Justice of the European Union, asserting that Act LXXIX <sup>(241)</sup> violated a number of EU rules <sup>(242)</sup>, as 'the Hungarian provisions also violate human dignity, freedom of expression and information, the right to respect of private life as well as the right to non-discrimination as enshrined respectively in ... the EU Charter of Fundamental Rights. Because of the gravity of these violations, the contested provisions also violate the values laid down in Article 2' <sup>(243)</sup>.

The Commission also expressed concern that certain Polish municipalities and regions declaring themselves 'LGBTIQ-ideology-free zones' violated EU law regarding non-discrimination on the grounds of sexual orientation <sup>(244)</sup>. In Poland, the status of LGBTIQ rights is under threat, according to a 2023 report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association Europe <sup>(245)</sup>. In August 2023, the Sejm adopted an amendment to the Education Law Act called Protect Children, Support Parents, which would restrict access to schools for NGOs providing sex education <sup>(246)</sup>. It was rejected by the Senate afterwards; the Sejm did not have time to vote again on rejecting the Senate's veto, and with the change of the Polish parliament after the elections in 2023, the amendment was discontinued.

Bulgaria, similarly to Hungary, passed an amendment to the Preschool and School Education Act <sup>(247)</sup> in 2024 to prohibit the discussion of LGBTIQ topics in schools. Critics raised concerns that the regulation may put children and youth at risk by fostering a threatening environment where LGBTIQ children may be subject to bullying, harassment and increased health-related risks <sup>(248)</sup>.

Sweden has implemented several strategies and action plans <sup>(249)</sup> to ensure equal rights and opportunities for all individuals, including addressing LGBTIQ issues, promoting safe and inclusive schools for young transgender and non-binary people, combating honour-related oppression, preventing young LGBTIQ people from conversion attempts and improving their living conditions.

## Endnotes

- (1) European Commission (2024), **Annex – Key Union acquis, key policy documents and funding relevant to child protection systems** (COM(2024) 188 final).
- (2) Austria, Malta, Poland and Romania have not yet ratified the OP III CRC (as of 20 August 2024). UN (2024), Optional Protocol to the Convention on the Rights of the Child on a communications procedure, **Status of ratification**.
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- (12) Status as of 20 August 2024: Belgium (2), Croatia (1), Czechia (1), Denmark (4), France (11), Finland (22), Lithuania (1), Slovenia (1), Spain (9). OHCHR (n.d.), **'Individual communications'**, OHCHR website, accessed 18 November 2024.
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- (15) Council of Europe (1950), **European Convention on Human Rights**.
- (16) Department for the Execution of Judgments of the ECtHR (2021), **'Children's rights – Thematic factsheet'**, Strasbourg.
- (17) European Court of Human Rights, website: <https://www.echr.coe.int/>.
- (18) *V.P. v France*, No 21825/20, communicated on 30 September 2020.
- (19) *Odjèvre v France*, No 42326/98, ECtHR 2003-III; *Godelli v Italy*, No 33783/09, 25 September 2012.
- (20) *M. and M. v Croatia*, No 10161/13, ECtHR 2015; *Raw and others v France*, No 10131/11, 7 March 2013; *A. P. and A. M. v the Czech Republic*, No 22216/20, communicated on 15 January 2021.
- (21) CoE (2009), **Recommendation CM/Rec(2009)10 on integrated national strategies for the protection of children from violence**.
- (22) CoE (2023), **Recommendation CM/Rec(2023)8 on strengthening reporting systems on violence against children**.
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# 2

## GOVERNANCE, COORDINATION STRUCTURES AND SERVICES

States Parties are the primary duty-bearers responsible for ensuring child protection and care while guaranteeing the rights and obligations of parents, legal guardians or other legally responsible persons (Articles 3 and 19 CRC). General Comment No 13 on the right of the child to freedom from all forms of violence calls on 'States parties to assume their responsibilities towards children not only at the national level, but also at the provincial and municipal levels' and 'to support and assist parents and other caregivers to secure, within their abilities and financial capacities and with respect for the evolving capacities of the child, the living conditions necessary for the child's optimal development'. It states that '[c]oordination mechanisms ... must be explicitly outlined to ensure effective coordination at central, regional and local levels, between different sectors and with civil society, including the empirical research community' <sup>(1)</sup>. It calls for 'effective procedures' to be 'integrated into a systems-building approach' 'to ensure their enforcement, quality, relevance, accessibility, impact and efficiency'. It requires clear inter-sectoral coordination mandated by protocols and memoranda of understanding.

Building on the EU strategy on the rights of the child (2021), in March 2022 the Commission established the EU Network for Children's Rights. It is composed of representatives of national authorities and children's rights experts from NGOs and international, local and regional authorities. Children's ombudspersons, academics and children representing children's rights organisations can be invited to relevant network activities. The aim of the network is to promote exchange of information, best practices and mutual learning between Member States, the Commission and relevant stakeholders, supporting the implementation, monitoring and evaluation of the strategy.

In its conclusions on the EU strategy on the rights of the child (2022) <sup>(2)</sup>, the Council of the EU called upon the Member States to strengthen cooperation and coordination between relevant authorities and stakeholders. The Council called for:

efforts to prevent and combat all forms of violence against children, in particular by: (i) [p]romoting cooperation among support services, and supporting a holistic response to violence, (ii) [d]eveloping integrated and targeted specialist support services for child victims, in addition to or as part of general victim support services and investing in preventing secondary victimisation, (iii) [s]trengthening the development, evaluation and promotion of integrated child protection systems where all relevant services cooperate according to a coordinated and multidisciplinary approach, in the best interests of the child, for example the Children's Houses ... model, (iv) [b]anning

corporal punishment in all settings, and strengthening integrated support services for children and families.

The 2024 Commission Recommendation urges Member States to ‘take appropriate measures to strengthen coordination and cooperation of all relevant ministries and sectors, and across the different levels of competence, at the local, regional and national levels and in cross-border situations’ (3). Member States are encouraged ‘to establish or nominate a body tasked with those cooperation and coordination responsibilities’ (4).

## 2.1. INSTITUTIONS AND SERVICE PROVIDERS RESPONSIBLE FOR CHILD PROTECTION

Child protection responsibilities are typically shared among national, regional and local authorities. Most components of the child protection system are established in national law and implemented by government agencies at various levels. Child protection responsibilities may also be delegated to private, civil and church organisations, subject to the best interests of the child.

Integrated child protection requires a lead ministry or authority responsible for providing child protection at the central government level. The role of such a primary institution is to ensure coordination with, and link governance mechanisms to, subnational bodies with responsibilities for child protection. Cross-sectoral coordination mechanisms should be formalised and operational at all levels, including national and subnational, and across borders. Intra- and inter-sectoral coordination mechanisms for planning, programme implementation, monitoring and reviews should be formalised, and the functioning of these mechanisms should be reviewed regularly (5).

### Guidance: strengths of a primary institution for child protection

Establishing a primary institution for child protection at the national level is recommended for the following reasons.

- **Specialised focus.** It enables a concentrated focus solely on child protection issues and ensures that the specific needs and vulnerabilities of children receive specialised attention.
- **Expertise and knowledge.** It can accumulate expertise, knowledge and experience in handling diverse aspects of child protection, including prevention, intervention, advocacy and policy development.
- **Coordination and collaboration.** It serves as a central hub for coordinating efforts among various government agencies, NGOs, law enforcement, healthcare providers and other stakeholders involved in child protection.
- **Resource allocation.** It can facilitate efficient resource allocation by identifying priority areas, needs and gaps in child protection services, ensuring optimal use of available resources and preventing duplications.

- **Policy development and implementation.** It plays an essential role in developing, implementing and monitoring national policies, law and initiatives related to child protection, and ensures consistency and effectiveness in safeguarding children’s rights.
- **Advocacy and awareness.** It can lead advocacy campaigns and raise public awareness about child protection issues, thereby promoting a culture of safeguarding the rights and well-being of children in society.
- **Accountability and monitoring.** It helps establish accountability mechanisms to monitor and evaluate the effectiveness of child protection measures to ensure that policies and interventions deliver the intended outcomes.

Sources: Save the Children’s Resource Centre (2018), *Issues to consider in designing a child protection system*; UNICEF (2021), *Child Protection Systems Strengthening*.

See also FRA (2024), *Mapping Integrated Child Protection Systems in the EU – Update 2023*, pp. 10–12.

### **2.1.1. State and non-state actors in child protection across Member States**

Twenty Member States have a primary institution for child protection. In most Member States, the national legal framework allows national, regional and local authorities to outsource child protection services to non-state actors, such as civil society organisations, private and religious institutions, and both for-profit and for non-profit associations offer child protection services. Private commercial entities and civil society organisations play an increasingly important role in this context, becoming service providers of key child protection services such as alternative care, which traditionally only state actors offered.

The growing involvement of the private sector can create challenges linked primarily to potential conflicts between the child's best interests on the one hand and the private sector's profit interests on the other hand. Effective monitoring is essential to address these challenges. Overall, there is a lack of data on private, civil and church-led providers of child welfare services, as well as the type and number of services that support children and their families.

In Croatia, several non-profit institutions, including the Croatian Institute for Social Work <sup>(6)</sup>, the Centre for Special Guardianship <sup>(7)</sup> and the Family Centre <sup>(8)</sup>, provide protection for children, including those with disabilities, those at risk of poverty and social exclusion, immigrants and victims of abuse, exploitation and violence. These facilities also assist children in court proceedings and address children with addiction, behavioural problems and sanctions.

In the Netherlands, non-profit institutions such as the Municipal Centre for Youth and Family <sup>(9)</sup> provide crucial support for children and parents. The Municipal Centre operates within the framework of the Dutch Youth Law and offers information, counselling and assistance with child development and parenting.

## **2.2. GOVERNMENTAL COORDINATION AND INTER-AGENCY COOPERATION ON CHILD PROTECTION**

To ensure effective integrated child protection systems, particular attention must be paid to cross-sectoral coordination between all relevant government actors and between state and non-state actors. A national unit assigned to coordination responsibilities promotes and ensures coordination among all actors and contributes to the effective implementation of law and policies. In decentralised systems, the need for such coordination is even more important.

In principle, the ministry assigned the primary responsibility for child protection holds a national coordinating and monitoring role. Subordinate administrative structures, such as national authorities or departments, assume responsibility for the day-to-day tasks. Responsibilities are usually divided between the ministries responsible for welfare, social affairs, labour, justice and education.

### **2.2.1. Challenges of inter-agency cooperation in child protection across Member States**

Most Member States have mechanisms for inter-agency cooperation between actors with responsibility for child protection. However, operational coordination can be challenging because of overlapping or poorly defined roles and responsibilities.

Thirteen Member States have established a distinct authority to coordinate and often monitor implementation of national policy and legislation. In fewer

than one third of the Member States, these coordination and monitoring responsibilities lie with the ministry primarily responsible for child protection. These ministries often also cover labour and gender issues. Within the ministry, a specific administrative unit is typically created for this purpose.

More than half of the Member States have set up focal points for children's issues in various ministries or agencies. Due to the cross-sectoral nature of children's rights and child protection, these cooperation mechanisms need systematic strengthening and support at all levels of decision-making, using cooperation protocols and IT systems to ensure clear communication, efficient information sharing and coordinated responses efforts. These tools streamline processes, reduce redundancies and enable real-time tracking and management of cases, thereby improving the overall effectiveness of child protection initiatives.

For example, in the case of missing children, many Member States have developed cooperation protocols connecting different actors involved in search efforts, even at the legislative level. In Belgium, circular COL 4/2022<sup>(10)</sup> and in Poland, Ordinance No 48<sup>(11)</sup> provide guidance on searching for a missing person. These types of agreements typically involve not only the police but also the judiciary and national entities responsible for missing children.

In cases where there is a lack of formal, explicitly legislated coordination between national, regional and local authorities in the development and implementation of policies and legislation in the field of child protection, some form of coordination can be observed in practice, where different ministries and other actors (e.g. the ombudsperson for children) are involved in the consultation process. However, this occurs on an ad hoc basis on specific topics.

Some Member States have established standing committees or councils dedicated to coordinating efforts among different agencies and organisations involved in child protection. In Latvia, for example, cooperation is ensured among the various authorities by the Children's Affairs Cooperation Council based on the Law on the Protection of Children's Rights<sup>(12)</sup>. In Bulgaria, the National Council for Child Protection<sup>(13)</sup> was set up in February 2023 with five thematic working groups on specific issues.

In December 2019, the German Independent Commissioner for Child Sexual Abuse Issues and the Federal Minister for Family Affairs jointly launched the National Council against Sexual Violence Committed against Children and Adolescents<sup>(14)</sup>. This council is a forum for long-term and interdisciplinary dialogue between representatives from civil society, politics, science and professional practice, together with survivors. The council's objective is to permanently counteract sexual violence against children and adolescents and its consequences. The council published guidelines for child-friendly criminal court proceedings in 2022 and for child-friendly family court proceedings in 2023.

## PROMISING PRACTICES

### Interdisciplinary child welfare advisory team

In Austria, on 15 February 2021, **the Child Welfare Commission** was established to advise the Minister of Justice. The experts in the commission from different scientific disciplines dealt with the question of how decisions on asylum and right of residence procedures take the best interests of the child into account. Human rights coordinators are appointed in all federal ministries to serve as contact points for questions of human rights protection.

*Sources:* Austria, Ministry of Justice (n.d.), '**Child Welfare Commission – Report, recommendations and implementation**'; Austrian Federal Chancellery (n.d.), '**Human rights coordinators**'.

### Effective integrated mechanisms to prevent violence against children

Coordinated by the European Social Network, the project 'Side by side – reinforcing integrated child protection services' aims to increase knowledge on adequate social services responses and effective integrated mechanisms to prevent violence against children and reinforce child protection services in EU countries. This project is funded under CERV-2022-Daphne.

*Source:* **EU Funding and Tenders Portal** (2023).

## PROMISING PRACTICE

# Promoting inclusive and resilient national child protection systems

'Promise Soteria' is a project coordinated by the Council of the Baltic Sea States Secretariat that promotes inclusive and resilient child protection systems, including in crises and emergencies. It works to enhance the ability of national child protection systems to work effectively on transnational cases, which often involve children in the most precarious of situations, and supports excellence in the practice of *Barnahus*. The project is funded under CERV-2022-DAPHNE.

Source: [EU Funding and Tenders Portal](#) (2023).

## Endnotes

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# 3

## ACCOUNTABILITY, DATA COLLECTION, IMPACT ASSESSMENT AND MONITORING

Accountability relies on effective monitoring to assess the effective implementation of law and policy over time. Integrated child protection systems require data management systems, standards for case management and inspection, accompanying research, indicator construction, data collection, and independent monitoring, evaluation and impact assessment of child protection systems.

General Comment No 13 (2011) on the rights of the child to freedom from all forms of violence states:

It must be ensured that States parties, national and local agencies and organisations, and relevant civil society stakeholders proactively and cooperatively establish and apply standards, indicators, tools, and systems of monitoring, measurement, and evaluation to fulfil their obligations and commitments to protect children from violence. ... The Committee recommends that States parties publish an annual report on progress made with regard to the prohibition, prevention and elimination of violence, submit it to parliament for consideration and discussion, and invite all relevant stakeholders to respond to the information contained therein <sup>(1)</sup>.

The 2024 Commission Recommendation invites Member States to ‘develop specific data management methodologies with a view to enhancing monitoring and evaluation frameworks of their child protection systems’ <sup>(2)</sup>. Research on violence against children should involve children directly, using child-friendly and inclusive methods, and analyse findings from a child-centred perspective to prioritise children’s voices and experiences <sup>(3)</sup>. A new focus of the Eurostat Database provides specific data on children <sup>(4)</sup>.

## Guidance: the importance of accountability, data collection, monitoring, evaluation and impact assessment for child protection

Accountability, data collection, monitoring, evaluation and impact assessment are crucially important aspects of EU child protection systems for several reasons.

- **Ensuring compliance with standards.** The afore-mentioned mechanisms help to ensure that Member States comply with established standards and regulations regarding child protection. Monitoring and impact assessment enable the evaluation of whether systems meet legal and ethical requirements, including child participation, data protection and privacy.
- **Protection and well-being of children.** Accountability, monitoring and evaluation mechanisms are essential for safeguarding the well-being of children. They are designed to help identify and resolve issues promptly, prevent harm and ensure that children receive adequate care and protection.
- **Identifying gaps and improvements.** Regular data collection, including disaggregation, is the basis for any impact assessment to identify gaps or weaknesses within child protection systems. This information helps policymakers and other stakeholders

make necessary improvements to enhance the effectiveness of these systems.

- **Resources allocation.** Impact assessments based on regularly collected, comprehensive and disaggregated data assist in allocating resources efficiently. They help to identify areas of need and to direct resources to where they can have the most significant positive impact on children's lives.
- **Transparency.** Accountability mechanisms increase transparency within child protection systems and foster public trust. Transparency encourages collaboration among stakeholders. Making relevant information and data publicly accessible, including digitally, ensures that the public remains informed about the functioning and effectiveness of these systems.

Sources: Save the Children's Resource Centre (2018), *Issues to Consider in Designing a Child Protection System*, Institute of Development Studies, Brighton; UNICEF (2021), *Child Protection Systems Strengthening*, New York; Eurochild (2024), *Building Children's Futures – Using children's rights to recover from the global pandemic. The research report: Implementing child rights impact assessments*, Children's Rights Alliance, Dublin.

### 3.1. DATA COLLECTION

Regularly and systematically collected comparable data are needed for the design and implementation of child-rights-compliant legislation. It should be disaggregated by relevant socio-demographic characteristics, including those protected under EU equality and national anti-discrimination law.

In 2021, UNICEF and Eurochild published the final report and a detailed policy brief of their Datacare project <sup>(5)</sup>. The project aimed to map how Member States and the United Kingdom currently collect data on the situation of children in alternative care, as:

To date ... there has been no comparable and Europe-wide indicator to gauge the share of children growing up within different forms of alternative care. There is, at present, no obligation for Member States to collect and report data to the EU on agreed indicators to measure the state of play of deinstitutionalisation and the transition to family and community-based care <sup>(6)</sup>.

One of the goals of the European Child Guarantee (2021) is to move towards an agreed comprehensive set of common indicators on child poverty that can be used to monitor the guarantee's implementation across Member States based on their national action plans <sup>(7)</sup>. The Social Protection Committee endorsed a first version of a joint monitoring framework <sup>(8)</sup> in December 2023. Overall, UNICEF reports that comprehensive data concerning violence against children are scarce and that the availability of comparable data

remains limited <sup>(9)</sup> despite SDG 16.1 to end all forms of violence against children by 2030.

### 3.1.1. Data collection under a single authority, gaps and challenges

In almost half of Member States a single authority is responsible for data collection. More than one third of Member States have a national database for collecting data in the child protection area, ranging from the number of children in what type of alternative care to the use of available services. In federal states such as Austria, systematic data collection at the provincial level takes place. The nine provincial child and youth welfare acts include the obligation to collect statistical data in order to determine the quantitative impact of child and youth welfare services. The manual on child and youth welfare statistics specifies requirements on data to be reported.

Overall, there is a lack of data on child protection across the EU. Gaps exist in the definition of concepts and terminologies related to the rights and protection of children among Member States. For example, there is no consensus on how to define a 'missing child'. The concept of 'victim' in the area of child justice and child protection also lacks a common definition; the 'classic' definition means victims of crime, abuse and violence, but it could also mean victims of human trafficking, sexual exploitation, cybercrime, terrorism or neglect.

#### PROMISING PRACTICE

## Data collection and cooperation agreement for missing children

In Lithuania, the official Register of Wanted Persons, Unidentified Bodies and Unknown Helpless Persons collects data on missing children. The General Prosecutor's Office, the police, the Ministry of Social Security and Labour, the Office of the Ombudsperson for Children's Rights and the State Child Rights Protection and Adoption Service signed a cooperation agreement in 2018. Among other obligations, prosecutor's offices, police and the state service undertake to inform each other about missing children on the day of the child's disappearance.

Sources: Lithuania, Information Technology and Communications Department (n.d.), **Register of Wanted Persons, Unidentified Bodies and Unknown Helpless Persons**; State Child Rights Protection and Adoption Service (n.d.), **'Cooperation'**.



The regular collection of systematic and disaggregated data on different groups of children (e.g. the number of children of different age groups, belonging to an ethnic minority or immigrant group, with disabilities, identifying as LGBTIQ, missing children, victims, etc.) and on child welfare and protection is fragmented. Cross-national comparisons are also complicated by differences in classification systems relating to specific areas of child protection policymaking.

For example, in education the term 'special educational needs' is often used, which is broader than the term 'disability' (which is also a heterogeneous concept itself) and in some Member States also includes children from different socially marginalised groups. For instance, the Bulgarian Sign Language Act <sup>(10)</sup> includes provisions aimed at supporting children with hearing and visual impairments by means of facilitating the learning of Bulgarian sign language, providing a language-rich environment and ensuring support from both kindergartens and schools. In Latvia, legislative amendments <sup>(11)</sup> require all general education institutions to offer special education programmes for children with additional needs.

The lack of common definitions within child protection systems, the lack of indicators for monitoring and the scarcity of reliable, accessible data and statistics make it difficult to design appropriate measures and policy responses.

### 3.2. CHILD RIGHTS IMPACT ASSESSMENT

Child rights impact assessment (CRIA) is a systematic process used to evaluate the potential effects of legislation, policies, programmes or practices on children's rights and well-being. It aims to ensure that children's interests are considered in decision-making and identifies potential positive and negative impacts with a view to avoiding, mitigating or remedying the negative ones. Integrating CRIA into an HRBA promotes accountability and the prioritisation of children's rights, ensuring that policies are designed and implemented in a way that supports the development, protection and participation of children as outlined in the Charter of Fundamental Rights and the CRC.

The European Network of Children's Ombudspersons (ENOC) is a non-profit association of independent children's rights institutions. Among its goals are promoting and protecting children's rights and developing strategies to implement the CRC, as well as ensuring through advocacy and political work that relevant Europe-wide bodies place children's rights at the centre of their activities, legislation and policies and take a child rights approach to their work.

According to the ENOC definition <sup>(12)</sup>, policymakers and legislators can use CRIA to assess the potential impacts on children and young people of laws, policies, budget decisions, programmes and services as they are being developed. This allows them to suggest ways to avoid or mitigate any negative impacts. CRIA should be done *ex ante* – before the law, policy or decision is adopted.

CRIA is a key tool for implementing the CRC, and a crucial tool for advancing children's rights. Only a small, but growing, number of jurisdictions have piloted or use CRIA, an ENOC synthesis report shows <sup>(13)</sup>.

More than half of Member States have legal provisions requiring CRIA when developing law and policies or taking child-related administrative decisions. However, only a few jurisdictions report carrying out CRIA in practice. In Sweden, for example, according to the government, a child rights assessment is required for certain legislative proposals, and also in situations where an inquiry on a strengthened child rights perspective is made <sup>(14)</sup>. The Council on Legislation <sup>(15)</sup> reviews the proposals.

### 3.3. MONITORING THROUGH OMBUDSPERSONS FOR CHILDREN, CHILD ADVOCATES OR OTHER INDEPENDENT NATIONAL HUMAN RIGHTS INSTITUTIONS

Independent national human rights institutions for children, such as ombudspersons for children, child advocates, commissioners, *défenseurs*, *defensorías* and so on, are public bodies responsible for monitoring the actions of governments and other actors and promoting children's rights. General Comments No 2 (2002) <sup>(16)</sup> and No 5 (2003) <sup>(17)</sup> highlight their central role in the implementation of the CRC.

In a majority of Member States specialised children's ombudspersons, commissioners or councils exist and provide independent monitoring of the

#### PROMISING PRACTICES

### Child and Youth Impact Report in practice

In 1997, Flanders, Belgium, introduced an *ex ante* Child Impact Report that applied to children under 18. In 2001, the Child Impact Report became mandatory through legislation. In 2008, it became the Child and Youth Impact Report, extending the impact assessment coverage to all children and young people up to the age of 25.

Source: Children's Rights European Academic Network (n.d.), **The Child and Youth Impact Report**.

### Learning about children's rights

The Ombudsman for Children in Sweden launched the Children's Rights Journey website in 2019 to support municipalities and authorities in ensuring children's rights based on the CRC. This website received 117 959 views between 1 November 2019 and 26 April 2023. The ombudsman has created an online training course for professionals on implementing the CRC. It is accessible at any time, providing basic knowledge for municipalities, regions and government agencies.

Source: **Children's Rights Journey** website.

state's obligation to protect children's rights. In the other Member States, where there is no specialised ombudsperson or other national human rights institution for children, this role of monitoring the positive obligation of the state is taken on by the ombudsperson with a general mandate. This also includes a mandate to receive complaints related to children's rights.

In Greece, for example, the Deputy for Children's Rights works closely with the general ombudsperson.

## PROMISING PRACTICE

### Monitoring and assessment of child protection systems

In Slovenia, the Council for Children and the Family is a permanent consultative body of the Government of the Republic of Slovenia, established under Article 18 of the Family Code. That article defines the first task of the council as monitoring and assessing the situation of children and the family, with an emphasis on the realisation of children's rights. In 2023, the council also included two children's representatives.

The Danish National Social Appeals Board collects a comprehensive sample of common indicators on an annual basis and uses it to monitor care and protection systems. Each year, the board publishes a report called the *Child Index* on the municipalities' case processing. All municipalities are included in the assessment every 3 years. The assessment was carried out for the first time in 2019.

*Sources:* Slovenia, Government of Slovenia (2023), **Council for Children and the Family**; Government of Slovenia (n.d.), **Legal Information System**; Danish National Social Appeals Board (2022), **Child Index 2022**; Danish National Social Appeals Board (2022), **Child Index 2020–2022 – An overall overview of the municipalities' case processing in the area of children.**

## Endnotes

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- (2) European Commission (2024), **Commission Recommendation of 23.4.2024 on developing and strengthening integrated child protection systems in the best interests of the child** (C(2024) 2630 final), p. 16.
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- (4) Eurostat (2024), **‘Discover Eurostat’s data on children’**, 22 July, accessed 19 November 2024.
- (5) Eurochild (2021), **‘Better data for better child protection systems in Europe’**, 4 November, accessed 19 November 2024.
- (6) UNICEF and Eurochild (2021), ***Children in Alternative Care: Comparable statistics to monitor progress on deinstitutionalisation across the European Union***, Geneva and Brussels.
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- (8) European Commission (2023), **‘First version of the joint monitoring framework for the European Child Guarantee, prepared by the Social Protection Committee’s Indicators’ Sub-Group and the European Commission’**, 21 December, Brussels.
- (9) UNICEF and Eurochild (2021), ***Children in Alternative Care: Comparable statistics to monitor progress on deinstitutionalisation across the European Union***, Geneva and Brussels.
- (10) Government of Bulgaria (2021), **Bulgarian Sign Language Act**.
- (11) Government of Latvia, **General Education Law**, 14 July 1999, amendment 2018, Art. 51.
- (12) ENOC (n.d.), **‘Child rights impact assessment – 2020 annual theme’**, ENOC website, accessed 19 November 2024.
- (13) Payne, L. (2020), ***ENOC Synthesis Report – Child rights impact assessment***, ENOC, Strasbourg.
- (14) The inquiry can be made, for example, by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). See Council of Europe (2019), ***GREVIO Baseline Evaluation Report – Sweden***, Strasbourg, Appendix I.
- (15) Government of Sweden (2015), **‘The Legislative Council examines the proposal’**, last updated 22 January, accessed 19 November 2024.
- (16) UN Committee on the Rights of the Child (2002), **General Comment No 2 – The role of independent national human rights institutions in the promotion and protection of the rights of the child**.
- (17) UN Committee on the Rights of the Child (2003), **General Comment No 5 – General measures of implementation of the Convention on the Rights of the Child (Arts 4, 42 and 44, para. 6)**.

# 4

## CHILD PARTICIPATION

Article 24(1) of the Charter of Fundamental Rights enshrines the right of children to express their views freely and have these views taken into consideration on matters that concern them in accordance with their age and maturity.



### Legal corner:

#### Article 12 of the Convention on the Rights of the Child

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

‘2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.’

*Source:* Office of the UN High Commissioner for Human Rights (OHCHR) (1989), **Convention on the Rights of the Child**, 20 November.

States Parties’ obligation to ensure participation derives from Article 12 of the CRC.

General Comment No 12 (2009) (‘1) on the right of the child to be heard states that all processes in which children are heard and participate must be transparent, informative, voluntary, respectful, relevant, child friendly, inclusive, supported by training, safe and sensitive to risk, and accountable. A similar obligation regarding child participation ‘in the development and implementation of legislation and policies to implement the Convention ... involv[ing] persons with disabilities, including children with disabilities’ is also contained in Article 7(3) and Article 4(3) of the CRPD. Thus, children can participate in the planning, implementation and evaluation of child protection policies and programmes, be informed of their right to lodge complaints (redress and complaint mechanisms need to be in place) and receive targeted support in situations of high risk (e.g. poverty and social exclusion, migration, living with disabilities).

The 2024 Commission Recommendation urges Member States to:

introduce mechanisms at national, regional and local levels that enable children to express their views freely on matters that concern them in a meaningful, inclusive, accessible and safe way. In those matters, Member States should empower children, by taking children's views into consideration in accordance with their age and maturity, and by ensuring in particular the engagement of children in the development, monitoring and evaluation of child protection strategies, policies, programmes and services <sup>(2)</sup>.

## Guidance: child participation as an imperative

Child participation is of fundamental importance to child protection systems, as it ensures that the views, experiences and needs of children inform these systems. This enables them to be more responsive to and respectful of children's rights and protection.

- **Legal and ethical imperatives.** Both the CRC and the Charter of Fundamental Rights emphasise the right of children to be heard and taken seriously in matters concerning them. Member States have committed to upholding this right, making child participation not just beneficial but a legal and ethical imperative, holding decision-makers accountable.
- **Dignity and empowerment.** Enabling children to have a say in matters concerning their protection fosters a sense of dignity and empowerment. It acknowledges their rights as individuals and contributes to their well-being and development.
- **Policy effectiveness and sustainability.** Integrating the perspectives of children into policy formulation ensures that these policies are more comprehensive and reflect the realities and challenges faced by children. That enhances their effectiveness and sustainability.
- **Tailoring services.** By engaging children in decision-making processes, authorities

can design child protection services that are more responsive and relevant to children's actual needs. That enhances the effectiveness of these services.

- **Better outcomes.** When children are actively involved in decisions about their safety, protection and well-being, it is more likely that this will lead to better outcomes, as they feel more engaged in the process. That promotes cooperation between children and decision-makers and compliance with international standards.
- **Promoting equity and inclusion.** Children from marginalised groups often face systemic barriers to being heard. Ensuring that all children, regardless of their background, have a platform to share their views can help eliminate inequalities.
- **Strengthening democracy.** Child participation contributes to democracy by promoting active citizenship from an early age, as it can give children the confidence to participate in democratic processes and shape a more inclusive and participatory society for the future.

Sources: European Commission (2021), **EU strategy on the rights of the child**; European Commission and UNICEF (2021), **Guidance on Child and Adolescent Participation**.

## 4.1. INSTITUTIONAL FORMS OF CHILD PARTICIPATION AND FEEDBACK MECHANISMS

A key initiative of the EU strategy on the rights of the child (2021) <sup>(3)</sup> was the establishment of the EU Children's Participation Platform <sup>(4)</sup> to ensure that children are better involved in EU decision-making processes. The European Commission consulted more than 1 000 children on what they need to feel safe <sup>(5)</sup>, to inform its 2024 Recommendation on integrated child protection systems.

## Guidance: the practice of meaningful child participation

Child participation must be meaningful to ensure that children's unique perspectives are respected and valued. Meaningful participation must avoid tokenism and allow children to have a real impact on decisions that affect their lives. Their genuine involvement can lead to better decisions in areas like education, healthcare and community planning, ensuring that solutions truly address their needs. Meaningful participation helps children develop a sense of agency.

Scientists have developed concepts for meaningful child participation, including Professor Laura Lundy's model<sup>(6)</sup>. This model proposes a rights-compliant approach, considering four interrelated concepts – (1) 'space – children must be given the opportunity to express a view'; (2) 'voice – children must be facilitated to express their views'; (3) 'audience – the view must be listened to'; and (4) 'influence – the view must be acted upon as appropriate' – to ensure meaningful participation.

FIGURE 2. LUNDY'S MODEL OF MEANINGFUL CHILD PARTICIPATION



Source: UNICEF (2020), *Engaged and Heard! Guidelines on adolescent participation and civic engagement*, New York, p. 10.

### 4.1.1. National efforts to enhance child participation

Several Member States have carried out self-assessment on child participation using the CoE's Child Participation Assessment Tool<sup>(7)</sup>. These include Bulgaria, Czechia, Estonia, Finland, Ireland, Italy, Latvia, Portugal and Romania.

'CP4 Europe – strengthening national child participation frameworks and action in Europe'<sup>(8)</sup> is a joint EU-CoE project on child participation. It was implemented in Czechia, Finland, Iceland, Portugal and Slovenia.

## Guidance: mapping child participation practices

In 2008, ENOC launched a comparative report on *Child participation and children's ombudsman institutions within the European Union*. It mapped child participation practices within the ENOC membership. Two years later, ENOC started a children's and young people's participatory project supported by ENOC members, the European Commission and the European Network of Young

Advisors. The purpose of the network is to actively involve children and young people in ENOC's annual work and to give them the opportunity to be heard at the European level.

Source: ENOC (2008), *Child participation and children's ombudsman institutions within the European Union*.

The Federal Youth Council in Austria represents children and young people up to the age of 30 and includes 59 member organisations. It advocates co-determination, participation, security, rights and opportunities in policy matters.

Denmark's consultation mechanism allows children and NGOs to provide feedback on draft laws. Ministries must respond to such feedback within 4 weeks and conduct municipal-level hearings with children.

The Council for Children and Adolescents in France has established a children's college and a national consultation for children's rights. The Defender of Rights seeks their opinions and has established a network of Young Ambassadors for Children's Rights (°).

In Slovenia, the Council for Children and the Family monitors children's rights and has two child representatives. Slovenia also has a Children's Parliament. It educates children about political participation, active citizenship and democracy, targeting 396 primary schools, which represents 86.6 % of schools. Discussions occur at the school, local, regional and national levels, promoting citizenship and social life.

The Spanish government supports initiatives promoting children's and adolescents' participation at the local, regional and state levels. UNICEF Spain and partners recognise local governments' work in the Child-Friendly City Seal programme (°), which involves children and adolescents in local participation councils to discuss and submit proposals.

## PROMISING PRACTICE

### Child Barometer

In Finland, the Child Barometer is a series of surveys on the everyday lives of 6-year-old Finnish children, implemented by the Office of the Ombudsman for Children. The first was in 2016. The objective of the study is to investigate the children's own experiences on topics that are relevant to them. The Child Barometer is published in Finnish; abstracts are available in English, Sami and Swedish.

Source: Finland, Ombudsman for Children, **Child Barometer**.

## PROMISING PRACTICE

# Child participation and feedback mechanisms are part of child protection services

In 2016, the Bulgarian State Agency for Child Protection signed a cooperation agreement with the Lumos Foundation to help create an inclusive environment for the participation of children with learning and intellectual disabilities and children in formal care in the work of the Children's Council.

The Department for Child and Youth Welfare Upper Austria and the Association for Social Pedagogy Upper Austria have started a project to promote participation in socio-educational residential groups. The aim is for young people to participate more in assistance planning and in everyday life in the residential groups where they live, to, among other things, recognise the needs of all participants, perceive conflicts and solve them.

Sources: Bulgaria, State Agency for Child Protection (2016), [home page](#); Pfandt, F. and Mandl, S. (2018), *Child Protection in Austria – Inventory – Violence against children and access to support*, p. 26.

## 4.2. CHILD PARTICIPATION IN JUDICIAL PROCEEDINGS

States Parties to the CRC, including Member States, have an obligation to provide legal safeguards for the protection of children's rights, including in judicial proceedings that affect children.

Thematic area 4 of the EU strategy on the rights of the child (2021) states that the EU will take action to support justice systems that uphold the rights and needs of children<sup>(11)</sup>. To encourage judicial systems to adapt to children's needs, the European Commission has adopted a wide range of legal instruments, such as Directive 2012/29 on victims' rights<sup>(12)</sup> and Directive 2016/800 on procedural safeguards for children<sup>(13)</sup>.

Children can encounter the legal system at different points during their upbringing, through parental divorce, domestic violence, adoption proceedings, migration and so on. The European Parliament's resolution of 5 April 2022 calls for the protection of children's rights in civil, administrative and family law proceedings, ensuring they have the right to participate and be heard based on their age, maturity and language skills<sup>(14)</sup>. As FRA's mapping shows, there are significant variations in age thresholds for children's right to express views and be heard in various legal and policy areas.

A CoE consultation of children and young people revealed that when they interacted with the legal system, children reported distrust of the system, intimidating interactions, a lack of child-friendly information and delayed proceedings. In a milestone response to these findings, the soft law document *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (2010)<sup>(15)</sup> was adopted.

## FRA ACTIVITY

# Learning from professionals and children to move towards more child-friendly justice systems

Child-friendly justice has been a priority of the agency's work on the rights of the child since 2012. Its research and capacity-building activities have been run in close cooperation with the Children's Rights Division of the CoE and the Commission's Coordinator on the Rights of the Child in line with their respective strategies on the rights of the child. FRA's reports on *Child-Friendly Justice – Perspectives and experiences of children and professionals* and *Children as suspects or accused persons in criminal proceedings – Procedural safeguards* include fieldwork research about the experiences and perspectives of professionals and children when involved in different types of proceedings in different roles such as victims, witnesses, suspects or accused persons. Professional behaviour is key to ensuring child-friendly proceedings so that children can feel safe and comfortable and make use of their rights. Further (interdisciplinary) training of all professionals working with children, multidisciplinary cooperation and guidance, and awareness-raising activities need to be in place to make justice systems more child friendly. Important procedural safeguards are to ensure children's rights to information and to be heard, their access to legal representation and timely individual needs assessments.

Sources: FRA (2017), *Child-Friendly Justice – perspectives and experiences of children and professionals*; FRA (2022), *Children as suspects or accused persons in criminal proceedings – Procedural safeguards*.

#### 4.2.1. Legal frameworks for juvenile justice across Member States

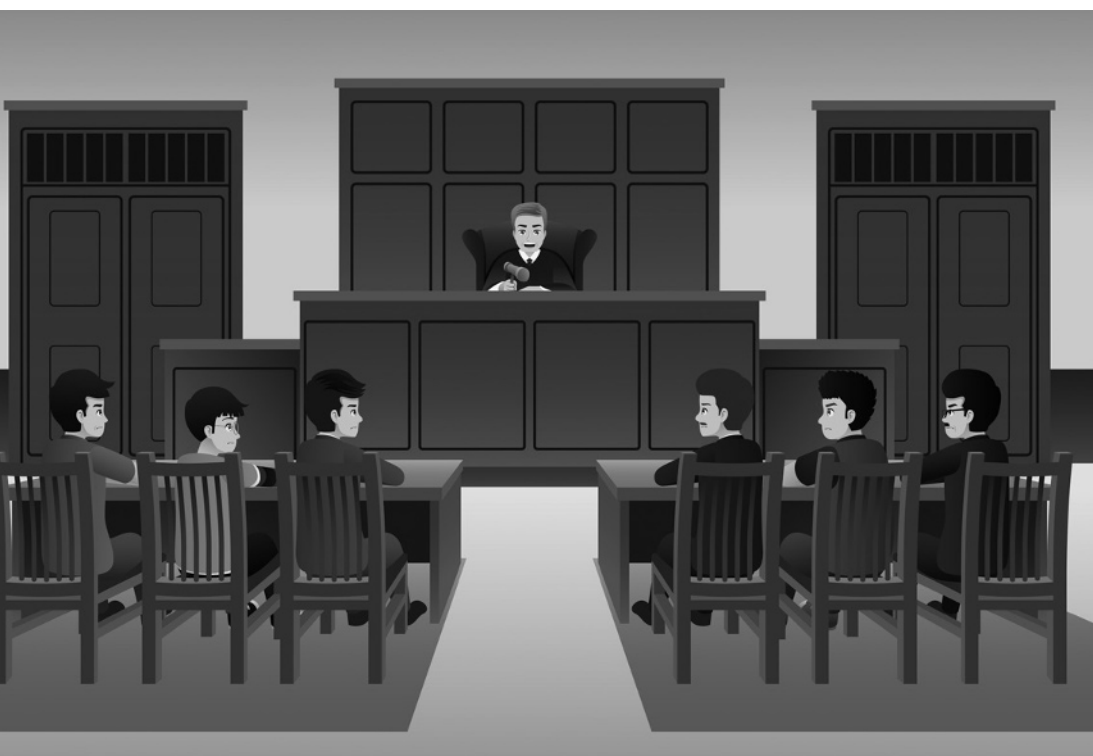
Provisions on the legal capacity of children to take legal action or initiate judicial proceedings themselves vary widely across the Member States. Provisions regarding child protection within judicial proceedings, such as the minimum age, the right to be heard and the existence of specialised courts, also vary.

Specialised juvenile courts with criminal jurisdiction only exist in Belgium, Croatia, France, Greece, Italy, Malta, the Netherlands and Spain. In the Netherlands, for example, under Dutch criminal and civil (family) law, judges can specialise in cases involving children. These specialised children's judges<sup>(16)</sup> handle criminal cases involving young people between the ages of 12 and 18, and family and youth cases, such as custodial placement cases. In addition, some Member States (Poland, Portugal, Romania, Slovakia, Slovenia, Sweden) have specialised juvenile courts for civil, family or administrative proceedings.

### 4.3. RIGHT TO LODGE A COMPLAINT AND TO REPORT

The right to a remedy is a fundamental human right. Recognising and ensuring that children have direct access to this right is inherent to recognising children as rights holders.

In an HRBA to child protection, the right to a remedy is intrinsically linked to the principles of accountability and participation. Accountability ensures that duty-bearers, such as governments and institutions, are held responsible for protecting children's rights and providing redress when violations occur. This involves establishing mechanisms through which children can seek and obtain justice and ensuring their grievances are addressed effectively and transparently. Participation, on the other hand, empowers children to actively engage in these processes, voicing their concerns and contributing to the formulation of solutions. This active involvement not only upholds their rights to be heard but also enhances the accountability of those responsible for safeguarding their rights.



## PROMISING PRACTICES

# Raising awareness of fundamental rights for children

Since 2009, the municipality of Barcelona has organised an annual 'Diversity Day – Barcelona for Human Rights'. As part of this initiative, there are awareness-raising activities to make the children aware of their rights enshrined in the Charter of Fundamental Rights and the Universal Declaration of Human Rights. Such activities also take place on school days in the run-up to Diversity Day.

Source: Spain, Barcelona City Council (n.d.), 'Programme of activities'.

## Complaint mechanisms for children

The ombuds institution in Portugal has a Department for Children, the Elderly and Persons with Disabilities, which is responsible for an SOS hotline called *Linha Criança 800206656*. This allows the ombuds institution to offer personalised services to children and youth at risk, refer cases to relevant institutions and assess complaints against public administrations, the armed forces and private entities.

The Italian Supervisory Authority for Childhood and Adolescence receives notifications about CRC rights violations. Children under 14 can request representation by an impartial third party or report their concern.

Sources: Portugal, Government of Portugal (n.d.), 'Children's Line'; Italian Supervisory Authority for Childhood and Adolescence (n.d.), [home page](#).

By integrating both principles, an HRBA ensures that child protection systems are responsive and inclusive and reinforce children's roles as key stakeholders in their own protection. The right to a remedy is particularly important for children and young people who are socially excluded and at greater risk of having their rights violated (e.g. child victims of violence, children in care or in closed institutions, children belonging to a minority, children on the move and children in contact with the law) <sup>(17)</sup>.

### 4.3.1. Reporting mechanisms and complaint procedures for children across Member States

Reporting options for children exist in various forms in all Member States. Helplines are accessible in all Member States. In nine Member States the phone number 116 111, reserved for child helplines in Europe, is also used for receiving reports or complaints from children.

Children can report independently in several Member States to child protection authorities and ministries by means of special telephone lines, websites or e-mail addresses set up for them. In Finland this is available to children over 12 years of age; the younger ones can report to their teachers. Further details on identification and reporting procedures can be found in Section 6.2.

The availability of an independent child complaint procedure varies widely across Member States. Ombuds offices for children and children's commissioners represent children's interests in most Member States, but accessibility differs across countries <sup>(18)</sup>. In many Member States, national ombudspersons for children and children's rights commissioners have established consultation practices to promote the participation of children in their daily work. Consultation takes place either ad hoc, involving a specific group of children, or, more often, through formal structures (e.g. children's panels).

Two thirds of Member States have procedures that are consistent with international standards (i.e. the UN Paris Principles <sup>(19)</sup>), which set out requirements for national human rights institutions, emphasising their independence, pluralism, broad mandate, adequate resources and cooperation with other human rights bodies). Ombuds institutions in the other Member States do not have the authority to hear, review and enforce individual complaints from children.

Several ombuds offices in Croatia, Czechia, Denmark, Estonia, Greece and Lithuania have developed specific websites and e-mail addresses that children can use to report. In some Member States, children can directly approach judges and prosecutors, but in Italy and Romania children under the age of 14 need an adult legal representative to report to anyone or any authority. In some Member States, there are designated persons in schools or healthcare settings to whom children can turn to report, such as in Finland (for those over 12 years of age), Greece, Ireland and Slovenia.

Age-appropriate information for children specific to reporting options and methods is provided only in Austria, Croatia, Denmark and Spain. In the other Member States there are child-friendly websites, flyers and other forms of information aimed at raising awareness of children's rights, including the right to be heard.

## Endnotes

- (1) UN Committee on the Rights of the Child (2009), **General Comment No 12 – The right of the child to be heard**, 1 July.
- (2) European Commission (2024), **Commission Recommendation of 23.4.2024 on developing and strengthening integrated child protection systems in the best interests of the child** (C(2024) 2630 final), pp. 11–12.
- (3) European Commission (n.d.), **'The EU strategy on the rights of the child and the European Child Guarantee'**, European Commission website, accessed 19 November 2024.
- (4) European Union, **'EU Children's Participation Platform'**, European Union website, accessed 19 December 2024.
- (5) European Union, **'Children's voices on feeling safe'**, European Union website, accessed 19 December 2024.
- (6) Queen's University Belfast (n.d.), **'Enabling the meaningful participation of children and young people globally: The Lundy model'**, university website, accessed 19 November 2024.
- (7) Council of Europe (2016), **Child Participation Assessment Tool**, Strasbourg.
- (8) EU and CoE (2023), **'CP4 Europe – Strengthening national child participation frameworks and action in Europe (EU–CoE joint project)'**, CoE website, accessed 19 December 2024.
- (9) Défenseur des Droits (2024), **'Les jeunes ambassadeurs des droits : bilan de la 18ème promotion et ouverture du recrutement pour la rentrée 2024'**, Défenseur des Droits website, accessed 4 December 2024.
- (10) UNICEF and Ciudades Amigas de la Infancia (n.d.), **'Child-Friendly City Seal'**, Ciudades Amigas de la Infancia website, accessed 20 November 2024.
- (11) European Commission (2021), **EU strategy on the rights of the child**, p. 13.
- (12) **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 (OJ L 315, 14.11.2012, p. 57).
- (13) **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** (OJ L 132, 21.5.2016, p. 1).
- (14) **European Parliament resolution of 5 April 2022 on the protection of the rights of the child in civil, administrative and family law proceedings** (2021/2060(INI)) (OJ C 434, 15.11.2022, p. 1).
- (15) CoE (2010), **Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice**, Council of Europe Publishing, Strasbourg.
- (16) Dutch Juvenile Court (n.d.), **'Kinderrechter'**, de Rechtspraak website, accessed 4 December 2024.
- (17) UNICEF (2019), **Child-Friendly Complaint Mechanisms**, New York, p. 7.
- (18) See more about child-friendly complaint mechanisms in UNICEF (2019), **Child-Friendly Complaint Mechanisms**, New York.
- (19) European Network of National Human Rights Institutions (n.d.), **'UN Paris Principles and accreditation'**, accessed 20 November 2024.

# 5

## FINANCIAL AND HUMAN RESOURCES

In its General Comment No 13 (2011), the Committee on the Rights on the Child opined that

the best interests of the child are best served through [among other things]: ... [a]dequate investment in human, financial and technical resources dedicated to the implementation of a child rights-based and integrated child protection and support system.

[...]

The national coordinating framework should be fully costed and financed, including human and technical resources, and presented, if possible, within the national child budget (1).

The 2024 Commission Recommendation calls on Member States to 'dedicate specific funding to ensure that human and financial resources allocated to child protection services are adequate to ensure an efficient integrated child protection system at national, regional and local levels and across sectors' (2). It invites Member States to employ systematic monitoring tools for costing and child-oriented budgeting, including optimising the use of available Union funds. One annex to the Recommendation (3) lists all available EU funds relevant to child protection. In addition to the EU funding, national funding for child protection is also available.

The Commission Recommendation on investing in children (2013) (4) emphasises the need for comprehensive national policies, as well as a common European framework that strengthens synergies across relevant policy areas, to combat child poverty and promote child well-being. These policies must have a strong link to child protection by providing safe, supportive environments and equal access to essential services for all children. The Recommendation calls on Member States to use relevant financial instruments, particularly the Structural Funds, to this end.

In recent years, the EU has supported child protection in the Member States through large-scale funding programmes. The European Commission and the experts of the European Social Policy Network (5) evaluated the implementation of the Recommendation on investing in children when they presented the European Pillar of Social Rights (6) in 2017. One of the 20 key principles and rights outlined in the Pillar relates to childcare and support for children: 'Children have the right to affordable early childhood education and care of good quality. Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.'

The national action plans of Member States to implement the European Child Guarantee aim to support children at risk of poverty or social exclusion. The guarantee is closely linked to the ESF+ (7), as it provides targeted funding to support its implementation.

The ESF+ is the EU's main instrument for investing in people and supporting the implementation of the European Pillar of Social Rights. In 2021–2027, the ESF+ will make an important contribution to improving the EU's employment, social inclusion and education. Programmes funded by the ESF+ and linked to the European Child Guarantee can support initiatives that enhance education systems, provide childcare services and address social inequalities, as emphasised in national action plans implementing the guarantee (8).

The technical support instrument (9) is the EU programme that provides tailor-made technical expertise to Member States to design and implement reforms, offering a unique service to help tackle reform challenges. Member States can also request support from the Recovery and Resilience Facility (10) to prepare, amend, implement and revise their national recovery and resilience plans (11). They can request technical support under the instrument to: (1) implement resilience-enhancing reforms in the context of EU economic governance, such as those arising from country-specific recommendations under the European Semester (12) and by virtue of implementing EU law; (2) prepare, amend, implement and revise national recovery and resilience plans under the auspices of the Recovery and Resilience Facility; and (3) implement economic adjustment programmes and reforms undertaken on their own initiative.



Article 4 of the EU Regulation establishing the Internal Security Fund (2021) requires Member States to pay 'special attention to assisting and protecting vulnerable persons, in particular children and unaccompanied minors' (13). The fund provides funding for projects and initiatives that strengthen national and cross-border efforts to prevent and address these serious crimes, such as child sexual abuse and trafficking in human beings. It focuses on enhancing law enforcement capacity, improving cooperation between Member States and supporting victim protection and assistance.

## 5.1. SPECIFIC BUDGET ALLOCATION FOR CHILD PROTECTION INCLUDED IN LEGISLATIVE AND POLICY MEASURES (CHILD-ORIENTED BUDGETING)

In General Comment No 5 (2003), the Committee on the Rights of the Child stated that 'economic policies are never neutral in their effect on children's rights' (14). It is important that, in preparing a national, regional or local budget, government officials be fully aware of the potential impact of their decision-making on children. The annual report of the UN Human Rights Council states that '[b]y using a child rights lens and a life-cycle approach, States can better ensure that public investments made today will create long-lasting impact on future growth, sustainable development, and social cohesion' (15).

As the UN High Commissioner for Human Rights has stressed, the successful implementation of a rights-based approach to public finance that adequately benefits children requires the regular collection of timely and disaggregated data to inform resource planning, allocation and spending. Budget preparation processes must be comprehensive, transparent, participatory and realistic. The annual budget should be prepared with a multiannual perspective so that child service providers can plan for the long term. Governments should moreover provide specific, time-bound indicators of the progress they want to make, to ensure that programmes are evaluated and managed effectively and achieve their desired goal (16).

### Guidance: benefits of child-oriented budgeting

Child-oriented budgeting means examining the overall budget of the central government from the perspective of the rights of the child, with a focus on monitoring budget expenditure and revenue allocated to children and families. In addition to a budget analysis, child-friendly budgeting is often accompanied by an impact assessment for children, in which what has been achieved is assessed against the set goals. Child-oriented budgeting provides a better understanding of how much funding has been allocated to children and families at different levels of administration and, ideally, how it has been spent and the impact of those investments.

Implementing child-oriented budgeting at the national level helps ensure that children have access to the necessary resources and opportunities for their development and well-being. This is important for several reasons.

- **Prioritising child well-being.** It ensures that the national budgeting process explicitly considers the needs and rights of children and prioritises allocations for their education, healthcare, protection and overall well-being.

- **Targeted resource allocation.** Earmarking funds specifically for children's programmes and services guarantees that resources are allocated to address children's unique needs, such as access to high-quality education, healthcare facilities, social protection and recreational activities.
- **Equity and social inclusion.** Child-oriented budgeting aims to reduce disparities among children from different socioeconomic backgrounds, helping to ensure that marginalised children or those in vulnerable situations have equal access to essential services and opportunities.
- **Long-term investment.** Investing in children's development through relevant budgetary allocations generates long-term benefits for society, as it contributes to creating a healthier, better educated and more productive future workforce.

Source: Järvenpää, H. and Pekola, P. (2022), 'Child-oriented budgeting model for municipalities and well-being services counties', blog post, Child Strategy.

### 5.1.1. Inequities and challenges in budget allocation for child protection across Member States

Specific budget allocations for child protection exist in 14 Member States, according to FRA data. For example, in Latvia, the budget for child protection is included in the annual allocation for the Ministry of Welfare and covers the state programme to improve the condition of children and families and support for out-of-family care. It also funds the State Inspectorate for the Protection of Children's Rights, the children's helpline and the monitoring of compliance with normative acts of orphan's and custody courts<sup>(17)</sup>. Including child protection in the ministry's annual budget ensures a comprehensive and coordinated approach to enhancing child protection expenditure and ensuring a robust overview.

In most Member States, the financial allocation for the protection of children is considered inadequate, as emphasised by, for instance, relevant reports by national human rights institutions, national ombuds offices, the Universal Periodic Review and other stakeholders. The increased demands together with the uneven allocation of resources in some Member States lead to significant unmet needs.

Very few Member States make specific child-oriented budget allocations. Even in those that do, there is limited clarity on the way the budget allocation for child protection is planned, developed, coordinated, assessed, monitored and measured. Funds allocated to child protection are often included in total spending on social policy and welfare.

In most Member States, EU funds and grants play a significant role in supporting the national child protection systems. Recent data show that:

25 Member States are using ESF+ resources to tackle child poverty, and all Member States are required to dedicate part of their ESF+ funding for this purpose. 11 countries experience higher rates of child poverty based on AROPE figures<sup>(18)</sup> and are obliged to allocate at least five per cent of their total ESF+ budgets to implement the European Child Guarantee. In total, the ESF+ will provide € 6.7 billion

## PROMISING PRACTICE

### Child-oriented budgeting

Finland introduced child-oriented budgeting as a new feature of the national budget in 2022. The general part of the budget includes a specific section summarising expenditures targeting children and families with children. This recognises the need to allocate financial resources specifically to child-related expenditures for the implementation of an integrated approach and practice.

Source: Finland, Ministry of Finance (2021), *Budget Review 2022: Review on central government budget proposal, September 2021*, Publications of the Ministry of Finance, Helsinki, pp. 46-49.

## FRA ACTIVITY

### EU Funds: Ensuring compliance with fundamental rights

To prevent the spending of EU funds in a way that undermines or directly violates people's fundamental rights, the EU introduced new requirements for funds in 2021. In 2023, FRA published a report on the compliance of EU funds with fundamental rights as enshrined in the Charter of Fundamental Rights. The report highlights how mainstreaming the Charter and the CRPD in the implementation of funds governed by the Common Provisions Regulation (2021) could be improved through involving independent fundamental rights bodies and civil society as partners in the funding process.

The European Expert Group on the transition from institutional to community-based care focuses on deinstitutionalisation. It has also developed a model checklist for EU officials, which covers a range of issues, such as the transition from institutional to family-based and community-based services; the development of quality family-based and community-based services; preventing the separation of children, including those with disabilities, from their families; and preventing the segregation and institutionalisation of children and other groups.

Sources: FRA (2023), *EU Funds: Ensuring compliance with fundamental rights; Regulation (EU) 2021/1060*; European Expert Group on the transition from institutional to community-based care (n.d.), [home page](#); European Expert Group on the transition from institutional to community-based care (2021), *EU funds checklist to promote independent living and deinstitutionalisation*.

over the 2021–2027 programming period to fight child poverty. The funds will be invested in numerous activities, such as combatting early school leaving, tackling the educational segregation of marginalised communities such as Roma children, ensuring children’s access to affordable, quality early-childhood education and care, or improving a child’s access to healthcare, decent housing and adequate nutrition <sup>(19)</sup>.

## 5.2. HUMAN RESOURCES AND QUALIFICATIONS

All children have the right to care and protection, even when their own family cannot provide it. States must ensure that the care available in such situations is of the highest possible quality, including the competence, qualifications, motivation, attitudes and devotion of those providing the services in accordance with Article 3(3) of the CRC.

The 2024 Commission Recommendation calls on Member States to ‘ensure adequate resource allocation and conditions to ensure job attractiveness, notably through workforce planning, development and the provision of support, including mental health support for professionals working with children’ <sup>(20)</sup>. Member States should offer child protection professionals multidisciplinary and inclusive education, training and guidance on children’s rights and protection standards. This should cover preventing, detecting and responding to early signs of violence against children, as well as child psychology and communication in age-appropriate language, with special attention to children’s vulnerabilities <sup>(21)</sup>.

All Member States are Parties to the Lanzarote Convention <sup>(22)</sup>. The declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse <sup>(23)</sup> calls upon the States Parties to ensure that in all types of out-of-home care settings there are ‘comprehensive screening procedures for all persons taking care of children’. The CoE Recommendation on reporting systems on violence against children <sup>(24)</sup> emphasises that Member States should ensure that all institutions or organisations whose activities involve regular contact with children create an environment that enables professionals to report any concerns or suspicion of violence against children. The Recommendation also advises all such organisations to offer initial and continuous training to professionals in the area of both online and offline violence against children.

The EU reiterates its effort to systematically combat any form of violence and abuse by adopting relevant legislation. The Sexual Abuse Directive (2011) <sup>(25)</sup> requires Member States to ‘take the necessary measures to ensure that employers, when recruiting a person for professional or organised voluntary activities involving direct and regular contacts with children, are entitled to request information ... such as ... criminal convictions ... entered in the criminal record’ <sup>(26)</sup>. In 2024, the EU adopted two legislative acts: the Domestic Violence Directive and the amended Anti-Trafficking Directive <sup>(27)</sup>. Regarding the prevention of violence and protection of victims, the adoption of the Sexual Abuse Regulation and the amendment of the Victims’ Rights Directive are in progress (see more in Section 1.5.1).

### 5.2.1. Challenges and disparities in human resources in child protection across Member States

The situation regarding the qualification and vetting of human resources in the Member States is presented in more detail in FRA’s mapping. This section emphasises some of the main findings of the mapping.



Professionals working with children, for instance in child welfare and protection (e.g. social workers, educators, counsellors, caregivers, psychologists, healthcare providers, guardians, law enforcement officials and judicial officials), require different training and qualifications in relation to child protection. For example, in Portugal, laws have been passed that aim to enhance relevant skills and knowledge among the judiciary. Law 21/2020 <sup>(28)</sup> established a requirement for judges to undergo mandatory training on the CRC given by the Centre for Judicial Studies.

Some Member States have introduced special training for professionals involved in custody cases. Germany funded an e-learning programme to qualify practitioners to work with such family court cases <sup>(29)</sup>. The Finnish implementation plan of the child strategy <sup>(30)</sup> suggests that a guide and training package be prepared on acrimonious divorces and post-divorce violence.

Member States have different regulations regarding the qualifications required and their levels, and the right to hold certain positions if no specialists apply. This makes the comparison of qualifications between Member States difficult. Where accreditation and licensing processes are available, they are often limited to specific professional groups, do not cover all people working with children and do not always include mandatory training. The frequent lack of adequate training of child protection staff represents a serious challenge in most Member States.

The resources provided by the child and youth welfare authorities are limited in all Member States. As a result, providers of child and youth welfare services are overloaded. Many Member States lack professional staff, such as speech therapists, educational and other mediators, psychologists, psychiatrists, addictionologists, inclusive and specialised teachers, and forensic and other experts in sexual violence, domestic violence and violence against children.

Caregivers with diplomas or degrees in unrelated subjects and fields are accepted to work in institutions, group homes, child protection agencies or child welfare services even though they do not necessarily possess the required knowledge and skills, research shows. The lack of a sufficient number of highly qualified professionals working with children poses a serious

challenge, hindering due process, extending timeframes and making necessary services available only with long waiting lists or not at all.

In most Member States child protection professionals are not paid adequately, which probably contributes to the shortage of qualified workers in this sector. Due to unfilled child welfare and protection positions, social workers often have heavier caseloads than is permitted by law. This can result in substitutes being hired who do not have the necessary qualifications. In some Member States 26 % of child welfare social workers are unqualified <sup>(31)</sup>.

Critical situations may arise in which approximately 8 % <sup>(32)</sup> of positions remain unfilled. There may be counties with only one child psychologist and no outpatient or inpatient hospital services for children with mental health or substance abuse issues or who have been victimised <sup>(33)</sup>.

The problem of inadequate human capacity is particularly pronounced in the area of children in care and the education of children with developmental delays and disabilities. There is a lack of support for the integration of children with disabilities into the mainstream education system.

According to national reports, despite increased financial resources and EU funds used to build capacity in the child protection system, needs are still largely not being met. The information provided suggests that the biggest challenges are:

- lack of an integrated approach to funding and allocation of resources for child welfare and protection;
- lack of a national central authority that coordinates sectoral funds and programmes, evaluates the use of funds, and measures the effectiveness and efficiency of the results of improvements;
- unequal distribution of financial resources resulting in poor, remote or disadvantaged regions and settlements lacking the necessary services and human capacity and the financial support required for families and children in need.

Significant human resource deficits are reported at the regional and local levels, with regions and municipalities as the main service providers. In some cases, it was found that civil society actors cooperated better and used limited resources more effectively.

In France, for example, civil society associations play a crucial role in the child protection system as primary service providers for child welfare. They implement protective measures, prevention programmes and even the training of social workers. The relationship between civil society organisations and public authorities is intricate; civil society groups are present in governance bodies such as the Departmental Observatory for Child Protection and act as partners in policymaking. Moreover, they serve as service providers approved by the Departmental Council to implement protective measures and respond to state tenders. According to the 2020 Court of Auditors report on child protection, the majority of childcare facilities are privately owned and operated by civil society organisations, underscoring their significant role in the sector <sup>(34)</sup>.

The Committee on the Rights of the Child has recommended that certain Member States strengthen training of relevant stakeholders and professionals working with children, including teachers, law enforcement officials, judges, lawyers, healthcare professionals and social workers. It also recommends providing training for children and improving the training of relevant staff. This was, for instance, the case for the French-speaking community in Belgium <sup>(35)</sup>.

## FRA ACTIVITY

# Training for guardians of unaccompanied children

In 2023, FRA created an online training and learning platform for guardians that provides specific knowledge and skills to promote the rights and best interests of the unaccompanied children they are responsible for. The platform also provides a trainers' manual for those running the training.

The training builds on international and EU standards, in particular the CRC, CoE standards and EU law. It encompasses the spectrum of guardianship services and training contexts for unaccompanied children found across the EU. The manual helps institutions, organisations and individuals train guardians or deliver 'train-the-trainers' courses in a range of contexts, such as professional and academic training. It also offers a four-part training curriculum.

Sources: FRA (n.d.), 'FRA e-learning'; FRA (2023), *Guardianship for Unaccompanied Children – A manual for trainers of guardians*.

## PROMISING PRACTICES

# Holistic and comprehensive child welfare and protection framework

Estonia's 2023–2030 welfare development plan focuses on improving labour market conditions, older people's welfare, social protection, gender equality and the well-being of children and families. It includes initiatives to support parenting, develop efficient services to improve parenting skills, promote the rights of the child, increase the efficiency of early intervention and the child protection system, and develop services to promote the independent economic coping of families.

The Finnish child welfare system was renewed with the Social Welfare Act in 2015, which reformed public health, social and emergency services. The programme to address child and family services is a project aiming to enhance these services. Finland's national children's strategy, implemented through a comprehensive plan, focuses on building a child- and family-friendly society with improved monitoring, reporting and child-centred budgeting at the municipal and county levels.

Sources: Estonia, Ministry of social Affairs (2011), *Strategy of Children and Families 2012–2020*; Finland, Ministry of Social Affairs and Health (n.d.), *Towards child and family-oriented services*.

## Training for care professionals

Training Professionals Working with Children in Care was a 2-year partnership (2015–2016) between SOS Children's Villages International, the CoE, Eurochild and partners in Bulgaria, Croatia, Estonia, France, Italy, Hungary, Latvia and Romania, supported by the EU. This project aimed to improve the living conditions and life prospects of children and young people living in alternative care by training care professionals to apply a child rights-based approach.

The training was based on two guides prepared for children by SOS Children's Villages International and the CoE, entitled *You Have the Right to Care and Protection!* and *Securing Children's Rights*. It produced key resources, including the handbook *Realising Children's Rights: A training manual for care professionals working with children in alternative care*, based on the experiences and best practices of different European countries. With EU funding, it also led the development of **European recommendations on the implementation of a child rights-based approach for care professionals working with and for children**.

Sources: SOS Children's Villages International (n.d.), *Training Professionals Working with Children in Care – A joint European project on child rights-based care*; SOS Children's Villages International and CoE (2013), *Securing Children's Rights – A guide for professionals working in alternative care*; SOS Children's Villages International (2019), *You Have the Right to Care and Protection! The guidelines for the alternative care of children in child and youth friendly language*; SOS Children's Villages International (2015), *Realising Children's Rights – A training manual for care professionals working with children in alternative care*; SOS Children's Villages International (2016), *European recommendations on the implementation of a child rights based approach for care professionals working with and for children*.

## PROMISING PRACTICE

# Learning material and training opportunities for pedagogical and non-pedagogical school staff

*Activating schools for all-encompassing child protection* is a German project coordinated by Save the Children Germany that contributes to the prevention of violence against children and young people in and outside schools by developing practical material and offering training opportunities for pedagogical and non-pedagogical school staff in order to strengthen the role of schools as central child protection actors.

Source: **EU Funding and Tenders Portal** (2023).

## 5.3. STANDARDS RELATING TO VOLUNTEERS

Standards and requirements in programmes where volunteers have direct or indirect contact with children vary across Member States.

Volunteers play an important role in child-related activities. Their vetting and training must be carefully regulated and implemented. In cases where training and supervision are not provided, there is a risk of substandard behaviour or inappropriate demands that go beyond the volunteers' knowledge, skills and competences. This can result in not only harm to children but also burnout and high turnover of volunteers.

Organisations that work with children must ensure that they have a child safeguarding and protection policy <sup>(36)</sup>. This aims to ensure that their employees, operations and programmes do not expose children to the risk of harm and abuse, and that any concerns about children's safety within the communities in which they work are reported to the appropriate authorities.

The CERV-2024-Daphne <sup>(37)</sup> fund, which is integrated into the broader citizens, engagement, rights and values programme, specifically targets the prevention of gender-based violence and violence against children. It requires organisations that apply for funding to present safeguarding policies and guidelines and train all parties involved, including on security measures, data protection and reporting obligations. Personal background checks, including criminal record, health and reference checks, and periodic reviews are also required to ensure the safety of all involved.

### 5.3.1. Regulations and requirements for volunteers in child protection services across Member States

Most Member States have rules governing volunteers who support child protection services and, with a few exceptions, certain mandatory requirements, legally binding on those working with children. Minimum requirements in all Member States include a health certificate, a clean criminal record as required under the Sexual Abuse Directive (2011) and no entry on the police registry of child sexual offenders. Eighteen Member States require vetting procedures for volunteers. Many Member States provide training, preparation and supervision for volunteers, but formal qualifications are not a requirement.

Some promising practices include requiring organisations to sign contracts containing clear terms and conditions for volunteers. For example, in Slovakia the conditions for volunteering are regulated by Act No 406/2011 Coll. on Volunteering. All activities must adhere to this legislation and require a volunteering contract <sup>(38)</sup>. In several Member States, preparatory training, support and supervision are also regulated, while in others this is the responsibility of the organisation or institution working with volunteers.

In nine Member States there are neither national regulations nor specific qualification or vetting criteria, although different methods and requirements apply before they can accept volunteers.

Criminal record checks are required in almost all Member States. Volunteers must also submit medical certificates attesting to their physical and mental health (to be updated every year) as well as certificates of educational or training qualifications, depending on the services they will provide. This obligation varies across Member States.

## Endnotes

- (1) UN Committee on the Rights of the Child (2011), **General Comment No 13 – The right of the child to freedom from all forms of violence**, 18 April, paras 61, 71. See also para. 5.
- (2) European Commission (2024), **Commission Recommendation of 23.4.2024 on developing and strengthening integrated child protection systems in the best interests of the child** (C(2024) 2630 final), p. 15.
- (3) European Commission (2024), **Annex – Key Union *acquis*, key policy documents and funding relevant to child protection systems** (COM(2024) 188 final).
- (4) European Commission (2013), **Commission Recommendation 2013/112/EU of 20 February 2013 – Investing in children: Breaking the cycle of disadvantage** (OJ L 59, 2.3.2013, p. 5).
- (5) European Commission (n.d.), **'Analytical support and exchange of information in social protection and inclusion'**, European Commission website, accessed 10 November 2024.
- (6) European Commission (n.d.), **'European Pillar of Social Rights'**, European Commission website, accessed 20 November 2024.
- (7) **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, 30.6.2021, p. 21).
- (8) European Parliament (2022), **'Child Guarantee national action plans – Targets, EU funding and governance'**, Strasbourg.
- (9) European Commission (n.d.), **'Technical Support Instrument (TSI)'**, European Commission website, accessed 19 December 2024.
- (10) European Commission (n.d.), **'The Recovery and Resilience Facility'**, European Commission website, accessed 19 December 2024.
- (11) See also FRA (2022), **'Fundamental Rights Report 2022'**, Publications Office of the European Union, Luxembourg; FRA (2022), **'Social rights and equality in the light of the recovery from the COVID-19 pandemic'**, Publications Office of the European Union, Luxembourg.
- (12) European Commission (n.d.), **'The European Semester'**, European Commission website, accessed 19 December 2024.
- (13) **Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund** (OJ L 251, 15.7.2021, p. 94).
- (14) UN Committee on the Rights of the Child (2003), **General Comment No 5 – General measures of implementation of the Convention on the Rights of the Child**, 27 November, para. 52.
- (15) UN Human Rights Council (2014), **Towards better investment in the rights of the child – Report of the United Nations High Commissioner for Human Rights**, 19 December, New York, p. 9.
- (16) UN Human Rights Council (2014), **Towards better investment in the rights of the child – Report of the United Nations High Commissioner for Human Rights**, 19 December, New York, p. 1.
- (17) Melse, A., Buka, L., Jēkabsons, I. and Litvins, G. (2023), **'Mapping Child Protection Systems in the EU – Latvia'**, FRA, Vienna.
- (18) Eurostat (n.d.), **'Glossary: At risk of poverty or social exclusion (AROPE)'**, Eurostat website, accessed 19 December 2024.
- (19) European Commission (2023), **'2nd anniversary of the Child Guarantee shows EU funds' support for children'**, news article, 21 June.
- (20) European Commission (2024), **Commission Recommendation of 23.4.2024 on developing and strengthening integrated child protection systems in the best interests of the child** (C(2024) 2630 final), p. 15.
- (21) European Commission (2024), **Commission Recommendation of 23.4.2024 on developing and strengthening integrated child protection systems in the best interests of the child** (C(2024) 2630 final).
- (22) CoE (n.d.), **'Details of Treaty No 201'**, CoE website, accessed 20 November 2024.
- (23) CoE (2019), **'Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse'**, 21 October, Strasbourg, p. 3.
- (24) CoE (2023), **Recommendation CM/Rec(2023)8 of the Committee of Ministers to member states on strengthening reporting systems on violence against children**.
- (25) **Directive 2011/92/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 (OJ L 335, 17.12.2011, p. 1).
- (26) **Directive 2011/92/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 (OJ L 335, 17.12.2011, p. 1), Art. 10, p. 9.
- (27) **Directive (EU) 2024/1712 of the European Parliament and the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**.
- (28) Government of Portugal (2020), **Act No 21/2020**.
- (29) Government of Germany (2022), **'Protection and help in the event of domestic violence – An interdisciplinary online course'**, Government of Germany website, accessed 19 December 2024.
- (30) Government of Finland (2022), **'Implementation Plan for the National Child Strategy'**.
- (31) Finnish Institute for Health and Welfare (2023), **'Child welfare social work staffing in November 2022: One in seven child welfare social workers exceeds the statutory number of clients'**, Helsinki, p. 5.
- (32) Hungarian Central Statistics Office (n.d.), **'Social care'**, accessed 20 November 2024.
- (33) Hungarian Central Statistics Office (n.d.), **'Social care'**, accessed 20 November 2024.
- (34) Lafourcade, M. and Dartigue, G. (2023), **'Mapping Child Protection Systems in the EU – France'**, FRA, Vienna.
- (35) UN Committee on the Rights of the Child (2019), **Concluding observations on the combined fifth and sixth periodic reports of Belgium**, 28 February, New York.
- (36) European Commission (2020), **'Child safeguarding and child protection policy – Tips and examples'**, 4 February, accessed 20 November 2024.
- (37) European Commission (2024), **Call for proposals to prevent and combat gender-based violence and violence against children (CERV-2024-Daphne)**.
- (38) Gallová Kriglerová, E., Holka Chudžíková, A., Kadlečíková, J., Pišová, M. and Gallo, O. (2023), **'Mapping Child Protection Systems in the EU – Slovakia'**, FRA, Vienna.

# 6

## PREVENTION, IDENTIFICATION, REPORTING AND REFERRAL

Article 19 of the CRC emphasises the obligation of States Parties to protect children from all forms of violence, abuse, neglect and exploitation, ensuring mechanisms for prevention, identification, reporting and referral.

The 2024 Commission Recommendation calls on Member States to ‘provide for sufficient preventive and early identification, early warning and early-support measures as part of their integrated child protection systems to prevent violence against children’ <sup>(1)</sup>. Member States should ensure that child protection professionals receive specialised multidisciplinary and inclusion-focused education, training and guidance. This training should cover children’s rights and child protection standards, including the prevention of violence against children and the detection of and effective response to its early signs. It should also emphasise child psychology, communication in age-appropriate language and addressing children’s specific vulnerabilities <sup>(2)</sup>.

Integrated child protection systems should offer a continuum of quality, accessible and affordable services. The integrated child protection system should span from prevention and early detection to response and care decisions for all children, including healthcare, social services and education. This requires:

- **a focus on prevention**, including support for parents and families in their role as primary caregivers, early childhood intervention, access to safe schools and safety online, economic strengthening of caregivers, especially those in vulnerable situations, and helplines available 24/7;
- **clear reporting mechanisms and training**, including detecting early signs of abuse;
- **holistic responses to violence and other protection-related issues**, including quality healthcare, social welfare, psycho-social support and legal aid and services for all children who need them; these elements should work to reduce the long-term impact of violence, starting with addressing immediate needs with regard to reporting and transferral to alternative care, and continuing with assessments and follow-up with regard to the child’s long-term recovery, reintegration and support when leaving care;
- **multidisciplinary cooperation of trained professionals**, including the existence of a network of children’s houses prioritising the child and their needs.

## Guidance: quality care services as a requirement

Quality care services in child protection, especially in transitioning from institutional care to a family-based care setting, are essential for children's development.

- **Promoting child well-being.** Quality care ensures that children, particularly those transitioning from institutional care to family-based care, receive the support, attention and nurturing environment essential for their well-being. The focus is on meeting their emotional, developmental, educational and health needs.
- **Individualised support.** Quality care emphasises personalised and individualised support for each child, and tailored care plans based on children's unique backgrounds, experiences and needs.
- **Preventing harm and promoting safety.** The children's house model, inspired by the Icelandic *Barnahus* model, is a child-centred approach to handling cases of child abuse, neglect or violence in a safe environment to prevent secondary victimisation and re-traumatisation. It has been adapted and implemented in various European countries and promotes a multidisciplinary and child-friendly response to such cases. Through the implementation of these key principles, it ensures that trained and compassionate staff are available to protect children and respond to their needs promptly.
- **Family-based care.** Deinstitutionalisation aims to move children from institutional settings to family-based care, such as foster care, kinship care or adoption. Quality care ensures that these family-based placements are well supported, monitored and resourced to provide a stable and loving environment for children.
- **Transition and reintegration.** For children and young adults transitioning out of institutional care, quality care involves proper preparation, support and guidance for reintegration into families, communities or independent living.
- **Trauma-informed approach.** Quality care adopts a trauma-informed approach, recognising that many children in care have experienced trauma that affects their development and behaviour.
- **Monitoring and evaluation.** Quality care includes robust monitoring and evaluation mechanisms to assess the effectiveness of care programmes to ensure that they meet established standards and make necessary improvements based on feedback and data. This also includes transparent and accessible complaints mechanisms for children.

Sources: UNICEF (2019), *Guidelines to strengthen the social service workforce for child protection – February 2019*; European Expert Group on the Transition from Institutional to Community-based Care (2012), *Common European guidelines on the transition from institutional to community-based care*.

### PROMISING PRACTICE

## Child and family assistance reference framework

In Luxembourg, the public-private platform for exchange, innovation and co-creation called AEF Social Lab developed a national child and family assistance reference framework that encompasses support measures, such as alternative care, offered to children and families in distress. Launched in November 2021, it aims to be a reference document for quality care and support, and to promote the ongoing professional exchange of best practices.

Source: Luxembourg, Government of Luxembourg (n.d.), [AEF Social Lab home page](#).

## 6.1. PREVENTION MEASURES AND SERVICES

Proactive approaches to safeguarding children against all forms of violence are essential, as General Comment No 13 (2011) <sup>(3)</sup> outlines. Prevention is a cornerstone of child protection, and States Parties must develop and implement comprehensive strategies that counteract instances of violence before they occur. However, the General Comment also emphasises the complementary role of interventions, stressing the need for swift and effective responses when prevention measures fall short or when children have already been harmed.



The Committee on the Rights of the Child stresses that, before resorting to family separation, the state should provide support to the parents in fulfilling their parental responsibilities and restore or enhance the family's capacity to take care of the child <sup>(4)</sup>. The committee also emphasises that poverty or other economic reasons cannot be a justification for the separation of the child from the family. Likewise, disabilities, of either children or parents, should not be a reason for family separation, and can only be considered when they present a risk to the child's safety <sup>(5)</sup>.

As the 2024 Commission Recommendation on integrated child protection systems states, such systems must include preventive measures. Prevention can include the adoption of national legislation prohibiting all forms of violence against children in all situations, policy measures to promote children's rights, awareness and education, proactive policy measures and outreach measures, integrated strategies to reduce child poverty and mechanisms by which children may claim their rights.

The terminology used for prevention activities differs across Member States, and the distinction between 'prevention' and 'early intervention' services is often unclear. In some instances, 'prevention' is required only for specific forms of protection from abuse, such as domestic violence <sup>(6)</sup>, sexual violence or harmful traditional practices. In other instances, prevention is also understood as in-kind financial support, counselling, parenting programmes, early childhood education and care, employment, mental health assistance, mediation and so on. Meanwhile, intervention is understood as the actions taken by professionals working with children in situations of potential violation

of the child's best interests and/or their rights, when local social welfare and child protection authorities have to be notified. The intervention is based on the care authorities' authority to monitor compliance with the rules and regulations governing the provisions of care (7).

#### 6.1.1. Advancements in prevention initiatives poised for expansion

The Sexual Abuse Directive requires the legislation of the Member States to make explicit reference to the preventive functions of the child welfare and protection system. Taking the child protection law in France as an illustrative example, prevention is seen as a central pillar of child welfare and protection. France's law stresses the need to strengthen health and social services to recognise children at risk, including through an alarm system. In this regard, the French Child Welfare System is responsible for implementing prevention and placement measures, once the child in need is identified, by providing the following main lines of action: perinatal prevention and prevention of educational difficulties among children and adolescents (8).

In most Member States, responsibilities for social welfare and child protection lie with the same authority or line ministry. This is the case, for example, in Cyprus, Finland, Latvia, Luxembourg, Malta, the Netherlands, Poland, Romania and Slovakia. In Slovakia, the Ministry of Labour, Social Affairs and Family oversees the state administration's implementation, supervision and methodological guidance in the field of child social protection and welfare (9). Similarly, in Finland, the Ministry of Social Affairs and Health takes charge of prevention and coordination measures in child welfare (10). Malta's Foundation for Social Welfare Services (11) acts as the umbrella organisation responsible for nationwide social welfare services through the agency Appoġġ, particularly focusing on family welfare, child protection and alternative care.

In some Member States, such as Austria, Belgium, Bulgaria and Lithuania, the tasks are divided between different ministries. In Croatia, Denmark, Estonia, Finland, Ireland, Latvia and Slovenia, a central body, social board or council has been established to coordinate different aspects of prevention and intervention in child and family welfare and protection. In Ireland, the Child and Family Agency (12) operates an independent legal public service body, nationally responsible for child protection policies and initiatives across 26 counties. Croatia's Children's Council (13), an advisory body to the government, operates under the Ministry of Labour, Pension System, Family and Social Policy. In accordance with the Family Code, the Council for Children and Family of the Republic of Slovenia (14) serves as the government's permanent professional consultative body, which not only prepares initiatives for coordinated action among competent authorities but also fosters cooperation between professional institutions and NGOs with regard to children and families.

Services at the local, regional, subregional, county or municipal level play multiple roles in the provision of prevention and protection services. In several Member States, the same agencies are responsible for both preventive social care and child protection services. These services can be provided by the local authorities as primary service providers but also outsourced to the private sector, including to civil society organisations.

The concentration of responsibility for child protection and social assistance in a single service provider can lead to high caseloads and overlapping competences in service delivery, at the cost of prevention due to fewer resources. In turn, this increases the need for intervention. Inadequate resources and the shortage of skilled professionals do not permit the requisite division of labour and separation. This leads to 'firefighting' in response to the immediate need for intervention rather than prevention (15).

## PROMISING PRACTICE

### Youth court system and prevention councils

Prevention councils in the French Community of Belgium consist of youth care services, youth court judges, a child assistance counsellor and a child protection director. They create an action plan for the district every 3 years and ensure information exchange and consultations. The Prevention College coordinates the work of the various prevention councils to encourage the exchange and harmonisation of good practices through the development of common prevention tools.

*Source:* Belgium, Government of Belgium, **Decree of 18 January 2018** on the Code of Prevention, Child Care and Child Protection.

## PROMISING PRACTICE

# Cross-disciplinary child protection work

In Estonia, cross-disciplinary child protection work is regulated by law (Child Protection Act 2014, Section 13) as the remit of the Social Insurance Board and the Prevention Council, set up by a government committee. The council is in charge of developing a child protection policy that sets strategic objectives, and reviewing and following up on the UN Committee on the Rights of the Child's recommendations to the state.

Source: Estonia, Government of Estonia (2014), **Child Protection Act**.

One Member State reported that 42 % of the child protection and social welfare system's financial resources go to institutional care and only 8 % to preventive services<sup>(16)</sup>. For example, as the Czech human rights commissioner pointed out, in every second case, help for families comes late and requires immediate action in the form of intervention<sup>(17)</sup>.

Despite decade-long efforts and evidence of the difficulties children face if separated from their families or placed in out-of-home care provisions, there is still a need for substantial changes to enable investment in prevention and early detection and support, rather than more expensive and much less effective *ex post* intervention.

## 6.2. IDENTIFICATION AND REPORTING PROCEDURES

Professionals working with children have an obligation to identify and report risks and signs of abuse. General Comment No 13 (2011) and Article 19 of the CRC present the following responsibilities.

- **Identification.** All who come in contact with children should be aware of risk factors and indicators of all forms of violence against children and should be able to take appropriate action.
- **Reporting.** The Committee on the Rights of the Child strongly recommends that all States Parties develop safe, well-publicised, confidential and accessible support mechanisms for children, their representatives and others by which to report violence against children, including 24-hour free helplines and other ICT.
- **Duty to report.** The reporting of instances, suspicion or risk of violence should, at a minimum, be required of professionals working directly with children. States Parties must ensure that professionals are protected when reporting in good faith.

In its study of reporting mechanisms and practices, the CoE identified several gaps in law and policy regarding the duties of professionals and the public to report incidents related to child protection in several CoE member states. A key challenge in addressing under-reporting is the limited ability of professionals to recognise signs of abuse and to carry out their professional reporting duties once suspicions arise.

The CoE analysis report<sup>(18)</sup> stresses that some professionals, such as those in education and healthcare, may be unsure whether reporting does more harm than good<sup>(19)</sup>. The CoE Recommendation on reporting systems on violence against children<sup>(20)</sup> aims to strengthen national systems for professionals and volunteers to report all forms of violence against children, viewing these systems as essential elements of national strategies to combat and prevent violence against children.

Member States should provide clear rules defining responsibilities for reporting violence and for necessary follow-up procedures once such reporting has occurred. The guidelines set out in the appendix to the Recommendation together with its explanatory memorandum<sup>(21)</sup> provide guidance to Member States on how to establish such frameworks. The EU has developed and adopted legislation on combating violence and sexual abuse and protection of victims' rights (see more in Section 1.5.1).

### 6.2.1. Developments in professionals' duty to report and the procedures thereof

In more than half of Member States, the reporting obligation of professionals working with children is regulated by social welfare and child protection legislation and involves law enforcement or prosecutors' offices in cases of suspicion of criminal offences.

In Estonia, Greece, Ireland, Malta and Slovakia <sup>(22)</sup>, professionals must by law report to social services and child protection agencies. Failure to comply with these obligations will be prosecuted under the respective criminal code. The threshold for reporting appears to be set at the level of suspicion, rather than the level of evidence, in all 27 Member States.

In Germany <sup>(23)</sup> and the Netherlands <sup>(24)</sup>, there is no mandatory reporting legislation, but rather codes of conduct with protocols, issued by the respective ministry in the Member State, based on the law provision's authorisation. These protocols apply to all professionals working with children. In Germany, anybody can report any suspected endangerment of a child to the local child welfare authorities. If professionals working with children cannot ensure child safety, they must report a suspicion of abuse to local agencies for further intervention.

In the Netherlands, since 2019, the Mandatory Protocol Domestic Violence and Child Abuse Act <sup>(25)</sup> has required the reporting of child protection cases to organisations and independent professionals in education, healthcare, childcare, youth care, social work and the criminal justice system. The reporting code under the protocol includes an action plan that guides professionals through all the steps of the process, from identifying the signs of violence or abuse to deciding whether to file a report.

All Member States have a policy-based professional duty to report. However, typically, the general public are also encouraged (e.g. through awareness-raising campaigns) to report child protection cases in which criminal activity is suspected or that are severe or require intervention by social, child welfare and protection services. However, often there are no consequences of non-compliance, and the professional groups obligated to report may differ across Member States. In more than half of the Member States there is no exception; every citizen has a reporting obligation.

Reporting procedures differ greatly across Member States. In all Member States, reporting can be done by a range of methods: by phone, e-mail, mail or in person to police or child protection agencies. Some methods guarantee anonymity while others, such as e-mail, do not. In many cases, the anonymity of reporting parties cannot be guaranteed.

Anonymous reporting by the general population and at least some professional groups is possible in several Member States. In Hungary, for instance, regulations were changed <sup>(26)</sup> following a case of severe abuse and neglect of eight children in a family. The regulations now provide anonymity to all professionals reporting all forms of violence and neglect against children, to protect them from the accused. This encourages the fulfilment of reporting obligations <sup>(27)</sup>.

Helplines that are free and available 24/7 are seen as the most useful and effective reporting tool. Helplines in most Member States provide support for children, the wider community, parents and professionals, but in some cases operate for limited hours due to staff and funding shortages and lack of government agencies.

## PROMISING PRACTICE

### Child helpline with a pan-European identity

Child Helpline International says:

[t]he 116 111 number provides child helplines with a pan-European identity so that European citizens can be assured that calling the number will give them access to the same type of service in different Member States. This number is currently operational in 23 out of 27 Member States, and additionally in seven other European states.

[...]

the harmonised ... number is an important part of a reporting system to tackle abuse and exploitation of children and young people. ... Governments, children's rights partner organisations, telecoms and industry partners should use their platforms to promote awareness of the 116 111 number to make sure that every child is heard.

Source: Child Helpline International (n.d.), '116 111: Six digits to remember'.

## PROMISING PRACTICES

# Strengthening the support system of child victims of violence

My Follow-Up is a project led by Brave Phone (a member of Child Helpline International) and the Croatian Ministry of the Interior that aims to contribute to systematic changes at the national level in the protection of child victims of violence. It seeks to implement a follow-up system for child victims of violence to ensure counselling is more timely, improve the knowledge, skills and capacities of first-line responders in preventing, detecting and responding to violence against children, and increase cooperation between relevant services. This project is funded under CERV-2022-Daphne.

Source: [EU Funding and Tenders Portal](#) (2023).

## National network for reporting

In the Netherlands, the most important reporting mechanism is provided by the 26 Safe Home organisations that act as advisory and reporting centres by offering helplines for child abuse and domestic violence. They are established by the municipalities in the different regions and cooperate together in the National Safe Home Network.

As there is no mandatory reporting obligation, the legal basis for the reporting mechanism is the Social Support Act 2015. All Safe Home organisations work according to the *Safe Home Action Protocol 2019*, which indicates when a professional should contact a Safe Home organisation on a free telephone helpline, after having consulted with a colleague. Within a maximum of 10 weeks, the Safe Home organisation assesses each report of child abuse and uses a protocol to decide whether a referral and further investigations by the police are needed. If referral to the police is not needed, their assessment is sent to the Childcare and Protection Board. The procedure is checked again after 3 and 12 months.

For more information, please visit the official Safe Home web page.

Sources: Netherlands, [National agreements – Safe Home](#); Government of the Netherlands (2015), [Social Support Act](#); Safe Home (2018), [Safe Home Action Protocol 2019](#).

## 6.3. REFERRAL PROCEDURES, ASSESSMENT AND INVESTIGATION

Referral, assessment and investigation are essential elements of child protection systems. Even following the provision of universal and targeted services for children and families as preventive and early support mechanisms, more specialised interventions and referrals are sometimes needed.

### 6.3.1. Existing referral mechanisms with different time frames

Referral mechanisms exist in all Member States. When interventions are required, professionals working with children must refer cases to the local social welfare and child protection authorities.

The time limit for referrals varies between a number of hours and a number of days, depending on the seriousness of the case. In Bulgaria, for instance, there is a 10-day limit for information gathering and assessment, but in cases of violence the time limit is 24 hours <sup>(28)</sup>. In Czechia <sup>(29)</sup> and Hungary <sup>(30)</sup> it is 30 days if there is no urgency, and the period can be extended in cases where there is a lack of human resources. In cases of violence, child abuse or any suspicion of severe harm, the police must be informed without unnecessary delay in all Member States.

## Definition of intervention, referral and assessment

**Intervention** means actions taken by professionals working with children in situations that pose a risk of violation of the child's best interests and/or their rights and that require notification to local social welfare and child protection authorities. The intervention is based on the care authorities' power to monitor compliance with the rules and regulations governing the provisions of care. The goal of intervention is to protect children from immediate danger, address underlying issues affecting their safety and promote their health and development.

**Referral** means an action taken by a professional in the case of a reported or experienced incident or situation in which a child is likely to be at risk. If legislation or guidelines are unclear, the term may be used for reporting as well.

**Assessment** means the process undertaken and recorded that identifies the physical, intellectual, emotional and social needs of the child and determines their best interests in the context of a referral. It can also simply be part of a regular procedure when a child enters care or a placement is reviewed. Assessments and investigations often inform each other or are done by the same agency. Usually, investigations are to start without any delay following a first-hand assessment of the severity of the circumstances and need for intervention.

### 6.3.2. Multidisciplinary teams or specific professional groups responsible for assessment and investigations

Definitions of assessment and investigations differ widely across Member States. In many, public prosecutors conduct the investigations (e.g. in Greece, Luxembourg) and coordinate activities with the social, health and other services.

Several Member States have multidisciplinary teams for assessments and investigations. In Romania, for example, the case manager drafts the assessment report, involving the child, family members and any other relevant persons, and presents it to a multidisciplinary team. The entire procedure should be finalised within 30 days. In Germany, social workers responsible for cases of suspected child endangerment have significant discretion in deciding how to manage investigations. The outcome of the investigation may lead to a referral to the prosecutor's office.

In Cyprus, family counsellors from social welfare services have a duty to report to the police incidents that may amount to offences, despite shortages of qualified staff conducting the investigations<sup>(31)</sup>. In Sweden, the Social Welfare Board starts an investigation without any delay, following a first-hand assessment of the severity of the circumstances and need for intervention<sup>(32)</sup>. This is similar to other countries' bodies, such as the local government agencies in Denmark<sup>(33)</sup>, which have 7 days to assess and investigate urgent cases before a referral to the police or public prosecutor may be necessary. Similarly, the Styrian Child and Youth Welfare Services in Austria<sup>(34)</sup> and the Child Protection Services in Malta<sup>(35)</sup> both have 5 days to do so.

### 6.3.3. Children's houses as a special form of intervention: the *Barnahus* model

Violence and abuse affect millions of children around the world, and the need for more concerted action is increasingly recognised both in the EU context and internationally. Responses to the needs of child victims of violence within the EU have largely focused on developing child-friendly justice (e.g. FRA's 'Checklist for professionals'<sup>(36)</sup>), enhancing protections for child victims of crime (E-Protect<sup>(37)</sup>) and promoting the development of *Barnahus* (e.g. the Promise project series<sup>(38)</sup> and *Barnahus* Network<sup>(39)</sup>) by providing financial support to set up these centres.

## Definition of *Barnahus*

*Barnahus* (derived from the Icelandic word for ‘children’s house’) is a child-friendly, multidisciplinary and inter-agency model for ensuring a coordinated and effective child protection mechanism. It focuses on children as victims and witnesses of violence involved in criminal proceedings. Its purpose is to offer all services and procedural safeguards under one roof to prevent traumatisation and re-traumatisation during investigation and court proceedings, and also insure participation of children and families.

This model and the underlying principles are in line with the relevant UN standards based on the CRC and the concluding observations of the Committee on the Rights of the Child. They are especially in harmony with the EU Child Sexual Abuse and Exploitation Directive, the EU Victims’ Rights Directive and the EU Anti-Trafficking Directive.

Sources: Icelandic National Agency for Children and Families (n.d.), ‘**About Barnahus**’; **Directive 2011/93/EU** (2011).

### 6.3.4. Establishment of children’s houses to protect children who are victims of sexual violence

In most Member States, the *Barnahus* model is seen as a promising practice to provide comprehensive services for children in cases of abuse allegations. Eighteen Member States are operating *Barnahus* centres/children’s houses, at least in the pilot phase, and many have been established with the support of the EU and the CoE. The model is mainly used for victims of sexual violence, even though it could be applied and would be useful for all child actors involved in any kind of abuse cases.

Several Member States have introduced targeted policy and legal measures to ensure the *Barnahus* model’s functioning and the application of its key principles, such as multidisciplinary cooperation. For example, the Latvian guidelines on child, youth and family development for 2022–2027 <sup>(40)</sup> provide a framework for the creation of a child’s house, where children who have suffered from violence can engage with all the relevant actors, including doctors, investigators and therapists, in one place. This supported the launch of *Barnahus* implementation in Latvia <sup>(41)</sup>. In January 2023 the Cabinet of Ministers approved the proposed legislation.

## PROMISING PRACTICE

### European support for *Barnahus*

The EU–CoE joint project ‘Support the implementation of the Barnahus project in Ireland’ aims to strengthen the country’s response mechanism to child sexual abuse and to ensure that undue delays in the treatment of such cases are diminished and all children who are victims of sexual violence benefit from child-friendly access to justice.

In 2015, Ireland successfully implemented the Children First Act, which introduced mandatory reporting for suspected cases of child abuse. It was followed by the development of a pilot *Barnahus* project in Galway in 2019. The goal of the project is to address the challenges encountered during the pilot phase and to open two additional centres.

The project is co-funded by the EU and the CoE and is implemented by the CoE’s Children’s Rights Division in close cooperation with the Irish Department of Children, Equality, Disability, Integration and Youth. It runs from 12 August 2022 to 11 February 2025.

Source: CoE (n.d.), ‘**Support the implementation of the Barnahus project in Ireland**’.

## Endnotes

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- (2) European Commission (2024), **Commission Recommendation of 23.4.2024 on developing and strengthening integrated child protection systems in the best interests of the child** (C(2024) 2630 final), p. 16.
- (3) UN Committee on the Rights of the Child (2011), **General Comment No 13 – The right of the child to freedom from all forms of violence**, 18 April.
- (4) UN Committee on the Rights of the Child (2013), **General Comment No 14 on the right of the child to have his or her best interests taken as a primary consideration**, 29 May, paras 60–61.
- (5) UN Committee on the Rights of the Child (2023), **General Comment No 14 on the right of the child to have his or her best interests taken as a primary consideration**, 29 May, para. 63.
- (6) Alsalem, R. (2023), **Custody, violence against women and violence against children: Report of the Special Rapporteur on violence against women and girls, its causes and consequences**, United Nations, New York.
- (7) Comprehensive working definition according to UNICEF (2022), **Methodological Guide: Research for national situation analyses on early childhood intervention**, New York; and UN Committee on the Rights of the Child (2009), **General Comment No 12 – The right of the child to be heard**, 20 July.
- (8) See Chapter 1 above for legislative details.
- (9) Government of Slovakia (2005), **Act on Social and Legal Protection of Children and on Social Guardianship and on Amendments to Certain Acts**.
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- (11) Government of Malta, **‘Foundation for Social Welfare Services (FSWS)’**.
- (12) Tuzla, **‘About us’**.
- (13) Government of Croatia (2021), **Decision on the establishment of the Children’s Council**.
- (14) Government of Slovenia, **Family Code**.
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- (19) CoE and Florescu, S. (2022), **Reporting mechanisms and practices concerning violence against children in several Council of Europe member states**, Strasbourg.
- (20) CoE (2023), **Recommendation CM/Rec(2023)8 on strengthening reporting systems on violence against children**.
- (21) Steering Committee for the Rights of the Child (2023), **Explanatory memorandum to Recommendation CM/Rec(2023)8**, 1 473rd meeting, 6 September.
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- (23) Government of Germany (2011), **The Act on Cooperation and Information in Child Protection**, 22 December.
- (24) Dutch Ministry of Health, Welfare and Sport (2013), **Law of 14 March 2013** amending various laws in connection with the introduction of the obligation for certain bodies where professionals work and for certain self-employed professionals to have a domestic violence and child abuse reporting code and to promote the knowledge and use thereof, or to use that reporting code (mandatory reporting code for domestic violence and child abuse), *Official Gazette* 142. For more information please see the official Government of the Netherlands web page on the **domestic violence and child abuse reporting code**.
- (25) Government of the Netherlands (2020), **Mandatory Protocol Domestic Violence and Child Abuse Act**.
- (26) Government of Hungary (1997), **Government decree about the guardianship authorities and the child protection and guardianship procedure**, 149/1997 (IX 10).
- (27) Hungarian Office of the Commissioner for Fundamental Rights (n.d.), **‘Child abuse in Szigetszentmiklos – Ombudsman’s inquiry’**, accessed 20 November 2024.
- (28) Government of Bulgaria (2003), **Rules on the Implementation of the Child Protection Act**, 27 July, last amended 8 January 2021, Art. 16.
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- (31) Government of Cyprus (2000), **Family Violence (Prevention and Protection of Victims) Act (119(I))**.
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- (34) Government of Austria, **Lower Austria Child and Youth Welfare Act**, LGBl No 9270-0; **Upper Austria Child and Youth Welfare Act**, LGBl No 30/2014; **Salzburg Child and Youth Welfare Act**, LGBl No 32/2015; **Carinthia Child and Youth Welfare Act**, LGBl No 83/2013; **Burgenland Child and Youth Welfare Act**, LGBl No 62/2013; **Styria Child and Youth Welfare Act**, LGBl No 138/2013; **Tyrol Child and Youth Welfare Act**, LGBl No 150/2013; **Vienna Child and Youth Welfare Act**, LGBl No 51/2013; **Vorarlberg Child and Youth Welfare Act**, LGBl No 29/2013.
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# 7

## THE CARE PROCESS

### Legal corner:

#### Article 20 of the Convention on the Rights of the Child

'1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

'2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

'3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.'

Source: Office of the UN High Commissioner for Human Rights (OHCHR) (1989), **Convention on the Rights of the Child**, 20 November.

If a child cannot remain with their family due to circumstances that threaten their safety and well-being, they may be placed into alternative care arrangements. However, not all children who experience violence are removed from their homes, as the violence may be perpetrated by someone outside the immediate family. In such cases, the child may continue to live with their parents while other protective measures are put in place to ensure their safety.

Although separating children from their families is sometimes necessary to protect them from immediate harm, such as in cases of abuse or neglect, there is a growing consensus that many separations could be prevented with proper support. Achieving this, however, necessitates a strong, evidence-based approach at global, national and local levels, guided by the perspectives of those most affected (<sup>1</sup>). Article 20 of the CRC underlines the right of children separated from their family environment to receive special protection and assistance from the state.

Article 24(1) of the Charter of Fundamental Rights states that that '[c]hildren shall have the right to such protection and care as is necessary for their well-being'. Article 24(3) states that '[e]very 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', when a child cannot stay with their parents or a parent, for example, due to divorce or placement in care.

The 2024 Commission Recommendation urges Member States to 'promote national strategies and programmes to accelerate de-institutionalisation and the transition towards quality family- and community-based care services for children without parental care and children with disabilities, in the children's best interests' (<sup>2</sup>). To ensure this transition aligns with the best interests of children, Member States are called upon to address the shortage of foster families, particularly for children in precarious situations or with complex needs or for sibling groups that should stay together. Adequate financial and human resources should be allocated for community- or family-based care services and psycho-social support, and proper vetting and monitoring should be implemented to avoid subjecting children to multiple placements.

Best practices for transitioning and reintegrating into the family of origin should be considered. Children should not be hosted in inadequate locations, such as hotels or hospitals, except in emergencies and for the shortest time possible with safeguards in place. Member States should also provide comprehensive psycho-social support and preparation for children and young adults, including those with disabilities and unaccompanied migrant children,

transitioning to independent living and community inclusion. National child protection systems should develop plans to prevent human trafficking <sup>(3)</sup>.

An estimated 800 000 children in the Member States <sup>(4)</sup> live in some form of alternative care. The reasons for separation from family vary for each child, but poverty, neglect, abuse and violence are either root causes or consequences.

In recent years, the EU has introduced legislation, policies and funding aimed at improving the quality of the care sector in the Member States and, above all, preventing child poverty. Examples include the Council Recommendation on high-quality early childhood education and care systems <sup>(5)</sup>, Commission communications on the strategy for the rights of persons with disabilities 2021–2030 <sup>(6)</sup> and the European care strategy <sup>(7)</sup>, Commission guidance on independent living for persons with disabilities <sup>(8)</sup> and the framework for social services of excellence for persons with disabilities (2024). The EU strategy on the rights of the child (2021) emphasises the need to ensure the shift to quality community and family-based care and to ensure support for ageing out of care.

The European Child Guarantee (2021) stresses the same approach. It recommends that Member States identify children in need and take into account the specific disadvantages of children in alternative and institutional care when designing prevention and intervention measures <sup>(9)</sup>.

A common thread in EU policies is that moving children to out-of-home provisions should be a measure of last resort. A transparent, comprehensive system with clear roles and competences is needed to help prevent separation and ensure access to information.

The placement decisions are made after an assessment and investigation of the case. The investigation process is initiated in case of suspicion of any violation against a child, and is primarily carried out by social, child welfare and protection services, unless the conditions for referral to police or a prosecutor are met. However, the processes, time limits and division of competences vary significantly across Member States. The review procedures are applied before as well as during the placement of a child in care.

## **7.1. PLACEMENT DECISIONS AND REVIEW PROCEDURES**

In the process of identification, reporting, referral, assessment and investigation, a decision may be made to provide care for children outside the home as a possible form of intervention, taking into consideration the best interests of the child.

Article 25 of the CRC states that, when in care, a child has the right to a periodic review of treatment and all other circumstances relevant to the child's placement. Regular reviews of placement decisions can assess the services provided to children and their families while the child is in alternative care and determine whether changes make it safe for them to be reunited with their families, or whether additional efforts are needed to allow for reintegration into their family.

### **7.1.1. Challenges in placement decisions**

Different forms of placement decisions exist based on the referral, assessment and investigation described above, for example, following a referral to and an assessment and – in most countries – investigation by the social, child welfare and protection services, or an investigation by the public prosecutor or the police in the case of a potential criminal offence. Placements range

from types of family care, foster care and community-based care to residential homes and independent or supervised living arrangements.

Administrative or judicial authorities often make decisions based on the recommendations of local social and child welfare services or based on court decisions. Temporary care may be provided in emergency situations, such as natural disasters or illness, allowing children to stay in alternative care while difficulties are resolved before returning home. Finland has introduced a care method called 'open care' (10) to prevent children from being placed in alternative care. This involves a short-term, voluntary separation from home, with parents still deciding on the child's care and potentially participating in rehabilitation programmes.

Limited resources for out-of-home care pose significant challenges for placement decisions and optimal care quality, particularly when children with special needs or disabilities or children who belong to a minority or are migrants or refugees are involved. Residential settings are often overcrowded and understaffed, resulting in poor-quality or inadequate care.

### **7.1.2. Importance of regular review procedures**

All Member States regularly review placement decisions. However, in some Member States such review is not mandatory. The degree of direct child participation in the review process differs greatly and is mostly optional. In Austria, for example, the child's views are to be taken into consideration, and they have the right to express their opinion on the placement and the services provided.

The frequency of reviews varies among Member States, ranging from every 3 months to once a year; in some cases, provisions refer to 'regular' reviews. In nearly half of Member States there are provisions introducing age requirements so that obligations are set to listen to children over a certain age. Without explicit minimum age requirements with regard to the review process, implementation can be challenging.

## **7.2. FORMS OF CARE**

A variety of forms of care exist, and the rules governing placement decisions differ across Member States. Children can be placed with the extended family, in kinship or foster care, in family-like settings such as group homes or, despite EU-wide deinstitutionalisation efforts, in residential institutions.



Evidence exists that family- and community-based forms of care are more likely to meet the needs of children than any form of institutional care <sup>(11)</sup>. This requires that foster parents take part in pre-service and in-service training, although there is a shortage of foster families. Ongoing training and follow-up sessions for foster parents are essential, as a study in Croatia confirmed <sup>(12)</sup>. EU policies and programmes tend to advocate prevention, early support and placement, if needed, in family- and community-based settings.

#### **7.2.1. Kinship care as the most widespread form of substitute care**

Kinship care is the most widespread form of substitute care. It means when children are temporarily or permanently in need of out-of-home care but are still placed with a family member. Approximately 1 in 10 children around the world live in kinship care, although great variations are discernible within and between regions. In many parts of Europe, kinship care is far less common than in other regions of the world <sup>(13)</sup>. According to the Datacare project with data from the EU and the United Kingdom <sup>(14)</sup>, in the EU, only Czechia and Romania gather information specifically on informal kinship care <sup>(15)</sup>. In more than half of Member States, kinship care is considered a form of foster care and is not distinguished clearly from other forms of care.

#### **7.2.2. Foster care as an important family-type placement**

Foster care has become an increasingly important family-type placement for children who are separated from their families for a certain period of time determined as part of the assessment and review process. It provides a stable and supportive environment for children who are unable to live with their biological families. In addition, foster care can facilitate reunification with biological families and provide a pathway to adoption if reunification is not possible.

Foster care is seen as the second-best choice for placement after kinship care. Kinship care allows children to stay within their extended family and maintain connections with their relatives, provided it meets established standards and is properly resourced. Pre-service and in-service training and supervision for foster parents are provided in all Member States, although the extent, content and requirements vary widely. However, there is a shortage of high-quality foster homes and foster parents in all Member States, hindering overall deinstitutionalisation efforts.

Foster care services are available in every Member State, funded by the state or by municipalities and contracted by NGOs or private entities. The most common form is volunteer families, but some Member States cover fostering under health and pension insurance. In some Member States, children under a certain age may be placed only in foster care and not institutions; the age limitations vary from a minimum age of 3 or 6 up to 12 years of age.

More and more Member States offer crisis foster care and/or specialised foster care for children with special needs. For example, in Luxembourg, intensive pedagogical foster care is provided by highly trained foster parents, specialised in the care of children or young adults with behavioural or psychopathological issues.

A specific form of foster care in Ireland is day foster care, provided by specially trained foster parents, where children spend the day out of home in cases when the family is having difficulty coping, for example due to complex needs or multiple disabilities. In Ireland, there are also foster homes accommodating teenage mothers with their young children, in cases when both are under child protection provisions, and there are special foster care places for refugee and migrant children <sup>(16)</sup>.

### 7.2.3. Residential or group homes as a last resort

According to international law, and EU law and policy, residential or children's homes should be a last resort and be relied upon only when no family- or community-based options exist<sup>(17)</sup>. Group or family-type homes operate in most Member States and accommodate children of all ages, sibling groups and children with special needs. The number of children accommodated is typically between 4 and 15. In most Member States, different actors, such as the state, municipalities, churches and/or civil society organisations, run residential homes, coordinated and supervised by a state agency.

There is considerable variation in the types of residential homes that exist across the EU. There are emergency or reception centres, which accommodate children who are in urgent need of placement or are waiting for their placement decision to be made. There are residential homes for children with disabilities, known variously as socio-medical institutions (Bulgaria), therapeutic homes (Czechia) or specialised care institutions for children (Hungary). In addition, there are residential homes that accommodate children younger than 3 years of age, but these exist in only a few Member States. In Czechia, for example, these will be closed by the end of 2025.

Children may also be sent abroad, which necessitates cross-border cooperation and monitoring as required by Council Regulation (EU) 2019/1111<sup>(18)</sup> of 25 June 2019. For example, in Luxembourg local service providers are paid to take care of children in an institution, in foster care or abroad<sup>(19)</sup>. The last of those is reserved for when no socio-educational care in specialised institutions or foster care is available in Luxembourg. There are also boarding-school-type residential homes, where most children go home for the weekends or for vacations.

Most Member States now provide family-like arrangements, replacing large dormitory institutions with small group homes and foster care. However, caregivers do not always receive the necessary vocational training or psychosocial support to provide a family-like environment. SOS Children's Villages operate in all Member States. Despite efforts by SOS Children's Villages Europe to move towards family-type solutions, most villages still operate as group homes.



In some Member States, supervised independent living arrangements are offered for children 15 years of age and above. In Latvia, young people are provided with accommodation up to the age of 24 years.

Both the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities have expressed concerns about the high number of children in residential care in certain Member States and the fact that residential care is used as the initial response and primary measure <sup>(20)</sup>. In some Member States, the over-representation of Roma and children with disabilities in the child protection system remains a concern. Children are sometimes placed outside the family for financial reasons despite clear prohibition of this in national legislation and under the CRC.

#### **7.2.4. Opportunities for supervised living arrangements for young persons**

When children turn 18 or are mature enough to live independently, many Member States offer aftercare or transitional care provisions. These opportunities include foster families, community-based care and residential settings. Several Member States also offer specific forms of accommodation and supervised living arrangements, such as open residential facilities in the Netherlands or a so-called transitional house in Bulgaria accommodating up to eight children of the same age group.

The upper age limit for supervised independent living arrangements for young persons differs across Member States. In Romania <sup>(21)</sup> it is 26 years, while in Hungary <sup>(22)</sup>, Latvia <sup>(23)</sup> and the Netherlands <sup>(24)</sup> it is 24 years. Entry ages also differ. In Denmark <sup>(25)</sup> there is no lower age limit, whereas in Italy <sup>(26)</sup> and Spain <sup>(27)</sup> such supervised living arrangements are available for young persons between 18 and 21 years of age, in France <sup>(28)</sup> from 16 years onwards, and in Austria <sup>(29)</sup> and Portugal <sup>(30)</sup> from 15 years onwards.

### **7.3. DEINSTITUTIONALISATION**

In 2019, the UN General Assembly adopted the resolution on the rights of the child <sup>(31)</sup>, reaffirming the UN Guidelines for the Alternative Care of Children <sup>(32)</sup>, which assert the need to avoid any unnecessary separation of children from their families and to protect children. According to General Comment No 5 (2017) on the right to live independently and be included in the community <sup>(33)</sup>, group homes are also a form of institutional care and do not constitute a family-based setting. In its concluding observations, the Committee on the Rights of the Child has urged countries with a large proportion of group homes to reform their child protection system and deinstitutionalise.

The EU strategy on the rights of the child 'invites Member States 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'. The 2021–2030 EU strategy for the rights of persons with disabilities gives particular attention to the need for deinstitutionalisation <sup>(34)</sup>. It emphasises the need to mainstream support services to be inclusive of and accessible for children with disabilities and to prevent their segregation from community life. Member States, together with the Commission, should support national, regional and local authorities in their efforts towards deinstitutionalisation and independent living, including through appropriate EU funds.

## PROMISING PRACTICE

# Intervention programmes

In 2011, the Italian Ministry of Labour and Social Policies launched the intervention programme for the prevention of institutionalisation in cooperation with universities, social services, schools and local healthcare departments. The results and lessons learned from the programme fed into the 2017 *National Guidelines – Intervention with children and families in vulnerable situations*. The guidelines delineate a shared vision of accompanying and supporting families to develop an effective integrated system of interventions. It is based on a multidimensional intervention model.

Sources: Italy, Italian Ministry of Labour and Social Policies (n.d.), **'Intervention programme for the prevention of institutionalisation'**; Italian Ministry of Labour and Social Policies (2017), *National Guidelines – Intervention with children and families in vulnerable situations*.

### 7.3.1. Deinstitutionalisation efforts at the national level

Deinstitutionalisation efforts are under way across the EU, aimed at developing viable alternatives to institutions based on the evidence of the harmful effects of institutionalisation on children. Slovakia adopted the national strategy on deinstitutionalisation in 2021 <sup>(35)</sup>, following the Social Protection Act Amendment in 2018 <sup>(36)</sup> to transform children's homes into so-called centres for children and families.

In Bulgaria <sup>(37)</sup>, Estonia and Latvia, deinstitutionalisation processes are being implemented, aimed at eliminating institutional care even though many children still live in institutions and not in family-type situations. Bulgaria, for example, has achieved a substantial decrease in recent years, but around 1 000 children are still living in four institutions and must be moved to different forms of alternative care before the institutions' planned shutdown by 2025. Many of those efforts are project based and funded by the EU, such as the institutional care reorganisation in Lithuania <sup>(38)</sup> funded by the ESF. The lack of foster homes and specialised foster care complicates and impedes deinstitutionalisation processes in many Member States.

Deinstitutionalisation was a focus of the Estonian Council Presidency in 2017. As a result of deinstitutionalisation processes in various Member States, 'big' institutions are reportedly being replaced by a newly built infrastructure of support services, and more children are living in alternative family-type care and not in residential institutions (see also the country facts of Opening Doors <sup>(39)</sup>).

## FRA ACTIVITY

# The rights of persons with disabilities to independent living and protection against violence

The CRPD is the first binding international human rights treaty devoted to disability. To ensure that the EU's efforts to comply with the Convention's requirements and with its obligations are implemented effectively and efficiently, Article 33(2) of the CRPD requires States Parties to the Convention to establish a framework to promote, protect and monitor its implementation. FRA is a member of the EU CRPD framework for matters of EU competence, as a part of which it collects reliable, objective and comparable data across the EU, reports on developments in the implementation of the CRPD and develops human rights indicators to assess the implementation of those rights. Data collection efforts also cover children with disabilities.

- FRA's dedicated report on *Violence against Children with Disabilities* outlines relevant international and European standards, and reviews national legislation and policies addressing violence against children with disabilities.
- A three-part series that FRA published in 2017 looks at different aspects of deinstitutionalisation and independent living for persons with disabilities, also addressing deinstitutionalisation processes for children. It explores the structures in place, the processes in terms of funding and budgeting and the outcomes for people with disabilities, including fieldwork research in five Member States. The FRA reports present major insights on the drivers of and barriers to the process of deinstitutionalisation, giving voice to a diverse set of actors – most importantly, to people with disabilities themselves.
- In 2023, FRA initiated a project on the fundamental rights protection of persons with disabilities in institutions, examining how duty-bearers mitigate the risk of violence against persons with disabilities, including children, in institutions. The project aims to collect information on safeguards and accountability standards regulating the provision of institutional care and the availability and function of formal, informal and independent complaints mechanisms.

Sources: FRA (n.d.), 'EU framework for the UN Convention on the Rights of Persons with Disabilities'; FRA (n.d.), 'EU CRPD framework – Monitoring'; FRA (2015), *Violence against Children with Disabilities: Legislation, policies and programmes in the EU*; FRA (2018), *From institutions to community living for persons with disabilities: Perspectives from the ground*; FRA (2017), *From Institutions to Community Living – Part I: Commitments and structures*; FRA (2017), *From Institutions to Community Living – Part II: Funding and budgeting*; FRA (2017), *From Institutions to Community Living – Part III: Outcomes for persons with disabilities*; FRA (n.d.), 'Fundamental rights protection of persons with disabilities in institutions'.

## 7.4. LEAVING CARE

Leaving care is an integral part of the care process. It includes review procedures, preparing children to leave care and preparing them for reintegration into their family of origin, with due regard to the best interests of the child as a primary consideration.

### 7.4.1. Assistance to support family reunification

Child and youth welfare authorities in most Member States assist families upon a child's return, advising on family-child relationships, coordinating additional psycho-social support and promoting reunification. For example, in Czechia, the departments for the social and legal protection of children are obliged to help the child's family to improve their situation in a way that will allow the child to return to the family. In most cases, the social services of the municipalities, such as in Latvia, carry out family risk assessments and prepare individual/family social rehabilitation plans, which determine the support needed and define tasks for the family. Such support may include parenting courses, drug rehabilitation programmes or family therapy, but depends on availability.

## PROMISING PRACTICE

# Reintegration for children in care

In Malta, the Intake and Family Support Service, in conjunction with the Looked After Children Service, works jointly with the family to prepare for reintegration, should this be in the best interests of the child. The Intake and Family Support Service helps the family to work on issues such as parenting skills, stability, finding appropriate housing, having a stable income, seeking work, budgeting and housekeeping skills. It also accompanies clients to housing authority meetings, meetings with social and employment services or medical/psychiatric appointments.

Sources: Malta, Intake and Family Support Service, [home page](#); Looked After Children Service, [home page](#).

The Executive Order on Care Families <sup>(40)</sup> (2019) in Denmark mandates the appointment of a 'contacting support person' to assist a child's parent(s) in addressing issues leading to their child's removal, maintaining contact during alternative care and preparing for their return home.

In several Member States, the assistance and the support services are organised at the subnational level. In Spain, an individual plan for protection includes a family reintegration schedule. Each region may develop its own programme to support families with children in the protection services. At the local level in Germany, within the 'help plan', parents may have certain tasks to complete before reunification with the child (e.g. psychotherapy, treatment for substance abuse, advice on sobriety).

Most Member States aim to facilitate contact between children and their families while the children are in care. They also aim to help children maintain contact with their community, reduce the length of children's stay in institutions and support the child's return to their families and community.

### 7.4.2. Assistance and support for care leavers

Preparing children to leave care is essential to an effective transition to independent living and/or reintegration with families and community. Member States provide various forms of assistance, including housing, counselling, education, psycho-social support and financial subsidies. Improvements in support include extending the maximum age from 18 to 21 or 26 years and developing transition plans. However, this aftercare support is project-based and not mandatory.

In some Member States, guidelines have been developed. For example, the Irish Child and Family Agency's guide to leaving care and aftercare services <sup>(41)</sup> is a good example of developing quality guidelines on how to engage with aftercare services for children and young people leaving care.

## PROMISING PRACTICE

# Support for care leavers

The Italian Ministry of Labour and Social Policies initiated the Care Leavers project in 2019, aiming to support young adults who leave their foster care system. The project provides a structured aftercare accompaniment for 3 years, guiding beneficiaries towards adulthood. The tutor for autonomy supports the project's objectives and aims, helping the adolescent integrate with their network of relations. If the adolescent cannot afford an annual cost of EUR 9 360, an individual grant is allocated to cover this expense. The project has been successful, with 548 eligible individuals initiating the process, 22 % leaving a foster family, 58 % leaving community-based care and 57 % attending secondary school.

In Ireland, social workers monitor a child's home situation after they return from care, although there are no legal guidelines. A child's needs assessment helps identify areas needing support, such as accommodation, finance, education or employment. That informs their aftercare plan and determines the services offered. The Irish government has published *Supporting Parents: A national model of parenting support services*, which takes a whole-of-government approach to improving support for parenting and helping parents to feel more confident, informed and able.

Sources: Italy, Ministry of Labour and Social Policies (2022), *Testing Report on Care Leavers – Second year, January 2022*; Government of Ireland (2022), *Supporting Parents: A national model of parenting support services*.

## Endnotes

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# Conclusions

Child protection systems in the EU face a myriad of challenges. However, progress is also being made, and promising practices can be found in Member States. Shortcomings are attributable to a variety of factors, including insufficient political commitment, the absence of dedicated legislation, the lack of comprehensive children's strategies and implementation plans, and inadequate coordination between responsible actors and relevant authorities. The research underlying this report points specifically to the absence of a unified legal and regulatory framework for child protection, inadequate resources for child protection services including the absence of children's rights budgeting, insufficient use of comprehensive children's rights risk assessments and ineffective inter-sectoral and cross-sectoral collaboration.

Europe is undergoing significant demographic, economic and societal changes that present additional challenges to family income, employment, inclusion, and childcare and support. Child poverty persists in the EU and has been aggravated by the COVID-19 pandemic and the energy crisis propelled by the Russian war of aggression against Ukraine. This emphasises the need for comprehensive social policies and institutional structures to address economic inequalities and provide adequate support to families with children in vulnerable situations.

Moving forward, Member States should continue strengthening their frameworks, ensuring that they are resilient, adaptable and unequivocally centred on the rights and best interests of the child. An HRBA will be key to fostering more holistic and inclusive systems and empowering children as active participants in their own protection.

## **STRENGTHENING CHILD PROTECTION THROUGH DEDICATED AND HARMONISED LAW AND POLICY**

The CRC and the Charter of Fundamental Rights, as well as dedicated EU legislation, establish clear obligations to respect, protect and fulfil children's rights, including child protection and participation. Strengthening child protection in the EU requires harmonised national legislation, policies and standards that align with the rights and principles enshrined in international and EU primary law.

Since the last FRA mapping of child protection systems in the EU in 2014, Member States have advanced in adopting relevant law and policies. However, FRA's current research shows that integrated systems are not fully implemented. Fragmentation persists, especially in the digital space. The digital space has introduced novel challenges; children are increasingly vulnerable to breaches of data protection and online sexual predation, abuse and exploitation. The rapid evolution of technology outpaces regulatory frameworks and protection measures, necessitating agile and proactive approaches to safeguarding children online.

Despite the foregoing challenges and shortcomings, promising practices are emerging, including legislative developments that prioritise child protection. On 15 February 2024, the Council and the European Parliament reached a provisional agreement on a Regulation extending an interim measure to

combat online child sexual abuse until 3 April 2026 <sup>(1)</sup>. Ongoing efforts to strengthen the EU legal framework are under way, such as the implementation of the European Commission's Recommendation on integrated child protection systems (2024) and the 2024 Digital Services Act, which prioritises efforts to strengthen protection of children online with initiatives to improve cooperation between internet service providers, law enforcement agencies and other stakeholders to identify and remove illegal content and prosecute offenders. Member States should accelerate the implementation of EU Directives that focus on the systematic combat of all form of violence and abuse, such as the Sexual Abuse Directive, the Domestic Violence Directive and the Anti-Trafficking Directive. The same applies to the planned adoption of the amendment to the Victims' Rights Directive.

The Istanbul Convention aims to prevent and combat violence against women, and children as victims and witnesses. Although all Member States have signed the Convention, not all have ratified it. The EU's ratification is a clear sign of its commitment, which should in turn encourage Member States to implement the Convention.

## **STRENGTHENING CHILD PROTECTION THROUGH EVIDENCE-BASED RESEARCH AND CAPACITY BUILDING**

Regularly and systematically collected and disaggregated data, taking into account children's different backgrounds and diversity characteristics, are necessary for proper governance, policy planning and law with respect to children's rights, but this is not common practice in Member States. The full implementation of UN and EU standards is often hindered by the absence of a common understanding of children's rights and of common definitions of protection concepts. The lack of clear definitions, standardised indicators and comprehensive data collection poses significant hurdles to effective policy formulation and implementation. This inhibits the accurate assessment over time of the prevalence and nature of child protection issues, hindering targeted interventions.

## **STRENGTHENING CHILD PROTECTION THROUGH PARTICIPATION AND RIGHTS AWARENESS AND IMPLEMENTING PROCEDURES FOR AND GUIDANCE ON HOW TO CLAIM CHILDREN'S RIGHTS**

Despite the existence of legal child protection frameworks, implementation gaps persist due to limited rights awareness on the part of parents, guardians and other relevant stakeholders, as well as children's own limited knowledge of how to claim their rights. Particularly concerning is the slow implementation of children's right to be heard, compared with other rights. Systematic institutionalisation of the appropriate treatment, briefing and meaningful consultation of children has not yet been achieved. Promising practices and participatory models exist that have proven successful and offer a template for enhancing children's meaningful participation in matters affecting them.

## **STRENGTHENING CHILD PROTECTION THROUGH ADEQUATE HUMAN AND FINANCIAL RESOURCES**

Child protection requires a robust allocation of human and financial resources to ensure comprehensive and effective measures. Adequate funding is essential for the development and maintenance of child protection programmes. It enables the hiring of skilled professionals such as social workers, psychologists and legal experts, who are critical for identifying,

preventing and responding to cases of abuse, neglect and exploitation. Sustained financial support also facilitates ongoing training, community outreach and the implementation of advanced monitoring systems.

Evaluating financial resources for child protection in most Member States is difficult due to the absence of dedicated budget allocations and the dispersal of spending across sectors such as education, social welfare and healthcare. Very few Member States are piloting child-oriented budgeting. Their experiences could be helpful for other Member States to make their budgets for children more transparent. Moreover, low salaries and high workloads result in staff shortages, and, although some Member States implement accreditation procedures, volunteer standards differ, and comprehensive training programmes and assessment frameworks are rare.

## **STRENGTHENING CHILD PROTECTION THROUGH PREVENTION, EARLY INTERVENTION AND QUALITY CARE SERVICES**

Prevention and early intervention programmes such as family support and mental health services are limited across the EU due to high demand and costs. Reporting mechanisms for child well-being vary, complicating efforts to monitor and document progress. While alternative care options are expanding, finding suitable placements is hampered by a shortage of foster families, especially for children with special needs. Although the demands on Member States in this area are clear, deinstitutionalisation faces obstacles. Additionally, Roma children and those with disabilities are disproportionately represented in child protection systems, often due to poverty rather than actual need for state intervention.

It is important for Member States to invest more funds and resources in prevention, early detection and support for children and families, including the establishment of advice centres and care services. Targeted EU funding could be helpful. Promising practices from the Member States can also be found here, for example in the area of cross-disciplinary work and cooperation between relevant actors.

While child protection systems in the EU confront complex challenges, there are also opportunities for innovation and improvement. By addressing gaps in definitions, data and rights awareness, and leveraging EU legislative and policy initiatives, stakeholders can work towards more inclusive, effective and rights-based approaches to safeguarding children's well-being in the digital age and beyond. The EU's dedicated programmes and funding, as well as existing projects at the national level, are pioneering innovative solutions and paving the way for progress towards integrated child protection systems.

This report emphasises the critical role of an HRBA in safeguarding children's rights, protection and well-being. It is a call to action for more integrated child protection systems. By aligning child protection mechanisms with the principles and obligations of the Charter of Fundamental Rights and the CRC, Member States can ensure that every child's rights are respected, protected and fulfilled.

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# Glossary

**Glossary of terminologies and definitions used nationally and in line with UN and EU standards and wording.** For the purposes of this report, the following definitions of terms apply.

Term	Definition
Alternative care	Relates to any arrangement, formal or informal, that aims to ensure the protection and well-being of children who are deprived of parental care or are at risk of this.
Child	Every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.
Children with complex needs	Children needing a high level of support with many aspects of their daily life and relying on a range of health and social care services. This may be because of illness, disability, broader life circumstances or a combination of these.
Community-based care/ services	Spectrum of services that enable individuals to live in the community and, in the case of children, to grow up in a family environment as opposed to an institution. It encompasses mainstream services, such as housing, healthcare, education, employment, culture and leisure, which should be accessible to everyone regardless of the nature of their impairment or the required level of support.
Deinstitutionalisation	Not simply the closure of institutions for children. It is the process of comprehensively transforming national structures for the protection of children. It includes the introduction of preventive and protective measures to ensure necessary and suitable alternative care solutions are in place for children unable to stay with their biological families.
Disaggregated data	Data that have been broken down by detailed subcategories, for example by marginalised group, gender, region or level of education. Disaggregated data can reveal deprivations and inequalities that may not be fully reflected in aggregated data.
Family-based care	A short- or long-term care arrangement agreed with or ordered by a competent authority, whereby a child is placed in the domestic environment of a family whose head(s) has/have been selected and prepared to provide such care and is/are financially or non-financially supported in doing so.
Family-like care	Included under residential care because, in contrast to family-based care, it refers to the way that care is organised rather than to any pre-existing 'family' status of the care setting. Family-like care is provided in largely autonomous small groups under conditions that resemble a family environment as much as possible. One or more surrogate parents serve as caregivers, although not in those persons' normal home environment.
Foster care	Care provided by authorised couples or individuals in their own homes, within the framework of formal alternative care provision.
Institutional care	In the context of alternative care, residential care where residents are isolated from the broader community and/or compelled to live together. Residents do not have sufficient control over their lives and over decisions that affect them, and the requirements of the organisation itself tend to take precedence over the residents' individual needs. Size is an important factor when developing new services in the community: smaller and more personalised living arrangements are more likely to ensure opportunities for the choices and self-determination of service users and to provide a needs-led service.
Kinship care	Care provided by relatives or other caregivers close to the family and known to the child. While such arrangements have so far tended to be informal, some countries are now making increased use of formalised placements within the extended family (kinship foster care).
Placement review	In the context of alternative care, a regular meeting of the child and those responsible for the child's best interests, during which the progress, current and future, of the care plan is discussed.
Prevention	In the context of alternative care, a wide range of approaches that support family life and prevent the need for the child to be placed in alternative care, in other words to be separated from their immediate or extended family or other carer.

Term	Definition
Residential care	In the context of alternative care, a collective living arrangement where children are looked after by adults who are paid to undertake this function. This could include a variety of services such as homes offering temporary shelter overnight where parents do not stay with the child/children. All forms of residential care are included in the concept of alternative care.
Small-group settings	Small-group homes or family-type homes with trained staff who can provide therapeutic care or treatment for children who have suffered trauma or severe abuse or neglect. To enable large sibling groups to remain together, a residential care setting may also be the best option.
Unaccompanied child	A person aged less than 18 years who arrives on the territory of the Member States unaccompanied by an adult responsible for them, whether by law or by the practice of the Member State concerned. This designation lasts for as long as they are not effectively taken into the care of such a person. It includes a child who is left unaccompanied after they have entered the territory of the Member States.

Sources: UNICEF and Eurochild (2021), *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*, Geneva; Centre for Excellence for Looked After Children in Scotland et al. (2012), *Moving Forward – Implementing the ‘Guidelines for the Alternative Care of Children’*, Glasgow, p. 33.

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## Finding information about the EU

### Online

Information about the European Union in all the official languages of the EU is available on the Europa website ([europa.eu](https://europa.eu)).

### EU publications

You can view or order EU publications at [op.europa.eu/en/publications](https://op.europa.eu/en/publications). Multiple copies of free publications can be obtained by contacting Europe Direct or your local documentation centre ([european-union.europa.eu/contact-eu/meet-us\\_en](https://european-union.europa.eu/contact-eu/meet-us_en)).

### EU law and related documents

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex ([eur-lex.europa.eu](https://eur-lex.europa.eu)).

### Open data from the EU

The portal [data.europa.eu](https://data.europa.eu) provides access to open datasets from the EU institutions, bodies and agencies. These can be downloaded and reused for free, for both commercial and non-commercial purposes. The portal also provides access to a wealth of datasets from European countries.



# PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

In recent years, the EU has taken steps to improve child protection, yet some Member States do not have an integrated approach. FRA first produced an overview of child protection systems in the EU in 2014, and an update in 2023. The data are published in FRA's *Mapping of Child Protection Systems in the EU – Update 2023*. This report complements the 2023 update with comparative analysis and provides greater detail on children in vulnerable situations and in care, and the participation of children in matters affecting them. It also offers guidance on creating comprehensive frameworks that ensure that children's rights are respected.



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